THE LAND USE SCHEME FOR NDWEDWE LOCAL MUNICIPALITY:

FINAL DRAFT LAND USE SCHEME REPORT

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1 INTRODUCTION TO THE LAND USE SCHEME

1.1 TITLE OF THE LAND USE SCHEME

The Land Use Scheme shall be known as the Ndwedwe Municipality Land Use Scheme 2022, (hereinafter referred to as "the Scheme"). This scheme shall be read together with the provisions of Ndwedwe Municipality Spatial Planning and Land Use Management By-Law, 2016[1], as amended, (hereinafter referred to as "By-Law") and Spatial Planning and Land Use Management Act, 2013[2], as amended, (hereinafter referred to as "SPLUMA") and its Regulations of 2014[3], amended, (hereinafter referred to as "SPLUMA Regulations").

1.2 SCHEME AREA

The Scheme shall apply to all areas under the jurisdiction of Ndwedwe Local Municipality (hereinafter referred to as "the Municipality").

1.3 LEGAL PARAMETERS OF THE SCHEME

Subject to Section 41 of the By – law the legal parameters of the Scheme include:

1.3.1. The Scheme provides for land uses and development rights, has the force of law and binds all persons and organs of state.

1.3.2. Any consent to use land for any purpose approved by the Municipality in terms of the Scheme, shall vest in such land and not a person.

1.3.3. In other instances, the Municipality may determine that the consent granted in terms of the Scheme, shall constitute a personal right of the applicant and shall vest exclusively in that person.

1.3.4. The right to use land may not be alienated separately from the land to which it relates.

1.3.5. Any lawful land use which predates the adoption of this scheme and which does not conform with its provisions, shall continue to exist.

1.3.6. If a use right provided in subsection 1.3.5 is not exercised for a continuous period of 18 months or more shall lapse.

1.3.7 The regulation of land use, controls associated therewith and the enforcement thereof may be introduced progressively as, in the opinion of the Municipal Council, adherence to the land use Scheme warrants their introduction

1.4 RESPONSIBLE AUTHORITY

The Municipality shall be the responsible authority to administer, enforce and give effect to the provisions of the Scheme.

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[1] Provincial Gazette 4 No. 1636, 4 March 2016

[2] Act 16 of 2013

[3] Government Gazette No. 337797, Notice 526/2014, 4 July 2014

1.5 EFFECTIVE DATE

The effective date of the scheme shall be the date determined by the Municipality as the date of commencement.

1.6 CONTENTS OF THE SCHEME

Subject to Section 40 of the By-law, the scheme shall comprise of the following

1.6.1 Maps and overlays with accompanying clauses and information that the Municipality considers necessary for illustrating or explaining the extent, content, provisions and effect of the scheme;
1.6.2 Definitions of the terminology used in the maps and clauses;
1.6.3 Specification of categories of land uses and development that are permitted and the conditions under which they are permitted;
1.6.4 Specification of categories of land uses and development that may be permitted with the Municipality's consent in terms of the scheme, including –
1.6.4.1 The criteria that will guide the Municipality in deciding an application for consent;
1.6.4.2 The controls which apply if the Municipality grants its consent;
1.6.4.3 Consents for which notice in a local newspaper is not required;
1.6.5 Specification of categories of land uses and development that are not permitted;
1.6.6 Zones to promote the inclusion of affordable housing in residential land development
1.6.7 A schedule of amendments to the scheme.
1.6.8 A schedule of scheme amendments and consents;
1.6.9 A schedule of consents granted in terms thereof; and
1.6.10 Schedules containing guidelines, forms and other information that is purely intended for information purposes.

1.7 THE PURPOSE OF THE SCHEME

Subject to Section 39 of the By-law, the primary purpose of the scheme is to determine development rights and parameters in the Municipality so as to –

1.7.1 Give effect to the policies and plans of national, provincial and municipal governments,
1.7.2 Protect reasonable individual and communal interests in land;
1.7.3 Promote sustainable and desirable development;
1.7.4 Develop land in a manner that will promote the convenience, efficiency, economy, health, safety and general welfare of the public;
1.7.5 Promote social integration;
1.7.6 Promote economic growth and job creation;
1.7.7 Limit nuisance and undesirable conditions in the development of land;
1.7.8 Limit and mitigate the impact of development on the natural environment;
1.7.9 Promote the protection of valuable natural features and the conservation of heritage sites and areas of public value; and -

1.7.10 Promote national food security.

1.8 INSPECTION OF THE SCHEME

1.8.1 The Municipality must maintain an up to date version of this Scheme, and make it available for inspection and copying at all reasonable times by any person.

1.9 CONTRAVENTIONS

1.9.1 If any person or persons contravenes a provision of the Scheme, or a notice issued in terms of the Scheme, or a condition set by virtue of it, the Council shall be entitled to take any steps, including legal action, against such person or persons, as may be required.

1.9.2 An authorised official in the service of the Council may enter any property within the area of its jurisdiction for inspection purposes. No person shall in any way obstruct such an official in the execution of his or her duties.

1.9.3 A notice of contravention may be served by:

1.9.3.1 personally handing the notice to a person or legal body or any employee of such person or legal body; or

1.9.3.2 sending the notice by prepaid registered post to the last known address of such person or legal body. For the purpose of calculating any time period referred to in the notice it shall be assumed that the notice has been received by the addressee on the fifth business day after posting.

1.10 CONFLICT OF LAWS

1.10.1 Nothing in this Scheme shall be construed as enabling any person to erect or use any building or to develop or use any land which is in conflict with any condition of title imposed by the Premier in terms of the Kwazulu-Natal Planning & Development Act, 2008 (Act 6 of 2008) as amended or by the State under any other law.

1.10.2 The owner of any Erf which is subject to a condition of title, referred to in Clause 1.10.1 above which is in conflict with any provision of the Scheme, may make application to the Premier for the alteration, suspension or removal of such condition.

1.10.3 The Scheme provisions shall apply over and above the Bylaws/Regulations where they are more onerous than the Bylaws/Regulations. Where the Scheme makes no provision, the Bylaws/Regulations shall apply.

1.10.4 Nothing in this Scheme shall be construed as enabling any person to erect or use any building or to develop or use any land which is in conflict with any other National or Provincial Act, Policy or Guideline.

1.11 SCHEME SURBODINATION LAWS

1.11.1 The Municipality may not adopt, approve an amendment to a Scheme, or replace a Scheme that is in conflict with:

1.11.1.1 the provincial planning and development norms & standards; or
1.11.1.2 Development Principles and norms and standards as provided in Chapter 2 of SPLUMA, or,
1.11.1.3 the Municipalities Integrated Development Plan

1.12 ADOPTION OF THE SCHEME

The procedure for the adoption of the scheme shall be in accordance with the provisions of Chapter 3 of the By-law read Schedule 4 of the Bylaw; read with the provisions of Chapter 5 of SPLUMA and Chapter 4 of the SPLUMA Regulations.

2 GENERAL DEFINITIONS

2.1 **"Acceptable"; "adequate"** means satisfactory or suitable in the Municipality's opinion.

2.2 **"Act"** means the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013), as amended.

2.3 **"Advertise"** means the giving of public notice by an applicant or the municipality in a manner that resonates or is provided in the Ndwedwe SPLUMA By-Law.

2.4 **"Aesthetics"** means visual impact in Council's opinion in terms of form, function, colour, texture and context.

2.5 **"Agriculture"** means the cultivation of land for crops and plants, the keeping and breeding of animals, pig farming, horticulture, poultry farming, dairy farming, breeding and keeping livestock, horse riding facilities and related schooling uses, bee keeping, forestry, mushroom and vegetable farming, grazing, bailing of grass, floriculture, orchards, or the operation of a game farm (on an extensive basis) and includes such activities and buildings as are reasonably connected with the main farming activities such as residential accommodation for the farmer, farm manager and farm workers, the packing of agricultural produce grown on the property for delivery to the market and a plant nursery and farm shop for selling of produce grown / bred on the farm; but excludes intensive horticulture, intensive animal farming and harvesting of natural resources.

2.6 **"Amenity area"** means the natural or created features of a place, property or area that assists to create a pleasant living/working/recreational environment.

2.7 "**Ambience"** means the character or tone of an area, as determined by building scale and design, amount and type of activity, intensity of use, location and design of open space, and related factors that influence the perceived quality of the environment.

2.8 **"Ancillary use"** means a use incidental to, or customarily associated with a lawful specific use.

2.9 **"Animal care centre"** means a place for the care of domestic pets and animals, operated on either a commercial or welfare basis and includes boarding kennels, and pet training centres.

2.10 **"Appeal Authority** "means the Municipal Planning Appeal Authority established in terms of Section 23 of the Ndwedwe SPLUMA By-Law.

2.11 **"Applicant"** means any person who submits a land development application as envisaged in Schedule 4 of Ndwedwe SPLUMA By-Law.

2.12 **"Approval"** means the written approval of the Municipal Planning Approval Authority.

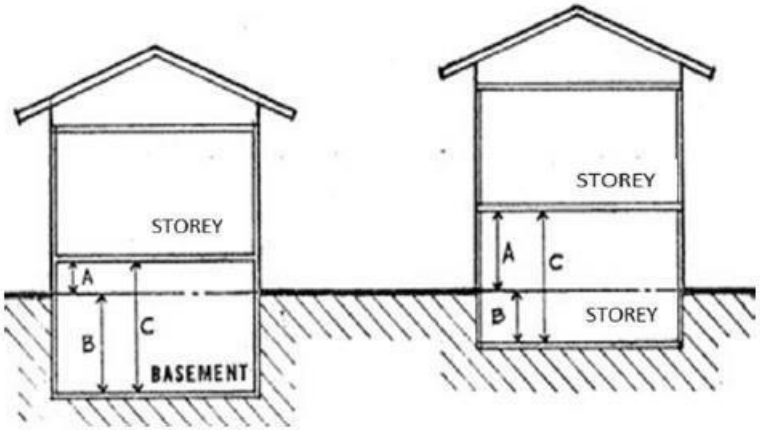
2.13 **"Arcade"** means an area forming part of a building which may or may not be covered, and is reserved exclusively for pedestrian traffic, but may include fountains, benches and other similar features.

2.14 **"Area of the Scheme"** means the entire jurisdiction of Ndwedwe Local Municipality.

2.15 **"Airfield"** means demarcated areas for the landing of helicopters (pads) or aero planes (strips).

2.16 **"Basement"** means the lowest part of any building which part is constructed with more than 50% of its volume below ground level. Ground level shall mean natural ground level, without any additional earthworks, as it existed prior to the conception of the building or development in question. For more information, kindly see Figure 1 below.

Figure 1: Artistic Impression of a Basement



2.17 **"Boundary** "in relation to land, means a cadastral line registered with the Surveyor-General, separating an erf/farm from another erf/farm or a street or one farm from another.

2.18 **"Building"** means: -

2.18.1. any structure, whether of a temporary or permanent nature and irrespective of the materials used in the erection thereof, erected for or in connection with:

i. The accommodation or convenience of human beings or animals;

ii. The manufacture, processing, storage, display or sale of any goods;

iii. The rendering of a service;

iv. The destruction or treatment of refuse or other waste materials;

v. The cultivation or growing of any plant or crop;

2.18.2 any wall more than 3m, swimming bath, swimming pool, reservoir or bridge or any other structure connected therewith;

2.18.3 any fuel pump or any tank used in connection therewith;

2.18.4 any part of a building, including a building as defined in paragraph (a), (b) or (c); and (e) in National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977), as amended, any facilities or systems, or part or portion thereof, within or outside but incidental to a building, for the provision of a water supply, drainage, sewerage, storm water disposal, electricity supply, or other similar services in respect of the building

2.19 **"Building line"** means a line parallel to any boundary of an erf which is contiguous with a street, public right of way or road reservation; denoting the limit of the extent of a building.

2.20 **"Bylaw"** means Ndwedwe Municipality Spatial Planning and Land Use Management By-aw, 2016 as amended.

2.21 **"Canteen"** means a building or part thereof used for the preparation and serving of food and allied products, to staff which activity is ancillary to, the dominant land use.

2.22 **"Common land"** means that portion of a development which is set aside for the use and enjoyment of all the occupants or owners of that land and which excludes the general public.

2.23 **"Composite Building"** means a building which is used for two or more purposes recognised as uses in the Scheme.

2.24 **"Consent"** means permission granted by the Municipality in accordance with the provision of the Scheme and the By - Law, after due consideration of all relevant facts and lawful, reasonable and procedurally fair administrative action, in terms of which a specific type of land use or activity is permitted, in addition to the primary use right applicable to the erf concerned.

2.25 **"Consent use"** means an additional use permissible in terms of the Scheme after formal application for such use has been granted by the Municipality.

2.26 **"Council"** means the Council of Ndwedwe Local Municipality established in terms of the Municipal Structures Act, 1998 (Act 117 of 1998), as amended, and includes any municipal standing committee or municipal official with delegated powers in terms of the area of jurisdiction within which these town-planning conditions apply.

2.27 **"Coverage"** means the proportion of a lot covered by buildings and is expressed as a percentage of the lot area as defined. Thus 25% coverage means that only one quarter of the lot may be covered by buildings. Only roofed or covered areas are included in the coverage.

2.28 **"Density"** means the maximum number of dwelling houses per hectare as set in relation to a specific area in the provisions of the Scheme.

2.29 **"Development"** in relation to land, means the erection of buildings and structures, the carrying out of construction, engineering, mining or other operation on, under or over land and a material change to the existing use of any building for non-agricultural purposes.

2.30 **"Display**" in relation to a sign, without in any way limiting its ordinary meaning, includes the erection of any structure for the support of such sign or the attachment of a sign on an existing structure.

2.31 **"Dominant use"** means the predominant or major use of a property and may consist of a primary or a Consent use permitted on the property.

2.32 **Duplex Flat"** means a dwelling unit in a building each such unit consisting of a ground floor and one upper floor connected by an internal staircase and having direct access to a private open area.

2.33 **"Dwelling Unit"** means a self-contained inter-leading group of rooms with not more than one kitchen, used only for the living accommodation and housing of one family, together with such outbuildings as are ordinarily used therewith.

2.34 **"Dwelling unit curtilage"** means a single defined area of land forming part of a medium density housing site comprising the land upon which a dwelling is erected or is intended to be erected together with such private open areas and other areas as are reserved for the exclusive use of the occupants of the dwelling unit.

2.35 **"Eave"** means any unsupported portion of the roof that extends no more than 900 mm beyond the face of a building, excluding the gutters, which is then not subject to inclusion in the coverage calculations. In the event that the eave extends beyond 900 mm it shall be included in the coverage.

2.36 **"Effective date"** Means a date determined by the Ndwedwe Municipal Council as the date for the coming into effect of the scheme.

2.37 "**Environment" means** the surroundings within which humans exist and that are made up of: -

2.37.1 The land, water and atmosphere of the earth;

2.37.2 Micro-organisms, plant and animal life;

2.37.3 Any part or combination of (a) and (b) and the interrelationships among and between them; and -

2.37.4 The physical, chemical, aesthetic and cultural properties and conditions of the foregoing that influence human health and well-being. (National Environmental Management Act No. 107 Of 1998 As Amended).

2.38 **"Environmental Impact Assessment (EIA)"** means a systematic process of identifying, assessing and reporting environmental impacts associated with an activity and includes basic assessment and S&EIR (scoping and environmental impact reporting process as contemplated in National Environmental Management Act (107/1998): Environmental Impact Assessment Regulations, 2014.

2.39 **"Environmental Management Programme (EMP)"** means a management plan as provided in in Section 11 of the National Environmental Management Act, 1998 (Act 107 of 1998), as amended.

2.40 **"Environmentally Sensitive Area"** Means an area that provides, contains, or includes productive, rare or sensitive habitat, species, ecosystems or landforms. These designated areas are sensitive to disturbance by human activity and require special treatment in order to protect their value. Such areas may include but not be limited to the following-

2.40.1 Habitat of rare or threatened species.

2.40.2 Threatened ecosystems.

2.40.3 Indigenous forest.

2.40.4 Wetlands, watercourses.

2.40.5 Ecological infrastructure.

2.40.6 Steep slopes.

4.40.7 Critical Biodiversity Areas

2.41 **"Erection"** in relation to a building, includes the alteration, conversion, extension, rebuilding, re-erection, subdivision of or addition to, or repair of any part of the structural system of, any building as contemplated in National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977), as amended].

2.42 **"Erf (same as "Lot")"** means any piece of land registered in the deed's registry as an erf, lot, plot, stand or farm and includes a portion of an erf, lot, plot, stand or farm.

2.43 **"Erf area (same as 'Lot area')"** means the area of an erf, less the area of any public right of way, road servitude, new road or road widening to which the Erf may be subject, but shall include any registered servitude for overhead or underground services. Erf area, in any zone, is exclusive of access ways in "hatchet-shaped" erven.

2.44 **"Existing building"** means a building lawfully erected before the date of adoption of the Scheme or a building erected in accordance with plans which were approved by the Municipality prior to that date.

2.45 **"Existing use"** means in relation to any building or land, a continuous use of that building or land after the date of adoption of the Scheme for the purpose for which it was designed and lawfully authorized by the Municipality or its predecessors in office as at that date.

2.46 **"Facility"** means land used by governmental/non-governmental organizations/state owned enterprises for the provision of services in the interest of the broader public which can include inter alia, power lines, reservoir, electrical substation, sewerage plant, etc.

2.47 **"Family"** means a man or a woman or both, with or without their parents and with or without the children of one or the other or both of them, living together in one household.

2.48 **"Flood line** "means an indicative line indicating the maximum level likely to be reached by floodwaters on average once in every 100 years. It shall be similar to the provisions of Section 144 of the National Water Act, 1998 (Act. 36 of 1998], as amended**.**

2.49 **"Floor"** means the inner, lower surface of a room on or nearest to the mean natural ground level immediately surrounding the building, garage or basement and includes a terrace to which occupants of a building have access.

2.50 **"Floor area"** means the floor area of a building which shall be taken as the sum of the roofed areas of the building at each floor level, measured over and including wall thicknesses and enclosed balconies, verandas and staircases but shall exclude:

2.50.1 Public access galleries, public toilets, lift shafts and lift motor rooms, water storage tanks, fire escapes, refuse storage areas, areas used for electricity transformer rooms, substations and meter rooms, and areas for the accommodation of mechanical ventilation, air-conditioning and effluent treatment plants;

2.50.2 Any area used exclusively for the loading and unloading of motor vehicles;

2.50.3 Covered parking spaces or garages other than such areas within a Service Station, parking erf / parkade and automotive showroom;

2.50.4 Any area within a basement used exclusively for storage purposes;

2.50.5 Any area to which the general public has access and which, in the opinion of Council, comprises bona fide pedestrian shopping arcades, malls or part thereof.

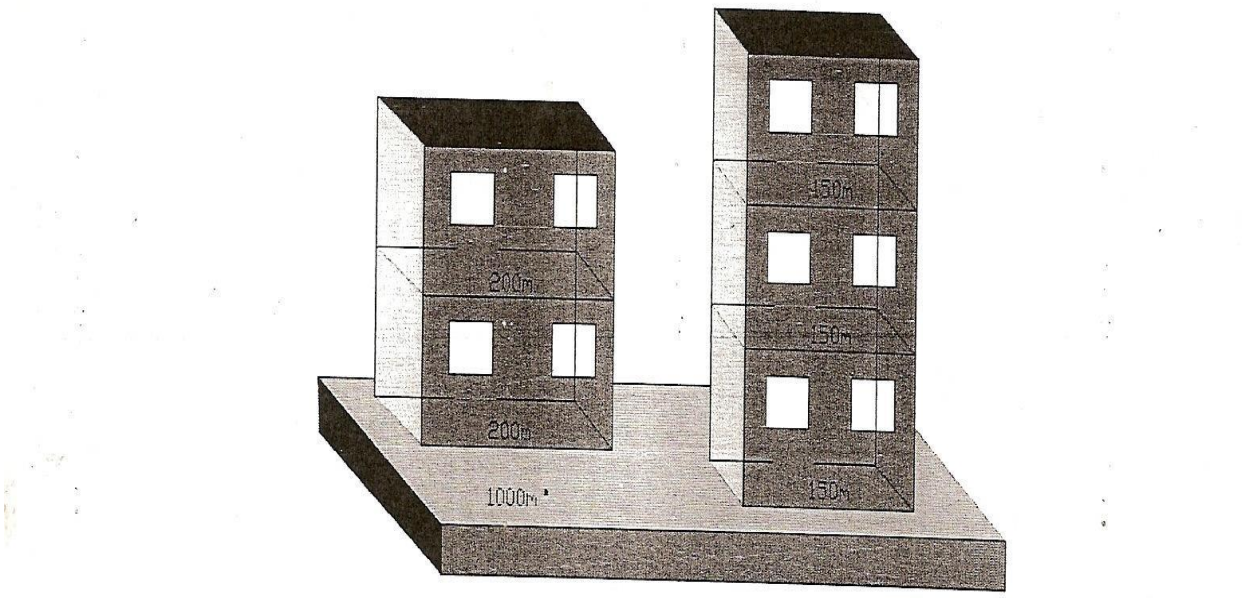
2.50.6 Features of a purely decorative nature such as ledges, spires, turrets and belfries.

2.50.7 Swimming pools and tennis courts;

2.50.8 Public arcades and malls in Mixed Use zones which are not used for retail purposes or for the display, sale or storage of goods.

2.51 **"Floor Area Ratio (FAR)"** means the ratio (expressed as a proportion of 1) which is prescribed for the calculation of the maximum gross floor area of a building or buildings permissible on a lot or erf; it is the maximum floor area as a proportion of the net erf area and calculated as follows:

Figure 2: Artistic Impression of the Floor Area Ratio



FAR $= \frac{(200 \times 2) + (150 \times 3)}{1000}$

$= (400 + 450) / 1000$
$= 0.85$

2.52 **"Frontage"** is the length of the boundary of a lot which is coincident with the boundary of an existing or proposed street.

2.53 **"Garage"** means a building for the parking of motor vehicles and includes a carport but does not include a public parking area or Service Station.

2.54 **"Gross floor area"** is the sum of the floor areas of a building including storage, corridors, lift shafts, staircases and kitchens, it includes wall thicknesses and basements, but shall exclude public conveniences and areas for parking purposes.

2.55 **"Ground floor"** means the storey of a building or portion of a building on or nearest the mean finished ground level immediately surrounding the building, provided it is not a basement.

2.56 **"Guideline(s)"** means written non-regulatory information that guides or influences land use decisions.

2.57 **"Habitable room"** means a room designed or used for human habitation in accordance with standards prescribed by the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977).

2.58 **"Height"** except where otherwise stated means the number of storeys permitted in a building.

2.59 **"Heritage Resource"** means any place or object of cultural significance as defined in the National Heritage Resource Act, 1999 (Act 25 of 1999) as amended.

2.60 **"Heritage Resource Act"** means the National Heritage Resource Act, No 25 of 1999.

2.61 **"Homeowners' Association"** means a company registered as a non-profit company in terms of Section 21 of the Companies Act,2008(Act 71 of 2008), as amended, membership of which shall be exclusive to and compulsory for the freehold or registered leasehold owners of dwelling unit curtilage in a medium density housing development. The Homeowners Association shall be registered as a company with the Companies and Intellectual Property Commission (CIPC) and members shall subscribe to its Memorandum of Incorporation and Rules.

2.62 **"Hotel (Licensed)"** means a facility offering transient lodging accommodation to the general public and providing additional services accessible by guests and the general public, such as restaurants, meeting rooms / conference facilities, entertainment, recreational facilities, health and beauty facilities, and limited shopping, and in respect of which is in compliant with the requirement of a hotel as laid down in the Hotels Act, 1965 (Act 70 of 1965), as amended, but does include an off-sales facility.

2.63 **"Integrated Development Plan"** means a plan provided in Section 25 of the Municipal Systems Act, 2000 (Act 32 of 2000), as amended.

2.64 **"Municipal Planning Approval Authority** "means an institution established in terms of Section 4 of the By-law.

2.65 **"Land"** means a tract of ground capable of being owned as property and includes land covered by water.

2.66 **"Land use right(s)"** means the approval to utilise or improve land in accordance with the zoning thereof or Consent use and where applicable, in accordance with a site development plan and conditions.

2.67 **"Landscaping"** means the planting or emplacement of plants for the purpose of protecting, preserving and promoting the aesthetic appeal, scenic beauty, character and value of properties as well as to promote public health and safety through the reduction of noise pollution, storm water runoff, air pollution, visual pollution and light glare.

2.68 **"Lease diagram"** is a diagram approved with the Surveyor General, depicting an area being subjected to a lease agreement. A lease diagram is linked to a specific lease and needs to be reregistered when a new lease is granted.

2.69 **"Liquor Act"** means the National Liquor Act, 2003 (Act 59 of 2003), as amended.

2.70 **"Liquor License"** means license obtained in terms of the KwaZulu-Natal Liquor Licensing Act, 2010 (Act 6 of 2010), as amended

2.71 "**Maisonette**" means a two storey building consisting of 2 dwelling units placed one above the other with separate entrances.

2.72 **"Medium Density Housing Site"** means a defined area of land upon which medium density housing is established or is proposed to be established and which comprises dwelling unit curtilages and common land.

2.73 **"Mezzanine"** means an intermediate floor in a building, the area of which does not exceed 25% of floor below it**.**

2.74 **"Municipal area"** means the Council's municipal area of jurisdiction as demarcated and proclaimed from time to time by the Municipal Demarcation Board and in terms of the Municipal Demarcation Act, 2002 (Act No. 51 of 2002), as amended.

2.75 **"Municipal Manager"** means the person appointed as municipal manager for a municipality in terms of Section 82 of the Municipal Structures Act, 1998 (Act. 117 of 1998), as amended and includes a municipal official acting in terms of under delegated authority.

2.76 **"Municipality"** means Ndwedwe Local Municipality as defined in section 1 and established under section 12 of the Municipal Structures Act, 1998(Act 117 of 1998), as amended and read with the provisions of the KwaZulu-Natal Determination of Types of Municipality Act, 2000 (Act 7 of 2000), as amended.

2.77 **"National Environmental Management Act"** means the National Environmental Management Act, 1998 (Act 107 of 1998), as amended, and its associated regulations.

2.78 **"Net Developable Area"** means the surveyed area which in the opinion of the Municipality is considered developable, it excludes the following areas:

2.74.1. Any public right of way, road servitudes, new roads, or road widening;
2.74.2. Areas of soil instability and/or soils classified as having high water tables;
2.74.3. Soils classified as highly erodible
2.74.4. Areas liable to flooding and flood plains;
2.74.5. Inaccessibility of topography and/or slopes steeper than 1:3;
2.74.6. Land formerly used for landfill operations or hazardous industrial use;
2.74.7. Fault areas;
2.74.8. Environmentally sensitive areas;
2.74.9. Estuaries;
2.74.10. Mature stands of indigenous vegetation;
2.74.11. Wetlands and wetland transition areas; and
2.74.12. Habitats of endangered species.

2.79 **"Noise level"** means reading on an integrating impulse sound level meter, taken in accordance with accepted scientific principles and regulations promulgated in terms Section 25 of Environment Conservation Act, 1989 (Act 73 of 1989) as amended, and other associated legislation.

2.80 **"Non-conforming existing use"** means any lawfully existing use of land/or building as at the date of adoption of the scheme, which does not conform to the current development controls applicable to such an erf, or the provisions of this Scheme, including previous schemes.

2.81 **"Object"** means, in the context of a heritage resource, any moveable property of cultural significance which may be protected in terms of any provisions of the Heritage Resource Act, including;

2.81.1. Any archaeological artefact;

2.81.2. Paleontological and rare geological specimens;

2.81.3. Meteorites;

2.81.4. Other objects referred to in the heritage resource act.

2.82 **"Occupant** "in relation to any building, structure or land, includes any person occupying such building, structure or land or legally entitled to occupy it or anybody in charge or management thereof.

2.83 **"Outbuilding"** means a building ordinarily used in conjunction with a dwelling unit(s), and used for the garaging of private motor vehicles, storeroom, staff rooms and ablution facilities, and workroom; workroom meaning a room used for maintenance of the dwelling unit(s) or for private hobbies.

2.84 **"Owner"** in relation to a building or land, means the person in whose name such land is registered in the Deeds office.

2.85 **"Panhandle"** means the access portion of a property to the street by means of a narrowed part of the lot.

2.86 "**Permission to Occupy" (PTO)** means a form of leasehold whereby one may occupy land that is under the ownership of another party (Traditional Council, Community Trust or the State) and develop the land as mutually agreed.

2.87 **"Person"** means a natural or juristic person and includes an organ of state

2.88 **"Pollution"** means any change in the environment caused by: -

2.88.1 Substances;

2.88.2 Radioactive or other waves; or

2.88.3 Noise, odours, dust or heat, emitted from any activity, including the storage or treatment of waste or substances, construction and the provision of services, whether engaged in by any person or an organ of state, where that change has an adverse effect on human health or wellbeing or on the composition, resilience and productivity of natural or managed ecosystems, or on materials

useful to people, or will have such an effect in the future. [National Environmental Management Act No. 107 of 1998 as amended].

2.89 **"Premier** "means the Premier of the KwaZulu-Natal Province.

2.90 **"Primary use"** means the dominant use of any erf, building or structure.

2.91 **"Private Open Area"** means a usable area, exclusive of utility areas, driveways and parking areas, which is open to the sky and which is adjacent to and has direct access from a dwelling unit in multi-unit developments, with such private open area being reserved for the exclusive use of the occupants or owners of the associated dwelling unit, but may include semi-covered areas such as a pavilion.

2.92 **"Property"** means any land that is registered in the Deeds Office.

2.93 **Protected Areas:** means all areas as referred under Section 9 of the National Environmental Management: Protected Areas Act, 2003, (Act 57 of 2003), as amended, which are protected by law for the purpose of conserving biodiversity. These include nature reserves and protected environments, with their management assigned to a competent authority of the region.

2.94 **"Provincial Government''** means the Provincial Government of the Province of KwaZulu-Natal.

2.95 **"Public Authority"** means the National, Provincial and Municipal organs of state and its agencies.

2.96 **"Rear boundary"** shall mean that boundary of an erf which is furthest from any street boundary, and which does not meet any street boundary.

2.97 **"Register"** means a record of all applications, including:

2.93.1. conditions of rezoning that affect the land use right of any erf, and

2.93.2. consent uses and non-conforming uses;

2.93.3. Applicable to an erf as prescribed or required under this Scheme.

2.98 **"Residential purposes** "means purposes normally or otherwise reasonably associated with the use of land primarily for human habitation, including a dwelling house, medium density housing, hotels, flats, boarding houses, residential clubs, hostels, residential hotels or rooms to let.

2.99 **"Restriction"** means a servitude or condition registered against the title deed of immovable property restricting its utilization, and any other statutory restriction on the planning, development or utilization of that immovable property.

2.100 **"Rezoning"** means the amendment of a Scheme map in terms of Ndwedwe **SPLUMA By-Law**, in order to effect a change of zoning and associated controls, restrictions and provisions in relation to a particular erf.

2.101 **"Satisfactory" or "Suitable"** means acceptable, adequate in the Council's opinion.

2.102 **"Scheme"** means Ndwedwe Local Municipality Land Use Management Scheme prepared in terms of Chapter 3 of Ndwedwe SPLUMA By-Law, read with Chapter 5 of Spatial Planning and Land Use Management Act, 2013, (Act 16 of 2013) as amended;

2.103 **"Scheme map"** means a map indicating all zones with the Municipality. The scheme map is further separated into a series of maps (Map 1-14), for ease of reference.

2.104 **"Servitude"** means a registered right that grants the use of a portion of land for specified purposes.

2.105 **"Short Term Accommodation Establishment"** means a dwelling house wherein a maximum of ten bedrooms may be used for the purpose of temporary accommodation of guests without impairing the amenity of the adjoining properties. Short Term Accommodation includes a Bed and Breakfast Establishment including online accommodation bookings but excludes Student Accommodation and a Hotel.

2.106 **"Side Boundary"** means any boundary of an erf which meets a street boundary and any other boundary, and which is neither a street boundary nor a rear boundary.

2.107 **"Sign"** means any sign, sign writing, mural, graphic design, signboard, screen, blind, hoarding or other device by means of which advertisement of notice is publicly displayed in terms of Schedule 5 of the By law pertaining to advertisement and signage.

2.108 **"Site development plan"** means a scaled and dimensioned plan which shows details of proposed development and may include but not limited to:

2.108.1 Existing physical characteristics of the property,

2.108.2 The position, use and extent of buildings, and

2.108.3 Any other details as may reasonably be required by the council.

2.109 **"Slope"** means the degree of deviation of a surface from the horizontal, expressed as a ratio or percentage and calculated for the purpose of this scheme.

2.110 **"Storey"** means that part of a building which is situated between two floors, or if there is no floor above it, the underside of the ceiling. Such storey shall not exceed 4,5 metres for residential purposes and 5.5m for non-residential purposes in height save that:

2.110.1 Spaces provided for lifts, elevators and similar rooms or architectural features and which are in proportion to the building shall not constitute a storey or floor;

2.110.2 In the event of a storey being higher than the height as indicated above, it shall be counted as two storeys;

2.110.3 The prescribed height per storey as indicated above may be relaxed, provided that the total combined Height and number of all storeys prescribed in the Development Facilitation Table, is NOT exceeded.

2.110.4 A mezzanine shall not count as a storey

2.110.5 A basement shall not count as a storey;

2.110.6 A roof which may contain or support any room shall count as a storey.

2.111 **"Structure"** without in any way limiting its ordinary meaning, includes any building, wall, fence, pillar, pergola, steps, landing, terrace, swimming pool, petrol pump or underground tank and any portion of a structure.

2.112 **"Subdivide and subdivision"** in relation to land, means to subdivide the land, whether by means of:

2.112.1 A survey;

2.112.2 The allocation, with a view to the separate registration of properties, of undivided portions thereof in any manner, including the marketing and conclusion of contracts for the alienation, sale or exchange of portions of the lot or erf;

2.112.3 The preparation thereof for subdivision.

2.113 **"Systems Act** "means the Municipal Systems Act, 2000, (Act. 32 of 2000), as amended.

2.114 **"Use right"** in relation to land, means the right to utilise that land in accordance with its zoning, including any lawful departure or Consent use.

2.115 **"Useable Common Open Space"** means that usable portion of the common land which is not occupied by vehicular road carriageway, parking areas and communal facilities of a non-recreational nature, but includes walkways, structures intended for recreational use and a children's playing area or areas.

2.116 **"Utility Area"** means the outdoor private area adjacent to and associated with the kitchen area of a medium density housing unit, the screening of which shall be to the satisfaction of the local authority and which includes patios, verandas and drying areas.

2.117 **"Utilization"** in relation to land, means the use of land for a particular purpose and includes the extent of such use.

2.118 **"Verandah"** means a covered area (not being an area which is part of a yard or a parking area) or projecting floor outside and immediately adjoining a building at or below the level of the ground floor thereof and includes both such area or floor and the roof or other feature covering it, as well as any low walls or railings enclosing such paved area or floor extended beyond eave.

2.119 **"Water Act"** means the National Water Act, 1998 (Act. 36 of 1998), as amended.

2.120 **"Water Quality Environmental Control Zone** "means Catchments located around key water supply features and with high water quality sensitivity, as identified within the adopted uMgungundlovu District Environmental Management Framework and included in the Water Quality Control Zone Management Overlay.

2.121 **"Watercourse"** means: -

2.121.1 A river or spring;

2.121.2 A natural channel in which water flows regularly or intermittently;

2.121.3 A wetland, lake or dam into which, or from which, water flows; and

2.121.4 Any collection of water which the minister may, by notice in the gazette declared to be a watercourse, and a reference to a watercourse includes, where relevant, its bed and banks [National Water Act, 1998, (Act 36 of 1998), as amended].

2.122 **"Wetland"** means land which is transitional between terrestrial and aquatic systems where the water table is usually at or near the surface, or the land is periodically covered with shallow water, and which land in normal circumstances supports or would support vegetation typically adapted to life in saturated soil [National Water Act, 1998 (Act 36 of 1998), as amended].

2.123 **"Zone"** means that portion of the area shown on the Scheme Map, by distinctive colouring or edging or in some other distinctive manner, for the purpose of indicating the restrictions imposed by this Scheme on the erection and use of buildings or structures, or the use of land.

3 GENERAL INFORMATION

3.1 KEEPING OF RECORDS, ACCESS TO INFORMATION AND INSPECTION OF THE SCHEME

As regards access to information, the provisions of Ndwedwe SPLUMA By-Law shall be applicable on issues dealing with the updating of the scheme clauses and maps; keeping of all planning approvals; access to information held by the Municipal Planning Registrar, Municipal Planning Appeal Registrar and Municipal Manager.

3.2 AMENDMENTS TO THE SCHEME AND REZONING

As regards amendments and rezoning the following is critical:

3.2.1 The Municipality may amend the scheme by rezoning any land considered necessary to achieve the goals and objectives of the Municipal SDF.

3.2.2 Where the Municipality intends to amend the scheme, a public participation process must be undertaken to ensure that all affected parties have the opportunity to make representations/object to the application and appeal the decision.

3.2.3 If the Municipality desires to rescind, alter or amend any of the provisions of the land use scheme, it shall follow the procedure as set out in Ndwedwe SPLUMA By-Law.

3.2.4 The owner of any land, or any person having a real right to any land, which is zoned in terms of the scheme may make an application to rezone such land or amend the scheme controls applicable to such land in terms of Ndwedwe SPLUMA By-Law.

3.3 APPROVALS REQUIRED IN TERMS OF OTHER LAWS

3.3.1 Nothing in the Scheme shall be construed as enabling any person to erect or use any building or to develop or use land which is in conflict with any other legal requirement or for which a permit, license or authorization is required in terms of any other relevant legislation.

3.4 ENFORCEMENT

3.4.1 The scheme shall be enforced in accordance with the provisions of Chapter 7 of the By-Law.

3.5 APPEALS

3.5.1 The provisions of Chapter 6 of the By-law shall be applicable to all appeals lodged against decisions of the Municipal Planning Approval Authority made in terms of this Scheme.

3.6 NONE CONFORMING LAND USES

3.6.1 Any existing building or existing use which is not in conformity with the scheme, but for which approval was obtained from the Municipality prior to the date of adoption of this scheme, may be completed and continue to be used for the purpose for which it was

designed, subject to compliance with any conditions which may have been imposed by the Municipality, and provided that:

3.6.1.1 Any such non-conforming existing building or use of land may be increased on the lot by an amount not greater than 12.5 percent of its total floor area or area as the case may be, at the date of adoption, provided that the completed building or use is in conformity with the other provisions of the Scheme, relating to the zone in which such building or use is situated.

3.6.1.2 Notwithstanding the provisions of this sub-clause, the above additional floor area or area allowance may be increased provided that the prior written consent of the affected property owners, and such other properties as the Municipality may direct, has first been obtained. Where such written consent is not forthcoming, the applicant shall, in seeking the relaxation, be required to apply for the Municipality's Consent, no greater than 20 percent. Thereafter, no further increases shall be permitted.

3.6.1.3 Any alteration or addition or change of use which in the opinion of the Municipality alters the character of an existing building or use of land, shall automatically remove such building or land from the category of "existing building or existing use."

3.6.1.4 Where the non-conforming existing building or use of land is discontinued for a continuous period of 18 months or longer, such existing use shall be deemed to have lapsed and shall not be recommenced.

3.7 USE OF LAND FOR CERTAIN MUNICIPAL PURPOSES

3.7.1 Notwithstanding any of the provisions of this Scheme, the Municipality may erect buildings required for Municipal purposes or lay drains, pipes, wires or cables on, through, over or under any land in accordance with the provisions of the Local Authorities Ordinance, 1974, (25 of 1974), as amended, from time to time or any other subsequent law.

3.8 RESERVATION OF LAND

As regards the reservation of land, the following is essential:

3.8.1 The Municipality shall reserve any land for public benefit which is owned by the Municipality, or an organ of state.

3.8.2 Where any of the land is in Municipal ownership, the Municipality may execute thereon any development necessary or incidental to the purpose for which the land is reserved.

3.8.3 The Scheme shall at all times indicate the use or uses to which the land may be put in the event of such reservation being rescinded.

3.8.4 In instances where a use has not been assigned to that land, the zoning for that land shall be referred to as "undetermined" until such time that a use and appropriate zoning shall be assigned to the land by Council.

3.9 SCHEME MAPS

3.9.1 A series of maps comprises the scheme for Ndwedwe Local Municipality which are referred to in the table below. They range from Map 1-28 see table below.

Table 1: Schedule of Maps for Ndwedwe LM Scheme

Area	Map Reference
Ndwedwe Village	Map 1
Bhamshela	Map 2
Glendale	Map 3
Sonkombo	Map 4
Tafamasi	Map 5
Qinisani	Map 6
Montebello	Map 7
aBakwamaGwaza Traditional Council	Map 8
aBakawaLuthuli Traditional Council	Map 9
Cele Traditional Council	Map 10
Chili Traditional Council	Map 11
Cibane Traditional Council	Map 12
eMalangeni Traditional Council	Map 13
Gcwensa Traditional Council	Map 14
Hlophe Traditional Council	Map 15
iNkumba-Nyuswa Traditional Council	Map 16
Khumalo Traditional Council	Map 17
Mavela Traditional Council	Map 18
Mlamula Traditional Council	Map 19
Ngcolosi Traditional Council	Map 20
Nodwengu Traditional Council	Map 21
Qadi Traditional Council	Map 22
Qwabe Traditional Council	Map 23
Shangase Traditional Council	Map 24
Vumazonke Traditional Council	Map 25
Wosiyane Traditional Council	Map 26
Combined Scheme Map for Areas outside Nodes	Map 27

3.10 ENVIRONMENTAL MANAGEMENT OVERLAYS (CRITICAL BIODIVERSITY AREAS)

It is a given phenomenon that, environmental overlays guide land development decisions on environmentally sensitive areas. CBA's are natural or near-natural landscapes that include terrestrial and aquatic areas that are considered critical for meeting biodiversity targets and thresholds, and which safeguard areas required to ensure the persistence of viable populations of species, and the functionality of ecosystems and Ecological Infrastructure (EI). The table below list categories of CBA's and anticipated scheme guidelines. **Refer to Annexure B for Environmental management overlays.**

Table 2: Environmental Management Overlays

CBA Map Category	Control Measures
Terrestrial CBA. Irreplaceable.	- Maintain in a natural state. Development or modification of the natural landscape is not supported where such will in anyway impact on the biodiversity feature (i.e., species/ habitat/ vegetation) for which the CBA was identified. - Need to undertake appropriate biodiversity specialist studies and inform eZemvelo KZN Wildlife of the application.
Terrestrial CBA Optimal	- Need to determine if the proposed development will negatively impact on the biodiversity feature (i.e., species/ habitat/ vegetation) for which the CBA was identified. Determination needs to be based on a biodiversity assessment or development must have already obtained a positive Environmental Authorisation.
Ecological Support Areas	- Integrity of the landscape corridors should be maintained, with fragmentation of the natural vegetation avoided. If integrity cannot be maintained, a biodiversity assessment would be required and comments from eZemvelo KZN Wildlife. - Integrity of buffer should be maintained. If integrity cannot be maintained, a biodiversity assessment would be required and comments from eZemvelo KZN Wildlife.

3.11 AGRICULTURAL CATEGORIES MANAGEMENT OVERLAYS

The National Department of Agriculture, Land Reform and Rural Development as well as the provincial Department of Agriculture and Environmental Affairs (KZN DAEA) are responsible to ensure food security through the development of agricultural land categorization. These categories focus on mitigating and limiting the impact of any proposed change of land use on agricultural production and to protect agricultural land (specifically high potential and unique agricultural land). Thus, the table below lists the categories and land use guidelines that have been included in the KZN Agricultural Land Categories (DALRRD& DAEA, 2013). **Refer to Annexure B for Agricultural Management Overlays.**

Table 3: Agricultural Categories Management Overlays

Category	Scheme Guidelines for Land Uses
Category A (Irreplaceable) is regarded as very high potential agricultural land that should be retained exclusively for agricultural use. This category is scarce, and all efforts should be focused on preserving land within this Category exclusively for agricultural production. It includes identified grazing land that has a very high production value for sustained livestock production and has no or very few limitations to agricultural production and can support intensive arable cropping systems.	Any change in land use will require detailed natural resources/agricultural study with sufficient motivation to propose a change of land use. Land use will be restricted to those in support of primary agricultural production only.
Category B (threatened) is regarded as high potential agricultural land and has few limitations to agricultural production. Limited change of land use may be supported but only if in direct support to primary agricultural production practices or systems and then these developments must be located on the lowest potential areas within the higher potential zone.	A detailed natural resources study must be conducted with sufficient motivation to propose a change of land use in this category. The protection of areas with high biodiversity value in areas with high agricultural potential should be promoted.
Category C (primary agricultural land use) is regarded as land with moderate agricultural potential, on which significant interventions would be required to achieve viable and sustainable food production, although agriculture is the still the majority land use in the rural landscape. These areas are more suitable for extensive grazing, the production of fodder crops in support of livestock production, and, from a natural rangeland grazing perspective, additional feed may be required during winter months to supplement the seasonal grazing provided by existing rangeland. It is stated that this Category of land may, however, have the potential to act as a buffer for adjacent higher potential agricultural land Categories. Thus, Category C land may be retained so as to act as additional protection for adjacent higher potential land.	Change of land use from agricultural land use to non-agricultural land uses, which are not necessarily in support of the existing agricultural land use, may be considered, but only with the specified motivation and a detailed natural resources study.
Category D (secondary agricultural land use) land is regarded as land with low agricultural potential and requires significant interventions to enable sustainable agricultural production. Extensive areas of land are generally required for viable production (e.g. beef and game farming) although intensive production under controlled environmental conditions (e.g. green housing, poultry, piggeries) is not excluded, nor is intensive production on areas of arable land available e.g. along river systems.	Change of land use may be supported, as long as this change does not conflict with the surrounding agricultural activity and the "Right to farm" should in all instances be acknowledged.

Category	Scheme Guidelines for Land Uses
Category E (mixed-use) land is regarded as land with limited to very low potential for agricultural production. Cultivation within this land category is severely limited in both extent and in terms of the natural resources available, and grazing value will be poor with a very low carrying capacity.	

3.12 LAND IMPACTED BY SUBDIVISION OF AGRICULTURAL LAND ACT, (ACT NO.70 OF 1970)

The following is imperative for land subjected to SALA:

3.12.1 The Municipality has a substantial number of farms and land portions which will remain subject to the provisions of the Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970), as amended (Hereinafter referred to as SALA).

3.12.2 For any change of use on land that is subject to SALA, an application shall be made to the responsible department for the exemption of such land from its provisions.

3.13 EMERGENCY OR TEMPORARY USE OF LAND

As regards emergency or temporary use of land, the following is noted:

3.13.1 Nothing in the Scheme shall prohibit or restrict the temporary use of any land and/or building by the Municipality, the provincial government and/or the national government during or following any state of wide-spread rioting, war, epidemic, pandemic or similar emergency situation or natural disaster and whether at a municipal wide, regional, provincial or national level that may arise where there is risk to life and whether with or without the formal declaration of a State of Emergency under the State of Emergency Act, 1997 (Act No 64 of 1997) or the declaration of a State of Disaster under the Disaster Management Act, 2002 (Act No 57 of 2002), for the purposes of emergency housing, a field hospital or other similar emergency use for a period not exceeding 6 months without the prior written authority of the Council; provided that if after the elapse of three months of such temporary use it is apparent that the said use is likely to exceed a period of six months then public comment shall first be sought before the Council permits the continuation of any such use.

4 LAND USE DEFINITIONS

For the purposes of this scheme, the following land use definitions are applicable:

4.1 **"Abattoir"** means a place where livestock and poultry are slaughtered and prepared for distribution. Development and management of such buildings and facilities should be undertaken in terms of the Abattoir Hygiene Act, 1992 (Act 121 of 1992), as amended.

4.2 **"Ablution Facilities"** means an area earmarked or set aside for the decent storage and removal of human waste.

4.3 **"Additional Self-contained Residential Unit (or Additional Self-contained Dwelling Unit)"** means a single dwelling unit with a gross floor area of 80sqm (inclusive of a garage), the extent of the garage shall not exceed 20sqm**,** forming an extension of an existing dwelling house.

4.4 **"Agricultural Building"** means a structure designed for farming and agricultural practices, including but not limited to growing and harvesting of crops and raising livestock and small animals. Such buildings inter alia include, but are not limited to the following: Barns, greenhouses, storage buildings for farm equipment, animal supplies or feed, storage buildings for equipment used to implement farming and/or agricultural practices, Storage buildings for crops grown and raised on site (cold storage), Horticultural nursery.

4.5 **"Agricultural Industry"** means an enterprise used for the intensive production in any form whatsoever, of poultry, game birds, livestock, vegetables, fruit and allied products; on or close to the lot where these agricultural products are grown and where processing in such proximity is necessary due to the nature, perishability and fragility of such agricultural products, and includes a winery and distillery cheese making industry, feedlots, chicken hatcheries, but excludes an abattoir, a butchery and a service trade.

4.6 **"Agricultural Land"** means arable, meadow, or pasture land (including farm dams), market gardens, poultry farm, garden nursery, and may include a green house or hydroponics, horticulture, permaculture, orchards, and land used for the purpose of breeding or keeping domestic animals, poultry or bees, and includes any buildings connected therewith.

4.7 **"Animal Rehabilitation Centre"** means a building or land used for the treatment and care of sick, injured or orphaned animals, and the preparation of such animals with the intention of releasing them back to their natural habitats.

4.8 "**Animal Pound"** means a place where stray livestock are impounded. Animals are kept in a dedicated enclosure, until claimed by their owners, or sold to cover the costs of impounding.

4.9 **"Arts and Craft Centre"** mean a building wherein the primary purpose is the selling of goods or services and where the processes are operated specifically in conjunction with a shop or office to which the public, as customers, have access. This includes such uses as, *inter alia* graphic arts, textile design, weaving, pottery, furniture making, leatherwork, studios, creative fashion design, stained glass, and may include a printer. The processes carried on and the machinery installed shall be such that they will not cause a nuisance to other properties or be detrimental to the amenities of neighbourhood.

4.10 **"Arts and Craft Workshop"** means land and or building used for the manufacturing of hand made products using material such as wood, grass, textile, weaving, pottery, leatherwork and may include a display area as well for customers.

4.11 **"Airfield"** means demarcated areas for the landing of helicopters (pads) or aero planes (strips).

4.12 **"Automotive Showroom"** means land and or buildings used to display roadworthy motor vehicles for sale to the public.

4.13 **"Automotive Workshop"** means the use of buildings or land for the repair, maintenance and servicing of motor vehicles including the installation of parts and accessories.

4.14 **"Bed and Breakfast"** means a private dwelling house where not more than four rooms in the building or an approved outbuilding are let out for tourist overnight accommodation, managed by the owner of the property, who shall also reside on the property, and where meals may be served to registered guests.

4.15 **"Betting depot"** means land and or a building used for the purpose of a bookmaker's premises or a totalisator agency in terms of the KwaZulu-Natal Gaming and Betting Act, 2010 (Act No. 08 of 2010). Such usage shall be regarded as a shop except in terms of parking provision.

4.16 **"Bottle store"** means a shop in which mainly alcoholic beverages are sold in the retail trade for the consumption off the land unit and includes an off sales facility, which is under the same management as a licensed hotel and includes a liquor store.

4.17 **"Block making"** means land and or building used for the manufacture of various kinds of bricks, such as hollow bricks, solid bricks, perforated bricks, paving bricks, interlocking bricks and so forth for the sale to the members of the public and or institutions.

4.18 **"Builder's yard"** means a lot, which is used for the storage of material:

4.18.1 For or normally used for construction work; or

4.18.2 That was obtained from demolitions of structures or excavations of ground; or

4.18.3 Required or is normally used for land improvements, such as storage of material used for building roads, for installing essential services, or for any other construction work (e.g. Of sand of bricks), whether for public or private purposes.

4.19 **"Bus and Taxi Rank"** means land, a building or part of a building used for the purpose of parking of buses and taxis, passenger embarkation and waiting areas. Such facilities may

include ancillary facilities such as informal trader stalls and restroom facilities. For the purpose of this Scheme the term "Bus and Taxi" shall mean a vehicle used to transport people for financial gain and registered as such.

4.20 **"Bush lodge"** means overnight accommodation which is made available for payment in order to explore the magnificent surroundings of wildlife.

4.21 **"Camping Area"** means an area of land set aside for the purpose of camping involving the erection of tents and other forms of temporary shelter and may include trailers and caravans but excludes chalets or mobile homes.

4.22 **"Caravan Park"** means an area of land provided with ablution and sanitary facilities with or without a communal kitchen, constructed of permanent materials, arranged for the accommodation of caravans which are used for temporary holiday dwellings, and provided also with permanent water points, approved refuse receptacles and containing within the curtilage a sufficient open space for recreational purpose and may include incidental commercial use.

4.23 **Carwash Facility"** means a place or structure having special equipment for washing automobiles. This does not include informal carwash facilities on parking areas.

4.24 **"Cemetery"** means land or buildings which is permanently set aside for the purpose of burying human or animal remains, and may include an office for administrative uses associated therewith, a funeral chapel/s, gardens, roads, parking, sheds for maintenance purposes and the like but shall not include a Crematorium.

4.25 **"Chalets"** means a grouping of two or more attached or detached habitable buildings used for holiday accommodation.

4.26 **"Clinic"** means a facility providing medical, psychiatric, or surgical service for sick or injured persons, including emergency treatment, diagnostic services, and services to outpatients, employees, or visitors, and may include a day ward as well as staff residences.

4.27 **"Commercial Workshop** "means a building wherein the primary purpose is the selling of goods or services by retail operated specifically in conjunction with a shop or office to which the public, as customers, have access, and may include a watch repairer, shoe repairer, radio/television repairer, and electrician, and may include a jobbing printer, but excludes a motor garage or petrol filling station. Such uses shall not be of such scale or nature that the amenity of other uses on the property or adjacent properties is affected by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust, grit, traffic generation, or other such causes.

4.28 **"Commercial Building"** means purposes normally or otherwise reasonably associated with the use of land for distribution centres, wholesale trade, storage warehouses, carriage and transport services, laboratories or computer centres, including offices and other facilities that are subordinate and complementary to such use.

4.29 **"Community Facility"** means premises used for cultural activities, social meetings, gatherings, non-residential clubs, gymnasiums, sport clubs or recreational or other activities where the primary aim is not profit seeking and excludes a place of entertainment.

4.30 **"Conservation Purposes"** means environmentally sensitive land and/or water bodies, or land earmarked for environmental protection and/or rehabilitation which includes independent or linked open space areas and permits only limited and specific developments that are normally associated with, but secondary to, the conservation of land, such as parking areas, walking trails, bird watching structures, educational buildings, restaurant / tuck shop and other facilities for the convenience of visitors. Development would most likely be subject an environmental approval process in line with relevant legislation.

4.31 **"Cottages" (also referred to as "*Imiqashiso*")** – means residential accommodation mainly for rental purposes, containing multiple single rooms, each room with a kitchenette. Bathroom and toilet facilities may be shared at a ratio of one toilet and one bathroom/shower for every 5 (five rooms).

4.32 **"Crèche"** means a building or portion of a building operated for the purpose of providing care, protection and guidance for children or infants and young children during only part of a 24-hour day. Crèche includes child minding facility, day care centre, nursery schools, pre-schools, and extended pre-school or school day care facilities. These are to be established in accordance with the regulations of the KZN Provincial Health Department.

4.33 **"Crematorium"** means a place for incinerating human and animal corpses in a furnace and includes associated facilities such as a chapel and offices.

4.34 **"Cluster housing"** means two or more separate and/or semi-detached dwelling units situated within the boundaries of a cluster housing lot with direct access to a private open space for each dwelling unit as well as access to common land.

4.35 **"Cultural village"** means land and or building that is designed to portray to visitors how a particular ethnic group lives. It displays all aspects of village life in one place. A cultural village will take a format of a museum.

4.36 **"Conference facilities"** means land and or a set of buildings designed to hold many people and used for meetings.

4.37 **"Day Care Centre"** means land or building used for the care of a child during the day by a person other than the child's legal guardians, typically performed by someone outside the child's immediate family. A Day Care Centre may not have more than 6 children being looked after.

4.38 **"Dwelling House/Unit"** means a freestanding dwelling unit on a single erf, which does not form part of either Medium Density Housing or Chalets, used as a Dwelling Unit for a single family together with such outbuildings and as are customarily used incidental

therewith. Such freestanding dwelling unit (excluding outbuildings) shall have a floor area of 80m^2 or greater.

4.39 **"Educational Building"** means a place for education at pre-school, school or post school levels, including a crèche, nursery school, primary school, secondary school, college, university, research institute and ancillary uses such as boarding hostels , monastery, convent and all uses which are ancillary, directly related to and subservient to the main use; or a civic facility for the promotion of knowledge to the community such as a public library, public art gallery, museum, public library, public art gallery, museum; or a place of instruction in sport where the main objective is instruction as opposed to participation by the public as either competitors or spectators; but excludes a reformatory, commercial conference facility, gymnasium or in-house business training centre.

4.40 **"Electricity Power Transmission Line Servitude"** means an area or land set aside or reserved for the construction of electricity lines.

4.41 **"Events Venue"** means Land or building or part thereof used or adapted to be used for the conducting of events and may include weddings; conferences, seminars, gatherings, recreation, public entertainment, exhibitions and such other uses which are ancillary to or reasonably necessary for the use of the building or land as an events.

4.42 **"Extractive Industry"** means an industry which involves the extraction, quarrying, or removal of sand, gravel, clay, hard rock, stone or similar material from the land, and includes the treatment and storage of those materials, or the manufacture of products from those materials on, or adjacent to, the land from which the materials are extracted.

4.43 **"Factory"** means any premises on which any person performs work in connection with any business, undertaking or institution, whether an employer or employee, pupil or inmate of an institution or otherwise, in any one or more of the following activities: -

4.43.1 The making of any article or part of any article;

4.43.2 The altering, repairing, renovating, ornamenting, painting, spraying, polishing, finishing, cleaning, dyeing, washing or breaking up of any article;

4.43.3 The adaption for sale or uses of any article;

4.43.4 The sorting, assembling or packing (including washing or filling bottles or other containers) of any articles;

4.43.5 The construction, reconstruction, assembling, repairing or breaking up of vehicles or parts thereof (but excluding premises used for the purpose of housing vehicles where only minor adjustments are carried out);

4.43.6 Printing or letterpress, or other similar process, including any activity associated with the printing industry;

4.43.7 The production and storage of gas in a holder of more than four thousand litres (141,6 cu. metres) storage capacity;

4.43.8 The slaughtering of livestock;

4.43.9 The generation of electricity;

4.44 **"Farm Stall"** means a building or structure, including storage facilities, that shall not exceed a total floor area of 50m² where the owner sells products produced and processed on the farm, whether to his employees or to the general public and includes produces such as Fruits, Vegetables, Preservatives, Biltong, etc.

4.45 **"Farming"** means land and or building used for production of crops and keeping of animals for commercial and or subsistence purposes.

4.46 **"Fresh Produce Market"** means any building or place under the control of the Council upon or in which sales shall be conducted in accordance with the provisions of By-Law or of any amendments thereto, and shall include land upon which any such building is situated or which is used in connection with or for the purpose of carrying on such market, and which has been declared a national fresh produce market in terms of the Commission for Fresh Produce Markets Act, Act No. 82 of 1970.

4.47 **"Funeral Parlour"** means a building or land used for the purpose of funeral management, the preparation of the deceased for burial or cremation, and may include a shop intended primarily for public reception and for the sale and display of those commodities required for cemetery purposes and services ordinarily ancillary to funeral management, but does not include a monumental mason, cremation facilities or the manufacturing of coffins.

4.48 **"Game Reserve"** means a building or land used in connection with, or which would ordinarily be incidental to, or reasonably necessary in connection with the use of the building or land as a game reserve for the conservation of indigenous vegetation and for the keeping for display, rehabilitation of breeding of wild animals or birds to which the general public shall have controlled access.

4.49 **"General Industrial Building"** means an industrial building and includes a factory and building used for general industrial activities but does not include a garage, Service Station or special industrial building**.**

4.50 **"Guest Lodge"** means a dwelling or group of dwellings with more than four (04) rooms which are let out for overnight accommodation, and where meals may be provided to registered guests, and may include ancillary uses such as a recreational facility.

4.51 **"Group housing"** means any group of two or more separate and/or semidetached dwelling units within the boundaries of a group housing lot where each dwelling unit is situated on a separate dwelling site.

4.52 **"Hair salon"** means land and or building used for cosmetic treatment where men and women go to get their hair cut, styled, and dyed.

4.53 **"Helipad"** means land, or an elevated structure used for the landing and take-off of helicopters with the minimum prescribed safety equipment but without auxiliary facilities such as parking area, a waiting room or hanger.

4.54 **"Home Activity"** means the conduct of an occupational activity in, or in conjunction with, a Dwelling Unit or an approved structure erected on the site of an existing

dwelling unit which may be used for a home occupation, practiced by the bona fide residential occupant of that property. Such business shall not interfere with the amenity of the surrounding properties or be of nuisance value by virtue of noise, appearance, dust or smell. For the purposes of a Home Business, a shop, any vehicle or motor manufacturing, repairs or maintenance are prohibited land uses. This use is limited to the owner and the employment of two additional people on site. The Home Activity shall not exceed 10% of the Building footprint.

4.55 **"Home Business"** means the conduct of an occupational activity in, or in conjunction with, a Dwelling Unit or an approved structure erected on the site of an existing dwelling unit which may be used for a home occupation, practiced by the bone fide residential occupant of that property, and may be subject to certain conditions. Such business shall not interfere with the amenity of the surrounding properties or be of nuisance value by virtue of noise, appearance, dust or smell. For the purposes of a Home Business, a shop, any vehicle or motor manufacturing, repairs or maintenance are prohibited land uses. This use is limited to the owner and the employment of three additional people on site. The Home Business shall not exceed 25% of the Building footprint.

4.56 **"Hospital"** means an institution providing health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury and deformity and including as an integral part of the institution, related facilities, such as laboratories, mortuary, outpatient facilities, training facilities, medical offices, and staff residences, and may include for those purposes those activities normally associated therewith that are set out under sections 132 and 157 of Public Health Act of 1919 and published in Government Notice 2103 of 30 December 1966, such as the operation of an incinerator.

4.57 **"Hotel"** means a building which is used as a temporary residence for transient guests, which use exceeds the restrictions of a guest house / guest lodge where personal services, lodging and meals are provided and may include activities reasonably and ordinary related to a hotel, including conference facilities, lecture rooms, restaurants, tourist facilities, sport and recreation facilities, banquet hall, spa / hydro and wellness centre, and in respect of which a hotel liquor license has been, or is intended to be, issued under the Liquor Act, 1989 (Act No.27 of 1989), as amended, but excludes any off-sales facilities.

4.58 **"Homestead (Umuzi / Imizi)"** means a residential land use made up of one or more traditional dwellings units used primarily for shelter in Traditional Authority areas and may include kraals for the storage of animals.

4.59 **"Holding Facility"** means land and or building utilised for the purpose of temporary parking by both buses and mini bus taxis while waiting to load passengers.

4.60 **"Informal Trading/ Hawking**" means an area in which any economic activity on a small scale is permitted provided each undertaking does not occupy a defined space greater than 20m².

4.61 **"Institutional Building"** means a building or portion of a building used or designed for use as a charitable institute including the administration thereof, and a building designed for use as a hospital, home for the aged or for mentally or physically retarded children, nursing home, sanatorium, clinic, convalescent home, orphanage or other building used as a public or private institution, but does not include a restricted building. Such building or portion of a building shall be served exclusively by a communal kitchen.

4.62 **"Landfill"** means the on-site disposal, management and/or recycling of refuse and other waste material and ancillary activities undertaken as a normal part of sanitary landfill activities.

4.63 **"Launderette"** means a building used for the purpose of washing and drying clothing and household fabrics, where the machines used are electrically operated and quiet running, and of the type which process each customer's articles individually, and which may be operated by the customer. The washing material used shall be a type that shall not cause harmful effluent to be discharged into the sewerage system.

4.64 **"Light Industrial Building"** means an industrial building or factory in which the processes carried on or the machinery installed are such as can be carried on or installed in a Light Industrial zone without causing nuisance to other properties within such zone or to the general public, or without detriment to the amenities of other use zones, by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust, grit, traffic generation, size or other causes.

4.65 **"Medical Centre"** means a building designed for the use as consulting rooms or offices for medical purposes that is used by one or more medical doctors, sangoma, herbalist, physiotherapist, homeopath, optometrist or any other medical related use that serves the purpose of consultation, but excludes a clinic or any other medical use that provides overnight accommodation for patients. It excludes any noxious practices or uses which will interfere with the amenity of the surrounding properties or is of nuisance value by virtue of noise, appearance, dust, smell or activities or for any other reason whatsoever.

4.66 **"Medium Density Housing"** means a group of two (2) or more attached or detached dwelling units (excluding a second dwelling), together with such outbuildings as are ordinarily associated thereto, each dwelling unit having direct access to a private open area and to common land, the whole development having been designed as a harmonious entity. No ancillary unit shall be permitted in a multiple unit development

4.67 **"Municipal Purposes"** means and includes the use of land and the erection and use of buildings by or on behalf of the Council for the purpose of carrying out one or more municipal functions which may include the supply of essential protective, health, community, administrative, engineering, support or other similar services and the provision of housing, recreational or other similar facilities, but excluding uses provided for under specific zones such as cemeteries, refuse sites, sewerage treatment plants and water works and depot.

4.68 **"Mining"** means an enterprise practicing the extraction, winning or quarrying of raw materials whether by means of surface or underground methods, and includes, but is

not limited to the removal of stone, sand, clay, kaolin, ores minerals or precious stones, as well as any building connected with such operations.

4.66 "**Monument Marker/Information Notice Board"** means a very legibly printed and very noticeable placard that informs people of the purpose of an object, or gives them instruction on the use of something.

4.70 **"Nature and Resource Conservation"** means the long term management, including the associated environmental education opportunities, of natural resources such as bio-diversity resources and sites of social, cultural, spiritual, archaeological, paleontological, geological or scenic value, in order to ensure their continued existence in an acceptable condition, whether or not utilisation, active or passive, is taking place.

4.71 **"Nursery Garden"** means land used to propagate, grow, and sell plants and/or the sale of gardening equipment, horticultural products and landscaping supplies.

4.72 **"Office Building"** means a building or part of a building used as an office and includes a bank, building society, insurance office, estate agent and other professional suites, but does not include a public office, medical offices or any other use which in the opinion of the Municipality, may interfere with the amenity of the surrounding area.

4.73 "**Park"** means an area of land or portion of land, usually in a largely natural state set aside for the enjoyment of the public, having facilities for rest and recreation.

4.7.4 **"Parking Area"** means an open area used exclusively for the parking of motor vehicles at a fee or not and may include an area or building for the administration of the parking use, ablution facilities and a kiosk to accommodate uses such as the sale of flowers, newspapers and refreshments but excludes uses such as a carwash facility, automotive showroom, parking garage, workshop for the repair of motor vehicles of for sale of petrol, oil and accessories.

4.75 **"Parking Garage"** means a building, part of a building or land designed primarily for the purpose of parking and includes washing and servicing of motor vehicles, but does not include a building or part thereof which is designed for use as a workshop for the repair of motor vehicles or for the sale of petrol, oil and accessories.

4.76 **"Place of Public Amusement"** means a place used predominantly for commercial entertainment which may attract relatively large numbers of people, operate outside normal business hours or generate noise from music or revelry on a regular basis and includes a building designed for use or a building or land which is used as an amusement park, billiards saloon, bingo halls, casino, cinema, circus arena, concert hall, dance hall, discos, exhibition hall (trade, industry or other recreational purposes), gymnasium, Live Music, music hall, night clubs, race courses, skating rink, sports arena, theatre, and also includes such uses as are ancillary, directly related to and subservient to the main use but excludes pornographic / adult entertainment.

4.77 **"Place of Public Assembly"** means a public hall, hall for social functions, music hall, concert hall, recreational hall, public art gallery, a town or civic centre or exhibition hall

which is not directly related to a commercial undertaking, or a town hall or civic centre, but excluding a school hall and a place of entertainment.

4.78 **"Place of Worship"** means a church, synagogue, mosque, temple, chapel or any other building intended to be used for practicing of religion and includes a building or residential unit ancillary thereto, or parsonage but does not include a funeral parlour.

4.79 "**Place of instruction"** means a crèche, pre-primary school, primary school, high school, college, university, research centre, convent, public library, public art gallery, museum or other centre which is used for instruction purposes and includes a hostel appertaining thereto but does not include a building or land unit which is mainly used as a certified reformatory or industrial school or as an institution.

4.80 **"Petrol Filling Station"** means a facility that sells fuel and engine lubricants for motor vehicles and may include a convenience store which may include a bakery, a public garage and a service station.

4.81 **"Private open space"** means any land use, or in this Scheme reserved for use as private ground for sports, play, rest and recreation, or as an ornamental garden or pleasure ground, and includes ground which is used for purposes of agricultural shows, camping or picnic sites, or national celebrations.

4.82 **"Private Recreational Area"** means a sports ground, playing field or other Private Open Space or Recreational Buildings of a club, firm or other body, where the use thereof is restricted to the owners or members of the club, firm or other body.

4.83 **"Public Office"** means an office building used for any National, Provincial or Local Government purposes or public service use, and includes an administrative office, Municipality office and town hall, government office, court house, police station, post office, public library, public art gallery, public museum, and buildings ordinarily ancillary thereto.

4.84 **"Public Open Space"** means an open space or reserve owned by the Municipality which the public has a right to use and enjoy and includes all ancillary facilities and buildings.

4.85 **"Public Parking Area"** means a building used or land used, whether or not for gain or reward, for the provision of parking of motor vehicles, not related to the parking requirements or provisions of the scheme for another building or site or part thereof.

4.86 **"Public Recreational Area"** means the use of Municipal-owned open space for enjoyment by the public, and may include playgrounds, botanical and zoological gardens, sport and recreational facilities and similar uses, and may include parking areas necessary for such use/s and a restaurant or shop ancillary to such sport and recreational uses.

4.87 **"Power station"** means land and or building used as a power plant and sometimes generating station or generating plant, is an industrial facility for the generation of electric power.

4.88 "**Play lot or play area**" means a place designed to provide an environment for children that facilitates play, typically outdoors. While a playground is usually designed for children, some are designed for other age groups, or people with disabilities. A playground might exclude children below a certain age.

4.89 **"Quarrying"** means land and or area which is a type of open-pit mine in which dimension stone, rock, construction aggregate, riprap, sand, gravel, or slate is excavated from the ground. The operation of quarries is regulated in some jurisdictions to reduce their environmental impact.

4.90 **"Railway Infrastructure"** means land used for the transport of goods and passengers via rail and may include railway routes, facilities to park, maintain and manoeuvre railway vehicles and shunting / marshalling yards, but excludes a Railway Terminal.

4.91 **"Recreational Building"** means a clubhouse, gymnasium, squash court, pavilion, shelter, change room, stadium, and any similar facility used in conjunction with a sport or recreational activity. A clubhouse may include dining facilities and lounges and may include an open space or reserve which the public has a right to use and enjoy and includes any ancillary facilities.

4.92 **"Recycling Depot"** means an area of land, with or without buildings which is licensed under relevant legislation, where used materials are separated and processed for shipment and for eventual reuse in new products.

4.93 **"Residential Building"** means a building (other than a dwelling-house or town house) for human habitation, together with such outbuilding as are normally used therewith, and includes a boarding house, block of flats, residential club, hotel, old age home, and a children's home but does not include buildings mentioned whether by way of inclusion or exclusion in the definitions of "place of instruction" or "institutional building".

4.94 **"Restaurant"** means a building or portion of a building used primarily for the preparation and sale of food, confectionery and beverages for consumption on the premises and could include:

4.94.1 A coffee shop or cafeteria.

4.94.2 The licensed provision of alcoholic beverages, only with the Consent of the Council but excludes a tavern.

4.95 **"Restricted Building"** means a building used for such purposes as a clinic or hospital for infectious diseases, a jail, mental home or reformatory.

4.96 **"Road Infrastructure"** means land used for the transport of goods and passengers via road and may include national, provincial and municipal roads, facilities to park and stop, road reserves, maintenance and manoeuvring facilities.

4.97 **"Scrapyard"** means land used for the collection, storage or sale of scrap metals, second-hand building materials, containers, wastepaper, rags, bottles or other used materials,

or for the collection, dismantling, storage or salvaging of motor vehicles and machinery. It includes the sale of such goods but does not include a Noxious Industry.

4.98 **"Service Industrial Building"** means a light industrial building catering primarily for the local customer, and includes a builder's yard and allied trades, laundry, bakery, dairy depot, dry-cleaning and similar types of uses.

4.99 **"Service Station"** means land or building wherein motor vehicles are provided with fuel, lubricants, tyres, motor spares, electrical equipment, and include the repair of motor vehicles of a minor nature, lubricating and greasing, washing and cleaning, a restaurant or café and a convenience store which does not exceed 30% of the total floor area and is integrated with the other facilities in terms of design, but shall not include the carrying out of operations such as spray painting, panel beating or body or blacksmith works, the repairs of a major nature to the engine or overhauling of motor vehicles and transmission systems thereof.

4.100 **"Shop"** means a building or land used for any retail trade or business wherein the primary purpose is the selling of goods and appliances by retail and includes a building used for the purpose of a hairdresser, ticket agency, video hire, showroom (including motor showroom restricted to the display and sale of vehicles only), auction mart or for the sale of food and drinks for consumption off the premises or for the reception of goods to be washed, cleaned, altered, dry-cleaned or repaired and includes ancillary buildings ordinarily incidental to the conduct of the retail business, but does not include an industrial building, garage, Service Station, milk depot, hotel, service trade, motor repair garage, restaurant, adult entertainment business, bottle store.

4.101 **"Small-Scale Rural Settlement"** means rural residential settlements on commercial farms or communally owned land and includes cropping and ad hoc grazing. This zone is specifically reserved for settlements which developed in land reform/labour tenant projects in the Municipality.

4.102 "**Spaza Shop**" means a building, portion of a building or a separate structure used or adapted to be used for the sale of convenience goods for the day to day needs of the public and may be permitted in residential properties in certain zones.

4.103 **"Special Building":** means any other type of building or use not specifically defined in this set of definitions.

4.104 **"Special Industrial Building"** means a building or use of land used for industrial purposes where dangerous or offensive processes are carried out. A Special Industrial Building shall include a premises where the following activities take place: Chemical works, dye works, manure, super phosphate, or fertilizer works or stores; tanning and leather-dressing works; works or premises used for storing, drying preserving or otherwise dealing with bones, horns, hoofs or hides, knackers- yards; glue or size factories; soap and candle works; fat—melting or tallow-melting works and any similar works or establishment for dealing with meat, bones, blood, offal, horns, boots, or other animal organic matter; wattle-bark (grinding or extracting) works; brick burning and lime burning works; breweries and distilleries; sugar mills and sugar refineries; fish

canning works; bacon factories, sausage factories and similar works; gut scraping works; tripe-cleaning or tripe-boiling works; and destructors.

4.105 **"Sports field"** means land and or buildings which are regulated for outdoor playing of a variety of unique sports.

4.106 **"Tavern"** means a building in which the onsite consumption of liquor is legalized by means of the National Liquor Act, 2003 (Act 59 of 2003), as amended and subsequently granted a liquor license in terms of the KwaZulu-Natal Liquor Licensing Act, 2010 (Act 6 of 2010), as amended, and may include a restaurant, café, bar or pub designed and used for the preparation and or retail trade of meals, refreshments and liquor and may in addition also mean the retail sale of cold drink and smoking requisites, but excluding a hotel, residential use and drive in restaurant. It may include a place of amusement. It may not interfere with the amenity of surrounding properties or be of nuisance value by virtue of noise, appearance, dust, smell, activities or for any other reason whatsoever.

4.107 **"Telecommunications infrastructure"** means, but is not limited to, any one or more of the following:

4.107.1 Antenna support structure including any solid or lattice structure, mast pole, monopole, guyed tower, lattice tower, freestanding tower or other structure designed and primarily used to support antenna;

4.107.2 Antenna structure including any system of wires, poles, rods or similar devices, used for the transmission or reception of electromagnetic waves, attached to a building or a mast, and includes cabling between the equipment room and the antenna;

4.107.3 Base station site including the land, antenna support structure, and all associated infrastructure such as antenna, microwave dish, equipment room and access road;

4.107.4 Equipment room including a structure to house cellular telecommunication equipment associated with an antenna support structure and/or antenna; which may be separated building used exclusively for the equipment, or a container, or a room or rooms within a building with another predominant use;

4.107.5 Microwave dish including any device incorporating a reflective surfaced that is solid, open mesh, or bar configured that is the shape of a shallow dish, cone, horn or other, and is used to transmit and/or receive electromagnetic waves.

4.108 **"Traditional Court (Inkantolo yeNkosi)**" means traditional courts which serves as administrative centres for community affairs and recreational centres hosting traditional festivities.

4.109 **"Traditional Royal Place (Isigodlo)"** means traditional royal palace for Isilo or Amakhosi. It is often used for royal residency, administrative and recreational (cultural festivities) purposes.

4.110 **"Tuck Shop"** means a small retail trade use of which the floor area does not exceed 100 m^2 including storage space and is provided on school premises or within office buildings, which is a small-scale trade incidental to the needs of the employees or pupils on the premises, which does not include the selling of meals.

4.111 **"Utility Facility"** means land or buildings used for the provision and maintenance of essential infrastructural services such as service roads, rail, sewer, water, electricity, gas,

telecommunications infrastructure, public lighting and storm water control and other services deemed necessary by the Council, and may include a water reservoir, dam, waterworks, electrical substation, telephone exchange, postal collection points, weigh bridge, servitudes for the provision of services and conveyers, etc.

4.112 **"Veterinary Purposes"** means the use of land and/or buildings for medical treatment of domestic animals, and the short-term boarding of animals' incidental to the hospital use. It may include a grooming parlour and retail outlet restricted to the sale of veterinary and animal maintenance products. Subject to the approval of the Council, the facility may include the treatment of any other animal.

4.113 **"Warehouse"** means a building used for storing goods, which are not dangerous, noxious or unsightly, before distribution to retailers. It includes wholesale trade and may also include ancillary office accommodation, which is subsidiary to the main use, but excludes any retail trade on the property of such building, unless the Consent of the Municipality has been given.

4.114 **"Water reservoir"** means an area and or land set aside for water storage purposes.

4.115 **"Waste Transfer Site** "means an area of land, with or without buildings, that may be licensed under relevant legislation for the temporary accumulation and storage of garden and domestic waste and which may include the separation and processing of domestic waste materials for eventual reuse or final disposal at a landfill site, but excludes a sewerage treatment works.

4.116 **"Water works"** means land and or buildings set aside for the system of reservoirs, channels, mains, and pumping and purifying equipment by which a water supply is obtained and distributed

4.117 **"Walk Ways"** means land used for the transport of pedestrians walking on foot, it is normally attached to municipal roads including provincial road as well.

4.118 **"Weighbridge"** means truck scale, weighbridge or railroad scale, usually mounted permanently on a concrete foundation, that is used to weigh entire rail or road vehicles and their contents. By weighing the vehicle both empty and when loaded, the load carried by the vehicle can be calculated.

5 LAND USE ZONES AND CONTROLS

5.1 AGRICULTURE ZONES

5.1.1 Agriculture 1 (Agriculture Only)

Notation: 	**STATEMENT OF INTENT:** This zone is reserved for prime agricultural land and is intended for land and buildings where the primary activity is both intensive and extensive agricultural production of crops, livestock and other agricultural products. Ancillary land uses and facilities such as workshops for plant maintenance, processing of produce and farm worker accommodation are generally permissible, subject to compliance with the provision of the scheme. This zone is mainly intended for land that is subject to the provisions of the Subdivision of Agricultural Land Act, 1970 (Act No 70 of 70) and its successors in law. Prior to any change of land use or subdivision, approval must be granted in terms of the Subdivision of Agricultural Land Act, 1970 (Act No 70 of 70) and its successors in law.

LAND USE CONTROLS

Permitted Uses	Consent Uses	Prohibited Uses
• Abattoir • Agricultural Building • Agricultural Industry • Agricultural Land • Animal Rehabilitation Centre • Conservation Purposes • Dwelling House • Farm Stall • Home Activity • Home Business • Nature and Resource Conservation • Nursery Garden • Residential Building	• Airfield • Arts and craft centre • Bed and Breakfast • Crèche • Day Care Centre • Educational Building • Events Venue • Guest Lodge • Helipad • Restaurant • Telecommunication infrastructure	Buildings and land uses not listed in columns 1 and 2.

LAND USE CONTROLS

Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side Space (m)	Rear Space (m)
2	To the satisfaction of the Local Authority.	To the satisfaction of the Local Authority.	To the satisfaction of the Local Authority.	5m	5m	5m

ADDITIONAL CONTROLS

1. The Abattoir shall be used for the slaughter of animals from the farm including surrounding farming community.
2. Farm stall shall be limited to goods produced in the farm.
3. Residential Building is exclusively for the development of farm worker accommodation.
4. Educational Building shall be limited to farm schools only.
5. Dwelling House includes the main house and a farm manager's accommodation.

Development, Design and Environmental Guidelines
1. No development will be permitted in or on flood plains, watercourses and wetlands. 2. Areas of ecological sensitivity shall be protected in line with the prescriptions of the Scheme. No development may occur in environmental prone areas without due consent from the relevant authority/ies. 3. Development along movement routes should be subjected to the policies as set out by the Department of Transport in KwaZulu Natal. 4. No development may be permitted on road reserve.

5.1.2 Agriculture 2 (Communal)

Notation: 	**STATEMENT OF INTENT:** This zone is intended for subsistence, communal and small to medium scale agricultural activities in association with other related uses in Traditional Council areas, and includes grazing land, market gardening, wood lots, and the production of crops, livestock, animal holding facilities, farmer production support units and other agricultural activities.

LAND USE CONTROLS

Permitted Uses	Consent Uses	Prohibited Uses
• Agricultural Building • Agricultural Industry • Agricultural Land • Dwelling House • Farm Stall • Animal Rehabilitation Centre • Nature and Resource Conservation • Nursery Garden • Small Scale Rural Settlement	• Arts and craft centre • Bed and Breakfast • Crèche • Educational Building • Events Venue • Guest Lodge • Restaurant • Telecommunication infrastructure	Buildings and land uses not listed in columns 1 and 2.

LAND USE CONTROLS

Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side Space (m)	Rear Space (m)
2	To the satisfaction of the Local Authority.	To the satisfaction of the Local Authority.	To the satisfaction of the Local Authority.	5m	5m	5m

ADDITIONAL CONTROLS

1. Farm stall shall be limited to goods produced in the communal farming environment.

Development, Design and Environmental Guidelines

1. No development will be permitted in or on flood plains, watercourses and wetlands.
2. Areas of ecological sensitivity shall be protected in line with the prescriptions of the Scheme. No development may occur in environmental prone areas without due consent from the relevant authority/ies.
3. Development along movement routes should be subjected to the policies as set out by the Department of Transport in KwaZulu Natal.
4. No development may be permitted on road reserve.

5.1.3 Urban Agriculture

Notation: 	**STATEMENT OF INTENT:** In view of the importance of food security, this scheme makes provision for an Urban Agriculture Zone. This zone provides for land located within an urban context for agricultural purposes, utilised for small scale agricultural production, market gardening, horticulture, aquaculture and community gardens.

LAND USE CONTROLS

Permitted Uses	Consent Uses	Prohibited Uses
• Agricultural Building. • Agricultural Land (including related infrastructure such as a Dam and land for community gardens). • Dwelling House. • Farm Stall. • Animal Rehabilitation Centre. • Animal Pound • Nature and Resource Conservation. • Nursery Garden. • Residential Building.	• Arts and craft centre • Agricultural Industry. • Bed and Breakfast • Crèche • Educational Building • Events Venue • Guest Lodge • Restaurant • Telecommunication infrastructure	Buildings and land uses not listed in columns 1 and 2.

LAND USE CONTROLS

Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side Space (m)	Rear Space (m)
2	N/a	12.5%	To the satisfaction of the Local Authority.	7,5m	3m	3m

ADDITIONAL CONTROLS

1. Farm stall shall be limited to goods produced in the farming area.

Development, Design and Environmental Guidelines

1. No development will be permitted in or on flood plains, watercourses and wetlands.
2. Areas of ecological sensitivity shall be protected in line with the prescriptions of the Scheme. No development may occur in environmental prone areas without due consent from the relevant authority/ies.
3. The use of land shall be regulated by the provisions of the Conservation of Agricultural Resources Act (43 of 1983).
4. Development along movement routes should be subjected to the policies as set out by the Department of Transport in KwaZulu Natal.
5. No development may be permitted on road reserve.
6. The provision of bulk public service infrastructure shall require approval by the municipality in consultation with the Dept. Agriculture, Environmental Affairs, and Rural Development in terms of the provisions of the National Environmental Management Act (NEMA) Regulations and so on.

5.2 CIVIC AND SOCIAL ZONES

5.2.1 Education

Notation: 	**STATEMENT OF INTENT:** This zone makes provision for pre-primary, primary, secondary and tertiary educational facilities including adult education and training centres. This includes land uses and facilities incidental to the provision of education such as staff accommodation, recreational facilities, dining areas, launderette and other uses.

LAND USE CONTROLS

Permitted Uses	**Consent Uses**	**Prohibited Uses**
• Agricultural Building • Crèche • Agricultural Land • Day Care Centre • Educational Building • Conservation Purposes • Dwelling House • Place of Worship • Launderette • Private Recreation Area • Nursery Garden • Accommodation (staff and pupils)	• Arts and craft centre • Bed and Breakfast • Educational Building • Events Venue • Restaurant • Telecommunication infrastructure • Tuckshop	Buildings and land uses not listed in columns 1 and 2.

LAND USE CONTROLS

Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side Space (m)	Rear Space (m)
3	-	50%	1.0	7.5m	5m	5m

ADDITIONAL CONTROLS

1. Accommodation shall be limited to pupils, staff and other related staff from the education fraternity.

Minimum Frontage Requirements

22m

Development, Design and Environmental Guidelines

1. No development will be permitted in or on flood plains, watercourses and wetlands.
2. Areas of ecological sensitivity shall be protected in line with the prescriptions of the Scheme. No development may occur in environmental prone areas without due consent from the relevant authority/ies.
3. Development along movement routes should be subjected to the policies as set out by the Department of Transport in KwaZulu Natal.
4. No development may be permitted on road reserve.

5.2.2 Health and Welfare

Notation: 	**STATEMENT OF INTENT:** This zone provides for the full range of public and private hospitals, medical centres, clinics, sanatorium, community care, welfare services and includes land use and facilities ancillary to the provision of health and welfare services such as staff accommodation, a restaurant, launderette.

LAND USE CONTROLS		
Permitted Uses	**Consent Uses**	**Prohibited Uses**
• Community Facility • Clinic • Hospital • Crèche • Day Care Centre • Educational Building • Helipad • Launderette • Medical Centre • Dwelling House • Place of Worship • Private Recreation Area • Nursery Garden • Medium Density Houses • Restaurant • Public Office • Municipal Purposes	• Arts and craft centre • Events Venue • Telecommunication infrastructure • Tuckshop	Buildings and land uses not listed in columns 1 and 2.

LAND USE CONTROLS						
Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side Space (m)	Rear Space (m)
3	To the satisfaction of the Municipality and the relevant Provincial Departments.	60%	1.0	7.5m	5m	5m

ADDITIONAL CONTROLS
1. Dwelling house shall be limited to staff and other related personnel from the health fraternity.
Minimum Frontage Requirements
22m
Development, Design and Environmental Guidelines
1. No development will be permitted in or on flood plains, watercourses and wetlands. 2. Areas of ecological sensitivity shall be protected in line with the prescriptions of the Scheme. No development may occur in environmental prone areas without due consent from the relevant authority/ies. 3. Development along movement routes should be subjected to the policies as set out by the Department of Transport in KwaZulu Natal. 4. No development may be permitted on road reserve.

5.2.3 Worship

Notation: 	**STATEMENT OF INTENT:** This zone is intended for land and buildings to be used as a church, chapel, oratory, synagogue, mosque, temple and other places of devotion and ancillary uses ordinarily associated thereto.

LAND USE CONTROLS

Permitted Uses	**Consent Uses**	**Prohibited Uses**
• Community Facility • Crèche • Day Care Centre • Dwelling House • Place of Worship • Private Recreation Area • Nursery Garden • Place of Public Assembly	• Restaurant • Educational Building • Arts and craft centre • Institutional Building • Telecommunication infrastructure • Tuckshop • Recreational Building • Residential Building	Buildings and land uses not listed in columns 1 and 2.

LAND USE CONTROLS

Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side Space (m)	Rear Space (m)
2	900m^2	30%	0.5	7.5m	4m	4m

ADDITIONAL CONTROLS

1. Dwelling house shall be limited to a Pastor's and Caretaker's accommodation.

Minimum Frontage Requirements

22m

Development, Design and Environmental Guidelines

1. No development will be permitted in or on flood plains, watercourses and wetlands.
2. Areas of ecological sensitivity shall be protected in line with the prescriptions of the Scheme. No development may occur in environmental prone areas without due consent from the relevant authority/ies.
3. Development along movement routes should be subjected to the policies as set out by the Department of Transport in KwaZulu Natal.
4. No development may be permitted on road reserve.

5.2.4 Cemetery

Notation: 	**STATEMENT OF INTENT:** This zone is intended for public and private cemeteries, memorial parks and funeral chapels. Crematoria are usually considered through the Consent procedure.

LAND USE CONTROLS

Permitted Uses	**Consent Uses**	**Prohibited Uses**
• Dwelling House • Place of Worship • Cemetery • Funeral Parlour • Office (Managers) • Public Passive Open Space • Private Passive Open Space	• Crematoria • Telecommunication infrastructure • Shop • Recreational Building • Residential Building	Buildings and land uses not listed in columns 1 and 2.

LAND USE CONTROLS

Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side Space (m)	Rear Space (m)
2	In line with Cemeteries and Crematoria Act*	5%	0.1	20m	20m	20m

ADDITIONAL CONTROLS

1. Dwelling house shall be limited to a Caretaker's/ Managers accommodation and other related personnel.
2. A shop may be allowed on a cemetery site as long as it restricted to the sale of items directly related to funerals and burials purposes, e.g., flowers, gravestones and coffins.

Erf Control

1. *All cemeteries shall comply with the KwaZulu-Natal Cemeteries and Crematoria Act (No. 12 of 1996) and Council's Cemetery By-Law.
2. Public conveniences shall be provided and maintained on the site to the satisfaction of the Municipality and all cemeteries shall be fenced.
3. Building lines, side and rear spaces shall apply to graves only.

Minimum Frontage Requirements

22m

Development, Design and Environmental Guidelines

1. No development will be permitted in or on flood plains, watercourses and wetlands.
2. Areas of ecological sensitivity shall be protected in line with the prescriptions of the Scheme. No development may occur in environmental prone areas without due consent from the relevant authority/ies.
3. Development along movement routes should be subjected to the policies as set out by the Department of Transport in KwaZulu Natal.
4. No development may be permitted on road reserve.

5.2.5 Crèche

Notation: 	**STATEMENT OF INTENT:** This is a zone that is meant to provide for buildings or portions of buildings to be used for the care of no less than six or more infants and children during the daytime. Health bylaws must be complied with.

LAND USE CONTROLS

Permitted Uses	**Consent Uses**	**Prohibited Uses**
• Dwelling House • Place of Worship • Crèche • Office (Managers) • Public Open Space • Private Open Space	• Shop • Telecommunication infrastructure • Recreational Building	Buildings and land uses not listed in columns 1 and 2.

LAND USE CONTROLS

Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side Space (m)	Rear Space (m)
2	3600m^2	30%	0.5	7.5m	4m	4m

ADDITIONAL CONTROLS

1. Dwelling house shall be limited to a Caretaker's/ Managers accommodation and other related personnel.
2. Health bylaws must be complied with.

Development, Design and Environmental Guidelines

1. No development will be permitted in or on flood plains, watercourses and wetlands.
2. Areas of ecological sensitivity shall be protected in line with the prescriptions of the Scheme. No development may occur in environmental prone areas without due consent from the relevant authority/ies.
3. Development along movement routes should be subjected to the policies as set out by the Department of Transport in KwaZulu Natal.
4. No development may be permitted on road reserve.

5.2.5 Municipal and Government

Notation: 	**STATEMENT OF INTENT:** This zone provides for land uses and facilities relating to National, Provincial and Local Government services and administration, general government services, including the administration of Traditional Council areas.

LAND USE CONTROLS

Permitted Uses	**Consent Uses**	**Prohibited Uses**
• Community Facility • Agricultural Land • Crèche • Day Care Centre • Dwelling House • Educational Building • Traditional Court (Inkantolo yeNkosi) • Medium Density Housing • Municipal Purposes • Office Building • Parking Garage • Place of Public Assembly • Place of Public Worship • Public Office • Recreational Building • Restaurant • Place of Worship • Public Open Space • Private Open Space	• Arts and Craft Centre • Bed and Breakfast • Bus and Taxi Rank • Petrol Filling Station • Informal Trading /Hawkers • Shop • Telecommunication infrastructure • Launderette • Medium Density Housing	Buildings and land uses not listed in columns 1 and 2.

LAND USE CONTROLS

Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side Space (m)	Rear Space (m)
3	N/A	50%	1.5	7.5m	3m	3m

ADDITIONAL CONTROLS

1. Dwelling house shall be limited to a Caretaker's/ Managers accommodation and other related personnel.

Minimum Frontage Requirements

22m

Development, Design and Environmental Guidelines

1. No development will be permitted in or on flood plains, watercourses and wetlands.
2. Areas of ecological sensitivity shall be protected in line with the prescriptions of the Scheme. No development may occur in environmental prone areas without due consent from the relevant authority/ies.
3. Development along movement routes should be subjected to the policies as set out by the Department of Transport in KwaZulu Natal.
4. No development may be permitted on road reserve.

5.3 MIXED USE ZONES

5.3.1 General Mixed Use

Notation: 	**STATEMENT OF INTENT:** This zone makes provision for the development and management of land in areas demonstrating economic initiatives including the nodal areas of Ndwedwe. The zone permits a wide range of land uses combining commercial, trade, office, administration, cultural, residential and low impact industrial activities and developments.

LAND USE CONTROLS

Permitted Uses	**Consent Uses**	**Prohibited Uses**
• Arts & Crafts Workshop • Automotive Showroom • Bed and Breakfast • Establishment • Betting Depot • Commercial Building • Dwelling House • Guest House • Hotel • Laundrette • Medical Centre • Municipal Purposes • Nursery • Office Building • Parking Area • Parking Garage • Private Recreational Use • Professional Office • Public Office • Residential Building • Restaurant • Shop	• Carwash Facility • Bus and Taxi Rank • Commercial Workshop • Block Making Area • Informal Trade Area • Place of Instruction • Place of Worship • Place of Public Assembly • Petrol Filling Station • Funeral Parlour • Tavern • Bottle Store • Veterinary Purpose • Hair Saloon • Light Industry • Telecommunication Infrastructure • Informal Trading /Hawkers. • Medium Density Houses • Tuckshop	Buildings and land uses not listed in columns 1 and 2.

LAND USE CONTROLS

Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side Space (m)	Rear Space (m)
-	250m²	40%	0.1	5m	3m	3m

ADDITIONAL CONTROLS

Erf Control

1. No erf used for a Petrol Filling Station shall be less than 1800m² in extent.
2. Except in special circumstances, the depth of an erf in relation to the frontage shall not exceed the ratio of 3 to 1 in proportion.

Development, Design and Environmental Guidelines
1. No development will be permitted in or on flood plains, watercourses and wetlands. 2. Areas of ecological sensitivity shall be protected in line with the prescriptions of the Scheme. No development may occur in environmental prone areas without due consent from the relevant authority/ies. 3. Development along movement routes should be subjected to the policies as set out by the Department of Transport in KwaZulu Natal. 4. No development may be permitted on road reserve.

5.3.2 Petrol Filling Station

Notation: 	**STATEMENT OF INTENT:** This zone is manufactured for Service Station and ancillary uses commonly found in Petrol Filling Stations which includes but not confined to a car wash facility, a convenience store, a bakery for the production of products sold in the convenience store.

LAND USE CONTROLS

Permitted Uses	**Consent Uses**	**Prohibited Uses**
• Arts & Crafts Centre • Automotive Showroom • Parking Area • Dwelling House • Private Recreational Area • Restaurant • Service Station • Shop	• Carwash Facility • Automotive Workshop • Telecommunication Infrastructure	Buildings and land uses not listed in columns 1 and 2.

LAND USE CONTROLS

Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side Space (m)	Rear Space (m)
2	1800m²	60%	0.40	7.5m	2m	2m

ADDITIONAL CONTROLS

1. For the purpose of this clause, only one dwelling unit of not more than 60m² shall be permitted to accommodate a manager, foreman and or a caretaker.
2. A shop in this zone shall be limited low order convenience goods and service shops catering for the immediate day-to-day needs of customers provided that the Shop shall be situated on the same site as the primary activity concerned.

Erf Control

1. No erf used for a Garage or Service Station shall be less than 1800m² in extent.

Minimum Frontage

1. Except in special circumstances, the depth of an erf in relation to the frontage shall not exceed the ratio of 3 to 1 in proportion.

Development, Design and Environmental Guidelines

1. No development will be permitted in or on flood plains, watercourses and wetlands.
2. Areas of ecological sensitivity shall be protected in line with the prescriptions of the Scheme. No development may occur in environmental prone areas without due consent from the relevant authority/ies.
3. Development along movement routes should be subjected to the policies as set out by the Department of Transport in KwaZulu Natal.
4. No development may be permitted on road reserve.

5.3.3 Core Mixed Use

Notation: 	**STATEMENT OF INTENT:** This particular zone is intended to provide for the use of retail, entertainment, office, residential, public facilities and related commercial uses at high intensities that comprises a Town Centre.

LAND USE CONTROLS

Permitted Uses	**Consent Uses**	**Prohibited Uses**
• Arts and Craft Centre • Automotive showroom • Betting depot • Car wash facility • Commercial building • Commercial workshop • Dwelling House • Funeral Parlour • Informal trading/Hawking stalls • Launderette • Medical Centre • Office Building • Parking area • Parking Garage • Private Recreation Area • Public Office • Public parking area • Recreational Building • Residential Building • Restaurant • Shop • Veterinary Clinic	• Agricultural land • Builders Yard • Crèche • Day Care Centre • Educational Building • Funeral Parlour • Municipal Purpose • Place of public amusement • Service Station • Special Building • Tavern • Telecommunication infrastructure • Warehouse	Buildings and land uses not listed in columns 1 and 2.

LAND USE CONTROLS

Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side Space (m)	Rear Space (m)
3	1300m²	60%	1.0	5m	3m	3m

ADDITIONAL CONTROLS

1. Residential use shall not be permitted on ground floor of a composite building.

Erf Control

1. No erf used for a Petrol Filling Station shall be less than 1800m² in extent.
2. Except in special circumstances, the depth of an erf in relation to the frontage shall not exceed the ratio of 3 to 1 in proportion.
3. No erf within the Core Mixed Use Zone used for a composite building in which the ground floor is to be used exclusively for commercial purposes and the upper floor(s) for residential flats, shall be less than 1800m² in extent.

Minimum Frontage Requirements
1. Except in special circumstances, the depth of an erf in relation to the frontage shall not exceed the ratio of 3 to 1 in proportion. An erf of irregular shape should be capable of containing within its boundaries a rectangle not exceeding the ratio 3 to 1 in proportion, having an area of 75 per cent of the minimum prescribed area.
Development, Design and Environmental Guidelines
1. No development will be permitted in or on flood plains, watercourses and wetlands. 2. Areas of ecological sensitivity shall be protected in line with the prescriptions of the Scheme. No development may occur in environmental prone areas without due consent from the relevant authority/ies. 3. Development along movement routes should be subjected to the policies as set out by the Department of Transport in KwaZulu Natal. 4. No development may be permitted on road reserve.

5.4 INDUSTRY ZONES

5.4.1 Light Industry Zone

Notation: 	**STATEMENT OF INTENT:** This zone is primarily meant for low impact industrial activities which are compatible with land uses permitted in and adjacent more sensitive land use zones, such as residential, mixed use and open space zones. As a light industrial zone, it would permit industrial activities that usually do not involve significant vibration, noise, dust, odour, or high-volume automobile and truck traffic. Warehousing of materials considered non-noxious or non-hazardous are permitted in buildings in this zone, with possible conditions. Furthermore, office uses would be permitted with certain conditions, normally via a Consent procedure.

LAND USE CONTROLS

Permitted Uses	**Consent Uses**	**Prohibited Uses**
• Automotive Showroom • Automotive Workshop • Builders Yard • Block Making • Commercial Building • Commercial Workshop • Dwelling House • Light Industrial Building • Office Building • Service Industrial Building • Warehouse	• Factory • Funeral Parlour • Garage • Launderette • Parking Garage • Private Recreation Area • Recreational Building • Restaurant • Petrol Filling Station • Shop • Special Building • Telecommunication infrastructure	Buildings and land uses not listed in columns 1 and 2.

LAND USE CONTROLS

Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side Space (m)	Rear Space (m)
4	5000m²	50%	1.0	7.5m	5m	5m

ADDITIONAL CONTROLS

1. For the purpose of this clause, only one dwelling unit of not more than 60m² shall be permitted to accommodate a manager, foreman and or a caretaker.
2. A shop in this zone shall be limited low order convenience goods and service shops catering for the immediate day-to-day needs of customers

Erf Control

1. No erf used for a Garage or Service Station shall be less than 1800m² in extent.
2. In special cases, coverage of 60% could be permitted at the discretion of Council to cater for loading overhangs.

Minimum Frontage

22 metres

Development, Design and Environmental Guidelines
1. No development will be permitted in or on flood plains, watercourses and wetlands. 2. Areas of ecological sensitivity shall be protected in line with the prescriptions of the Scheme. No development may occur in environmental prone areas without due consent from the relevant authority/ies. 3. Development along movement routes should be subjected to the policies as set out by the Department of Transport in KwaZulu Natal. 4. No development may be permitted on road reserve.

5.4.2 Extractive Industry Zone

Notation: 	**STATEMENT OF INTENT:** Primarily, this zone will be to accommodate a range of industrial processes such as mining, winning or quarrying of raw materials from the ground, including gravel, sand and stone and includes buildings connected with such operations and crushing plant in compliance with a permit from a relevant authority. There are properties within this zone which are subject to the provisions of the Subdivision of Agricultural Land Act, 1970 (Act No 70 of 70) and its successors in law. Prior to any change of land use or subdivision, approval must be granted in terms of the Subdivision of Agricultural Land Act, 1970 (Act No 70 of 70) and its successors in law.

LAND USE CONTROLS

Permitted Uses	**Consent Uses**	**Prohibited Uses**
• Agricultural Industry • Extractive Industry • Recycling Depot • Dwelling Unit	• General Industrial Building • Light Industrial Building • Private Recreation Area • Mining • Quarrying • Recreational Building • Special Building • Special Industrial Building • Telecommunication infrastructure • Shop	Buildings and land uses not listed in columns 1 and 2.

LAND USE CONTROLS

Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side Space (m)	Rear Space (m)
2	5000m²	10	0.5	7.5m	5m	5m

ADDITIONAL CONTROLS

1. For the purpose of this clause, only one dwelling unit of not more than 60m² shall be permitted to accommodate a manager, foreman and or a caretaker.
2. A shop in this zone shall be limited low order convenience goods and service shops catering for the immediate day-to-day needs of customers.

Minimum Frontage

22 metres

Development, Design and Environmental Guidelines

1. No development will be permitted in or on flood plains, watercourses and wetlands.
2. Areas of ecological sensitivity shall be protected in line with the prescriptions of the Scheme. No development may occur in environmental prone areas without due consent from the relevant authority/ies.
3. Development along movement routes should be subjected to the policies as set out by the Department of Transport in KwaZulu Natal.
4. No development may be permitted on road reserve.

5.5 RESIDENTIAL ZONES

5.5.1 Rural Settlement Zone (iMizi)

Notation: 	**STATEMENT OF INTENT:** The fundamentals of this zone is the manage land and buildings where the primary land use is residential settlement on land that is communally owned and or under the jurisdiction of a Traditional Authority.

LAND USE CONTROLS

Permitted Uses	**Consent Uses**	**Prohibited Uses**
• Agricultural Building • Agricultural Land • Dwelling House • Home Activity • Home Business • Traditional Court (Inkantolo Yesizwe) • Traditional Royal Residence (Isigodlo) • Farming • Nursery Garden • Spaza Shop • Homestead	• Agricultural Industry[1] • Arts and Crafts Centre[1] • Bed and Breakfast[1] • Car Wash Facility[1] • Commercial Workshop[1] • Cottages (Imiqashiso)[1] • Creche[1] • Day Care Centre[1] • Events Venue[1] • Farm Stall[1] • Fresh produce market • Guest Lodge[1] • Place of Worship[1] • Shop[1] • Tavern[1] • Telecommunication infrastructure	Buildings and land uses not listed in columns 1 and 2.

LAND USE CONTROLS

Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side Space (m)	Rear Space (m)
2	2500m²	-	-	3m	2m	2m

ADDITIONAL CONTROLS

1. Previously, a lot size of 2500m^2 had been proposed in traditional areas. However, this is not always possible to obey, thus logic and adapting to the situation at hand would be essential in allocating residential sites in rural settlements.
2. The building line is generally non-existent within a traditional settlement. However, in terms of the LUMS guidelines, at least 3 meters should be reserved on the front boundary.
3. Farming include keeping of livestock with less impact, livestock such as Piggery would require an EIA.
4. Consent[1] process may be waived if the applicant has obtained written consent from adjoining neighbours.
5. For all consent uses, the written Consent of the Traditional Council and the Ingonyama Trust Board must be obtained.

Development, Design and Environmental Guidelines

1. No development will be permitted in or on flood plains, watercourses and wetlands.
2. Areas of ecological sensitivity shall be protected in line with the prescriptions of the Scheme. No development may occur in environmental prone areas without due consent from the relevant authority/ies.
3. Development along movement routes should be subjected to the policies as set out by the Department of Transport in KwaZulu Natal.
4. No development may be permitted on road reserve.

5.5.2 Medium Impact Residential

Notation: 	**STATEMENT OF INTENT:** This zone is meant for the development and management of land for a wide range of residential accommodation at a medium density. This zone creates opportunities for medium density residential development in areas with urban footprint, and along corridors and to achieve densification and it should also cater for an "Inclusionary Housing" in certain areas, particularly along high impact transport corridors and around commercial nodes, where a wider range of ancillary uses may be permitted to maximise accessibility.

LAND USE CONTROLS

Permitted Uses	**Consent Uses**	**Prohibited Uses**
• Dwelling House • Medium Density Housing • Home Activity • Launderette • Private Recreational Area[1] • Recreational Building[1]	• Bed and Breakfast • Crèche • Day Care Centre • Place of Worship[1] • Home business • Telecommunication infrastructure	Buildings and land uses not listed in columns 1 and 2.

LAND USE CONTROLS

Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side Space (m)	Rear Space (m)
3	2000m²	30%	0.30	7.5	4.5	4.5

ADDITIONAL CONTROLS

1. [1]Ancillary to the main use and for the exclusive use of residents.

Minimum Frontage

24m

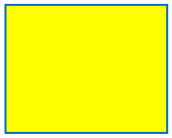
Erf Control

1. A maximum of 12 units per hectare is allowed for a Medium Density Housing Site.
2. If medium density housing development is linked to a wastewater treatment works, a density of 20 units per hectare may be permitted.
3. No dwelling unit curtilage shall be less than 200m^2
4. Design requirements as stipulated in clause 7.9.5 shall be applicable

Development, Design and Environmental Guidelines

1. No development will be permitted in or on flood plains, watercourses and wetlands.
2. Areas of ecological sensitivity shall be protected in line with the prescriptions of the Scheme. No development may occur in environmental prone areas without due consent from the relevant authority/ies.
3. Development along movement routes should be subjected to the policies as set out by the Department of Transport in KwaZulu Natal.
4. No development may be permitted on road reserve.

5.5.3 Residential Zone

Notation: 	**STATEMENT OF INTENT:** The provision of land for a variety of housing types, where the primary land uses includes the following typology of residential uses: • Residential land where a limited number of compatible ancillary uses which have a non-disruptive impact on a neighbourhood amenity may be allowed. • Medium density residential developments around nodal areas, along corridors which achieve densification of urban land. In certain areas, particularly along high impact transport corridors and around nodes, a wider range of ancillary uses may be permitted to maximise accessibility. • This zone includes subsided human settlements under Breaking New Ground (BNG) program and is subject to the availability of adequate bulk infrastructure. • High density residential together with a mix of activities to cater for broader community needs. This allows for high density residential development around nodes, along corridors and to achieve densification of urban land.

LAND USE CONTROLS

Permitted Uses	**Consent Uses**	**Prohibited Uses**
• Dwelling House • Agricultural Building • Agricultural Land • Cluster housing • Day Care Facility • Grouped Housing • Multi-Unit Housing • Private Recreational Use • Shop	• Bed and Breakfast Facility • Crèche[1] • Day Care Facility[1] • Guest House • Home Business • Nursery • Hotel • Institution • Medical Centre • Municipal Purposes • Parking Area • Parking Garage • Place of Instruction • Place of Public Worship • Spaza Shop • Tavern[1] • Office Building	Buildings and land uses not listed in columns 1 and 2.

LAND USE CONTROLS

Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side Space (m)	Rear Space (m)
2	240m²	50%	0.5	7,5m	2m	2m

ADDITIONAL CONTROLS

1. [1]Approval should be sought from relevant authorities.

Minimum Frontage

15m

Development, Design and Environmental Guidelines
1. No development will be permitted in or on flood plains, watercourses and wetlands. 2. Areas of ecological sensitivity shall be protected in line with the prescriptions of the Scheme. No development may occur in environmental prone areas without due consent from the relevant authority/ies. 3. Development along movement routes should be subjected to the policies as set out by the Department of Transport in KwaZulu Natal. 4. No development may be permitted on road reserve.

5.6 ENVIRONMENTAL ZONES

5.6.1 Nature and Culture Based Tourism

Notation: 	**STATEMENT OF INTENT:** This zone is intended to manage development of land and buildings for eco-tourism, nature based tourism including cultural/religious based development and initiatives. The primary focus is on preservation of the significance of these areas including development of ancillary facilities in a form of accommodation such as lodges, conference facilities, caravan and tented accommodation and eco-educational facilities; outdoor recreation and participatory travel experience to both natural as well as cultural environments that contribute to sustainable use of these environments, respect the integrity of the host communities, which produce economic opportunities that in turn lead to long term conservation of the resources.

LAND USE CONTROLS

Permitted Uses	**Consent Uses**	**Prohibited Uses**
• Camping Area. • Bush lodge. • Cultural Village. • Caravan parks. • Conference Facilities. • Arts and Craft Centre. • Ablution facilities	• Agricultural Land. • Launderette. • Restaurant. • Petrol Filling Station. • Place of Assembly. • Private Recreational Area. • Arts and Craft Workshop. • Telecommunication infrastructure	Buildings and land uses not listed in columns 1 and 2.

LAND USE CONTROLS

Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side Space (m)	Rear Space (m)
3	1000m²	70%	0.3	7.5m	3m	3m

ADDITIONAL CONTROLS

Erf Control

1. The minimum lot size for a for a Nature and Culture Based Tourism related zone shall not be less than 1000m^2, except in instances where it existed prior to adoption of the scheme.
2. The depth ratio shall not be more than 3 is to 1

Minimum Frontage

24m

Development, Design and Environmental Guidelines

1. No development will be permitted in or on flood plains, watercourses and wetlands.
2. Areas of ecological sensitivity shall be protected in line with the prescriptions of the Scheme. No development may occur in environmental prone areas without due consent from the relevant authority/ies.
3. Development along movement routes should be subjected to the policies as set out by the Department of Transport in KwaZulu Natal.
4. No development may be permitted on road reserve.

5.6.2 Environmental Service Zone (Conservation)

Notation: 	**STATEMENT OF INTENT:** This particular zone is intended for part of the sustainable open space system which include independent or linked open space areas, and permits only limited and specific developments.

LAND USE CONTROLS

Permitted Uses	**Consent Uses**	**Prohibited Uses**
• Camping Area • Conservancy Areas • Cultural Sites • Dwelling[1] • Monument Marker/Information Notice Board	• Chalets • Events Venue • Restaurant[2] • Launderette[2] • Guest Lodge • Telecommunication infrastructure	Buildings and land uses not listed in columns 1 and 2.

LAND USE CONTROLS

Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side Space (m)	Rear Space (m)
2	-	To the satisfaction of all Authorities involved	To the satisfaction of all Authorities involved	To the satisfaction of all Authorities involved	To the satisfaction of all Authorities involved	To the satisfaction of all Authorities involved

ADDITIONAL CONTROLS

1. [1]Meant for staff accommodation and management for the upkeep of the conservation area.
2. [2]Intended for patrons visiting the conservation area.

Development, Design and Environmental Guidelines

1. All development within or in close proximity to environmentally sensitive areas must be subjected to environmental impact assessment;
2. Industrial development should not be permitted within this zone;
3. Modification of the wetland or area adjacent to the wetland may not occur without an Environmental Authorisation and Water Use License. Where modification includes hardening of surfaces, clearing of indigenous vegetation, dredging, infilling, draining, etc;
4. A 500m buffer is recommended in CBA wetlands;
5. Any new residential or business development will not be permitted in the area, with the exception of the tourism related development which is a compatible land use;
6. A 100m buffer is recommended for normal wetlands;
7. Infrastructural development such as water supply, sanitation and electricity will not be permitted in this area unless it is there to serve compatible development such as eco-tourism structures, agricultural fields etc or it is passing through the area so as to service conservation and eco-tourism infrastructure located within a proclaimed conservation area, and –
8. Newly established eco-tourism related structures should be done in a manner that is aesthetical pleasing and does not intrude into the landscape.
9. Grazing of cattle's remain authorized in this zone.

5.6.3 Public Open Space Zone

Notation: 	**STATEMENT OF INTENT:** This zone makes provision for the development and management of a system of publicly owned areas as part of the sustainable open space system and the Municipality's environmental services. This will include independent or linked open space areas and green lung areas for sporting and recreational activities and may include ancillary facilities and buildings.

LAND USE CONTROLS

Permitted Uses	**Consent Uses**	**Prohibited Uses**
• Camping Area • Conservation Purposes • Dwelling House[1] • Private Recreation Area • Public Recreation Area • Recreational Building	• Agricultural land • Place of Public Assembly • Restaurant • Telecommunication infrastructure	Buildings and land uses not listed in columns 1 and 2.

LAND USE CONTROLS

Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side Space (m)	Rear Space (m)
2	To the satisfaction of all Authorities involved.	To the satisfaction of all Authorities involved.	To the satisfaction of all Authorities involved.	7.5m	3m	3m

ADDITIONAL CONTROLS

1. [1]For the purpose of this clause, only one dwelling unit of not more than 60m² shall be permitted to accommodate a manager, foreman or caretaker.

Development, Design and Environmental Guidelines

1. No development will be permitted in or on flood plains, watercourses and wetlands.
2. Areas of ecological sensitivity shall be protected in line with the prescriptions of the Scheme. No development may occur in environmental prone areas without due consent from the relevant authority/ies.
3. Development along movement routes should be subjected to the policies as set out by the Department of Transport in KwaZulu Natal.
4. No development may be permitted on road reserve.

5.6.4 Active Open Space Zone

Notation: 	**STATEMENT OF INTENT:** The Active Open Space Zone provides for sporting and recreational needs and permits a limited range of associated development and parking space.

LAND USE CONTROLS

Permitted Uses	**Consent Uses**	**Prohibited Uses**
• Amenity Area. • Play lot. • Park. • Sports field (catering for various codes, e.g. tennis, basketball, soccer and so on). • Office Building limited to management of the active open space zone only. • Infrastructure and Facilities related to sports, e.g. change rooms, ablution facilities.	• Agricultural land • Restaurant. • Place of Public Assembly • Bed and Breakfast • Telecommunication infrastructure	Buildings and land uses not listed in columns 1 and 2.

LAND USE CONTROLS

Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side Space (m)	Rear Space (m)
2	To the satisfaction of all Authorities involved.	10%	To the satisfaction of all Authorities involved.	7.5m	3m	3m

ADDITIONAL CONTROLS

1. [1]For the purpose of this clause, only one dwelling unit of not more than 60m² shall be permitted to accommodate a manager, foreman or caretaker.

Development, Design and Environmental Guidelines

1. No development will be permitted in or on flood plains, watercourses and wetlands.
2. Areas of ecological sensitivity shall be protected in line with the prescriptions of the Scheme. No development may occur in environmental prone areas without due consent from the relevant authority/ies.
3. Development along movement routes should be subjected to the policies as set out by the Department of Transport in KwaZulu Natal.
4. No development may be permitted on road reserve.

5.7 TRANSPORTATION AND ACCESS ZONE

5.7.1 Transport Terminal

Notation: 	**STATEMENT OF INTENT:** This zone is earmarked for the provision of a parking, drop off and collection of passengers by both public and private bus services and mini bus taxis. It may include rank manager's offices, ablution and other retail facilities to cater for the convenience of the passengers. Additional ancillary facilities in line with the transportation industry may be accepted as well.	
LAND USE CONTROLS		
Permitted Uses	**Consent Uses**	**Prohibited Uses**
• Bus and Taxi Rank • Car Wash Facility • Office building • Parking Garage • Holding Facility • Restaurant • Informal Trading/Hawking • Ablution facilities	• Shops (Retail) • Residential[1] • Telecommunication infrastructure	Buildings and land uses not listed in columns 1 and 2.

LAND USE CONTROLS

Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side Space (m)	Rear Space (m)
2	1800m²	50%	0.5	7.5	3	3

ADDITIONAL CONTROLS

1. [1]For the purpose of this clause, residential is a form of flats are meant for long distance operators who are compelled to sleep over at the facility due to late delivery of passengers.

Development, Design and Environmental Guidelines

1. No development will be permitted in or on flood plains, watercourses and wetlands.
2. Areas of ecological sensitivity shall be protected in line with the prescriptions of the Scheme. No development may occur in environmental prone areas without due consent from the relevant authority/ies.
3. Development along movement routes should be subjected to the policies as set out by the Department of Transport in KwaZulu Natal.
4. No development may be permitted on road reserve.

5.7.2 Roads (Existing and Proposed)

<table>
<tr><td>Notation:
 Existing Roads

 Proposed Roads</td><td colspan="2"><u>STATEMENT OF INTENT:</u>

This is a zone that makes provision for the reservation of land designated as proposed new roads and areas for road widening, it also includes existing roads.</td></tr>
<tr><td colspan="3">LAND USE CONTROLS</td></tr>
<tr><td>Permitted Uses</td><td>Consent Uses</td><td>Prohibited Uses</td></tr>
<tr><td>• Utility Facility
• Road Infrastructure
• Car Wash
• Office building
• Parking Garage
• Restaurant
• Informal Trading/Hawking</td><td>• Parking Area.
• Bus and Taxi Stops
• Walk ways
• Telecommunication infrastructure</td><td>Buildings and land uses not listed in columns 1 and 2.</td></tr>
<tr><td colspan="3">DEVELOPMENT CONTROLS</td></tr>
<tr><td colspan="3">Design and construction is done in a manner that is aligned with the engineering specifications prescribed by relevant National or Provincial government and in agreement with the Local Municipality.</td></tr>
<tr><td colspan="3">ADDITIONAL CONTROLS</td></tr>
<tr><td colspan="3">Declaring or Closing of Streets</td></tr>
<tr><td colspan="3">a) Unless otherwise specified, wherever a road widening or proposed road is shown on the scheme map, the underlying zoning shall be the same as the lot on which such road widening or proposed road is located.

b) For future purposes, the proposed roads will be shown in red hatching on the map.</td></tr>
<tr><td colspan="3">Development, Design and Environmental Guidelines</td></tr>
<tr><td colspan="3">1. No development will be permitted in or on flood plains, watercourses and wetlands.
2. Areas of ecological sensitivity shall be protected in line with the prescriptions of the Scheme. No development may occur in environmental prone areas without due consent from the relevant authority/ies.
3. Development along movement routes should be subjected to the policies as set out by the Department of Transport in KwaZulu Natal.
4. No development may be permitted on road reserve.</td></tr>
</table>

5.8 UTILITEIS AND SERVICES ZONE

5.8.1 Refuse Site

Notation: 	**STATEMENT OF INTENT:** This is a zone that makes provision for refuse disposal works and infrastructure necessary for the municipality to dispose of or recycle solid waste.	
LAND USE CONTROLS		
Permitted Uses	**Consent Uses**	**Prohibited Uses**
• Municipal Purpose • Road Infrastructure • Recycling Depot • Landfill • Waste Transfer Site	• Telecommunication infrastructure • Weighbridge.	Buildings and land uses not listed in columns 1 and 2.
DEVELOPMENT CONTROLS		
In accordance with the requirements of the local municipality and the relevant authorities, such as environmental affairs.		
ADDITIONAL CONTROLS		
Declaring or Closing of Streets		
1. Land identified for a refuse site shall be developed in such a way that the site can be formally licensed in accordance with the applicable legislation. 2. A refuse/landfill site shall be developed in such a way that will enable the sorting of materials that can be re-used/ recycled for additional income earning opportunities for local residents.		

5.8.2 Utilities and Service

Notation: 	**STATEMENT OF INTENT:** This zone makes provision for the designation and management of land set aside for uses such as substations, waterworks, sewerage works and public utilities, sewerage and pump stations. Underground pipes/services and overhead lines are usually contained within a services servitude over a parcel of land which is zoned for a specific use and is not given a separate or specific zone.	
LAND USE CONTROLS		
Permitted Uses	**Consent Uses**	**Prohibited Uses**
• Power Stations. • Water Reservoirs. • Electricity Power Transmission Line Servitude • Refuse site. • Sanitation/Sewerage Disposal • Water Works, including extraction, storage and pipeline servitudes.	• Telecommunication infrastructure	Buildings and land uses not listed in columns 1 and 2.
DEVELOPMENT CONTROLS		
Design and construction is subject to the engineering specifications as prescribed by the relevant bodies and both National or Provincial government and in agreement with the Local Municipality.		
ADDITIONAL CONTROLS		
1. Environmental Impact Assessment may be undertaken as deemed appropriate by the Local Municipality.		
Development, Design and Environmental Guidelines		
1. No development will be permitted in or on flood plains, watercourses and wetlands. 2. Areas of ecological sensitivity shall be protected in line with the prescriptions of the Scheme. No development may occur in environmental prone areas without due consent from the relevant authority/ies. 3. Development along movement routes should be subjected to the policies as set out by the Department of Transport in KwaZulu Natal. 4. No development may be permitted on road reserve.		

6. ADMINISTRATION OF THE SCHEME

6.1 APPLICATION OF THE SCHEME

Upon the scheme coming into effect, no person shall: -

6.1.1 Develop or use any land, building or structure for any purpose different from the purpose for which it was being developed or used.

6.1.2 Use any building or structure erected after such date for a purpose or in a manner different from the purpose for which it was erected until he has first applied in writing to the Municipality for approval from the Municipal Planning Approval Authority to do so and the has been granted written approval thereto either with or without conditions.

6.1.3 Erect or extend a building or institute work which is not in conformity with the provisions of the Scheme relating to the erection and use of buildings and use of land.

6.1.4 Use any building or portion thereof for any use other than that for which it has been lawfully erected unless such building has been altered for any proposed new use and any necessary Consent or approval of the Municipal Planning Authority has first been applied for and obtained.

6.1.5 Provided that if a service level agreement as envisaged in terms of Regulation 19 of the SPLUMA Regulations, is entered by and between the Municipality and a Traditional Council, allocating certain administrative functions to the Traditional Council, then the Traditional Council may be competent to exercise the agreed assigned functions. Any assignment of any function to the Traditional Council shall be subject to the provisions of Section 114 of the By-law.

6.2 ERECTION AND USE OF BUILDINGS

At any time after the effective date:

6.2.1 No person shall erect, alter or add to any building without applying to and obtaining the permission of the Municipality.

6.2.2 Develop or use any land, or use any building or structure for any purpose different from the purpose for which it was being developed or used on such date.

6.2.3 Use any building or structure erected after such date for a purpose or in a manner different from the purpose for which it was erected until such person as first applied in writing to the Council for authority to do so and the Council has ranted its written authority thereto either with or without conditions.

6.2.4 Provided that:

6.2.4.1 any authority granted by the Council shall remain valid for 18 months from the date of granting of such authority; and –

6.2.4.2 where any building or work referred to in any such authority has not been substantially commenced within the said period of 18 months or where an appeal has been lodged, within a period of 18 months from the date of notification of the outcome of such Appeal, or where there has been an interruption in the development of the building or use of land for a continuous period of 18 months, the said authority shall automatically be considered to have lapsed and building operations shall not be commenced or recommenced unless fresh authority has first been applied for and obtained.

6.2.5 After the date of adoption no person shall erect or extend a building or institute work which is not in conformity with the provisions of the Scheme relating to the erection and use of buildings and use of land.

6.2.6 The use of buildings and land is restricted by the provisions of the specified use zone in which the lot is situated, which stipulates that:

6.2.6.1 **Permitted uses:** This category includes land uses that are considered to be compatible with the surrounding land uses.

6.2.6.2 **Consent uses:** This category includes ancillary uses that might have a more intrusive impact and may require special conditions to protect the amenity of the area or mitigate the impact of the proposed use. This procedure involves giving public notice, and the Municipal Planning Approval Authority, at its discretion, may impose conditions in granting an approval for Consent.

6.2.6.3 **Consent uses where the Municipality may waive the full advertisement process:** where applicable, the Municipality may exempt an applicant from conducting a full public participation process, provided that prior written consent has been obtained from adjoining neighbours, consenting to the proposed development.

6.2.6.4 **Prohibited Uses:** This category includes land uses which are considered to be incompatible with the surrounding land uses, and which the Municipality is precluded from considering. The proposed change in land / building use may only be considered with an application for a rezoning or scheme amendment in terms of Ndwedwe Municipality Spatial Planning and Land Use Management By-Law.

6.2.7 Subject to the right of appeal as contemplated in terms of Chapter 5, Part D, section 51 of the SPLUMA Act, (Act No. 16 of 2013), any proposed use or development shall conform to the uses listed in these clauses for each zone. In this regard attention is drawn to the offences and penalties contemplated in terms of Chapter 7, section 58 of SPLUMA.

(Act 6 of 2008) as amended.

6.3 BUILDING LINES

6.3.1 Unless stated, all Erven shall be subject to a 5m building line.

6.3.2 Where a building line is laid down no building other than boundary walls, fences, pergolas or architectural and garden features, shall be erected between the building line and the street line. Where a new road or road widening is required, the building line is to be set back so as to take into consideration any such new road or widening.

6.3.3 Development along national and provincial roads shall comply with the building line standards set down in the KwaZulu-Natal Roads Act, 2001 (No. 4 of 2001) and the National Roads Agency and may not be relaxed by the Council, without the consent of the relevant roads authority.

6.3.4 The Municipal Planning Approval Authority may, by Consent, relax building lines, side and rear spaces if:

6.3.4.1 It is satisfied that, on account of the levels of the erf or adjoining land or the proximity of buildings already in front of the building line or any other special circumstances, compliance with the building line would seriously hamper the development of the erf.

6.3.4.2 It is of the opinion the architectural effect will enhance the appearance of the street and contribute to public amenity.

6.3.5 In the cases of swimming pools and tennis courts, the building line may be relaxed by the Consent of the Municipal Planning Approval Authority to no less than 1m; provided that where a tennis court is to be constructed, any portion of it that is within 4.5m of a road boundary will be screened to the satisfaction of the Municipality.

6.3.6 In the case of the erven adjoining the Provincial Main Road or National Road, the building line will be determined by the Provincial Roads Authority or the South African National Roads Agency and may not be relaxed without the consent of such authority.

6.3.7 The Municipality may, by Consent, permit in any zone any building to be erected closer to any boundary than the distances specified if on account of the siting of existing buildings or the shape, size or levels of the erf, the enforcement of this clause will, in the opinion of the Municipality, render the development of the erf unreasonably difficult. In considering any application under this sub-clause the Municipality shall have regard to any possible detrimental effect on adjoining properties and the need for any sewer and drainage servitudes.

6.3.8 Despite the provisions above, the Municipality or the Traditional Council in the event of a signed service level agreement as envisaged in terms of Regulation 19 of SPLUMA may exempt an applicant from applying for Consent if it is satisfied that no interference with the amenities of the neighbourhood, existing, or as

contemplated by this scheme will emerge. However, prior written consent of the registered owner of each affected property, and other properties, the Municipality or Traditional Council may direct, including properties directly across the street, has first been obtained. Where written consent is not forthcoming, the applicant will be required to apply for the Consent.

6.4 SIDE AND REAR SPACES

6.4.1 No building shall be erected nearer than 2m to any side or rear boundary of the Erf on which it is situated provided that no building or portion of a building intended to be used for the purpose of a residential building, medium density housing unit, maisonette, semi-detached house or terraced house shall be erected nearer than 4,5m to any such boundary, and provided the minimum side or rear space, as the case may be, shall be increased by 1,5m for the full height of the building for every storey above three storeys of the building.

6.4.2 The Council may authorise the erection of single storey outbuildings on the side and rear boundaries provided the owners of properties contiguous to the affected boundaries have indicated in writing that they would have no objection to such authorization.

6.4.3 The Council may, in its discretion, permit in any zone any building to be erected closer to any boundary than the distance specified in these clauses if on account of the siting of existing buildings or the shape, size or levels of the Erf, the enforcement of these controls will, in the opinion of the Council, render the development of the Erf unreasonably difficult. In considering any application under this clause the Council shall have due regard to any possible detrimental effect on adjoining properties.

6.4.4 Where access to parking courts is required, the side space of affected Erven shall be calculated from the boundaries of such access road.

6.5 APPLICATION PROCEDURE FOR THE USE AND DEVELOPMENT OF LAND

6.5.1 All land development and planning applications brought in terms of this scheme shall be in accordance with the provisions of Chapter 4 of the By-law read with the provisions of Schedules 4 and 5 of the By-law.

6.6 APPROVALS OF APPLICATIONS FOR THE USE AND DEVELOPMENT OF LAND

6.6.1 All decisions on applications for use and development of land shall be in accordance with the provisions of Chapter 4 of the By-law read with Schedules 4, 5, and 8 of the By-law.

7. GENERAL CONTROLS

7.1 DEVELOPMENT PLANS

7.1.1 The Council may from time to time, for the purpose of the coordinated allocation of land, use rights and restrictions as contemplated in the Scheme and as a requisite for development:

7.1.1.1 compile development plans in respect of specific areas; and
7.1.1.2 instruct prospective developers to submit, within a specified period of time to the Council, development plans in respect of a specific area.

7.1.2 Any detail Development Plan Proposal, as may be requested by the Council shall, to the satisfaction of the Council, acknowledge recommendations stemming from previous environmental research conducted within Municipality area.

7.1.3 The Council may require that development plans provide for design and layout proposals and a program of development. Such Development Plans may serve as an annexure to the Scheme but, except where the Council has formally resolved thereupon and after approval by the Premier, shall not in any manner whatsoever be deemed to be a part of the Scheme.

7.2 REQUIREMENTS FOR THE ENVIRONMENT APPLICABLE TO ALL LAND USE ZONES

Unless otherwise stated, environmental requirements on all land use zones include: -

7.2.1 Development in environmentally sensitive areas should be avoided. In situations where there is substantial socio-economic justification and environmentally sensitive areas cannot altogether be avoided, development impacts must be minimized and remedied.

7.2.2 Any developments within or adjacent to wetlands and watercourses, either identified or not identified on the Scheme Map shall be subject to an environmental authorization and/or water use license processes in terms of applicable legislation.

7.2.3 No building or infrastructure shall be erected on any portion of land which in the opinion of the Municipality is in a wetland or watercourse, unless Environmental Authorisation has been issued for such activities.

7.2.4 Where an erf may have a wetland, the Municipality may require the owner / applicant to appoint an independent wetland specialist to delineate the extent of the wetland, establish appropriate buffers, and to indicate the delineation and buffers on the site plan submitted with a development application. It may also require the registration of a Conservation Servitude over such land in favour of the Municipality.

7.2.5 In considering any application, it shall be the duty of the Municipality to ensure wherever it is considered appropriate, that adequate provision be made for protection of environmentally sensitive areas, by means of conditions for approval of such development. Where possible, areas are to be set aside for conservation purposes, such areas being clearly indicated on a site plan.

7.2.6 Where any development which through an Environmental Authorisation or an Environmental Screening Process, identifies an area as environmentally sensitive, such area[s] shall be zoned as Public/Private Open Space/Conservation or any other similar zone which is appropriate for the preservation of the natural environment. This will in all likelihood result in split zoning

7.3 REQUIREMENTS FOR THE ENVIRONMENT APPLICABLE TO "LISTED ACTIVITIES"

7.3.1 Notwithstanding the provisions of this Scheme, any development or land use activity which is included as a "Listed Activity" in terms of the National Environmental Management Act, 1998(Act. 107 of 1998), as amended, shall require an environmental authorization granted by the responsible authority and to be enclosed with the application for planning approval.as part of the application to obtain environmental authorisation from the relevant authority.

7.3.2 An application for environmental authorization shall be submitted in accordance with the provisions of the National Environmental Management Act, 1998 (Act. 107 of 1998 as amended.

7.3.3 Every applicant shall first apply and obtain an environmental authorisation from the relevant authority prior to the submission of any application for planning approval to the Municipality.

7.4 REQUIREMENTS FOR THE ENVIRONMENT APPLICABLE TO "ENVIRONMENTALLY SENSITIVE AREAS"

7.4.1 Notwithstanding the provisions of this Scheme, the Municipality, shall at its discretion, request an applicant to provide an Environmental Screening Report for any development or land use activity on any site or portion thereof which it considers to be an environmentally sensitive area or in an area identified as being critical for biodiversity conservation.

7.4.2 The Environmental Screening Report as mentioned in sub-clause (7.4.1) must be undertaken by a person registered with the Environmental Assessment Practitioners Association of South Africa that has the necessary knowledge and experience in environmental management, natural resources or ecology, and should include:

7.4.2.1 Information about the project including the spatial extent, timing, frequency and duration of the project;

7.4.2.2 The identification of relevant environmental legislation, regulations, policies and plans relevant to the proposed development and identify

those activities that require licensing or authorisation before they can proceed;

7.4.2.3 An understanding of the ecological context based on existing ecological information, data gathering, literature searches, site visits and preliminary ecological surveys, and any baseline studies already carried out;

7.4.2.4 Identify project activities likely to cause damage, stress, disturbance or impact on ecosystems processes;

7.4.2.5 Identify the factors affecting the integrity of the relevant ecosystems and the conservation status of relevant habitats and species; and, ecological features likely to be significantly affected and therefore requiring further study;

7.4.2.6 Identify other significant activities, e.g. access roads, associated with the project/proposal that could result in significant cumulative effects; and,

7.4.2.7 Potential strategies to avoid and/or minimise any negative environmental impacts and the identification of opportunities for enhancing biodiversity and promoting Provincial biodiversity objectives

7.3.3 The Environmental Screening Report shall be included as part of an application submitted to the Municipality else such application shall be deemed incomplete.

7.5 REQUIREMENTS APPLICABLE TO WATER QUALITY ENVIRONMENTAL CONTROL ZONES (ECZ)

7.5.1 Only activities that can demonstrate how they would not further compromise water quality and that would result in positive impacts on water quality shall be undertaken within Water Quality Environmental Zones (see Appendix 2 for Land Use Guidelines for Water Quality Environmental Zones);

7.5.2 All activities must make use of advanced effluent management and treatment systems within any identified ECZ.

7.5.3 If a development is proposed within an EZC, studies must be undertaken to delineate the occurrence of wetlands and access to the functionality of any wetland areas on the site or in close proximity of the site, as is the requirement outside of an ECZ at the discretion of the relevant authorities;

7.5.4 Site specific development buffers around delineated wetlands and watercourses, in excess of general standards, shall be established within which development shall not be allowed to encroach;

7.5.5 Development shall not encroach within 100 meters of the full supply level of the main water supply dams or within the 100-year flood line (whichever is larger), unless exceptional circumstances permit.

7.6 SITE DEVELOPMENT PLANS

7.6.1 The Municipality may from time-to-time for the purpose of the coordinated allocation of land use rights and restrictions as contemplated in this Scheme and as a requisite for development, instruct prospective owners/developers to submit within a specified period of time to Municipality, site development plans in respect of a specific area. The Site Development plans shall amongst others provide for but not be limited to the following:

7.6.1.1 To-scale drawing of the site/s, building lines applicable, town planning bulk factors and controls (Floor Area Ratio, Coverage and Height factors), existing services, existing and proposed servitudes, etc.
7.6.1.2 The design and layout of proposals including details as to the functioning thereof;
7.6.1.3 All-natural features such as watercourses and vegetation
7.6.1.4 Environmental overlays (Critical Biodiversity Area, Ecological Support Areas,
7.6.1.5 Landscaping proposals;
7.6.1.6 Slope analysis
7.6.1.7 Details of and programme for the provision of including storm water, sewerage disposal, pollution control, electricity and solid waste disposal;
7.6.1.8 Traffic engineering details on the vehicular and pedestrian elements thereof, their implementation and management.
7.6.1.9 Phasing of the project, where applicable
7.6.1.10 The siting of any buildings intended to be erected or the development or use of any land shall be subject to the approval of the Council and persons intending to erect buildings or use land shall, before commencing, apply to the Municipality for approval of the siting, use or development.

7.6.1.11 In respect of any application to develop a lot, the Municipality may determine the position and number of vehicular or pedestrian points of access and may, if it deems fit, prohibit pedestrian or vehicular access across any boundary or boundaries and require that a suitable fence or wall be erected to prevent such access.

7.7 EXTERNAL APPEARANCE OF BUILDINGS

7.7.1 The character, design and external appearance of buildings, including the material used in their construction, shall be subject to the approval of the Municipality, and no building may be erected without the approval of the Municipality.

7.7.2 In considering any application, the Municipality shall have regard to the character of the locality in which it is proposed to erect such building and shall take into account whether or not the building will be injurious to the amenity of the locality by reason of its external appearance or the materials it is proposed to use.

7.7.3 Any person intending to alter, extend or erect a building shall submit drawings to the Municipality as set out in sub-clause (7.6.1) with whatever other indications the Municipality may require, showing the external appearance of the proposed building together with a description of the materials to be used.

7.8 PARKING AND LOADING ACCOMODATION

7.8.1 Applicable Provisions

7.8.1.1 Any person intending to erect, alter or extend a building or develop or use any lot, shall provide loading and parking accommodation within the boundaries of the erf and shall submit proposals therefore in accordance with the provisions of the Scheme.

7.8.1.2 Car space or parking accommodation means a parking bay of dimensions not less than 5, 5 x 2, 5metres and shall be surfaced and clearly marked to the satisfaction of the Municipality. In addition, there shall be provided adequate space for vehicular access and manoeuvring to the satisfaction of the Municipality.

7.8.1.3 In instances where parking and loading requirements have not been specified in the Scheme for a particular use/zone, the Municipality shall to its satisfaction, determine the number of parking spaces and loading requirements, having regard to the nature of the proposed development, the number of employees likely to be on the site, the prevention of the obstruction of roads and streets, and the orderly and proper planning of the locality and the preservation of its amenities, but not limited to the aforementioned.

7.8.1.4 Except with the prior approval of the Municipality, no person shall bring onto any premises of a dwelling unit or cause or allow to be present thereon any public motor vehicle or trade vehicle, heavy or extra heavy vehicle for a period exceeding two hours, except for bona fide purposes of delivering or supplying goods or services to such premises. For the purposes of this clause, the expressions ‘public motor vehicle’, ‘trade vehicle’, ‘heavy and extra heavy vehicle’ shall have the meanings assigned thereto by the National Road Traffic Act, 1996, No. 93 of 1996 together with any schedule thereto, regulations made thereunder and amendment thereof.

7.8.2 Parking and Loading Accommodation for Parking Sites and Parking Garages

For the purposes of the Scheme, the following provisions shall, in addition to any other relevant provision of the Scheme, be applicable to all Parking Sites and Parking Garages which may be used for parking purposes only:

7.8.2.1 No building other than a parking garage, and carwash facility shall be permitted.

7.8.2.2 The surface of all areas used for parking of motor vehicles and access roads shall be hardened, and if required by the council, paved or surfaced or sealed and maintained in a dust free condition to the satisfaction of the Municipality.

7.8.2.3 Points of ingress to and egress from parking sites, from and to, respectively, the public street system shall be sited, constructed, paved and maintained to the satisfaction of the council.

7.8.2.4 The dimensions and layout of parking spaces on parking sites shall conform to the minimum standards as determined by the municipality.

7.8.2.5 All parking garages within the area of the scheme shall conform to the standards and dimensions as determined from time to time by the municipality.

7.8.2.6 Entrances to and exits from all parking garages from and to, respectively, the public street system shall be sited, constructed, paved and maintained to the satisfaction of the council.

7.8.2.7 Parking sites and parking garages shall be provided with interior lighting to the satisfaction of the council.

7.8.2.8 Precautions shall be taken on parking sites and parking garages against the outbreak of a fire and firefighting apparatus shall be installed and maintained to the satisfaction of the Council.

7.8.3 Parking and Loading Accommodation for Residential Sites

7.8.3.1 For every dwelling unit within a Medium Density Housing site, there shall be provided 1 garage or carport for each dwelling unit. In addition, there shall be provided a suitable area for visitors parking at a rate of 1 car space for every 2 units, provided that the additional car spaces are not placed on the private open area.

7.8.3.2 For every residential building there shall be provided 1 garage or- covered parking space for each dwelling unit. In addition, there shall be provided a suitable area for visitors parking at the rate of 1 car space for every 2 dwelling units, and a loading and unloading area with suitable access to the satisfaction of the Municipality.

7.8.4 Parking and Loading Accommodation for Civic and Social Zone

AS REGARDS THE EDUCATION ZONE, THE FOLLOWING IS APPLICABLE:

7.8.4.1. 1 parking space for each teacher / staff;

7.8.4.2 For every residential building, there shall be provided 1 garage or covered parking space for each dwelling unit. In addition, there shall be provided a suitable area for visitors parking at the rate of 1 car space for every 2 dwelling units, and a loading and unloading area with suitable access to the satisfaction of the Municipality.

7.8.4.3 The Municipality shall at its discretion require further parking where necessary, should it be deemed necessary

AS REGARDS THE HEALTH AND WELFARE ZONE, THE FOLLOWING IS APPLICABLE:

7.8.4.4 For every residential building, there shall be provided 1 garage or- covered parking space for each dwelling unit. In addition, there shall be provided a suitable area for visitors parking at the rate of 1 car space for every 2 dwelling units, and a loading and unloading area with suitable access to the satisfaction of the Municipality.

7.8.4.5 For every Office Building used for public purposes, there shall be provided a convenient area for parking accommodation for a minimum of 15 cars. Council shall at its discretion require further parking where necessary.

7.8.4.6 The Municipality, at its discretion shall request a traffic report for any application as part of an application to Council.

AS REGARDS THE MUNICIPAL AND GOVERNMENT ZONE, THE FOLLOWING IS APPLICABLE:

7.8.4.7 1 parking space for every 30m² floor area or part thereof

7.8.4.8 For every building intended for office use there shall be provided 1 car space for each 65m² or major portion thereof of gross office area. In addition, there shall be provided on the erf a loading and unloading area with suitable access to the satisfaction of the Municipality.

7.8.4.9 For every office Building used for public purposes, there shall be provided a convenient area for parking accommodation for a minimum of 15 cars. Council shall at its discretion require further parking where necessary.

AS REGARDS THE WORSHIP ZONE, THE FOLLOWING IS APPLICABLE:

7.8.4.10 1 parking space for every 4 seats.

7.8.4.11 1 parking space for every 15m² floor area or part thereof for a Restaurant component.

7.8.5 Parking and Loading Accommodation for Mixed Use Zone

AS REGARDS THE GENERAL MIXED USE ZONE, THE FOLLOWING IS APPLICABLE:

7.8.5.1 For every residential building, there shall be provided 1 garage or- covered parking space for each dwelling unit. In addition, there shall be provided a suitable area for visitors parking at the rate of 1 car space for every 2 dwelling units, and a loading and unloading area with suitable access to the satisfaction of the Municipality.

7.8.5.2 For every building intended for shopping use there shall be provided 1 car space off the street for each 50m² or major portion thereof for the gross shop area.

7.8.5.3 For every building intended for office use there shall be provided 1 car space for each 65m² or major portion thereof of gross office area. In addition, there shall be provided on the erf a loading and unloading area with suitable access to the satisfaction of the Municipality.

7.8.5.4 Where a residential use is incorporated in a composite building providing for both commercial and residential use, on-site parking as set out in sub section (7.8.5.1) shall be provided for the residential use.

7.8.5.5 For every Office Building used for public purposes, there shall be provided a convenient area for parking accommodation for a minimum of 15 cars. Council shall at its discretion require further parking where necessary.

7.8.5.6 For every hotel building or boarding house, there shall be provided 1 car space for every bedroom together with a suitable and convenient area wherein may be parked a minimum of 5 cars with the addition, where the hotel is licensed, of a further convenient area provided for parking accommodation for an additional number of 15 cars, together with a loading and unloading area with suitable access to the satisfaction of the Municipality.

7.8.5.7 For every building or portion of a building intended for use as a garage or Service Station, there shall be provided one suitably located car space for every 50m² or major portion thereof of floor area plus a loading and unloading area for bulk tankers to the satisfaction of the Municipality.

7.8.5.8 For every building or portion of a building intended for use as a hall without fixed seats there shall be provided a car space off the street for every 23 m² or major portion thereof of floor area.

7.8.5.9 For every building intended for use as a theatre, cinema, assembly hall or place of public worship, there shall be provided a car space for every 6 seats.

AS REGARDS THE MEDIUM IMPACT ZONE, THE FOLLOWING IS APPLICABLE:

7.8.5.10 For every residential building, there shall be provided 1 garage or- covered parking space for each dwelling unit. In addition, there shall be provided a suitable area for visitors parking at the rate of 1 car space for every 2 dwelling units, and a loading and unloading area with suitable access to the satisfaction of the Municipality.

7.8.5.11 For every building intended for shopping use there shall be provided 1 car space off the street for each 50m² or major portion thereof for the gross shop area.

7.8.5.12 For every building intended for office use there shall be provided 1 car space for each 65m² or major portion thereof of gross office area.

7.8.5.13 In addition, there shall be provided on the erf a loading and unloading area with suitable access to the satisfaction of the Municipality.

7.8.5.14 Where a residential use is incorporated in a composite building providing for both commercial and residential use, on-site parking as set out in sub (1) to (3) shall be provided for the residential use.

7.8.5.15 For every Office Building used for public purposes, there shall be provided a convenient area for parking accommodation for a minimum of 15 cars. Council shall at its discretion require further parking where necessary.

7.8.5.16 For every hotel building or boarding house, there shall be provided 1 car space for every bedroom together with a suitable and convenient area wherein may be parked a minimum of 5 cars with the addition, where the hotel is licensed, of a further convenient area provided for parking accommodation for an additional number of 15 cars, together with a loading and unloading area with suitable access to the satisfaction of the Municipality.

7.8.5.17 For every building or portion of a building intended for use as a hall without fixed seats there shall be provided a car space off the street for every 23 m² or major portion thereof of floor area.

7.8.5.18 For every building intended for use as a theatre, cinema, assembly hail or place of public worship, there shall be provided a car space for every 6 seats.

AS REGARDS THE CORE MIXED USE ZONE, THE FOLLOWING IS APPLICABLE:

7.8.5.19 For every residential building, there shall be provided 1 garage or- covered parking space for each dwelling unit. In addition, there shall be provided a suitable area for visitors parking at the rate of 1 car space for every 2 dwelling units, and a loading and unloading area with suitable access to the satisfaction of the Municipality.

7.8.5.20 For every building intended for shopping use there shall be provided 1 car space off the street for each 50m² or major portion thereof for the gross shop area.

7.8.5.21 For every building intended for office use there shall be provided 1 car space for each 65m² or major portion thereof of gross office area. In addition, there shall be provided on the erf a loading and unloading area with suitable access to the satisfaction of the Municipality.

7.8.5.22 Where a residential use is incorporated in a composite building providing for both commercial and residential use, on-site parking as set out in sub section (7.8.3) shall be provided for the residential use.

7.8.5.23 For every Office Building used for public purposes, there shall be provided a convenient area for parking accommodation for a minimum of 15 cars. Council shall at its discretion require further parking where necessary.

7.8.5.24 For every hotel building or boarding house, there shall be provided 1 car space for every bedroom together with a suitable and convenient area wherein may be parked a minimum of 5 cars with the addition, where the hotel is licensed, of a further convenient area provided for parking accommodation for an additional

number of 15 cars, together with a loading and unloading area with suitable access to the satisfaction of the Municipality.

7.8.5.25 For every building or portion of a building intended for use as a garage or Service Station, there shall be provided one suitably located car space for every 50m² or major portion thereof of floor area plus a loading and unloading area for bulk tankers to the satisfaction of the Municipality.

7.8.5.26 For every building or portion of a building intended for use as a hall without fixed seats there shall be provided a car space off the street for every 23 m² or major portion thereof of floor area.

7.8.5.25 For every building intended for use as a theatre, cinema, assembly hall or place of public worship, there shall be provided a car space for every 6 seats.

7.8.6 Parking and Loading Accommodation for Industry Zone

AS REGARDS THE INDUSTRY ZONE, THE FOLLOWING IS APPLICABLE:

7.8.6.1 For every building or portion of a building intended for use as a warehouse there shall be provided one car space for each 140m² or major portion thereof of floor area and a loading and unloading area with suitable access to the satisfaction of the Municipality.

7.8.6.2 For every industrial building, there shall be provided on the erf sufficient accommodation for parked cars, calculated on the number of persons engaged in the business, including management, office staff and factory employees, as follows:

a) Up to 25 persons employed, 1 car space for every 4 persons or part thereof;

b) Thereafter, for the next 25 persons, 1 car space for every 5 persons or part thereof;

c) Thereafter, for any further number of persons, 1 car space for every 10 persons or part thereof.

d) Further parking and turning space for every commercial vehicle used for the benefit of the industry and a loading and unloading area with suitable access to the satisfaction of the Municipality

e) In respect of employees who do not use private motor vehicles the Municipality may relax the above requirements.

f) The Municipality may at any time vary the foregoing requirements if the character or type of manufacturing or processing activity being conducted on the site is changed or altered to an extent which, in the opinion of the Municipality

materially alters the number and type of vehicles attached to the site; provided that in no case shall such variation result in the number of car spaces provided exceeding a ratio of one car space per 150m² of total floor area of the industrial buildings on the site.

g) In addition to the above there shall be provided adequate space for vehicle access and manoeuvring to the satisfaction of the Municipality.

h) Where in any building the area set aside for the parking or garaging of vehicles exceeds the minimum requirements by more than 50 per cent, any such excess in area shall be taken into account when calculating the permitted floor area for that building.

7.9 ADITIONAL CONTROLS APPLICABLE TO ZONES AND OR LAND USES

7.9.1 Restrictions to Development on Perilous Areas

7.9.1.1 The development of land in all zones, either by subdivision or for any development, as the case may be, shall be considered in the light of the following provisions:

a. No subdivision of land shall be permitted:

i) where the land is unsuitable for development due to such characteristics, but not limited to soil instability, liability to flooding, inaccessibility or topography; slopes steeper than 1:3, wetlands, soils of high erosion and mature stands of indigenous vegetation unless the Municipality is of the opinion that sufficient remaining area exists for development in terms of the zoning of the land, including the provision of adequate vehicular access on the proposed subdivision.

b. The calculation of the number of units where applicable, which may be erected on an erf as well as the coverage calculation shall be based on the gross developable area of the site, which shall be determined by deducting from the surveyed lot area,

i. (i) all areas of the site which are steeper than 1:3; and -
ii. all areas of the site which are found to be unsuitable for development

7.9.2 Applicable Controls to Specific Uses

7.9.2.1. Controls applicable to a Bed and Breakfast

a No erf used for a bed and breakfast establishment shall be less than 600m².

b Notwithstanding any applicable clauses to the Residential Only Detached zone, nothing in this scheme shall prohibit or restrict the conversion of part of the main dwelling house or outbuilding for use as a Bed and Breakfast on an erf in excess of 600m², provided that the Consent of the Municipality had been obtained in terms the Ndwedwe SPLUM By-Law such Consent shall contain the following conditions:

i. That the building shall retain the external appearance of a dwelling house, such bed-and-breakfast facilities either forming part of the existing dwelling house or

being attached to the main dwelling so that if its use as a bed and breakfast/Guest Lodge ceases the use of the building shall revert to that of a dwelling house;

ii. The activity or use shall not occupy more than four (4) habitable rooms

iii. that the accommodation of motor vehicles on the lot shall be as follows:

- one (1) parking bay per guest room;
- two (2) parking bays for the owner-occupier;
- parking provision shall be such that motor vehicles must be able to enter and leave the property in a forward direction;
- such parking shall be located to the rear of the dwelling, where possible;
- the site including the parking area shall be landscaped and maintained at all times to the satisfaction of the Municipality

iv. that a maximum of 2 guests shall be permitted in each guest room;

v. that all health, fire, and national building regulations shall be complied with, along with the approval by the Municipality;

vi. That the Bed and Breakfast must be registered with Tourism-KwaZulu-Natal.

vii. Applicants for Bed and Breakfasts shall adhere to the planning controls of the respective authority including:

- satisfying the responsible authority that an application does not conflict with existing title deed restrictions or conditions;
- compliance with the requirements of the respective authority with regard to rear or other lighting complying with the By-Laws of the respective authority;
- that a register of all guests be kept;
- that a sewage disposal system be provided to the satisfaction of the Municipality, and, where disposal is by means of septic tanks and French drains, a geo-technical report on the site shall be required by the Municipality;
- that the Municipality may impose whatever other conditions it considers necessary to protect the amenities of the neighbourhood, provided that, if it is subsequently found that there is in fact an interference with the amenities of the neighbourhood, it may impose further conditions or call upon the owner and/or occupants to cease the use.

7.9.3 Applicable Controls to Additional Self Contained Units

7.9.3.1 An additional self-contained dwelling unit is a permitted use on lots which are larger than 2000m^2 in extent in the Residential Only Detached Zone

7.9.3.2 The Municipality may grant its Consent to the erection of an Additional Self-contained Dwelling Unit on lots which are larger than 1300m^2 in the Residential Only Detached zone provided that a percolation test has been conducted and the site is found to be feasible.

7.9.3.3 A single Additional Self-contained Dwelling Unit may only be erected on a Site where a dwelling house is already in existence;

7.9.3.4 The gross floor area, excluding a garage shall not exceed 60m^2;

7.9.3.5 The gross floor area of a garage shall not exceed 20m^2.

7.9.4 Applicable Controls to Home Business

7.9.4.1 The operation of a Home Business shall comply with the following conditions, to the extent that they may be applicable:

a. The area to be utilized for the home business shall not exceed 30% or a maximum of 40m², inclusive of storage areas (whichever is the lesser) of the existing area of dwelling house existing on the erf, and the predominant use shall remain residential;

b. The dwelling house or dwelling unit in which the home business is carried on must remain residential in appearance and character, and must at all times, comply with the definition of dwelling house;

c. On-site parking and loading facilities related to the activity being carried out shall be provided to the satisfaction of the municipality;

d. The hours of operation shall be to the satisfaction of the municipality, and shall be specified in the consent granted;

e. The home business must only be operated by a person who is the bona fide resident in the dwelling house or dwelling unit, and such person may not be assisted in the business by not more than two people;

f. No external advertising shall be permitted on the site except for one non-illuminated sign on each road frontage, and each sign shall not exceed 0,20m² in area;

g. Storage of goods and equipment shall be within the area designated for that purpose on the plan, which is to accompany the application for consent, detailing the area to be used for the business as well as any portion of that area in which goods or equipment will be stored;

h. Only one light delivery vehicles may be used for the delivery to dispatch goods or supplies;

I After the granting of such consent by council, the municipality may at any time impose any further condition it deems reasonably necessary in order to preserve the residential amenity of the area, or it may withdraw the consent if, in its opinion, the amenities of the neighbourhood are being adversely affected by the activities of the business;

j. If the use is discontinued for the period of 18 months, the dwelling house, insofar as it may have been altered for that purpose, must be restored to its original state to the satisfaction of the municipality.

7.9.5 Additional Controls for Medium Density Housing

7.9.5.1. No erf used for Medium Density Housing shall be less than 2000m².

7.9.5.2. The applicant shall submit to the Municipality for its approval:

a. Layout plan or plans showing, where applicable;

i. the position, dimensions and materials to be used in the construction of all roads, driveways, parking areas, squares and pedestrian access ways, if any;

ii the boundaries of all dwelling unit curtilages, private open areas and common open spaces;

iii. the position, nature, extent and levels of all proposed and existing buildings on the site and adjoining sites;

iv. the proposed landscaping of the site;

v. the proposed public open space;

vi. the position and nature of recreation facilities, if any;

vii. the position and extent of all utility areas.

b. A set of sketch drawings prepared by an architect at a scale of 1:100 showing the plans, sections and elevation of each type of structure within the proposed development and particulars of the materials and colours to be used for the exterior wall finishes and roof or roofs; together with both front and rear elevations of each typical group of dwelling units at a scale of 1:100 or 1:200;

c. a table indicating:

i. the total area of the site;

ii. the total number of dwelling units;

iii. the total floor area;

iv. the total number of car parking spaces provided for visitors and for residents;

v. the extent of the usable common land, the smallest private open area, the smallest dwelling unit curtilage and the smallest utility area;

vi. the areas of public open space and other public uses where applicable;

7.9.5.3. The following minimum areas per dwelling unit shall apply to a Residential Only Medium Density site:

a. Private Open Area = 30m²
b. Usable Common Open Area = 50m²
c. Utility Area = 15m²
d. The minimum floor area of a garage or carport shall be 18m²

7.9.5.4. Where in the opinion of the Municipality, a road within a Medium Density Housing site shall serve the public; the Municipality may require the road to be registered as a public road, provided that for the purpose of bulk and coverage calculation, the area of the public road shall be included in the gross site area.

a. The minimum width of a road carriageway within a Medium Density Housing site shall be 3 metres where the carriageway is one-way and 5.5 metres where the carriageway is two-way.

b. Situated at the end of every cul-de-sac there shall be provided turning space to the satisfaction of the Municipality.

7.9.5.5. In the event of the different dwelling unit curtilages being transferred in freehold or registered leasehold title, the Municipality shall require that:

a. The common land shall be owned exclusively by the freehold or registered leasehold owners of the dwelling units in co-ownership; and

b. No co-owners shall be entitled to require the partition of the common land according to the proportion of his share.

7.9.5.6. For the administration and management of a Medium Density Housing development:

a. A Homeowners' Association shall be established. Such Association shall administer and maintain the common land, control the external appearance of buildings within the Residential Only Medium Density site and deal with any other matter pertaining to the Residential Only Medium Density site which is of common interest to its members. The affairs of the Association shall be regulated by a memorandum and Articles of Association. The Memorandum and Articles of Association shall have been submitted to the Municipality who shall have certified that it has no objection to these documents;

b. No dwelling unit curtilage within the Medium Density Housing site or within any portion of the site specified by the Municipality shall be transferred or separately registered before the whole Medium Density Housing site or the specified portion of the Residential Only Medium Density site within which the curtilage is situated has been developed to the satisfaction of the Municipality.

7.9.5.7 Notwithstanding the requirements in sub-clauses (1) to (4), wherever it is intended to develop a site for Medium Density Housing in a Residential Only Detached zone:

a. The Consent of the Municipality shall first be obtained;
The maximum number of dwelling units which may be established for Medium Density Housing shall be obtained by dividing the registered surveyed area of the property concerned by the appropriate minimum lot area per dwelling.

7.9.5.8. The provisions of this Section shall not preclude the establishment of dwelling unit curtilages in a Medium Density Housing development from being created and registered as subdivisions provided that:

a. The maximum number of residential subdivisions shall be in accordance with the density provisions for applicable zone and as provided for above.

b. The owners of the subdivisions shall become members of a duly constituted Homeowners Association, registered as a company with the Companies and Intellectual Property Commission (CIPC) and subscribe to its Memorandum of Incorporation and Rules.

c. The common land in a Medium Density Housing development, reserved for roads, open space and or community facilities and the like, including for the housing of infrastructure, shall be owned and managed by the Homeowners Association.

7.9.6 Use of Hotels for Certain Purposes

7.9.6.1. The Municipality may permit any one or more of the following shops or activities, viz:

- Hairdressing salons;
- Bookshops or newsagents;
- Florists;
- Curio shops;
- Theatre Booking agents;

- Bank agents;
- Travel agents;
- Vending machines;

to be established:

a. In any hotel graded by the Tourism Grading Council of South Africa as a five-star, four-star or three-star hotel in terms of the Tourism Act (No. 72 of 1993) or which, according to the nature of the accommodation and service provided therein, and its situation, is in the opinion of the Municipality, likely to be graded as such;

B By Consent in any hotel other than those referred to in sub-paragraph (1) hereof; provided that no external advertising of any shop or activity shall be permitted and access thereto shall be gained only from within the hotel.

c. The Municipality may, by Consent and when it is of the opinion that there will be no interference with the amenities of the neighbourhood, authorize, in terms of this scheme, the establishment of a bottle store in any licensed hotel premises.

7.9.7 Applicable Requirements for the Establishment of Traffic Generators (Garages and Filling Stations)

7.9.7.1. Where separate entrance and exit are provided, they should be placed at or near the end of a frontage of not less than 36 metres.

7.9.7.2. No Garage or Service Station shall be established upon any lot unless, in the opinion of the Municipality it has adequate depth so as to enable all activities to take place without intruding onto a street.

7.9.7.3. Filler points for underground tanks shall be sited so as to make it possible for tanker vehicles to stand wholly within the curtilage of the erf when recharging the tanks and for such vehicles to enter and leave the erf in a forward direction.

7.9.7.4. The minimum sight distance along the road should be 120 metres. Sight distance shall be measured from the entrance or exit as the case may be, height or eye being 1.37 metres, to an object 1.37 metres high.

7.9.7.5. No traffic generator should be permitted with entrance from or exit to a street whose gradient is steeper than 1 in 8, and no access ramp should be steeper than 1 in 10.

7.9.7.6. Pump islands in a Service Station should not be less than 5 metres from the property boundary and all traffic routes within the forecourt shall have a minimum width of 5 metres.

7.9.7.7. Dwarf walls or other permanent structures satisfactory to the Municipality shall be erected on the street frontage of the site so as to confine the movement of vehicles into or out of the Garage or Service Station to authorised access points.

7.9.8 Applicable Provisions for Industrial Zones

Certain categories of retail outlets may be admitted to industrial zones by Consent and the remaining categories only by rezoning.

(a) The categories of retail outlets which should be admitted to industrial zones by Consent are as follows:

(i) Low order convenience goods and service shops catering for the immediate day-to-day needs of people working within the industrial area concerned; provided that the total floor area of any shop or contiguous set of shops should in no case exceed 300 m^2.

(ii) Shops which are incompatible with the vast majority of the types of shops normally found in Mixed Use zones, but which fit in well in industrial areas (e.g. builders' supplies dealers; firms dealing in wire, gates and fences; timber merchants; firms dealing in agricultural implements).

(iii) Shops which deal largely with other firms normally located in industrial areas such as petrol filling stations, specialist-industrial concerns in the motor trade (like panel beaters and auto electrical specialists), builders and engineering firms (e.g. paint shops; firms dealing in engineering supplies; motor spares shops).

(iv) Retail only products of the industrial concerns to which they relate or directly associated products;

(v) In special cases, coverage of 60% could be permitted at the discretion of Municipality to cater for loading overhangs.

7.9.9 Applicable Provisions Telecommunication Infrastructure

7.9.9.1. The Municipality may consider an application for Consent to erect telecommunication infrastructure on an erf, or part thereof, and within any zone provided for in this Scheme.

7.9.9.2. When considering an application for Consent to erect telecommunication infrastructure, the Municipality shall consider the following objectives:

a. To encourage co-location as a means of preventing unnecessary proliferation and duplication of such infrastructure;

b. To minimize the visual impact of such infrastructure on the surrounding locality; and-

c. To avoid impact on lines of sight and any impact that the infrastructure may have on the responsibilities of the South African Civil Aviation Authority.

7.9.9.3. Municipality reserves the right to insist on the decoration of telecommunication masts/antennae if considered necessary, as well as the possible relocation of and/or alterations to the mast by and at the expense of the applicant if the need arises.

7.9.10 Applicable Provisions for Special Zones

7.9.10.1. In general, the creation of Special Zones shall be discouraged.

7.9.10.2. Notwithstanding the above, in exceptional circumstances and where an existing zoning provided for in the Scheme does not accommodate existing or proposed buildings and land uses required, and where a scheme amendment may be impractical, Council may consider the creation of a "Special Zone".

7.9.10.3. Such application for the creation of a special zone shall be properly motivated on its uniqueness and as to the reasons why a Scheme amendment is impractical,

the reasons for the creation of the Special Zone, etc. and must be submitted in the prescribed format.

7.9.11 Applicable Controls to Specific Uses and Development in a Residential Zone

7.9.11.1. Where an existing erf in a Residential zone has been reduced in area by the expropriation or alienation of land for road widening or construction purposes and for open space purposes, the Municipality may allow the erection of a dwelling house on the erf provided that the erf has not been reduced in area to less than half its original extent and provided further that arrangements for the disposal of sewage have been made to the satisfaction of the Municipality.

7.9.11.2. Where on the date of adoption, two dwelling houses were existing lawfully on a single erf in the Residential Only Detached 1300m2 zone, which is less in extent than the minimum erf size prescribed in these clauses, the Municipality may, in its discretion, grant approval for the subdivision of the erf into two separate erven, provided also that the area of either of the subdivided erven is not less than 900m² and each subdivision conforms to the other provisions of the Scheme. In giving any such approval, the Municipality shall take into account the amenity of the locality and of the adjoining properties.

7.9.12 Advertisement and Signage

The Municipal By law pertaining to Advertisement and Signage shall apply. In the absence of the necessary clarity in the Bylaw, the South African Manual for Outdoor Advertising Control shall be used as a guide.

7.10 DEPOSITING OF WASTE MATERIAL

7.10.1 No land in any use zone may be used for the purpose of the deposit or disposal of waste material or refuse, tipping, dumping, scrap yard, motor graveyard, used car lot, or any other similar purpose until the owner or his/her duly authorised representative has applied for and received the written approval of the Council.

7.11 RESTRICTION ON UNSERVICED AREAS

7.11.1 The Council may prohibit or restrict, whether wholly or partially and either indefinitely or for a period to be determined by the Council, the erection of any building or the development or use of any land in any undeveloped part or parts of the area of the Scheme pending the extension thereto of street sewer, water, electricity or other essential public services. Provided that the owner of such land who desires to commence thereon any building operations which would contravene any such prohibition or restriction may apply to the Council for its approval of the carrying out of the operations specified in the application.

7.12 RESTRICTION ON AREAS LIKELY TO BE FLOODED

7.12.1 The Council may prohibit or restrict the erection or use of any building or the development or use of any land, where the site is below the upper level which is, in the opinion of the Council, likely to be reached on an average hundred years, by flood waters from any stream, river or other source.

7.13 SITING OF BUILDINGS AND ACCESS POINTS

7.13.1 The siting of any buildings intended to be erected or the development or use of any land shall be subject to the approval of the Council and persons intending to erect buildings or use land shall, before commencing, apply to the Council for approval of the siting, use or development.

7.13.2 In respect of any application to develop an Erf the Council may determine the position and number of vehicular or pedestrian points of access and may, if it deems fit, prohibit pedestrian or vehicular access across any boundary or boundaries and require that a suitable fence or wall be erected to prevent such access.

7.13.3 Where internal parking areas are provided no direct pedestrian access between parking areas and individual shops shall be permitted, but such access may be given from arcades linking the parking area with the shopping street. Provided that where only one shop occupies the total area of the Erf and has frontage to both the parking area and shopping street, the Council may at its discretion grant permission for one pedestrian access from the parking court. Provided further, that in the case of a subdivision existing at the date of adoption and having frontage only to the parking area, the Council may grant permission for direct pedestrian access to the business premises.

7.14 SITING OF BUILDINGS AND ACCESS POINTS

7.14.1 No person shall, within the area of the Scheme, subdivide or consolidate, or cause, permit or authorise to be subdivided or consolidated, any land, without the prior Approval of the Council.

7.14.2 When considering an application for the subdivision of land the Council shall, *inter alia*, take the potential effect of the proposed subdivision on the character and amenity of the area into consideration, with special reference to:

7.14.2.1 the purpose, need and desirability of the proposal, particularly if the application is for the subdivision of high value agricultural land;
7.14.2.2 whether the proposal is in accordance with the intentions of the Ndwedwe Integrated Development Plan;
7.14.2.3 the prevailing and proposed use of land in the neighbourhood, including the average sizes of Erven or other subdivisions in the vicinity;
7.14.2.4 the volume and nature of traffic likely to be generated by the proposal and the effect of such traffic on the public street system;
7.14.2.5 the effect of the proposal on the existing sewerage system and on the existing water and electricity supply system;

7.14.2.6 any other matter which the Council may consider relevant.

7.14.3 Where a township is established for the erection of dwellings wholly or partly financed by the State, the Council may authorise a reduction in the prescribed minimum Erf sizes and frontages for any Erven so used provided that all such Erven are served by a sewage disposal system to the satisfaction of the Council.

7.15 SUB-DIVISION STANDARDS

7.15.1 Land within the area of the Scheme shall not, except where it is deemed by the Council to be in the public interest to do so, be subdivided in any way or manner whatsoever so as to deprive any subdivided portion of land direct vehicular access to the Public Street System.

7.15.2 Except under special circumstances, the minimum street frontage for all erven shall be 18m and the width of the access way for a panhandle erf shall be a minimum of 4m throughout its length.

7.16 GUIDELINES WITH RESPECT TO CERTAIN LAND USES

Table 4: Guidelines to Certain Land Uses

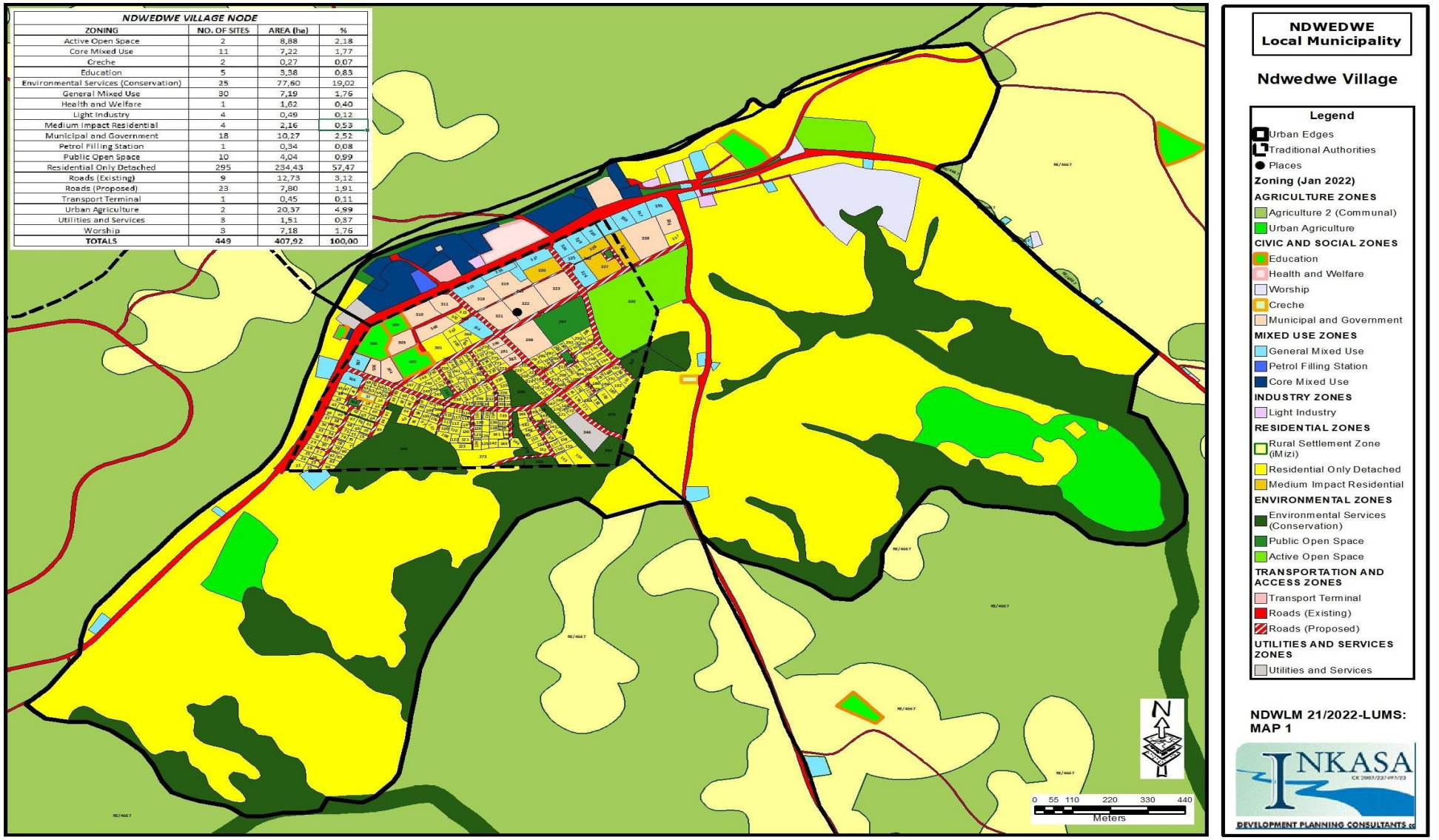
LAND USE	LAND USE GUIDELINE
• Taverns / Shebeens • Bottle Stores	• Should not be located near social amenities such as schools, churches or crèches. • All applications must be referred to the Municipality who will only consider applications by the Special Consent, with full advertisement; which Special Consent may be withdrawn on sufficient complaints by neighbours or the surrounding community.
• Home Businesses	• Should generally be facilitated as long as the predominant use of the building/s remain residential and the impact on neighbours is not onerous.
• Steep slopes	• No development on land or slope steeper than 1:3 without a full geo-technical study and a certificate from a suitably qualified professional.
• Sand winning	• No sand-winning without an EIA approval that takes into account the impact on the river as well as the impact of access by trucks to and from the site
• Environmental Management.	• Development in close proximity to rivers/streams, wetlands should be avoided. • Approval should be sought from relevant authorities

ANNEXURE A:

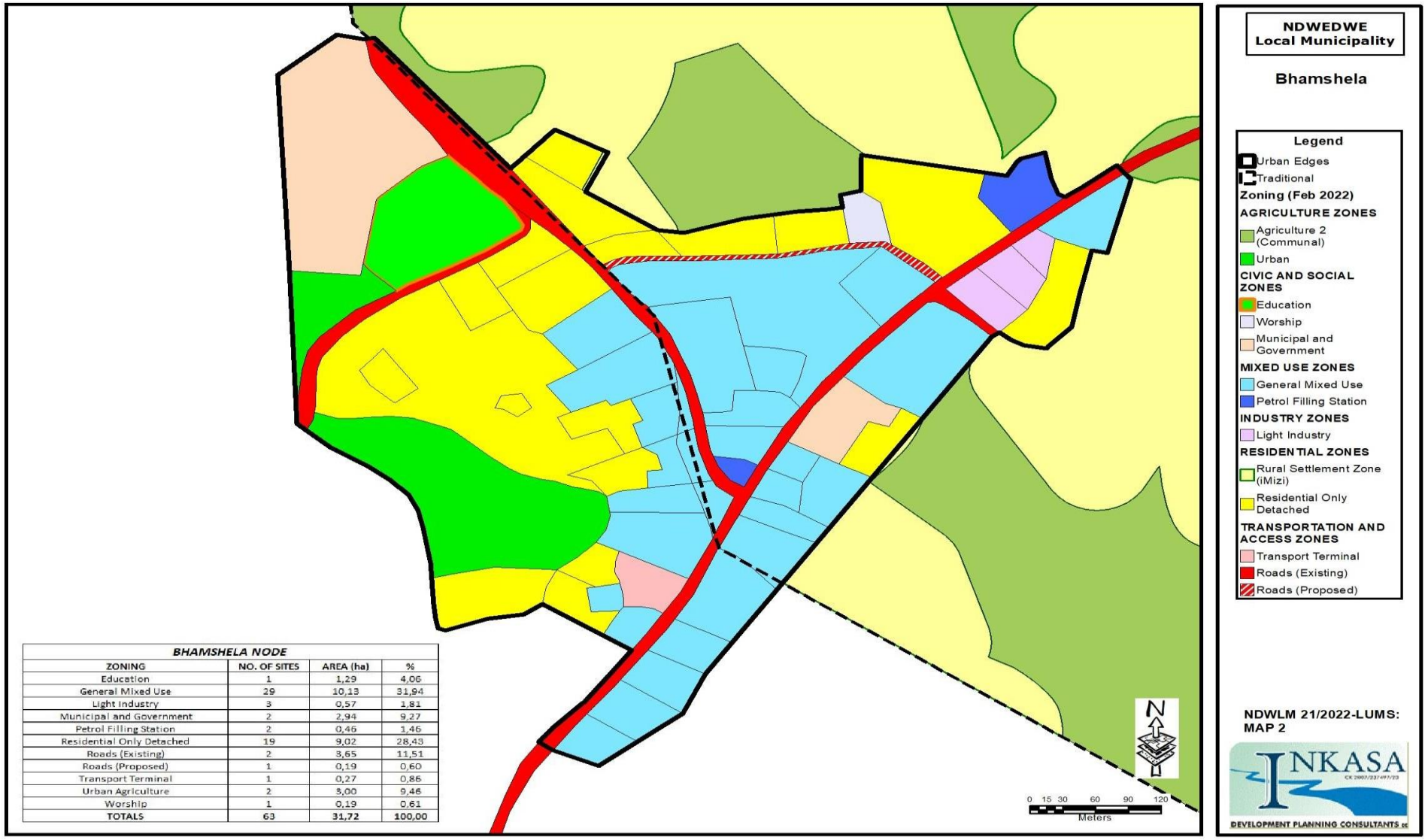
SCHEDULE OF MAPS FOR NDWEDWE LAND USE SCHEME

Area	Map Reference
Ndwedwe Village	Map 1
Bhamshela	Map 2
Glendale	Map 3
Sonkombo	Map 4
Tafamasi	Map 5
Qinisani	Map 6
Montebello	Map 7
aBakwamaGwaza Traditional Council	Map 8
aBakawaLuthuli Traditional Council	Map 9
Cele Traditional Council	Map 10
Chili Traditional Council	Map 11
Cibane Traditional Council	Map 12
eMalangeni Traditional Council	Map 13
Gcwensa Traditional Council	Map 14
Hlophe Traditional Council	Map 15
iNkumba-Nyuswa Traditional Council	Map 16
Khumalo Traditional Council	Map 17
Mavela Traditional Council	Map 18
Mlamula Traditional Council	Map 19
Ngcolosi Traditional Council	Map 20
Nodwengu Traditional Council	Map 21
Qadi Traditional Council	Map 22
Qwabe Traditional Council	Map 23
Shangase Traditional Council	Map 24
Vumazonke Traditional Council	Map 25
Wosiyane Traditional Council	Map 26
Combined Scheme Map for Areas Outside Nodes	Map 27

MAP 1: NDWEDWE VILLAGE LAND USE SCHEME MAP

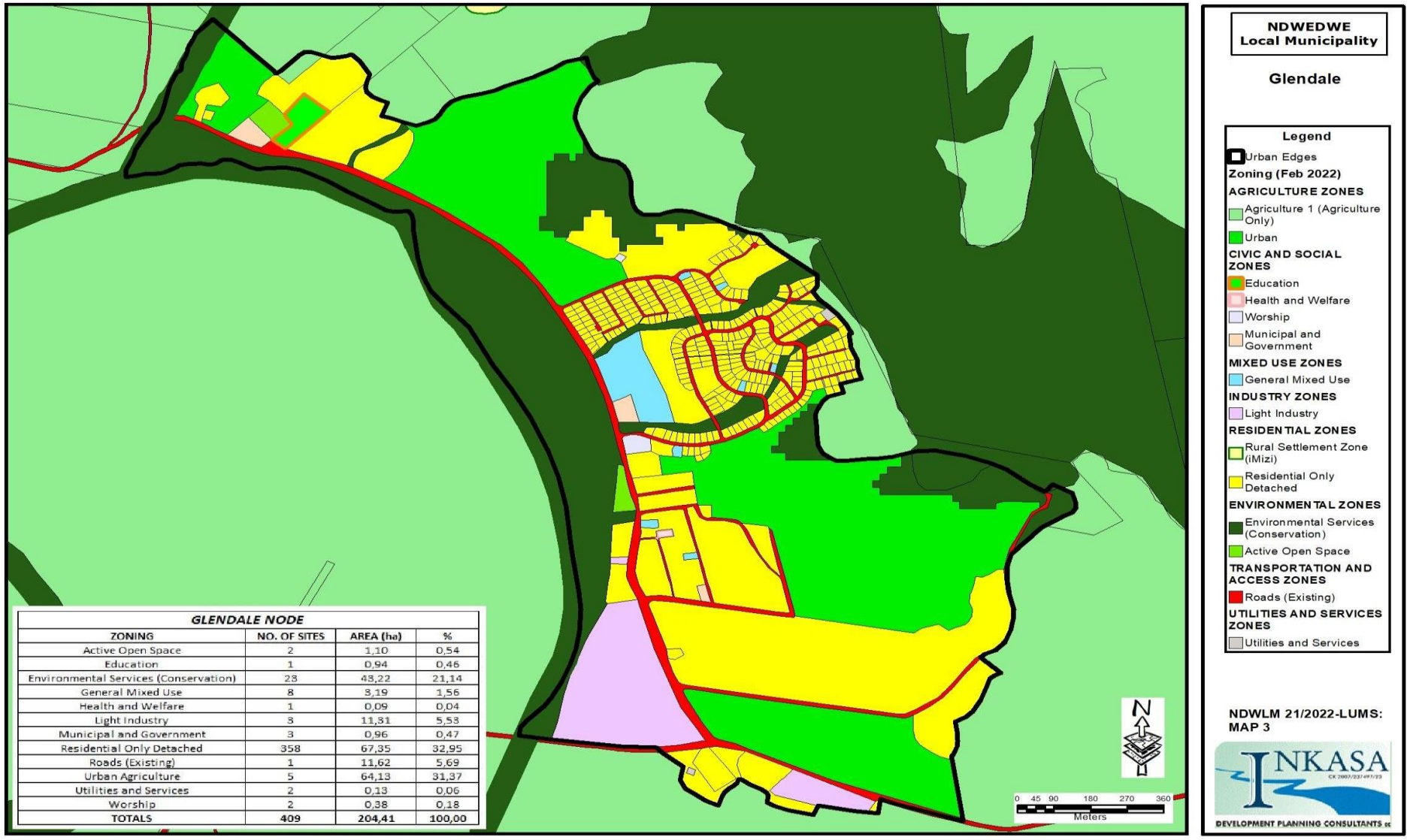


MAP 2: BHAMSHELA LAND USE SCHEME MAP



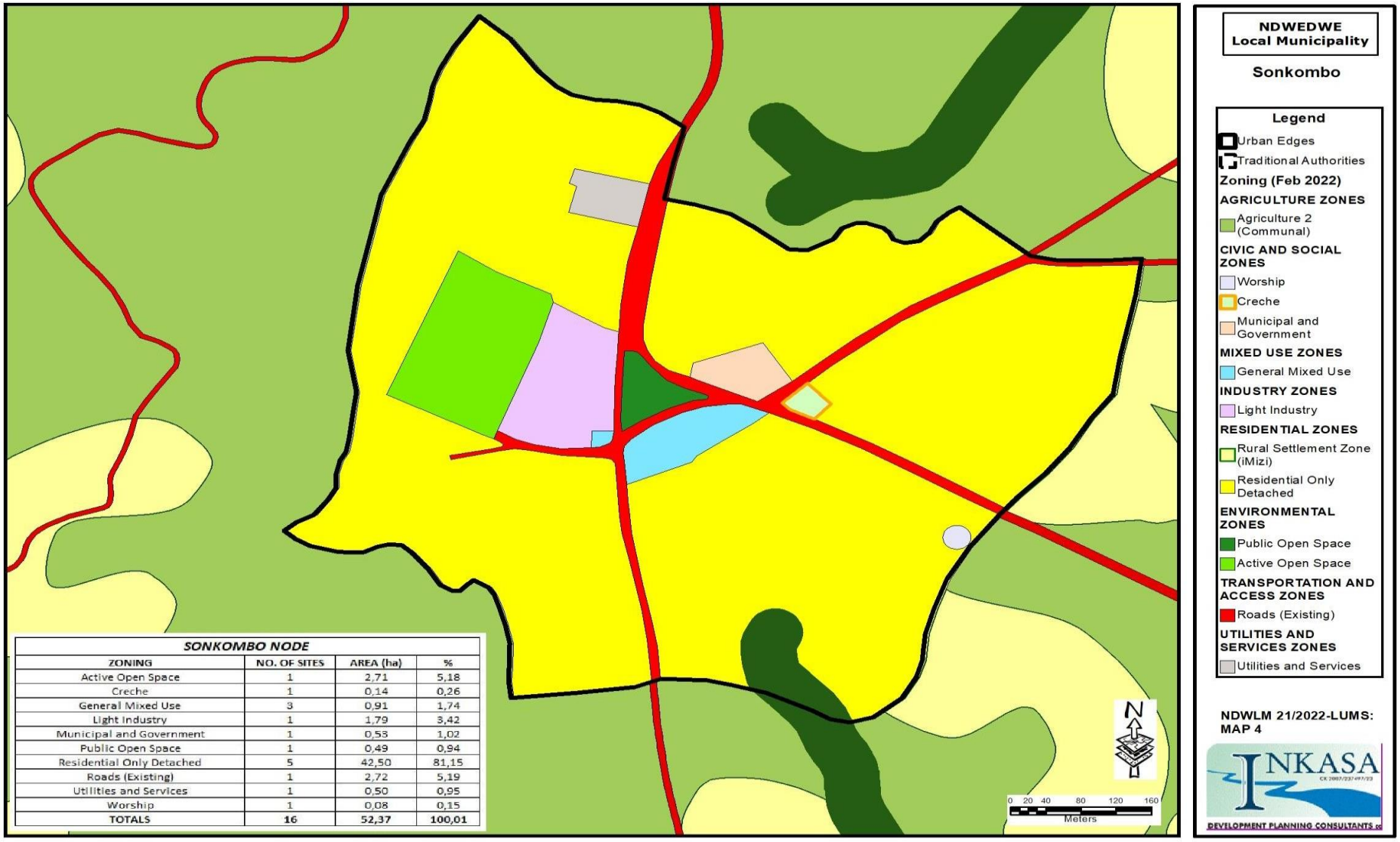
BHAMSHELA NODE			
ZONING	NO. OF SITES	AREA (ha)	%
Education	1	1,29	4,06
General Mixed Use	29	10,13	31,94
Light Industry	3	0,57	1,81
Municipal and Government	2	2,94	9,27
Petrol Filling Station	2	0,46	1,46
Residential Only Detached	19	9,02	28,43
Roads (Existing)	2	3,65	11,51
Roads (Proposed)	1	0,19	0,60
Transport Terminal	1	0,27	0,86
Urban Agriculture	2	3,00	9,46
Worship	1	0,19	0,61
TOTALS	63	31,72	100,00

MAP 3: GLENDALE LAND USE SCHEME MAP



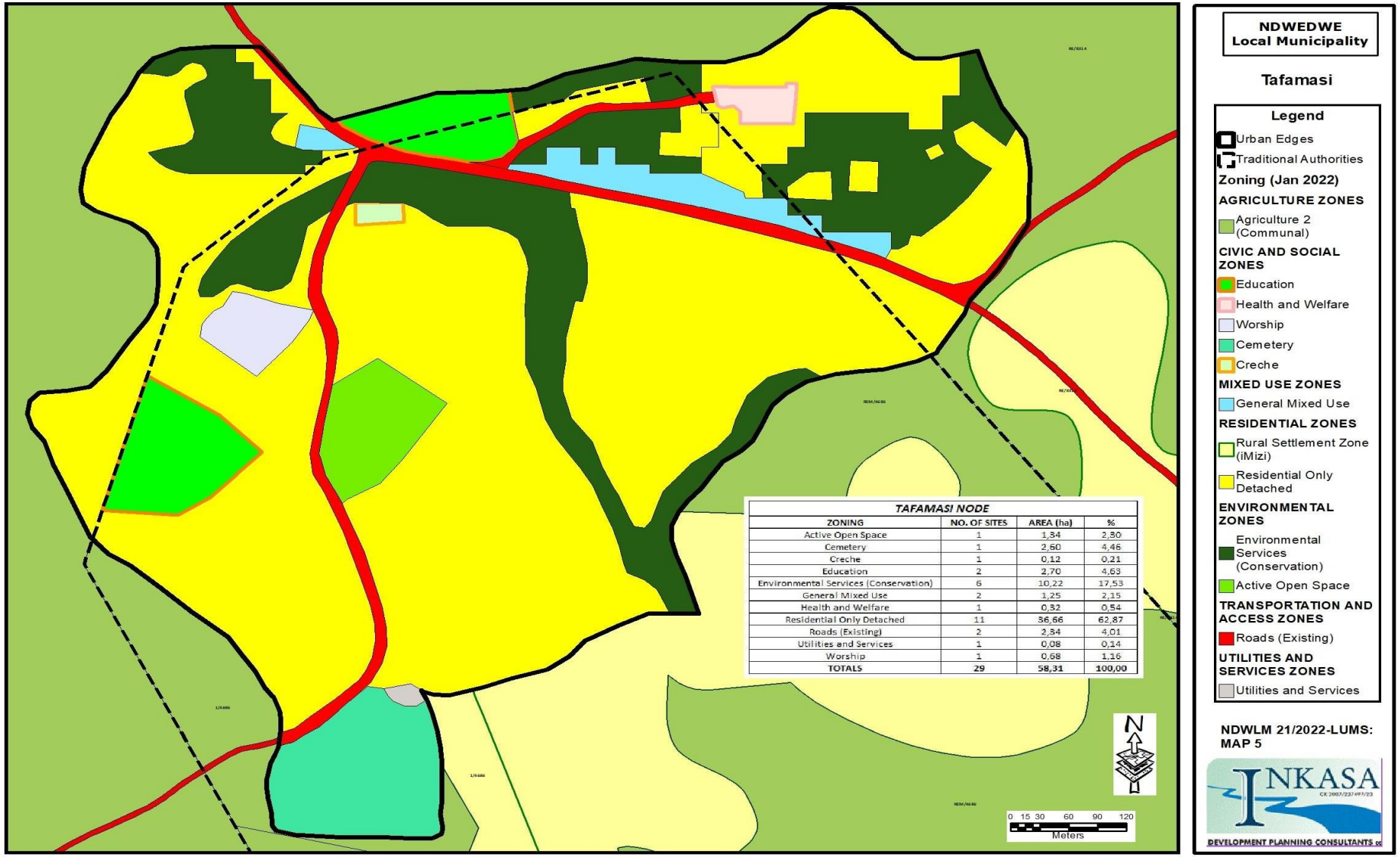
GLENDALE NODE			
ZONING	NO. OF SITES	AREA (ha)	%
Active Open Space	2	1,10	0,54
Education	1	0,94	0,46
Environmental Services (Conservation)	28	43,22	21,14
General Mixed Use	8	3,19	1,56
Health and Welfare	1	0,09	0,04
Light Industry	3	11,31	5,53
Municipal and Government	3	0,96	0,47
Residential Only Detached	358	67,35	32,95
Roads (Existing)	1	11,62	5,69
Urban Agriculture	5	64,13	31,37
Utilities and Services	2	0,13	0,06
Worship	2	0,38	0,18
TOTALS	409	204,41	100,00

MAP 4: SONKOMBO LAND USE SCHEME MAP



SONKOMBO NODE			
ZONING	NO. OF SITES	AREA (ha)	%
Active Open Space	1	2,71	5,18
Creche	1	0,14	0,26
General Mixed Use	3	0,91	1,74
Light Industry	1	1,79	3,42
Municipal and Government	1	0,53	1,02
Public Open Space	1	0,49	0,94
Residential Only Detached	5	42,50	81,15
Roads (Existing)	1	2,72	5,19
Utilities and Services	1	0,50	0,95
Worship	1	0,08	0,15
TOTALS	16	52,37	100,01

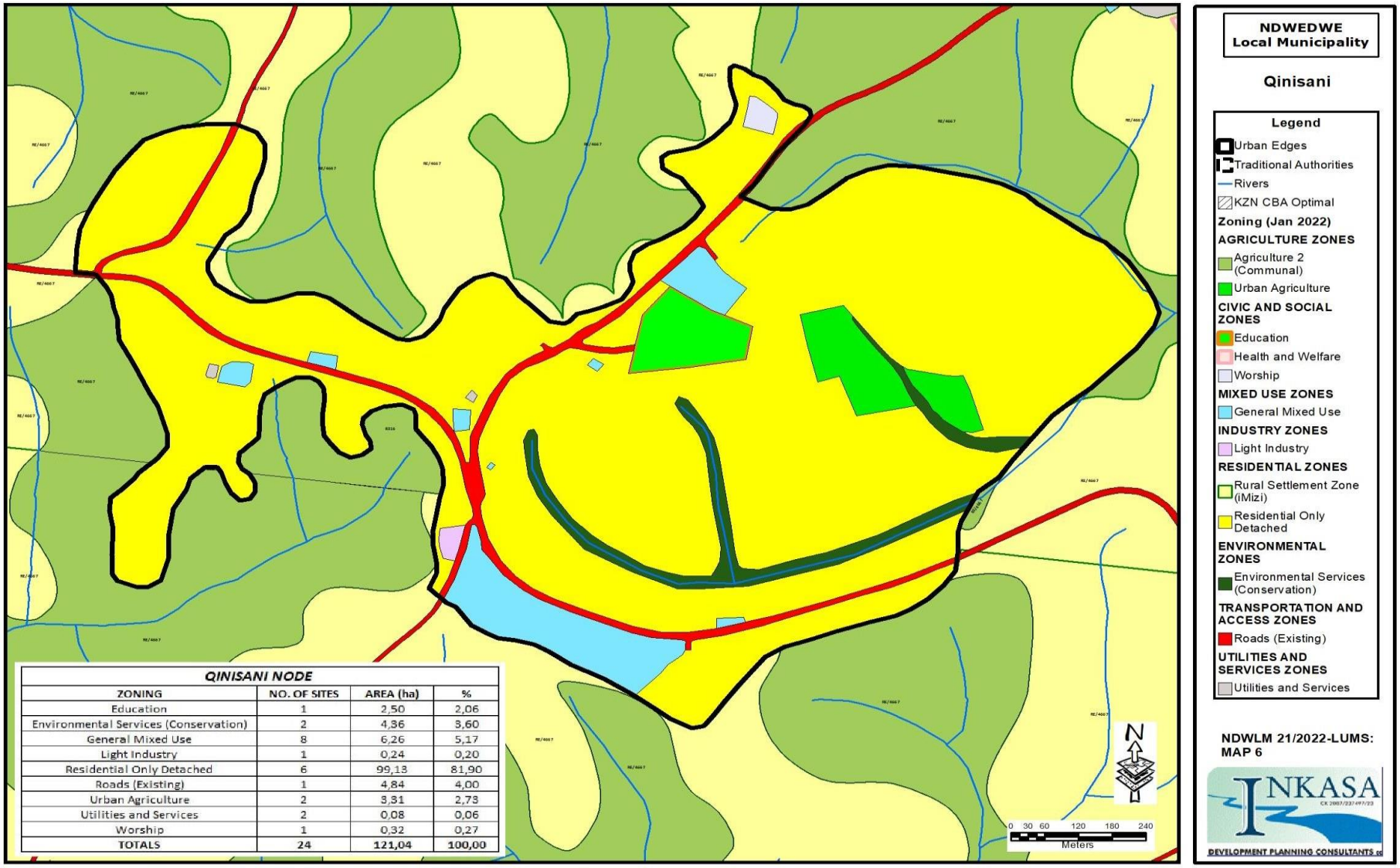
MAP 5: TAFAMASI LAND USE SCHEME MAP



TAFAMASI NODE

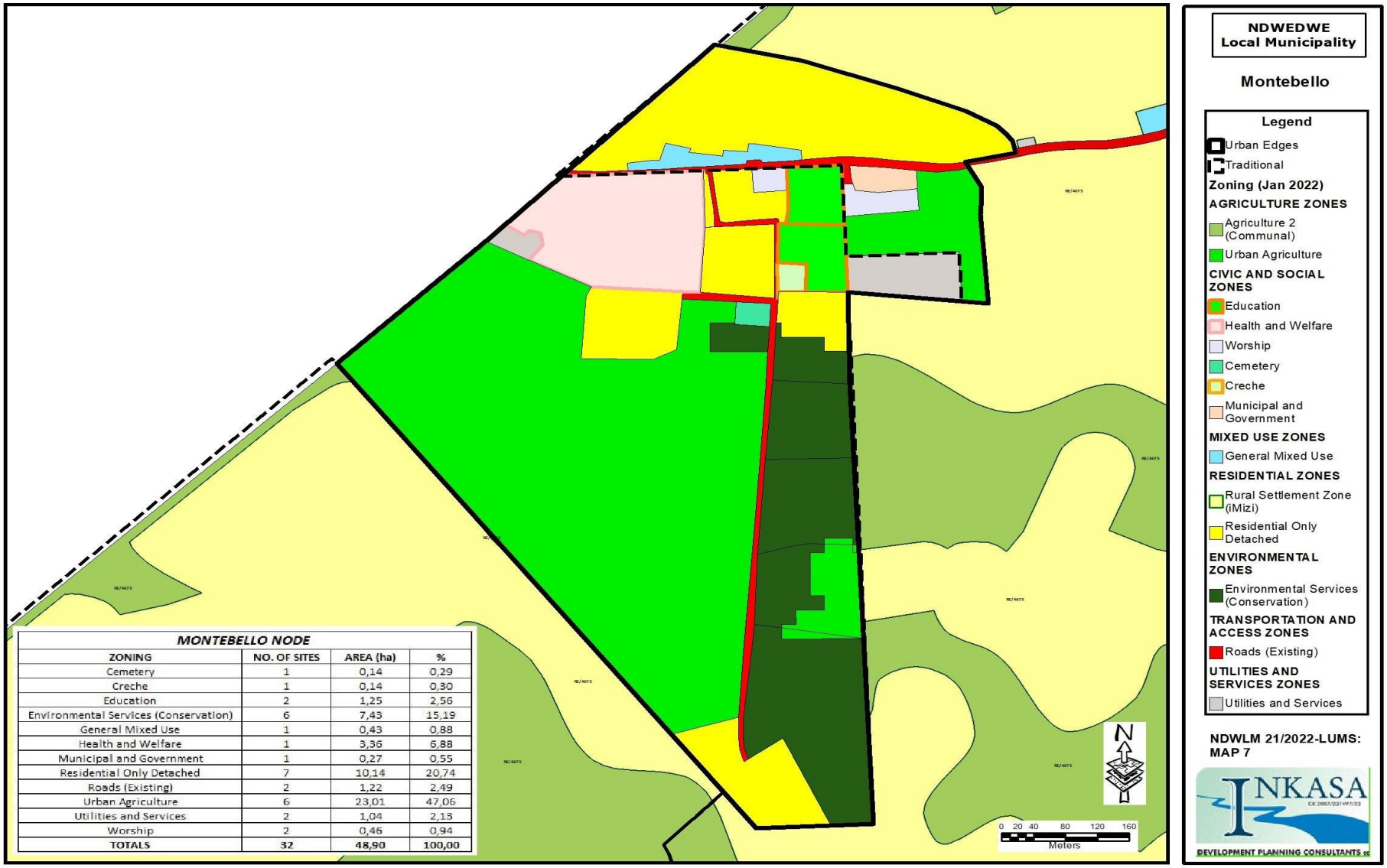
ZONING	NO. OF SITES	AREA (ha)	%
Active Open Space	1	1,34	2,30
Cemetery	1	2,60	4,46
Creche	1	0,12	0,21
Education	2	2,70	4,63
Environmental Services (Conservation)	6	10,22	17,53
General Mixed Use	2	1,25	2,15
Health and Welfare	1	0,32	0,54
Residential Only Detached	11	36,66	62,87
Roads (Existing)	2	2,34	4,01
Utilities and Services	1	0,08	0,14
Worship	1	0,68	1,16
TOTALS	**29**	**58,31**	**100,00**

MAP 6: QINISANI LAND USE SCHEME MAP



QINISANI NODE			
ZONING	NO. OF SITES	AREA (ha)	%
Education	1	2,50	2,06
Environmental Services (Conservation)	2	4,36	3,60
General Mixed Use	8	6,26	5,17
Light Industry	1	0,24	0,20
Residential Only Detached	6	99,13	81,90
Roads (Existing)	1	4,84	4,00
Urban Agriculture	2	3,31	2,73
Utilities and Services	2	0,08	0,06
Worship	1	0,32	0,27
TOTALS	24	121,04	100,00

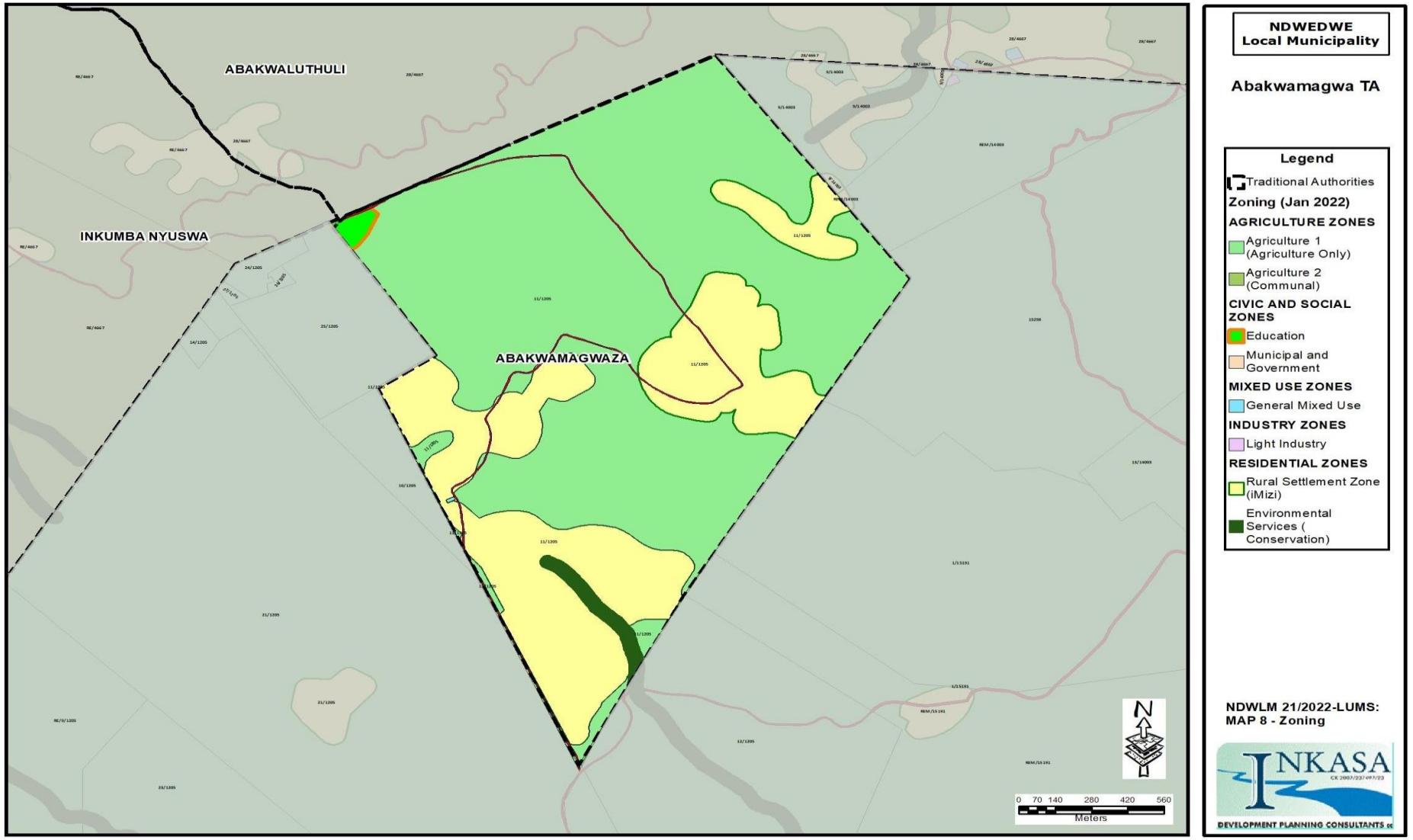
MAP 7: MONTEBELLO LAND USE SCHEME MAP



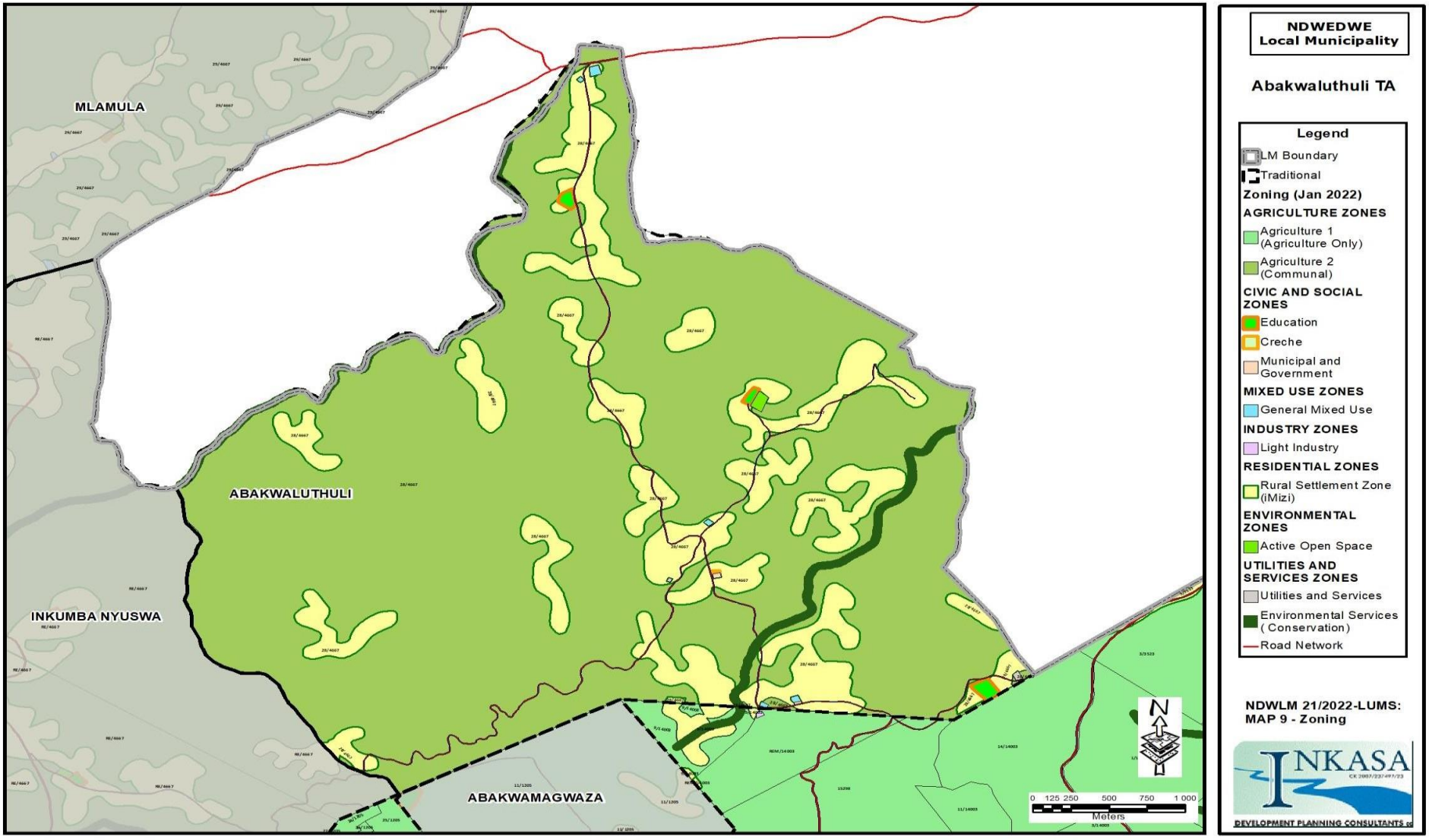
MONTEBELLO NODE

ZONING	NO. OF SITES	AREA (ha)	%
Cemetery	1	0,14	0,29
Creche	1	0,14	0,30
Education	2	1,25	2,56
Environmental Services (Conservation)	6	7,43	15,19
General Mixed Use	1	0,43	0,88
Health and Welfare	1	3,36	6,88
Municipal and Government	1	0,27	0,55
Residential Only Detached	7	10,14	20,74
Roads (Existing)	2	1,22	2,49
Urban Agriculture	6	23,01	47,06
Utilities and Services	2	1,04	2,13
Worship	2	0,46	0,94
TOTALS	**32**	**48,90**	**100,00**

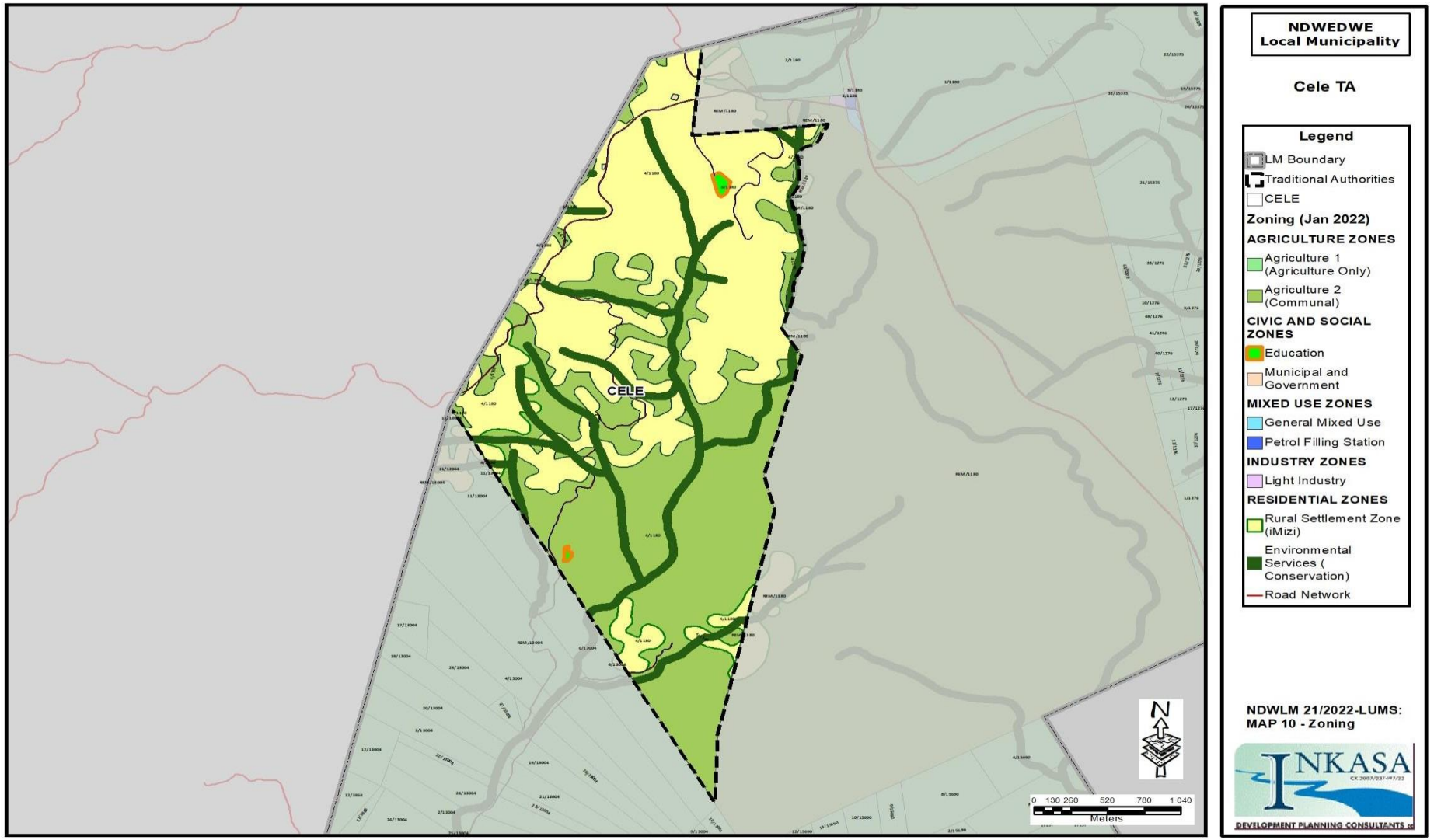
MAP 8: ABAKWAMAGWAZA TRADITIONAL COUNCIL LAND USE SCHEME MAP



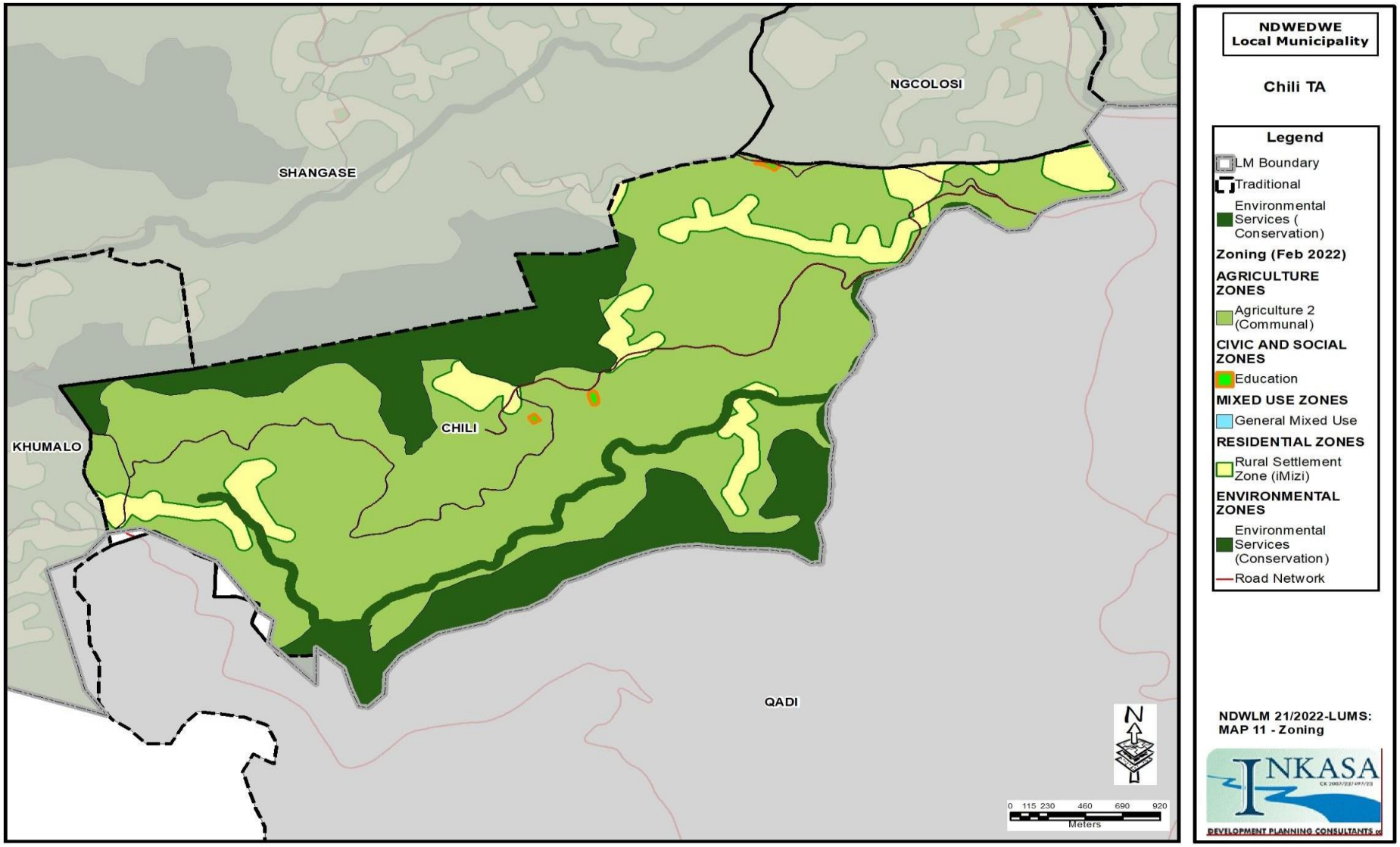
MAP 9: ABAKWALUTHULI TRADITIONAL COUNCIL LAND USE SCHEME MAP



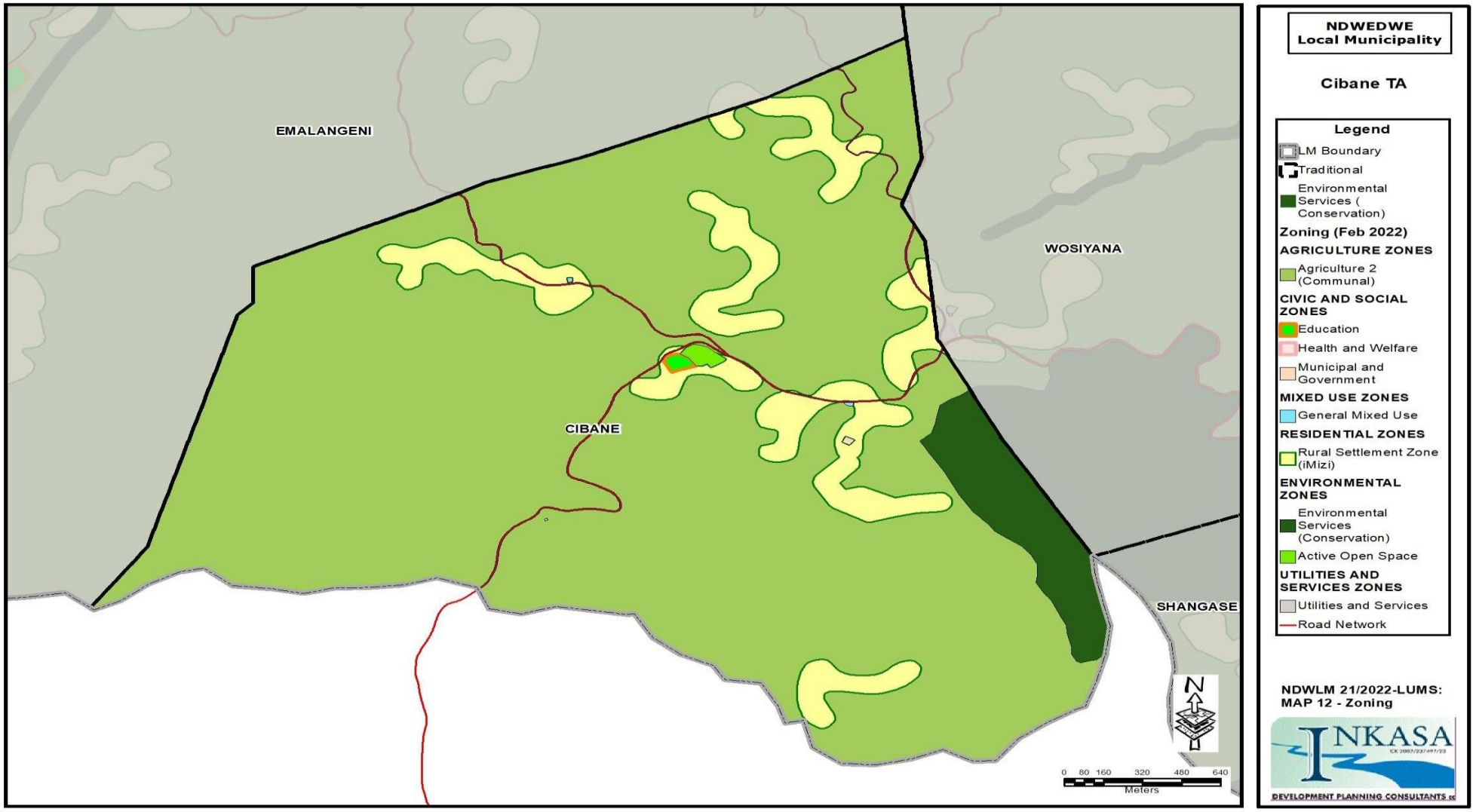
MAP 10: CELE TRADITIONAL COUNCIL LAND USE SCHEME MAP



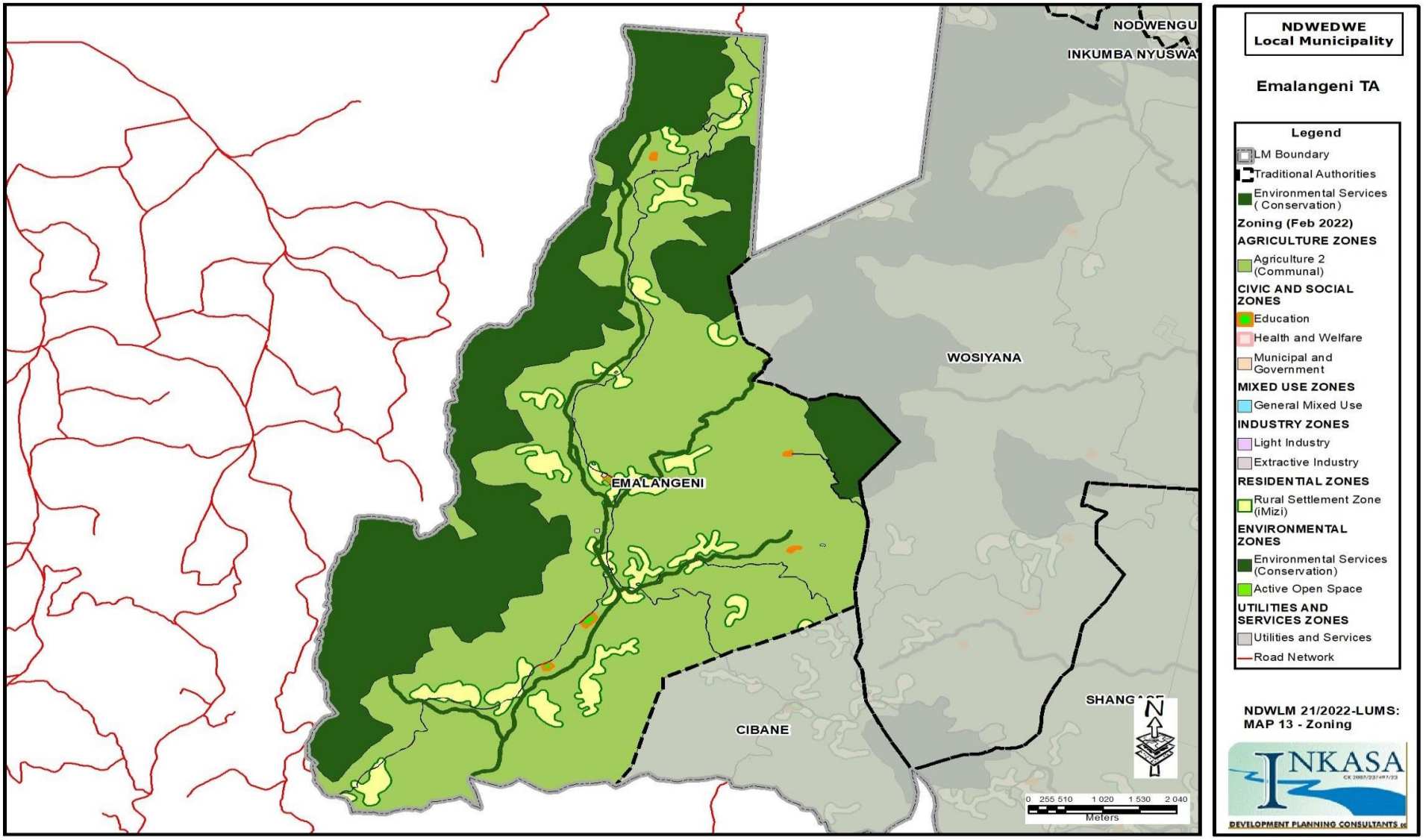
MAP 11: CHILI TRADITIONAL COUNCIL LAND USE SCHEME MAP



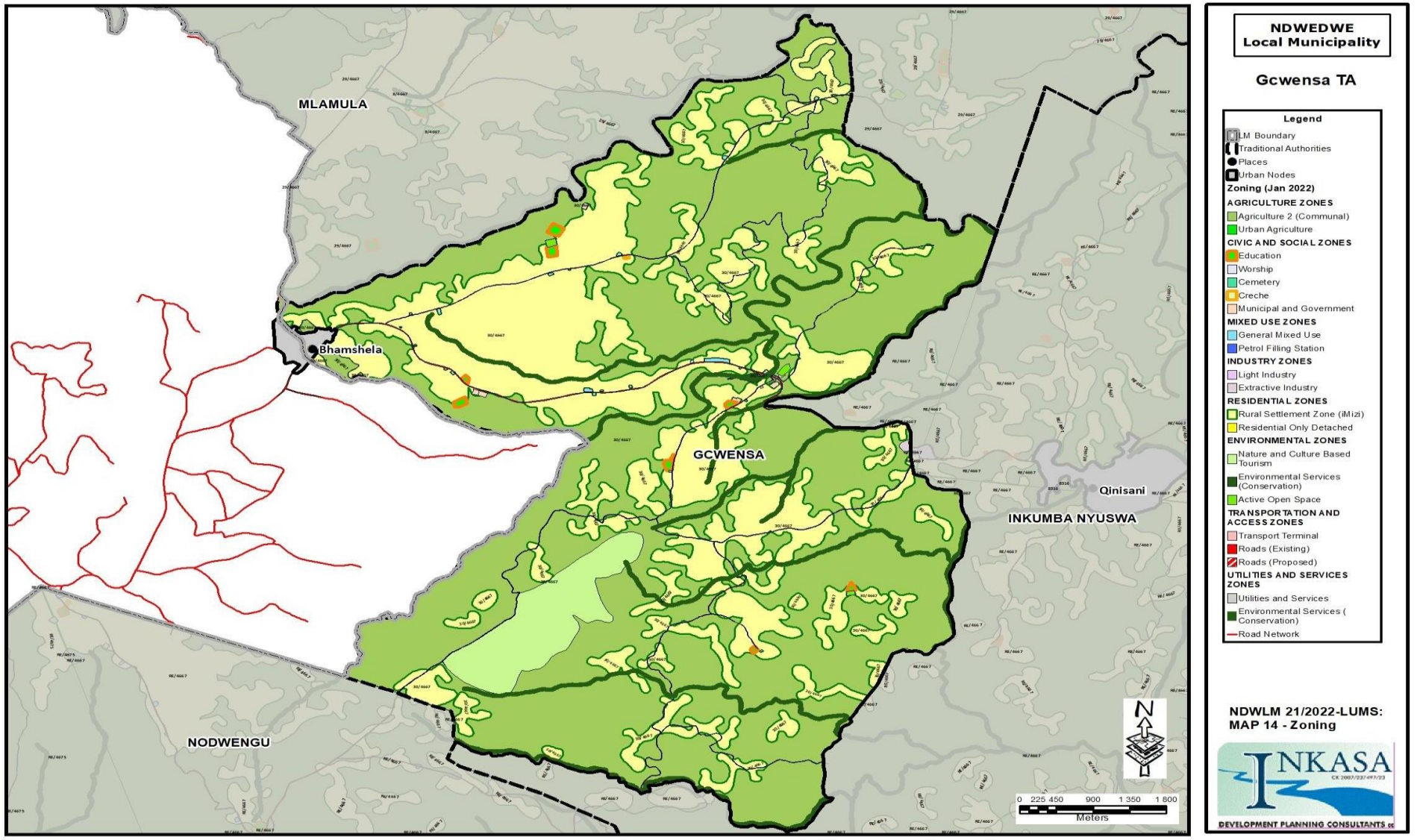
MAP 12: CIBANE TRADITIONAL COUNCIL LAND USE SCHEME MAP



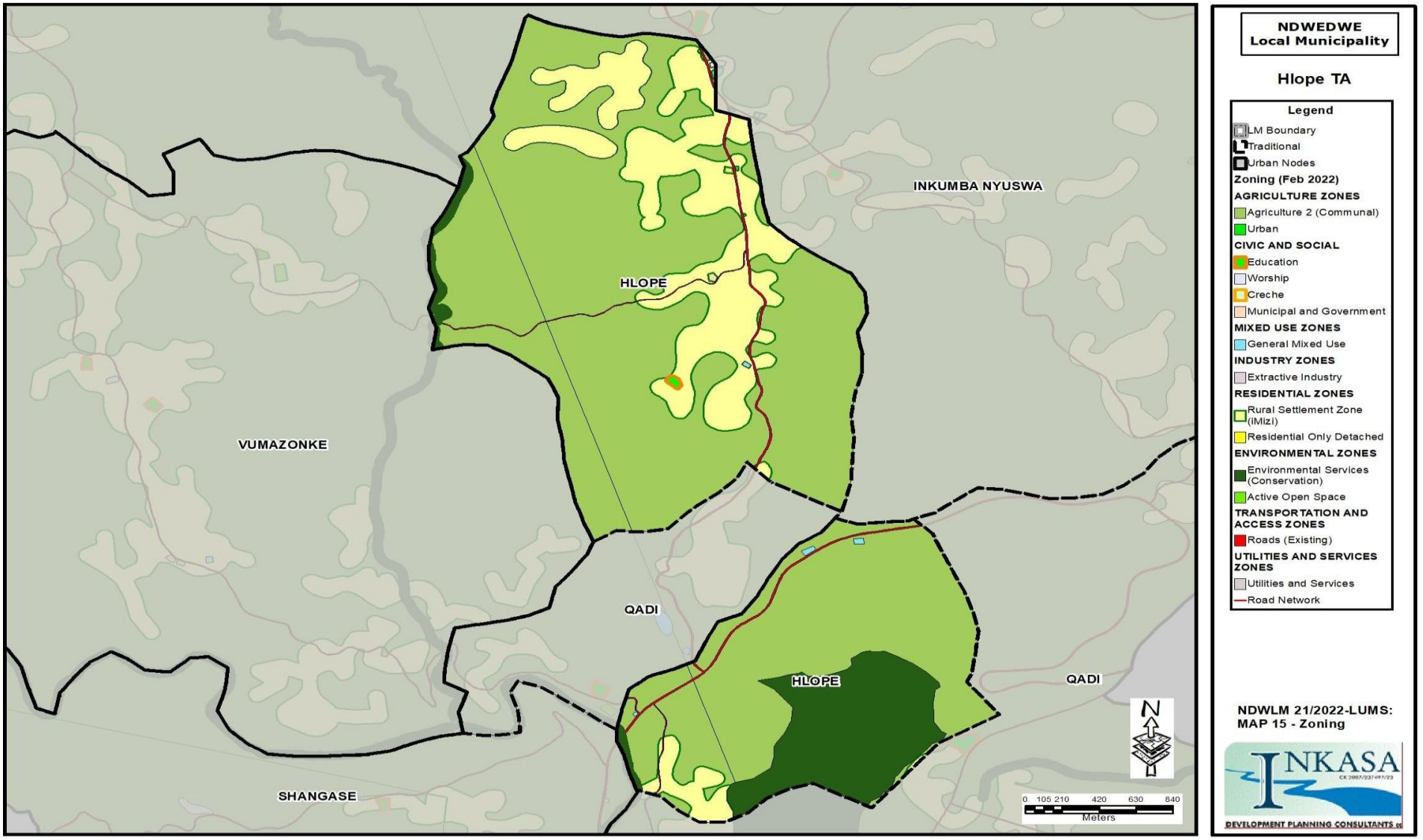
MAP 13: EMALANGENI TRADITIONAL COUNCIL LAND USE SCHEME MAP



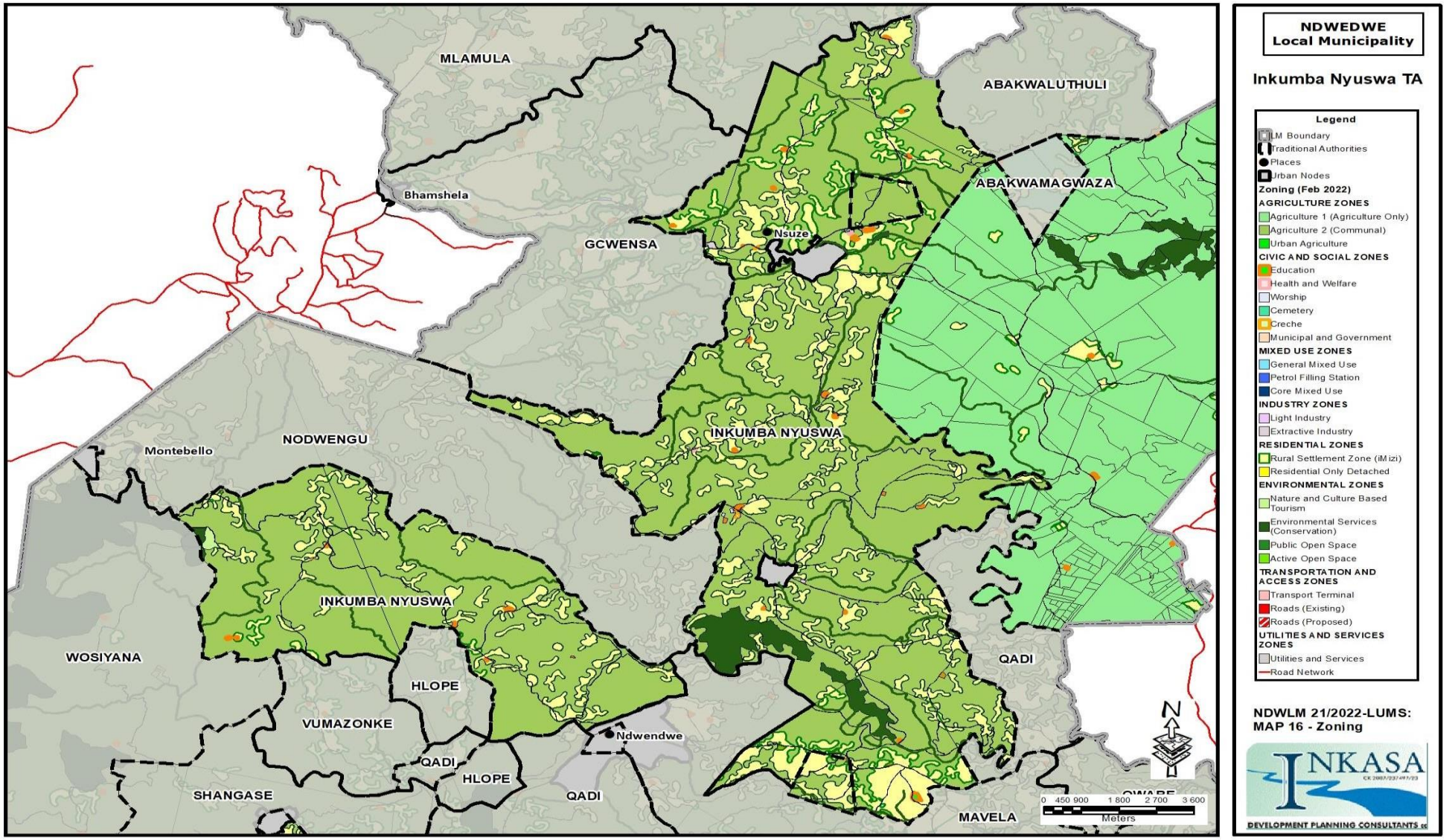
MAP 14: GCWENSA TRADITIONAL COUNCIL LAND USE SCHEME MAP



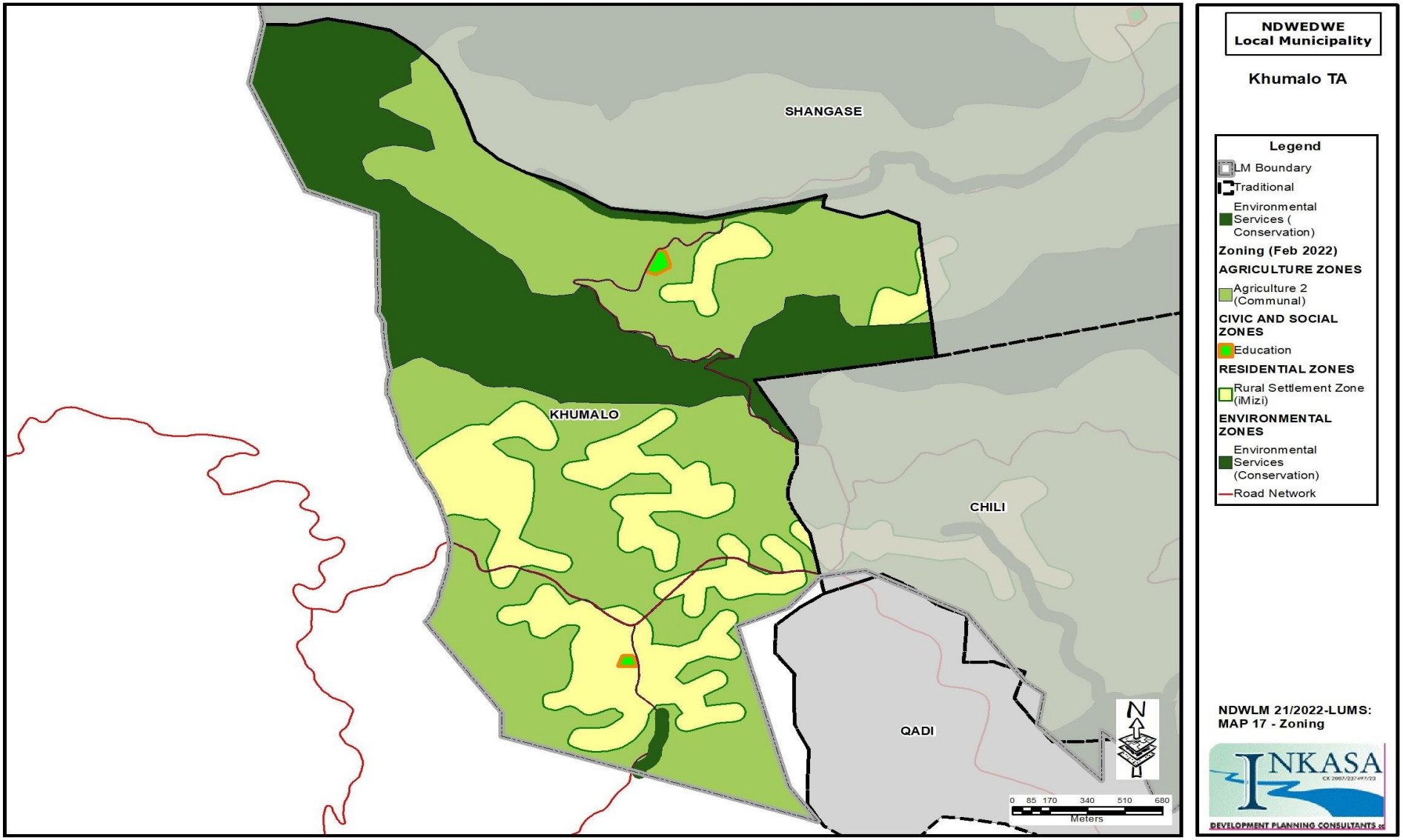
MAP 15: HLOPHE TRADITIONAL COUNCIL LAND USE SCHEME MAP



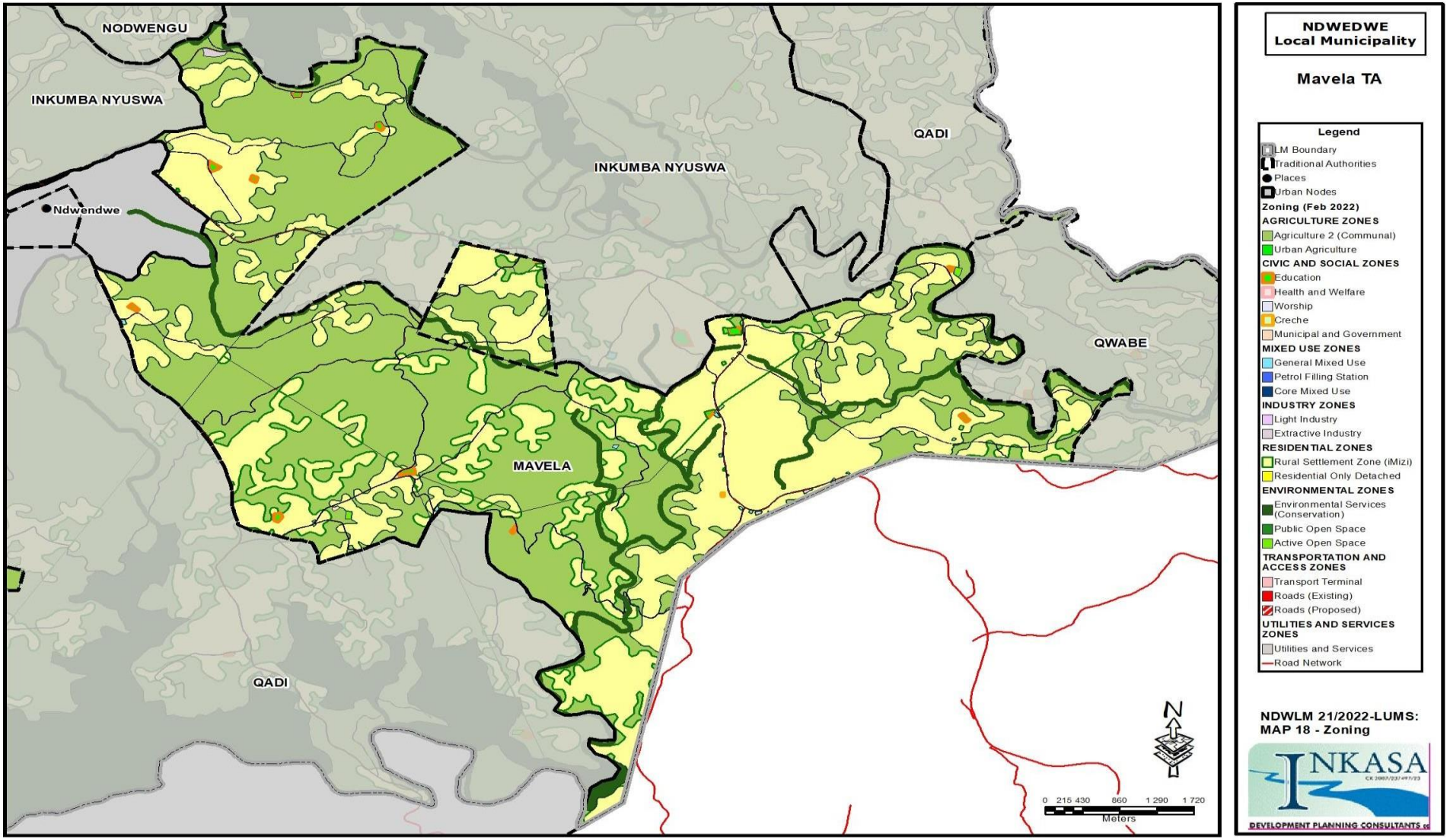
MAP 16: INKUMBA-NYUSWA TRADITIONAL COUNCIL LAND USE SCHEME MAP



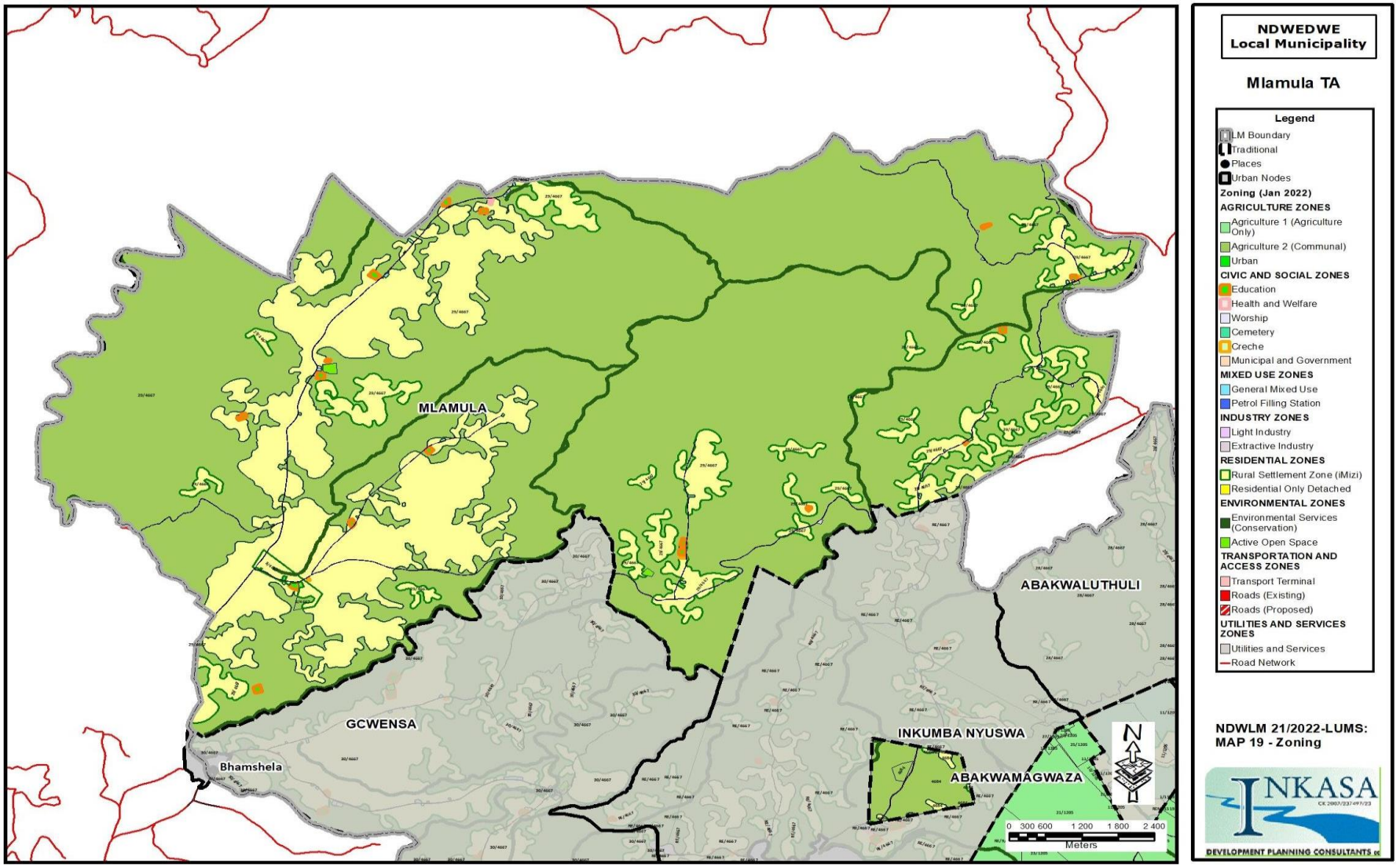
MAP 17: KHUMALO TRADITIONAL COUNCIL LAND USE SCHEME MAP



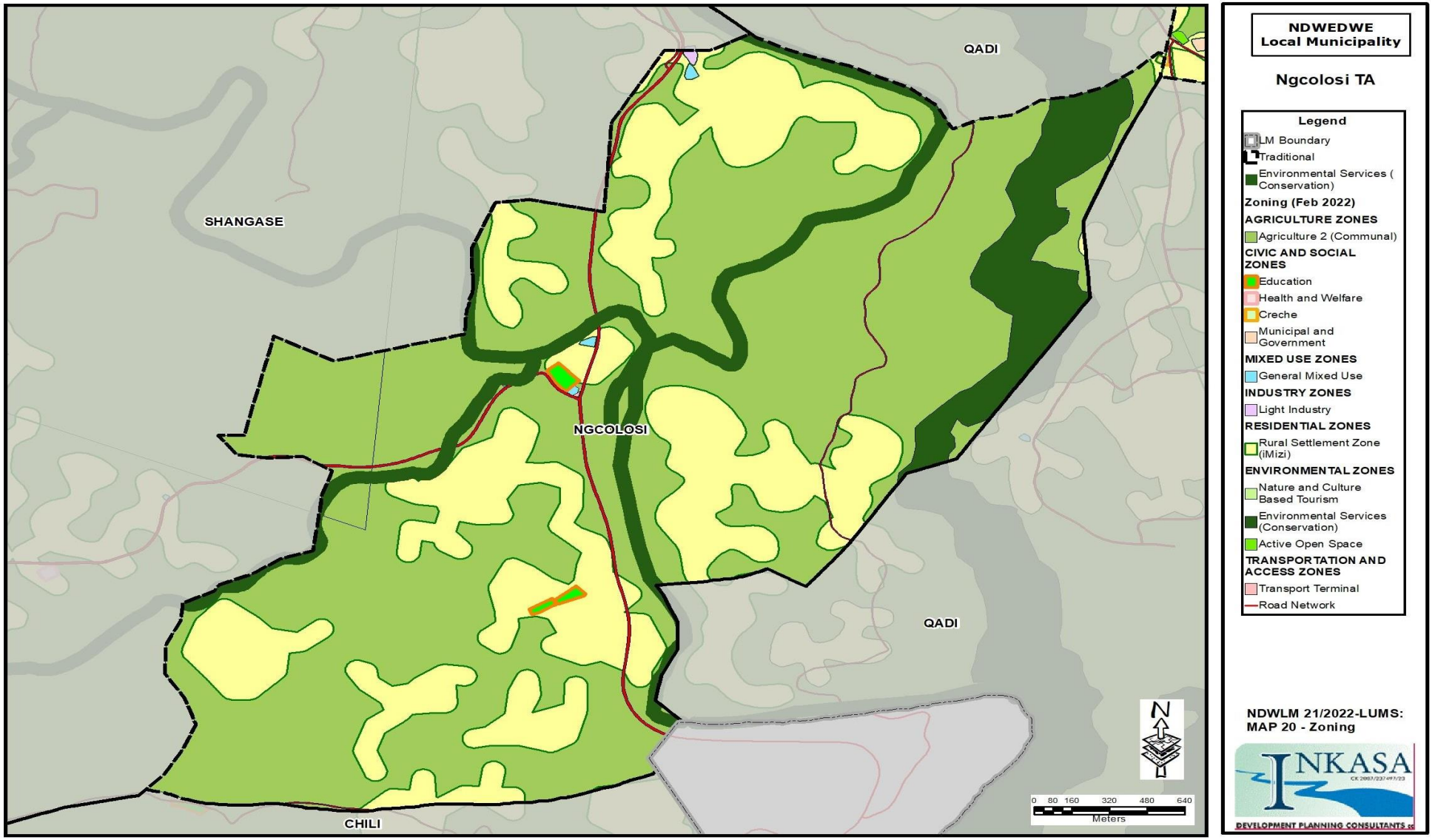
MAP 18: MAVELA TRADITIONAL COUNCIL LAND USE SCHEME MAP



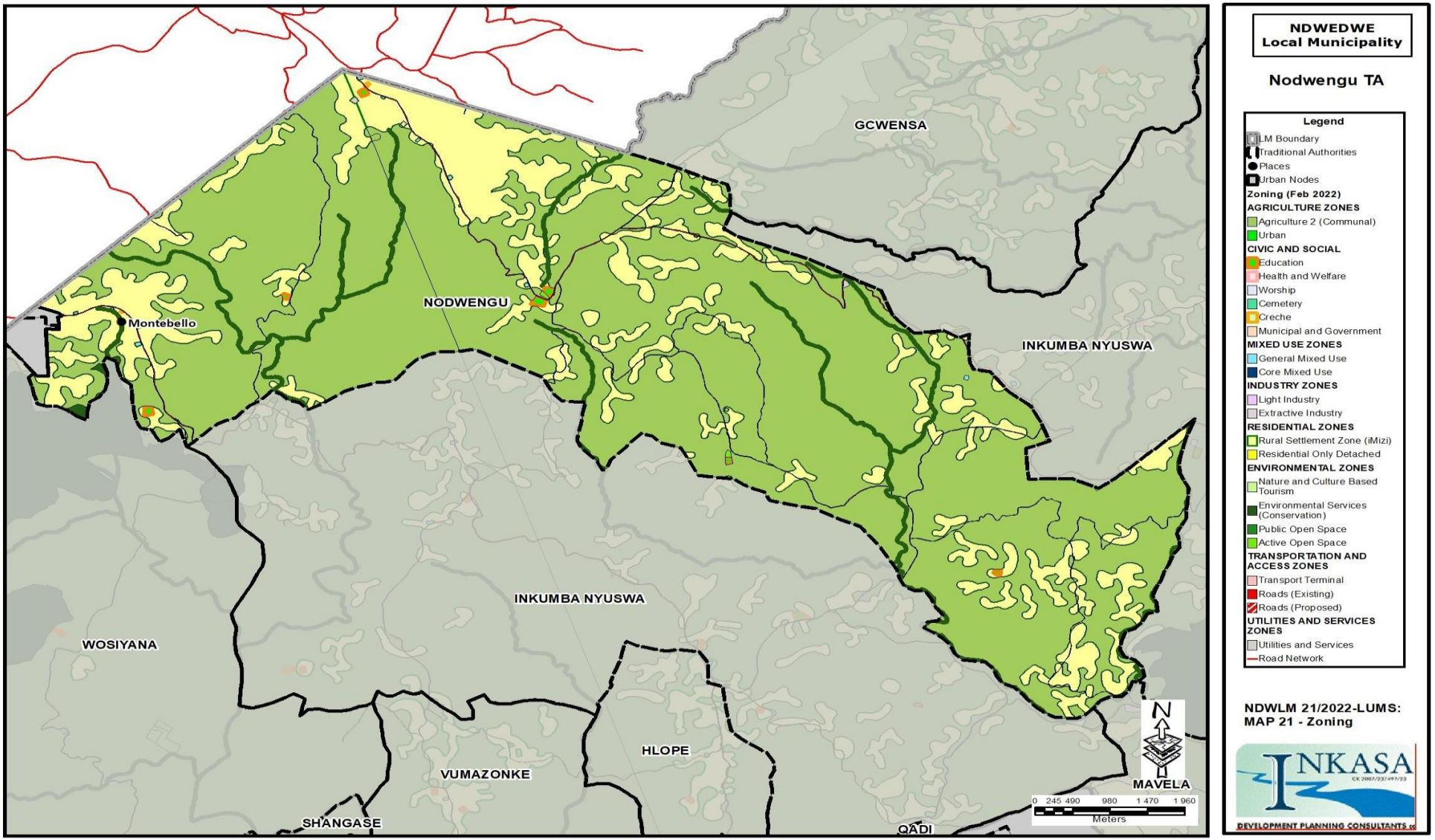
MAP 19: MLAMULA TRADITIONAL COUNCIL LAND USE SCHEME MAP



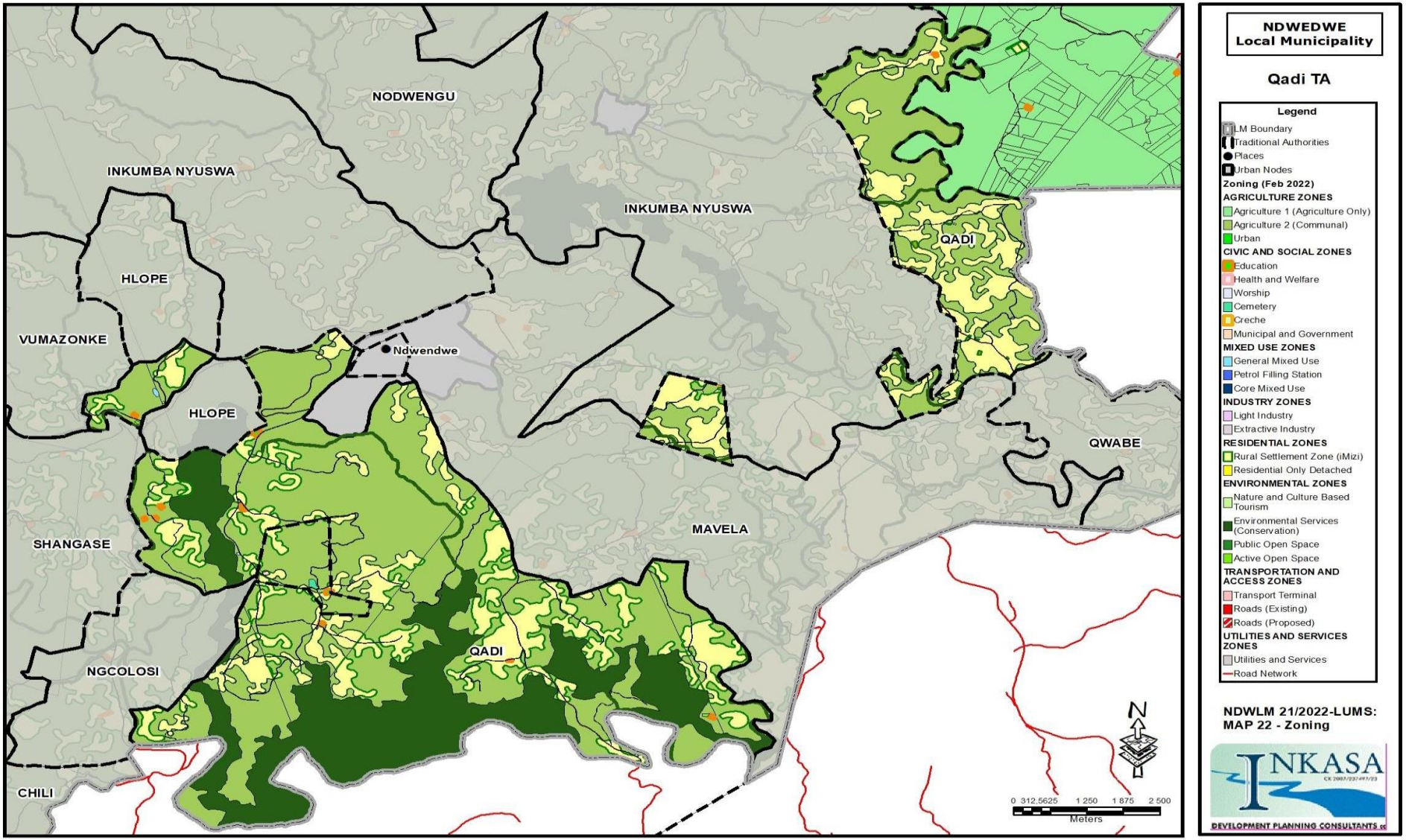
MAP 20: NGCOLOSI TRADITIONAL COUNCIL LAND USE SCHEME MAP



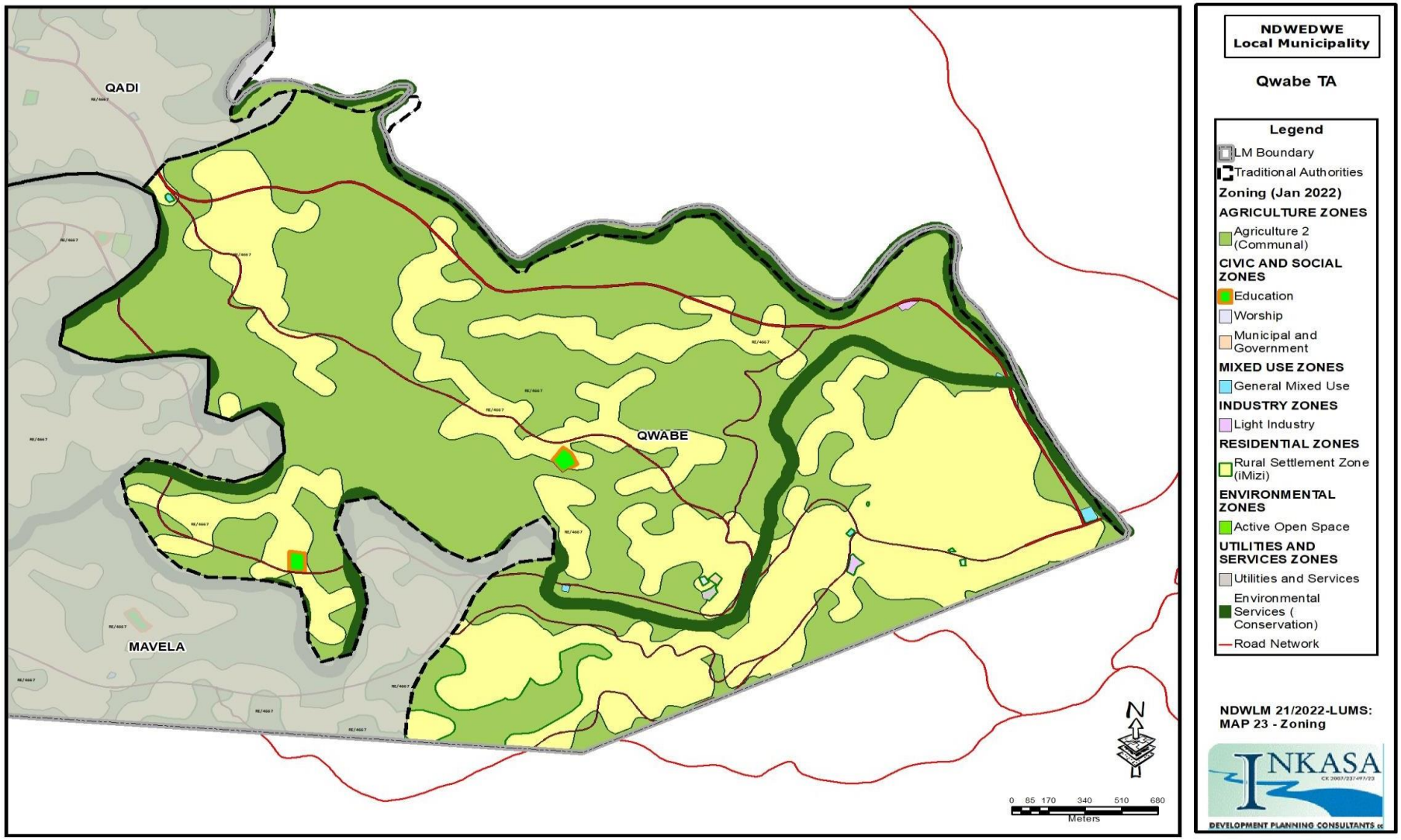
MAP 21: NODWENGU TRADITIONAL COUNCIL LAND USE SCHEME MAP



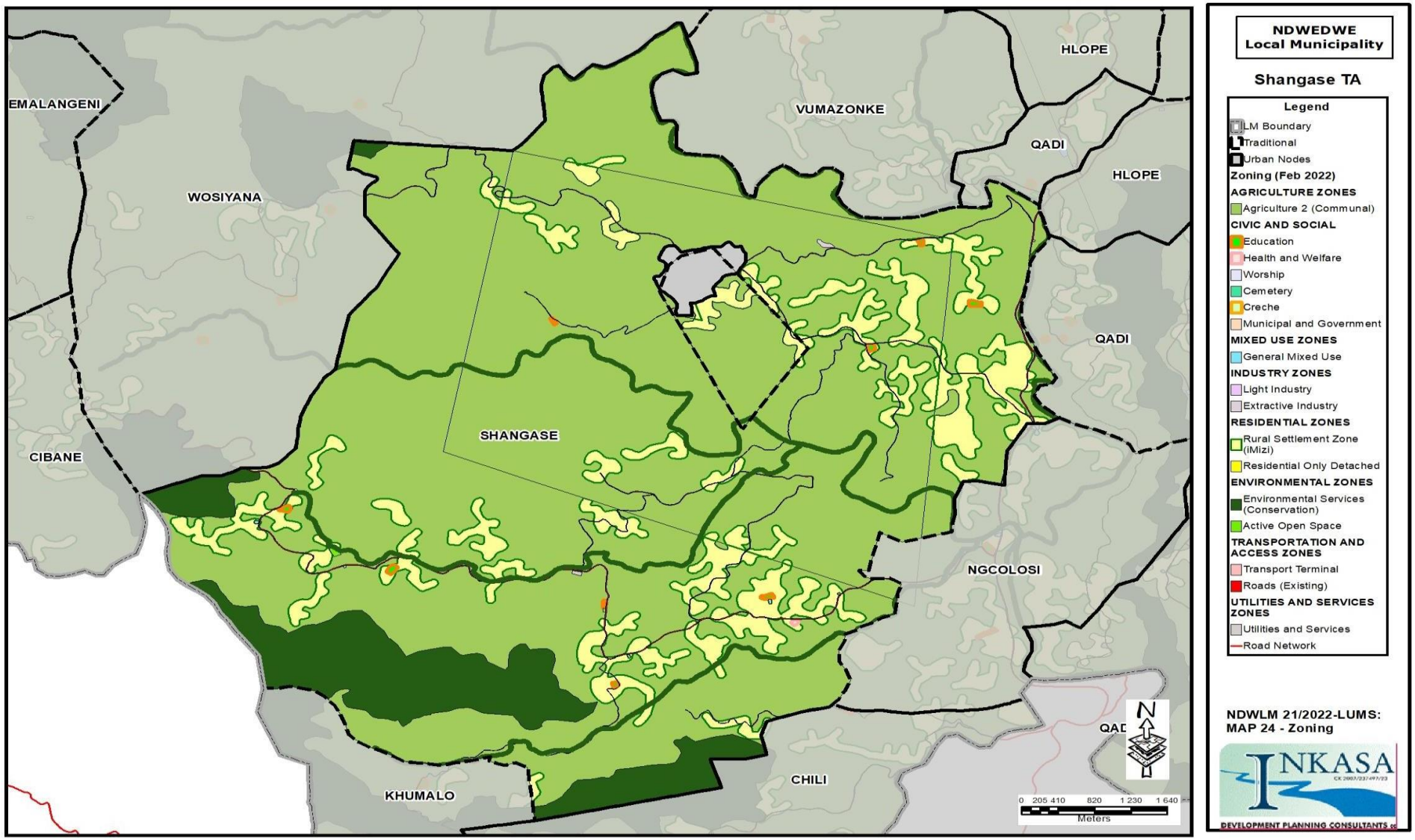
MAP 22: QADI TRADITIONAL COUNCIL LAND USE SCHEME MAP



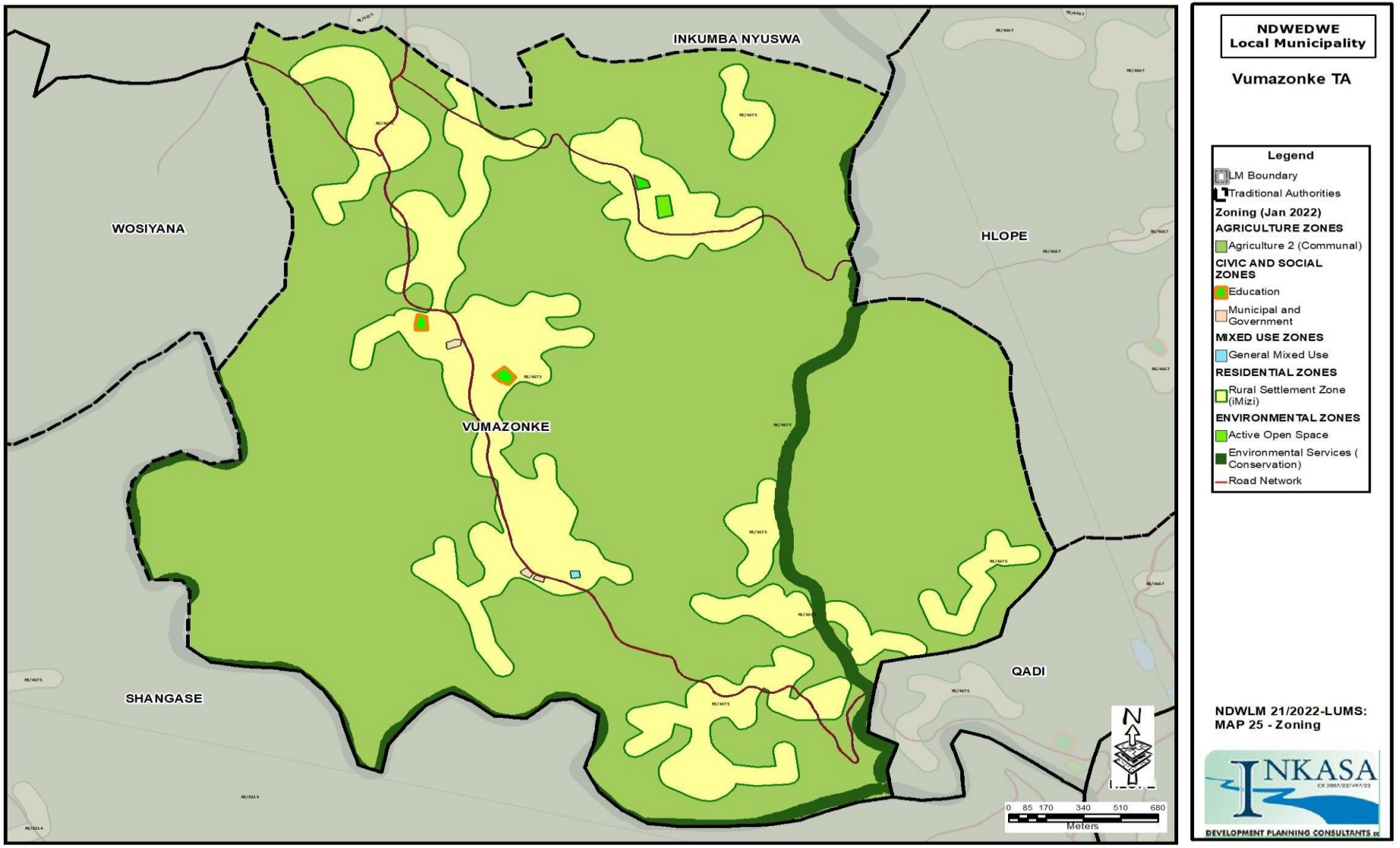
MAP 23: QWABE TRADITIONAL COUNCIL LAND USE SCHEME MAP



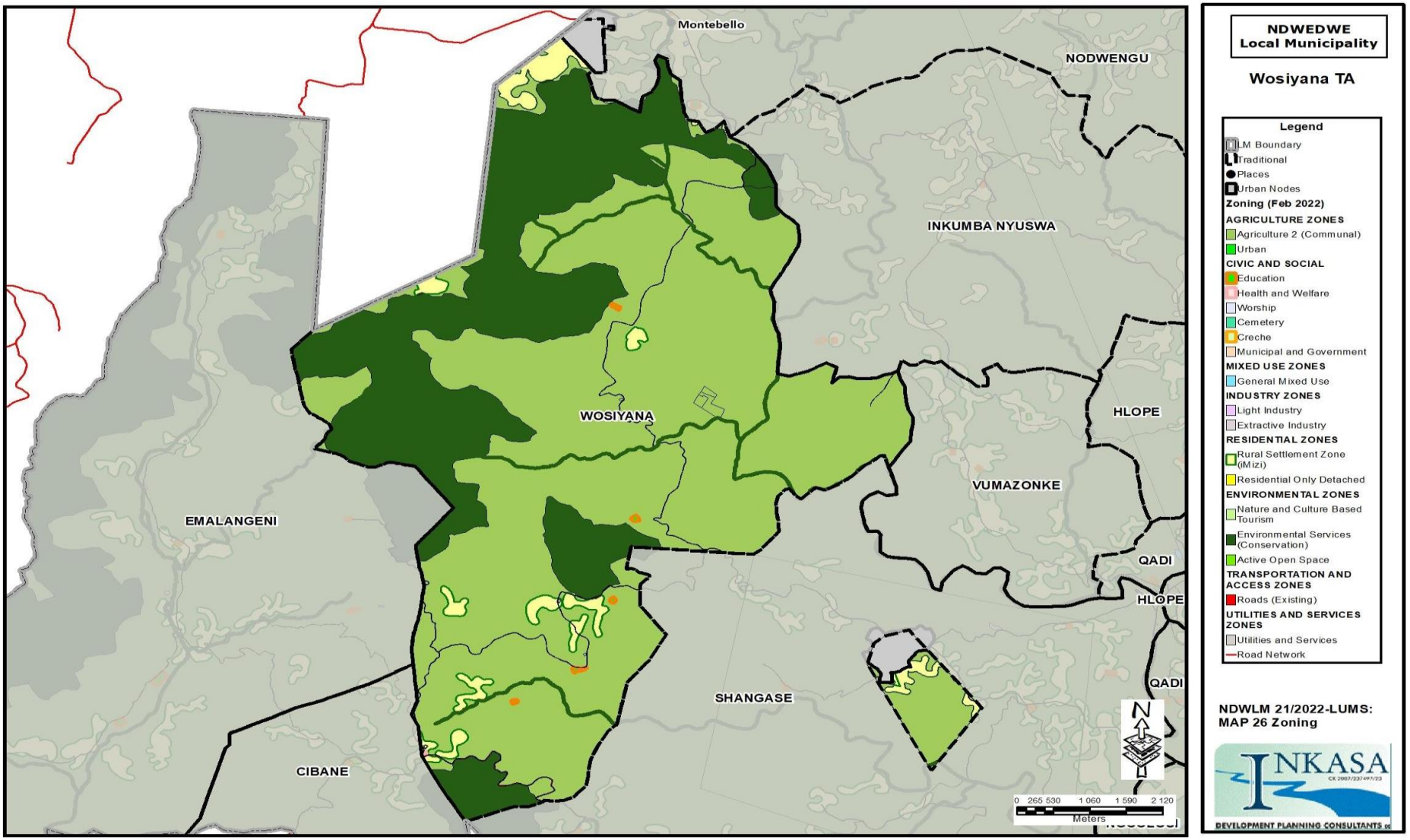
MAP 24: SHANGASE TRADITIONAL COUNCIL LAND USE SCHEME MAP



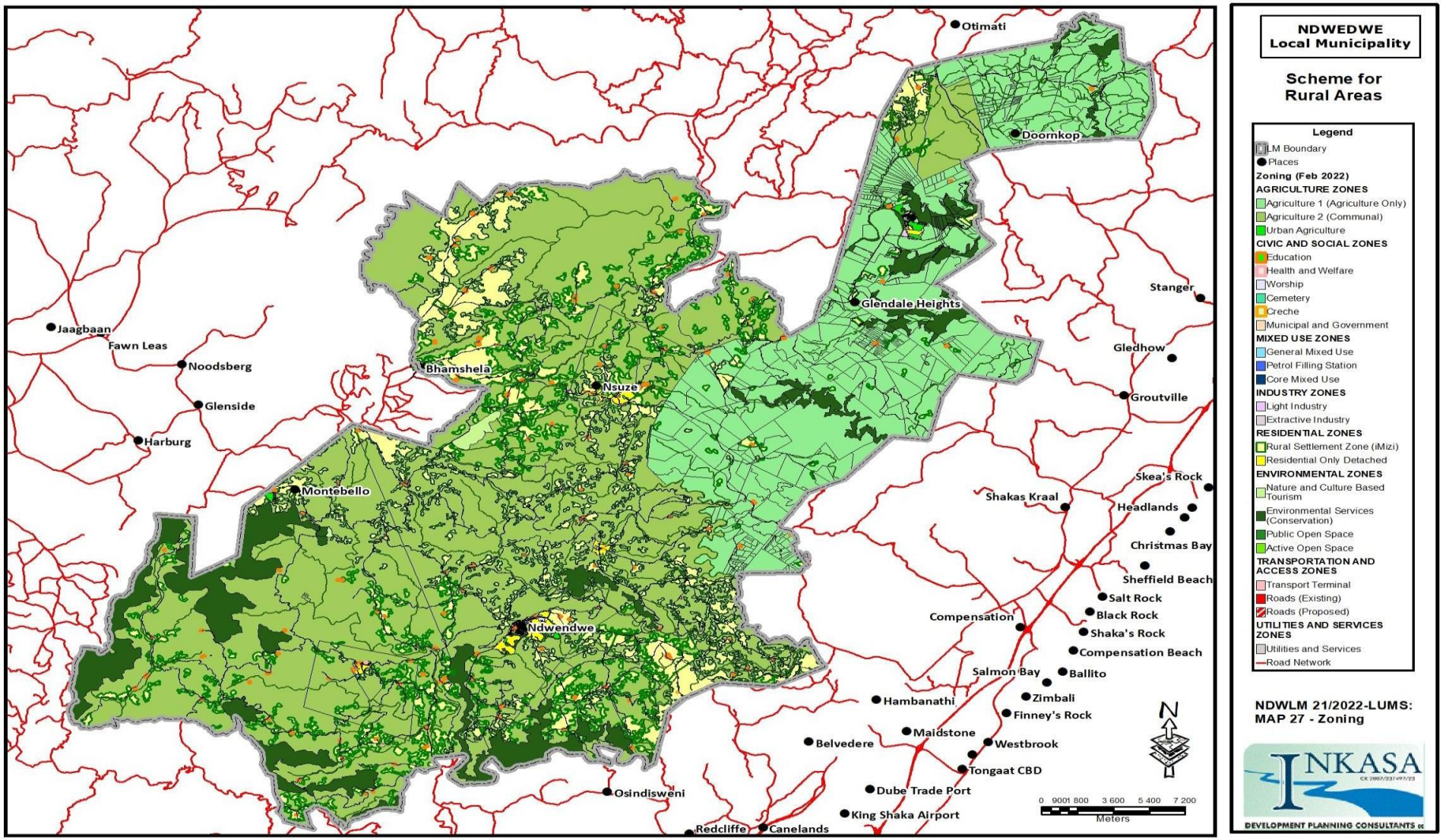
MAP 25: VUMAZONKE TRADITIONAL COUNCIL LAND USE SCHEME MAP



MAP 26: WOSIYANE TRADITIONAL COUNCIL LAND USE SCHEME MAP



MAP 27: RURAL PART / AREAS LAND USE SCHEME MAP



ANNEXURE B:

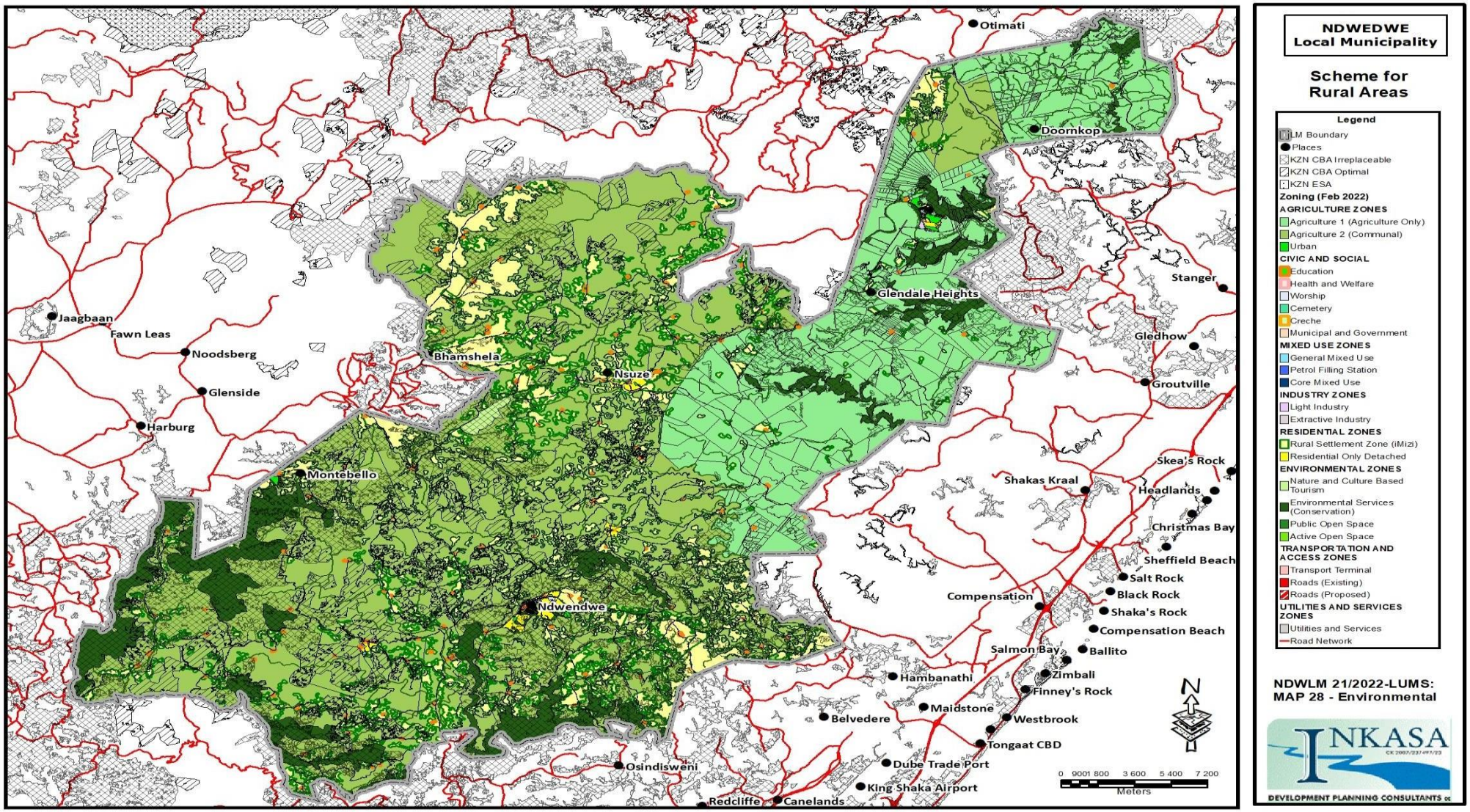
MANAGEMENT OVERLAYS

- ENVIRONMENTAL MANAGEMENT OVERLAYS: (CRITICAL BIODIVERISTY AREAS AND ENVIRONMENTALLY SENSITIVE AREAS (CBA'S AND ESA'S) MAPS.
- AGRICULTURE POTENTIAL OVERLAY MAPS.
- AREAS SUBJECT TO ACT 70 OF 1970 OVERLAY MAP.

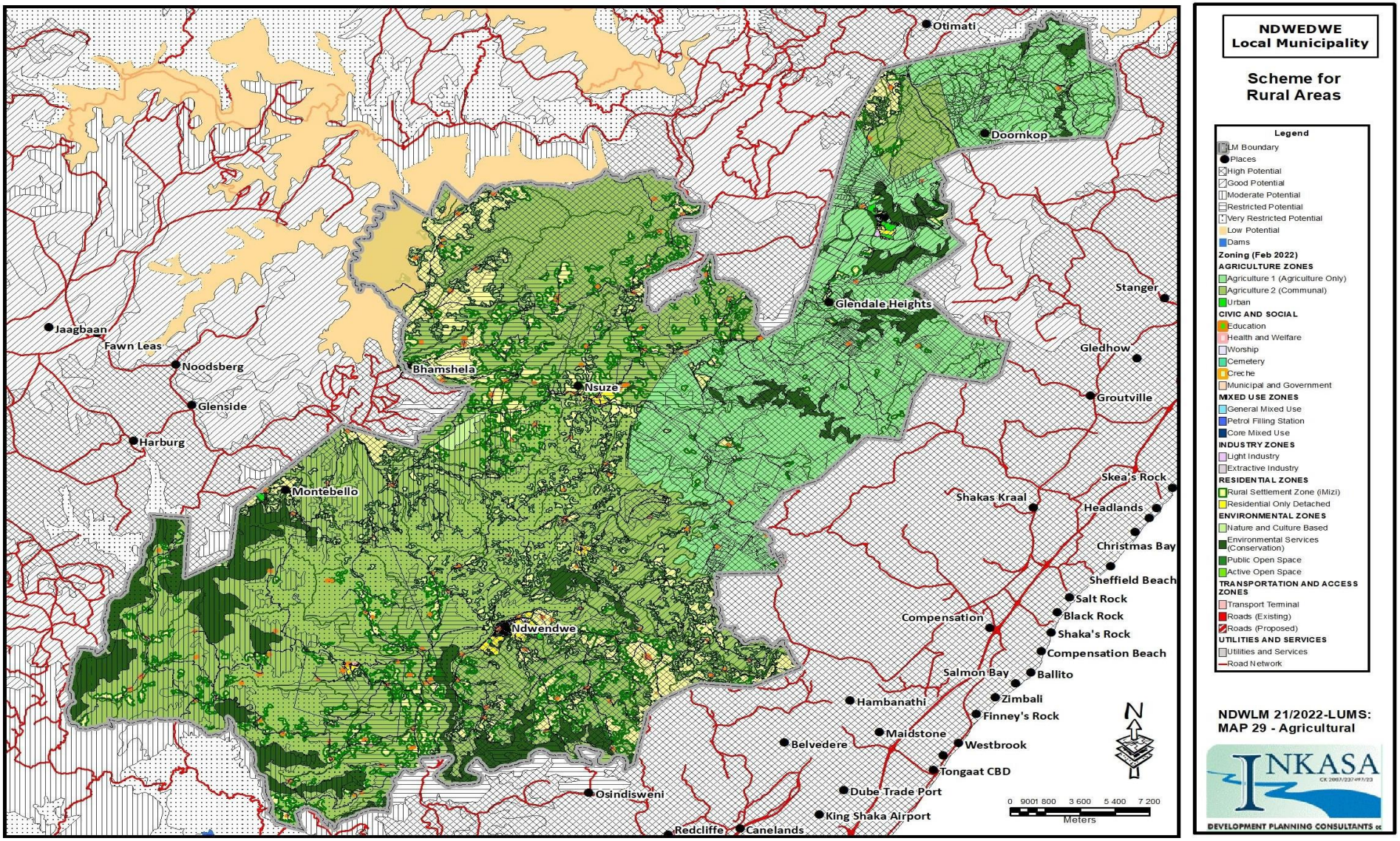
Area	Map Reference
Environmental Management Overlay	Maps 28
Agricultural Potential Overlays	Map 29
Areas Subject to Act 70 of 1979 Overlay	Map 30

NOTE: INDIVIDUAL OVERLAY MAPS (BOTH FOR THE ENVIRONMENT AND AGRICULTURAL POTENTIAL) FOR TRADITIONAL COUNCILS ARE SUBMITTED SEPERATELY DUE TO THE SIZE OF THE DOCUMENT.

MAP 28: ENVIRONMENTAL MANAGEMENT OVERLAY



MAP 29: AGRICULTURAL POTENTIAL OVERLAY



NDWEDWE Local Municipality

Scheme for Rural Areas

Legend

- LM Boundary
- Places
- High Potential
- Good Potential
- Moderate Potential
- Restricted Potential
- Very Restricted Potential
- Low Potential
- Dams

Zoning (Feb 2022)

AGRICULTURE ZONES
- Agriculture 1 (Agriculture Only)
- Agriculture 2 (Communal)
- Urban

CIVIC AND SOCIAL
- Education
- Health and Welfare
- Worship
- Cemetery
- Creche
- Municipal and Government

MIXED USE ZONES
- General Mixed Use
- Petrol Filling Station
- Core Mixed Use

INDUSTRY ZONES
- Light Industry
- Extractive Industry

RESIDENTIAL ZONES
- Rural Settlement Zone (iMizi)
- Residential Only Detached

ENVIRONMENTAL ZONES
- Nature and Culture Based
- Environmental Services (Conservation)
- Public Open Space
- Active Open Space

TRANSPORTATION AND ACCESS ZONES
- Transport Terminal
- Roads (Existing)
- Roads (Proposed)

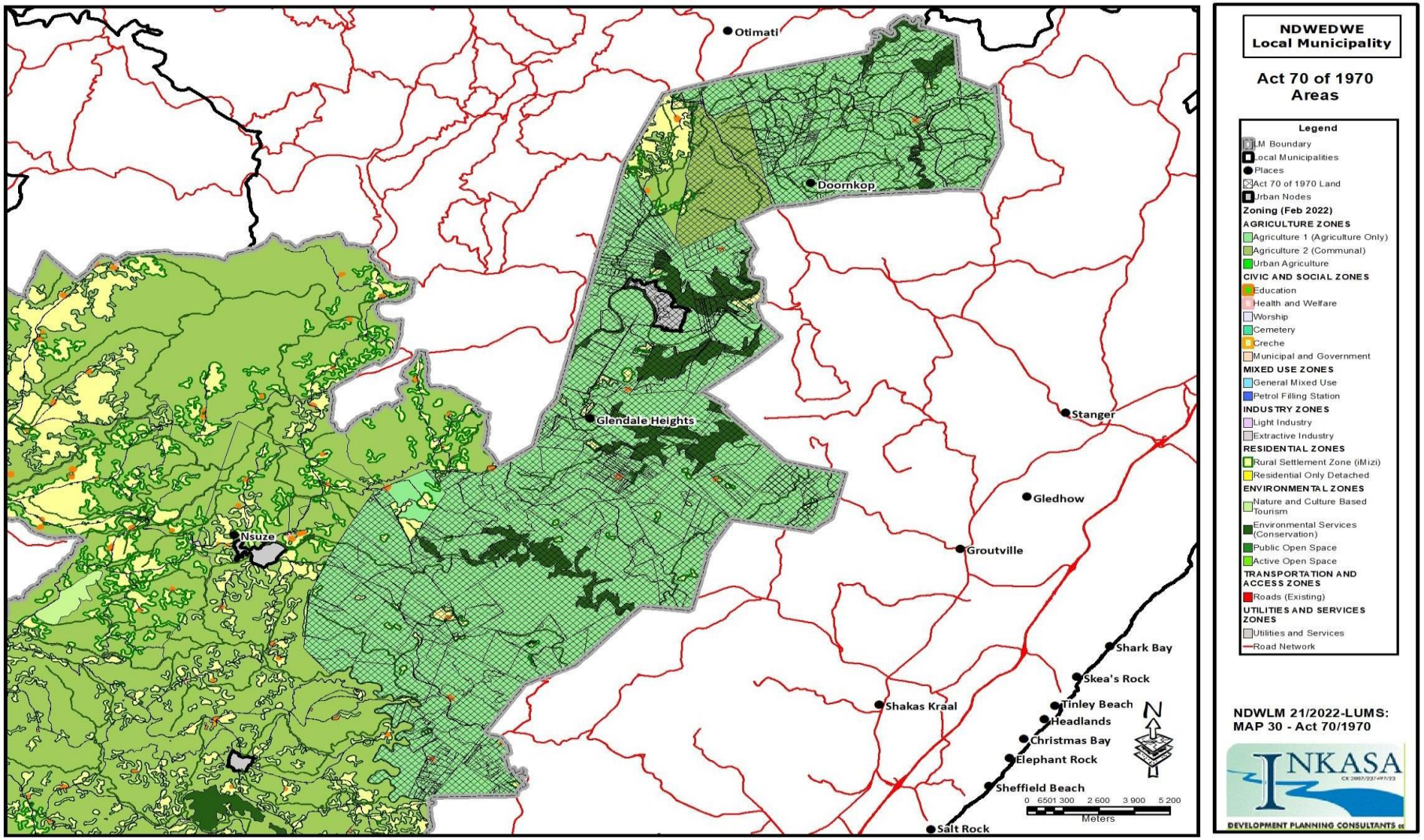
UTILITIES AND SERVICES
- Utilities and Services
- Road Network

NDWLM 21/2022-LUMS: MAP 29 - Agricultural

INKASA

DEVELOPMENT PLANNING CONSULTANTS cc

MAP 30: AREAS SUBJECTED TO ACT 70 OF 1970



ANNEXURE C1:

EXAMPLE OF REGISTER OF SCHEME AMENDMENTS

REGISTER OF SCHEME AMENDMENTS				
Application Ref. No	**Date of Submission**	**Details of Amendment**	**Date of Adoption**	**Remarks**

ANNEXURE C2:

EXAMPLE OF REGISTER OF REZONING APPLICATIONS

REGISTER OF REZONING APPLICATIONS				
Application Ref. No	**Date of Submission**	**Details of Amendment**	**Date of Adoption**	**Remarks**

ANNEXURE C3:

EXAMPLE OF REGISTER OF CONSENT APPLICATIONS

REGISTER OF CONSENT APPLICATIONS				
Application Ref. No	**Date of Submission**	**Details of Amendment**	**Date of Adoption**	**Remarks**