



# DR NKOSAZANA DLAMINI-ZUMA LOCAL MUNICIPALITY

LAND USE SCHEME IN COURSE OF  
PREPARATION

MARCH 2020

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## 1 INTRODUCTION TO THE SCHEME AND DEFINITIONS

### 1.1 TITLE

This Scheme shall be known as the Dr. Nkosazana Dlamini-Zuma Municipality (herein after referred to as the Municipality or NDZ LM) Land Use Scheme.

### 1.2 PLANNING AUTHORITY

The Dr. Nkosazana Dlamini-Zuma Local Municipality, shall be the authority, responsible for enforcing and carrying into effect the provisions of the Scheme.

### 1.3 EFFECTIVE DATE

The Land Use Scheme shall come into effect from the date that notice of adoption is published in the Provincial Gazette.

### 1.4 AREA OF THE LAND USE SCHEME

The Land Use Scheme applies to all properties within the municipal boundary of the Municipality, as determined by the Municipal Demarcation Board.

TABLE 1: SCHEME AREAS

Area	Plan Reference	Reference Number
Dr. Nkosazana Dlamini -Zuma Municipal Area		
Creighton		
Underberg		
Bulwer		
Donnybrook		
Himeville		
Ngcobo's Farm		
Tar's Valley		
Drakensberg Gardens Area		

### 1.5 MANAGEMENT OVERLAYS

In addition to the Scheme maps listed above, a number of overlays have been included as part of the land use management system. These are not part of the Scheme but are to be listed in the Scheme and have to be taken into consideration when making decisions in respect of the Scheme, but can be independently amended. These overlays are for information purposes and should be consulted when making a decision about the use or development of land within the Municipality, as follows:

TABLE 2: MANAGEMENT OVERLAYS

OVERLAY	PURPOSE	STATUS AND REFERENCE NUMBER
<b>Agricultural Management Overlay</b>	The Agricultural Management Overlay depicts areas that are subject to the Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970). The area demarcated by this management overlay will be subjected to Scheme statements depicting zonings on the agricultural land. The procedures for land use and development applications are as outlined in this Scheme.	
Agricultural Potential Overlay	The Agricultural Potential Overlay is defined in terms of the KZN Agricultural Land Categories, should be referred to for further detailed information and guidance in respect of agricultural land.	
Agro-Biodiversity 1 Overlay	This overlay aims to highlight the importance of both sustainable agriculture and biodiversity conservation, because it is deemed to have high to moderate agricultural potential and high biodiversity value. The designation encourages indigenous biodiversity throughout the agricultural landscape wherever possible and links these areas through “corridors” with formal protected areas. In principle, rangeland can be utilised to provide viable habitats or to link areas to enable species to maintain genetic interaction between populations that would otherwise be isolated. (See section 6.1.2 for more detail)	
<b>Biodiversity Management Areas</b>	Critical Biodiversity Areas, Ecological Support Areas and Critical Biodiversity Areas have been identified by Ezemvelo KwaZulu-Natal Wildlife. This overlay shall be considered as a relevant informant to any decision made by Municipality for land use and development proposals on any site to which such overlay may apply. Apart from the Critical Biodiversity Overlay, biodiversity management will further include overlays for the management of Protected Areas and Buffers. Assigned management procedures are set out in Section 6.2 of the Land Use Scheme.	

OVERLAY	PURPOSE	STATUS AND REFERENCE NUMBER
<b>Protected Areas and Buffers</b>	Protected Area requires a specified buffer based on its location within the landscape, its interaction with surrounding land uses, its Protected Area values, its conservation requirements, and its conservation tourism requirements.	
<b>Buffer Zone Overlay</b>	The Buffer Zone Overlay defines the Buffer Zone to the World Heritage Site and includes a set of rules which govern land use and activities in that zone. These rules and layers are further discussed in Section 6.3 of the Scheme.	
<b>Landscape Characterisation Overlay</b>	The landscape characterisation overlay provides information regarding the capacity of different areas within the municipality to absorb tourism development. The aim is to spatially guide development so as to protect the intrinsic character of sensitive and valuable landscapes. The study "Landscape Characterisation in the KwaSani LM" should be consulted for more detailed information.	
<b>Traditional Authority Management Overlay</b>	The Traditional Area Management Overlay depicts land that is registered in the name of the Ingonyama Trust, and managed by Traditional Authorities. (See section 5 for more detail)	

## 1.6 AMENDMENTS TO THE SCHEME

The Municipality may initiate an amendment of this scheme, and an owner of land may apply for an amendment of this scheme in accordance with procedures laid down in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and the Dr. Nkosazana Dlamini-Zuma Municipality Spatial Planning and Land Use Management By-law.

## 1.7 APPEAL

Appeal procedures are laid down in the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and the Dr. Nkosazana Dlamini-Zuma Municipality Spatial Planning and Land Use Management By-law.

## 1.8 PURPOSE OF THE SCHEME

- 1.8.1 To enable the comprehensive management of all erven (both private and public sector) within the Municipality;
- 1.8.2 To promote and implement the applicable planning and development legislation and principles as adopted by the relevant National, Provincial and Municipal spheres of government from time to time; and
- 1.8.3 To promote and implement the Vision and Strategies of the Integrated Development Plan in the realization of quality environments
- 1.8.4 To manage land-use rights, to provide facilitation over use rights, to manage urban growth and development, and to manage conservation of the natural environment, in order to:
  - 1.8.4.1 Achieve co-ordinated and harmonious development in a way that will efficiently promote public safety, health, order, convenience and to protect the general welfare of the inhabitants of the Municipality;
  - 1.8.4.2 Promote integrated and sustainable development through-out the area of jurisdiction;
  - 1.8.4.3 Promote sustainable environmental management, conserve and protect environmentally sensitive areas.
  - 1.8.4.4 Promote all forms of development and growth through sound planning principles that would support a mix of land-uses managed in an appropriate manner.

## 1.9 STATUS OF THE SCHEME

- 1.9.1 This Land Use Scheme replaces all Town Planning Schemes within the area to which it applies.
- 1.9.2 Where the lawful utilization of land at the commencement of this Scheme does not comply with the zones of this Scheme, the utilization shall be deemed not to constitute an offence.
- 1.9.3 A Municipality or any other organ of state may not approve a proposal to subdivide or consolidate land that is in conflict with the provisions of a Scheme.
- 1.9.4 A proposal to subdivide or consolidate land that is in conflict with the provisions of a Scheme is invalid.
- 1.9.5 Land that was being used lawfully before the effective date of the Scheme, for a purpose that does not conform to the Scheme, may continue to be used for that purpose.

## 1.10 TRANSITIONAL MEASURES

- 1.10.1 Any land development application or other matter in terms of any provision of National or Provincial legislation dealing with land development applications that are pending before the Municipality on the date of the coming into operation of the Dr. Nkosazana Dlamini-Zuma Local Municipality Land Use Scheme, shall be dealt with in terms of that legislation or if repealed in terms of its transitional arrangements or in the absence of any other provision, in terms of the Dr. Nkosazana Dlamini-Zuma Municipality Spatial Planning and Land Use Management Bylaw.
- 1.10.2 Schedule 13 of the Dr. Nkosazana Dlamini-Zuma Municipality Spatial Planning and Land Use Management Bylaw outlines the transitional arrangement from the old legislative order to the new legislative order.
- 1.10.3 Any consent, permission or approval granted in terms of the provisions of a Land Use Scheme in force for the erection or use of buildings or for the use of land, or any rights legally exercised in terms of such Land Use Scheme, shall be deemed to be a consent, permission or approval in terms of the provisions of this Scheme.
- 1.10.4 Where any application is, on the date of commencement of this Land Use Scheme, pending before the Municipality in terms of a Land Use Scheme substituted by this Land Use Scheme, it shall be dealt with as if this Land Use Scheme has not been promulgated and be finalized accordingly.
- 1.10.5 Save that alterations or additions to existing buildings shall be carried out in compliance with the provisions of this Land Use Scheme; existing buildings shall not be affected by the provisions of this Land Use Scheme. For the purposes of this clause, should a building in the opinion of the Municipality be substantially altered, such buildings shall be subject to the provisions of this Land Use Scheme.
- 1.10.6 Should an existing building be built across erf boundaries, any changes to that building shall require that a consolidation first be approved and registered prior to the approval of any alterations or additions to the building(s), unless the erven have been tied notarially.

## 1.11 REVIEW OF THE LAND USE SCHEME

- 1.11.1 The Municipality must review the land use scheme within six months after it has adopted an Integrated Development Plan for its elected term in terms of Section 25 of the Municipal Systems Act (Act No. 32 of 2000) and Section 45 of the Dr. Nkosazana Dlamini-Zuma Municipality Spatial Planning and Land Use Management Bylaw.
- 1.11.2 The process for the amendment of the land use scheme must be followed to update the land use scheme in accordance with the Municipality's recommendations.

### 1.12 INSPECTION OF SCHEME

The Municipality shall allow any person to inspect the Scheme, the register or registers of all applications and decisions on the Scheme at any reasonable time.

### 1.13 ENFORCEMENT

Unless provided for elsewhere in this Land Use Scheme, no person shall develop land without the approval of the Municipality and such development shall be in accordance with all conditions set by the Municipality. Where development takes place without the approval of the Municipality or where such development is not in accordance with this Land Use Scheme or any condition set by the Municipality, the procedures set out in the Dr. Nkosazana Dlamini-Zuma Municipality Spatial Planning and Land Use Management Bylaw will be applicable.

### 1.14 DEVELOPMENT CONTROL

1.14.1 Development controls are set in these Scheme Clauses for the areas, which will need to be complied with for any proposed development.

1.14.2 Development proposed in close proximity to service infrastructure and roads shall take into account the building restrictions required by the service authorities.

### 1.15 ALTERATION, SUSPENSION AND DELETION OF RESTRICTIONS RELATING TO LAND

Application for the alteration, suspension or deletion of restrictions relating to land shall be undertaken in accordance with the Dr. Nkosazana Dlamini-Zuma Municipality Spatial Planning and Land Use Management By-law.

### 1.16 ENVIRONMENTAL CONSIDERATION

The Environmental Controls included in this scheme will be applied to all development applications in order to ensure environmental management is considered from the outset. This will endeavour to maintain the environmental integrity of the Municipality.

### 1.17 GUIDELINE DOCUMENTS RELATING TO APPLICATIONS

Guideline Documents and Application Forms, and related Municipal Policies as contained in a companion document to this Scheme are available from the Municipality, and may be updated independently of the Scheme.

## 2 DEFINITIONS

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### 2.1 GENERAL DEFINITIONS

<b>AGRICULTURAL BUILDING</b>	Means a building used in connection with, or which would ordinarily be incidental to, or reasonably necessary in connection with the use of the site of that building as agricultural.
<b>APPLICANT</b>	Means the owner(s) or lessee(s) of property, or their agent(s), or person(s) who have contracted to purchase property contingent upon their ability to acquire the necessary consents under this Scheme or the agent(s) of such persons.
<b>ANCILLARY USE</b>	Means a use incidental to and customarily associated with a specific principal use, located on the same erf.
<b>APPEAL TRIBUNAL</b>	Is the Appeal Tribunal established in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and associated Dr. Nkosazana Dlamini-Zuma Municipality Spatial Planning and Land Use Management By-law.
<b>ARCADE</b>	Means an area forming part of a building which may or may not be covered, reserved exclusively for pedestrian traffic, but may include fountains, benches and other similar features and shall nowhere have a total width of less than 4 metres and an unobstructed width of less than 2 metres, such measurements shall be subject to the discretion of the Municipality.
<b>AREA OF SCHEME</b>	Means the area of the municipality of which the Land Use Scheme applies.
<b>AUTHORISED OFFICER</b>	Means an official who may consider and determine applications as contemplated in terms of Chapter 2, Section 6 of the Dr. Nkosazana Dlamini-Zuma Municipality Spatial Planning and Land Use Management By-law.
<b>AUTHORITY</b>	Means the written authority given by the Municipality in terms of its statutory powers.
<b>BASEMENT</b>	Is the lowest part of any building, which part is constructed with more than 50% of its volume below the mean finished ground level immediately surrounding the building.

<b>BASE TELECOMMUNICATION STATION</b>	Means any structure designed and used for the accommodation of equipment used in the transmitting or receiving of electronic communications signals and includes a telecommunications mast.
<b>BETTING DEPOT</b>	Means 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.
<b>BUILDING</b>	<p>any other structure, whether of a temporary or permanent nature and irrespective of the materials used in the erection thereof, erected or used for or in connection with:</p> <ul style="list-style-type: none"> <li>(i) the accommodation or convenience of human beings or animals;</li> <li>(ii) the manufacture, processing, storage, display or sale of any goods;</li> <li>(iii) the rendering of any service;</li> <li>(iv) the destruction or treatment of refuse or other waste materials;</li> <li>(v) the cultivation or growing of any plant or crop; any wall, swimming bath, swimming pool, reservoir or bridge or any other structure connected herewith;</li> <li>(vi) any fuel pump or any tank used in connection therewith;</li> <li>(vii) any part of a building, including a building as defined in paragraph (a), (b) or (c);</li> <li>(viii) any facilities or system, or part or portion thereof, within or outside but incidental to a building, for the provision of a water supply, drainage, sewerage, stormwater disposal, electricity supply or other similar service in respect of the building;</li> </ul>
<b>BUILDING LINE</b>	Means a line parallel to any common erf/lot boundary of which the erection of a building or structure as defined in the Scheme is not permitted.
<b>BYLAW</b>	Means the bylaws or regulations of the Municipality in force in the area of the Scheme.
<b>CARAVAN</b>	Means any vehicle permanently fitted out for use by persons for living and sleeping purposes whether or not such vehicle is a trailer.

<b>CAR WASH</b>	Mean a building or structure equipped with mechanical equipment for the purposes of washing motor vehicles, and may include a valet service.
<b>COMMON LAND</b>	Means the portion of a medium density housing site which is set aside for the use and enjoyment of all the occupants of the dwelling units on that site, and from which the general public may be excluded.
<b>CLUSTER HOUSING</b>	Means two or more attached and/or detached dwelling units standing within the boundaries of a cluster-housing site, each dwelling unit having direct access to a private open area and having access to common land.
<b>CONSENT</b>	Means the consent, in writing, by the Municipality for any activity on, or use of land or buildings for which an application, in terms of the Land Use Scheme or the Dr. Nkosazana Dlamini-Zuma Municipality Spatial Planning and Land Use Management By-Law.
<b>CONSERVATION TOURISM</b>	Means tourism as related to the opening the Protected Area to public access, conservation interpretation and awareness, which can include: <ul style="list-style-type: none"> <li>• Tourism staff accommodation</li> <li>• Tourism offices</li> <li>• Tourism accommodation (chalets, lodges, camping sites)</li> <li>• Curio shop</li> <li>• Restaurant/ tea-room</li> <li>• Tourism roads (including culverts, low level bridges and small span bridges) and hiking paths (including bridges)</li> <li>• Bird hides and ablutions</li> <li>• Picnic areas and ablutions</li> <li>• Skinning shed for hunting areas</li> <li>• Tourism boat launching facilities and infrastructure (e.g. Jetties and slipways and wash bay)</li> <li>• Waste storage areas</li> <li>• Service infrastructure (including septic tanks, pump stations, treatment works, powerlines, telephone lines, solar arrays, etc.).</li> </ul>

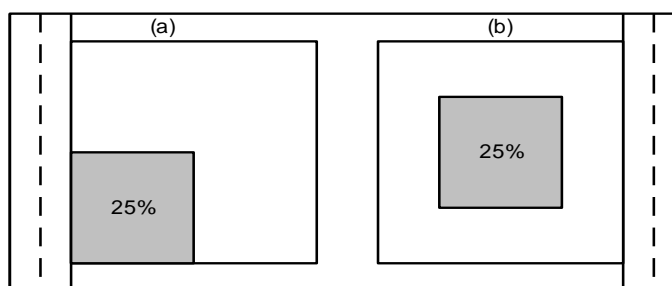
- Fuel bowser
- Quarries for road maintenance

**CONVENIENCE SHOP**

Means a building or part of a building developed in connection with a service station used primarily for the sale of convenience goods, and which is subservient to that of a service station on which it is situated.

**COVERAGE**

Means the proportion of an erf covered by buildings, and is expressed as a percentage of the erf area as defined. Thus, 25% coverage means that only one quarter of the erf may be covered by buildings.

**DEVELOP LAND OR DEVELOPMENT**

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

**DUPLEX FLAT**

Means a dwelling unit in a building, each such unit consists of a ground floor and one upper floor connected by an internal staircase and has direct access to a private open area.

**DWELLING UNIT**

Means a set of inter-leading rooms including bathroom(s) and not more than one kitchen, designed as a self-contained unit for occupancy by a single household for living and sleeping purposes.

**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 unit 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.

**ENVIRONMENTAL SCREENING REPORT**

Means a preliminary environmental assessment of the potential impacts of a proposed development on the environment; and, in particular on the ecosystems and the conservation status of the site and the biodiversity objectives of the Municipality.

<b>ERECTION OF A BUILDING</b>	Means the construction of a new building or a structural alteration or additions to any building.
<b>ERF</b>	Means any piece of land registered in the Deeds Registry as an erf, lot, plot, stand or farm and includes a portion of an erf, lot plot, stand or farm; provided that where, as a provision of the Scheme, a proposed road or a change in zoning divides a registered piece of land into two or more portions, the term "Erf" shall apply to each of such portions as if they had been separately registered.
<b>ERF AREA</b>	Means the area of an erf, less the area of a panhandle, any public right of way, road servitude, land set aside as a new road or road widening to which the erf may be subject, but shall include any registered servitude for overhead or underground services.
<b>EXISTING BUILDING</b>	Means a building lawfully erected before the date of adoption or a building erected in accordance with plans, which were approved by the Municipality prior to that date.
<b>EXISTING USE</b>	Means in relation to any building or land, a continuous use of that building or land after the date of adoption for the purpose for which it was designed and lawfully authorised by the Municipality at that date.
<b>FLOOD LINE</b>	Means a line indicating the 1:50 or 1:100 year flood, as defined in the National Water Act, 1998 (Act 36 of 1998).
<b>FLOOR AREA</b>	Subject to Clause 3.6, the floor area of a building shall be taken as the sum of the roofed areas of the building at each floor level, measured over and including wall thicknesses, lift shafts and staircases.
<b>FLOOR AREA RATIO</b>	Means the ratio that is obtained by dividing the floor area of a building or buildings erected, or to be erected, on a site by the registered surveyed area of such site, that is:  $\text{FAR} = \frac{\text{total floor area of buildings}}{\text{total area of site}}$
<b>FRONTAGE</b>	Means the length of the boundary of an erf, which is coincident with the boundary of an existing or proposed street.
<b>GROSS FLOOR AREA</b>	Means the total floor area designed for the use and control by occupants, measured from the centre line of the joint partitions to the outer face of the exterior walls, but shall exclude toilets, lift shafts,

	service ducts, and vertical penetrations of floors, interior parking and loading bays.
<b>GROSS LEASABLE FLOOR AREA</b>	Means the floor area of a building taken as the sum of the roofed areas of the building at each floor level, measured over and including wall thicknesses, lift shafts, staircases, roofed motor vehicle parking, balconies and access galleries (see also Basement, Roof and Storey).
<b>GROSS OFFICE AREA</b>	Means the sum of the floor areas of the office space in a building including storage, corridors, lift shafts, staircases, kitchens and conveniences, and shall include wall thicknesses and basements used other than for parking purposes.
<b>GROSS SHOP AREA</b>	Means the sum of the floor areas of both the storage and retail areas of a shop and shall include wall thicknesses and basements used other than for parking purposes, but shall exclude public conveniences.
<b>GROUND FLOOR</b>	Means the floor of a building which is the entry point into the building and which is at or closest to the natural ground level of the property, but excludes a basement.
<b>HEIGHT</b>	Means the height of a building in storeys or metres of which it consists and is expressed as a number.
<b>HOME-OWNERS ASSOCIATION</b>	Means a company registered in terms of Section 21 of the Companies Act, No. 61 or 1973, as amended, membership of which shall be exclusive to and compulsory for the freehold or registered leasehold owners of dwelling unit curtilages in a medium density housing site.
<b>HOUSEHOLD</b>	Means a group of people who live together, share living and eating expenses, and may consist of one family, together with or without staff.
<b>INDUSTRIAL PURPOSES</b>	Means purposes normally or otherwise reasonably associated with the use of land primarily for the manufacture, altering, repairing, assembling or processing of a product, or the dismantling or breaking up of a product, or the processing of raw materials including a noxious activity (Source: Schedule 2 Spatial Planning and Land Use Management Act). See also Building and Land Use Definitions of Service, Light, General and Special Industrial Buildings.
<b>KENNELS</b>	Means any erf where dogs, cats, or other small animals or birds in an aviary are kept for profit, breeding or exhibiting, including places where

	said animals are boarded, kept for sale, or hire. Such use is regarded as an Agricultural Industry.
<b>KITCHEN</b>	Means any room, all or part of which is designed and/or used for storage, refrigeration, cooking and the preparation of food.
<b>MAISONETTE (OR PAIR OF MAISONNETTES)</b>	Means a two-storey building consisting of 2 dwelling units placed one above the other with separate entrances.
<b>MEDIUM DENSITY HOUSING SITE</b>	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, but excludes any land required by the Municipality for public purpose.
<b>MUNICIPAL PLANNING TRIBUNAL</b>	Means a Municipal Planning Tribunal referred to in the Dr. Nkosazana Dlamini-Zuma Municipality Spatial Planning and Land Use Management Bylaw.
<b>MUNICIPALITY</b>	Means the Dr Nkosazana Dlamini-Zuma Local Municipality or any other subsequently appointed authority.
<b>NATIONAL BUILDING REGULATIONS</b>	Means the National Building Regulations made in terms of section 17 of the National Building Regulations and Building Standards Act No.103 of 1977, as amended.
<b>NET DEVELOPABLE AREA</b>	Means the surveyed area of an erf less that area which by virtue of soil instability, liability to flooding, inaccessibility of topography or slopes steeper than 1:3 or the existence of an environmentally sensitive area, renders such area in the opinion of the Municipality as being undevelopable.
<b>OCCUPANT</b>	Means any person occupying a building or land irrespective of whether such occupation is legal or not.
<b>OWNER</b>	Means the person registered in the Deeds Registry as the owner of the land or the person who, for the time being, receives the rent in respect of the land or any building thereon, whether on his/her own account or as the agent or trustee, and includes the liquidator or legal representative, provided that such a liquidator or legal representative is acting within the authority conferred upon him by law.
<b>OUTBUILDING</b>	Means a building or portion of a building ordinarily used in conjunction with a dwelling unit(s), and used for the garaging of private motor

vehicles, storeroom, domestic workers' accommodation and ablution facilities, and workroom. An outbuilding shall not be leased out to tenants for residential purposes.

<b>PREMIER</b>	Means the Premier of the Province of KwaZulu-Natal.
<b>PRIMARY USE (FREE ENTRY)</b>	Means the predominant use of any erf, building or structure.
<b>PRIVATE OPEN AREA</b>	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 on a medium density housing site, such private open area being reserved for the exclusive use of the occupants of the associated dwelling unit, but may include covered open areas (patios) and verandas.
<b>PROPERTY</b>	Means any erf, erven, lot(s), plot(s) or stand(s), portion(s) or part(s) of farm portions or agricultural holdings, registered in the deeds registry as such.
<b>REAR BOUNDARY</b>	Shall mean that boundary of an erf which is furthest from any street boundary, and which does not meet any street boundary.
<b>REAR SPACE</b>	means a space, along the inside of a boundary of a property that does not meet a street boundary, in which no buildings may be erected, the extent of which is determined by a parallel line which is a set distance from the boundary.
<b>RESIDENTIAL DENSITY</b>	Means the number of permitted dwelling units, determined by dividing the surveyed area of the erf, (excluding the area of an access way on a "hatchet -shaped" lot), by the minimum erf size applicable to the zone in which the erf is situated, and adjusting this figure to the nearest whole number. The permitted density may be expressed in terms of dwelling units per hectare.
<b>RIVER RESERVE</b>	Means land set aside to protect the amenity of the watercourse and to minimize pollution and erosion. It also fulfils the function of protecting riparian vegetation and associated biodiversity, providing local biodiversity corridors and as acting as a flood risk control area.
<b>SCHEME</b>	Means the Dr Nkosazana Dlamini-Zuma Land Use Scheme in terms of the Dr. Nkosazana Dlamini-Zuma Municipality Spatial Planning and

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	Land Use Management Bylaw or any other national or provincial legislation.
<b>SCHEME MAP</b>	Means the Map forming part of the Scheme as adopted by the Municipality.
<b>SERVITUDE</b>	Means a registered right that grants the use of a portion of land for specified purposes.
<b>SEMI-DETACHED HOUSE</b>	Means a building other than a dwelling house comprising 2 dwelling units contained in one building, both on the ground floor and each provided with a separate entrance.
<b>SIDE BOUNDARY</b>	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.
<b>SIDE SPACE</b>	means a space, along the inside of a boundary of a property that meets a street boundary, in which no buildings may be erected, the extent of which is determined by a parallel line which is a set distance from the boundary;
<b>SITE DEVELOPMENT PLAN</b>	Means a plan, which shows the proposed development of a property and any salient natural features thereof.
<b>SPLUMA</b>	Means the Spatial Planning and Land Use Management Act 2013 (Act 16 of 2013).

<b>STOREY</b>	<p>Means a room or set of rooms at one level, including any room, the floor of which is split in two or more levels, and shall have the following implications:</p> <p>(a) Basement shall not count as a storey provided it be used for parking vehicles, service installations or storage, and not for residential purposes, or as a shop, factory or work place.</p> <p>(b) The ground floor may be on several levels.</p> <p>(c) A pitched roof containing a habitable room and any other type or style of roof, which contains or supports any rooms, structures or features over and above those mentioned in paragraph (e) below and which the Municipality considers to be habitable shall count as a storey.</p> <p>(d) A storey shall not be higher than 4, 5 metres. If a storey is higher than this, each 4, 5 metres or part thereof shall count as a storey.</p> <p>(e) Lift, meter and similar rooms and architectural features, which are in proportion to the building, do not constitute a storey.</p>
<b>STREET BOUNDARY</b>	Means the boundary of land, which is common to the boundary between a property and a public street or private road.
<b>TERRACE HOUSE</b>	Means a dwelling unit in a building comprising 3 or more dwelling units, each having a separate entrance on the ground floor with direct access to a private open area or areas.
<b>SUBDIVIDE</b>	Means the division of a piece of land into two or more portions.
<b>SURVEYOR-GENERAL</b>	Means the relevant Surveyor General as defined in section 49 of the land Survey Act, 1927(Act 9 of 1927).
<b>TELECOMMUNICATION MAST</b>	Means a mast that is 15 metres or taller that is used to support an antenna for communicating television radio, or telephone signals.
<b>TEMPORARY USE, BUILDING OR STRUCTURE</b>	Means a use, building or structure established for a specified period of time, with the intent to discontinue such use, building or structure at the end of the designated time period.
<b>TRANSIENT</b>	Means a continuous period of 2 weeks or less.
<b>USABLE COMMON OPEN SPACE</b>	Means the 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.

**UTILITY AREA**

Means the outdoor private area adjacent to or associated with the kitchen side of a medium density housing unit, the screening of which shall be to the satisfaction of the Municipality and which includes patios, verandas and drying areas.

**UTILITY FACILITY**

Means land or buildings used for the provision and maintenance of essential infrastructural services such as sewer, water, electricity, gas, telecommunication infrastructure, public lighting and storm water control.

**WATERCOURSE**

Means:

- a) a river or spring;
- b) a natural channel in which water flows regularly or intermittently
- c) a wetland, lake or dam into which water flows: and
- d) any collection of water which the Minister may, by notice in the gazette declare to be a watercourse,
- e) and a reference to a watercourse includes, where relevant, its bed and banks. (Source: National Water Act (No. 36 of 1998), as amended).

**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, birdlife, etc. typically adapted to life in saturated soil. (Source: National Water Act (No. 36 of 1998), as amended).

**ZONE**

Means a defined category of land use, which is shown on the zoning map of a land use scheme.

## 2.2 BUILDING AND LAND USE DEFINITIONS

Unless the context of this Scheme clearly indicates the contrary, the following building types and Land Use types have the meaning and interpretation given below:

<b>ABATTOIR</b>	Means land or buildings used for the slaughter of animals and may include the processing of animal products.
<b>ADDITIONAL SELF-CONTAINED RESIDENTIAL UNIT</b>	<p>Means a dwelling unit with a maximum floor area of 80m<sup>2</sup>. Such additional self-contained residential unit shall be subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. it shall be ancillary to the main dwelling unit, and the initial dwelling unit shall remain the primary use;</li> <li>2. only one additional self-contained residential unit be permitted per erf;</li> <li>3. it may be attached or detached to the main dwelling house; and</li> <li>4. a professional engineer or approved competent person be appointed by the applicant, if deemed necessary by the Municipality, to certify the sewer system and soil conditions are suitable for the establishment of an additional self-contained residential unit.</li> </ol>
<b>AGRICULTURAL INDUSTRY</b>	Means a building used for the intensive production in any form whatsoever, of poultry, game birds, livestock, vegetables, timber production, fruit, and allied products, and includes any final processing of these commodities and includes Kennels.
<b>AGRICULTURAL LAND</b>	Means arable, meadow or pasture land, market gardens, poultry farm, nursery garden and land used for the purpose of breeding or keeping livestock, poultry or bees and includes any Agricultural Buildings connected therewith used for commercial agriculture, but excludes buildings connected with the housing of cats and dogs (Kennels).
<b>AIRFIELD</b>	Means a demarcated area and associate buildings where light aircraft can and take off and may be used for pilot training, airport operations, aircraft storage, maintenance,

associated offices, facilities and accommodation. An airfield shall be authorised by the relevant authority.

**BED AND BREAKFAST**

Means a dwelling house wherein a maximum of five bedrooms may be used for the purpose of accommodation of guests without impairing the amenity of the adjoining properties.

**BOARDING HOUSE**

Means residential premises or part thereof in which long stay lodging is provided to not more than five persons by the owner or operator who resides on the premises, provided that the number and extent of Boarding Rooms and the nature and extent of associated communal facilities shall be to the satisfaction of the Municipality.

**CARAVAN PARK**

Means an area of land provided with adequate ablution and sanitary facilities with or without communal kitchen, constructed with 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 purposes, and may include one dwelling house or flat for a caretaker or manager's use.

**CEMETERY**

Means land or buildings used for burials and which can include ancillary uses such as a crematorium, chapel, funeral parlour and a wall of remembrance.

**CHALET**

Meaning a detached habitable building used as a holiday dwelling with a floor area not exceeding 200m<sup>2</sup> together with approved out buildings or ancillary buildings to be used in conjunction with a chalet or series of chalets, but which will not include a dwelling house or residential building.

**CHILD CARE FACILITY / CRÈCHE**

Means land or buildings used as a childcare centre for more than 7 (seven) children including a crèche, nursery school, pre-school, playgroup, after school care centre, pre-primary school or similar facilities.

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<b>CLINIC</b>	Means land or buildings used for the medical treatment of day patients, but excludes overnight facilities.
<b>COMMERCIAL WORKSHOP</b>	means a light industrial building wherein the primary purpose is the selling of goods or services by retail and where the processes are operated specifically in conjunction with a shop or office to which the public, as customers, has access and includes such uses as a watch repairer, shoe repairer, valet service, radio/television repairer, electrician and may include a jobbing printer, but excludes a garage or petrol filling station.
<b>CONFERENCE FACILITY</b>	Means a building or portion of a building ancillary to the primary use of the site used for conferences, seminars and meetings and may include offices for the administration of such centre.
<b>CONSERVATION AREA / LAND</b>	Means environmentally sensitive land, coastal areas and/or water bodies, or land earmarked for environmental 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.
<b>CREMATORIUM</b>	Means a building where the deceased are reduced to ash, and includes facilities for associated religious and administrative functions.
<b>DAY CARE CENTRE</b>	Means land or buildings used as a childcare centre, including a day mother, taking care of 6 (six) or less children, in compliance with Public Health By-laws and relevant legislation.
<b>DWELLING HOUSE</b>	Means a freestanding dwelling unit used as a dwelling for a single household, together with such outbuildings as are ordinarily used therewith.

<b>EDUCATIONAL BUILDING</b>	Means a building used as a school, college, university, technical institute, academy, research laboratory, lecture hall, convent, monastery, gymnasium, public library, art gallery, museum or for other instruction together with any associated land or buildings and includes a hostel but does not include a reformatory.
<b>FARM STALL</b>	Means a building or structure, which does not exceed 150m <sup>2</sup> in floor area, including storage facilities, where a farmer sells products produced and processed on his/her farm.
<b>FORESTRY</b>	Means activities related to exotic and indigenous timber production.
<b>FUNERAL PARLOUR</b>	Means a building or land used for the purpose of funeral management and includes 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 or crematorium.
<b>GAME RESERVE</b>	Means land specifically reserved for the breeding and keeping of game, which may or may not be accessible to the public together with buildings, which are ordinarily used therewith.
<b>GARAGE</b>	means a building used for the servicing, repair, storage, display, sale, fuelling or washing and cleaning of vehicles together with facilities connected with these activities including the storage and sale of fuel, lubricants, new motor spares and accessories, tourist maps, brochures and including an office, storeroom, workshop, grease pit and machinery; provided that spray painting and/or panel beating may be included by consent. (See additional controls at paragraph 5.4 of the scheme).
<b>GUEST HOUSE</b>	Means a dwelling house inclusive of an Additional self-contained residential unit wherein a maximum of not more than ten (10) bedrooms may be used for the purpose of short stay accommodation for guests without impairing the amenity of the adjoining properties. It excludes Hotels,

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	Conference Centres, self-catering units, chalets and boarding houses.
<b>HOME BUSINESS</b>	Means a dwelling house/unit used for a small-scale enterprise, practice or occupation for economic gain, by the permanent resident(s) of the property.
<b>HOTEL</b>	Means a transient accommodation establishment primarily engaged in providing 7 or more rooms and/or suites for temporary lodging by the general public and which provides meals on the premises and which does have a liquor licence and which operates a lounge and/or bar where such liquor is sold and consumed on the premises. Such usage falls within the definition of Residential Building in Clause 2.1.
<b>INDUSTRY-EXTRACTIVE</b>	Means the process of extracting, 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.
<b>INDUSTRY-GENERAL</b>	Means an industrial purpose as defined in Clause 2.1 and includes a building used for the general repair of motor vehicles, but does not include a garage, petrol filling station or noxious industry.
<b>INDUSTRY-LIGHT</b>	means an industrial purpose as defined in Clause 2.1 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 amenity of other use zones, by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust, grit, traffic generation or other causes.
<b>INDUSTRY-NOXIOUS</b>	Means any industry or trade that by reason of fumes, gases, vapours, dust, smell, noise, vibration, or other causes, is deemed by the Municipality to be likely to become dangerous or harmful to the health, welfare, and amenity of the public.
<b>INDUSTRY-SERVICE</b>	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.

**INSTITUTION**

Means premises used as a public or private institute including the administration thereof and a building used, designed or adapted as a hospital, home for the aged or for the mentally or physically disabled, frail care centre, nursing home, clinic, orphanage, crisis centre, and similar public or private facilities, and other uses which are incidental and ancillary thereto.

**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 media used shall be of a type that shall not cause harmful effluent to be discharged into the sewerage system.

**LODGE**

Means a building or group of buildings under single management containing both rooms and/or dwelling units available for temporary rental to transient individuals and may include services such as conference and recreational facilities, shop and Laundromat for the exclusive use of residents only and shall exclude a Place of Public Entertainment.

**MEDIUM DENSITY HOUSING**

means a group of two or more attached and/or detached dwelling units, together with such outbuildings as are ordinarily ancillary thereto, with each dwelling unit having direct access to a private open area and access to common land, the whole development have been designed as an harmonious entity. Such development may include duplex flats, semi-detached houses, terrace houses, maisonettes or dwelling houses. (See also additional controls for the establishment of Medium Density Housing at Part 5 of the Scheme).

**MORTUARY**

Means a building or part of a building where corpses are stored, may be exposed for identification purposes and

	where autopsies may be performed, but exclude a Funeral Parlour.
<b>MOTOR VEHICLE SHOWROOM</b>	Means buildings or an open area used for the display, sale and/or rental of new or used motor vehicles.
<b>MOTOR WORKSHOP AND SHOWROOM</b>	Means land or buildings used for the general repair and servicing of light motor vehicles, including auto-electrical repairs, the fitting and sale of motor vehicle parts, auto-valet services and the storage, display and sale of motor vehicles, but excludes a Panel Beater.
<b>OFFICE BUILDING</b>	Means a building or part of a building used as an office or for other business purposes, and includes: a bank, building society, insurance office, estate agent and professional suites, and includes a post office open to the general public but shall not include a depot used solely to the sorting of mail.
<b>PARKING GARAGE</b>	Means a building, part of a building or land designed primarily for the purpose of parking, other than parking required in terms of Clause 3.12, and includes washing and servicing of motor vehicles, but does not include a building, any part of which is designed for use as a workshop for the repair of motor vehicles or for the sale of petrol, oil and accessories.
<b>PLACE OF PUBLIC AMUSEMENT</b>	Means land or buildings used for entertainment purposes and includes a theatre, cinema, concert hall, live music performances, indoor sports, dance hall, casino, nightclub, discotheque, adult entertainment and other entertainment purposes, including the ancillary preparation and sale of food or drinks.
<b>PLACE OF PUBLIC ASSEMBLY</b>	Means a building or land, used for social meetings, gatherings, religious purposes or indoor recreation, but does not include a place of public amusement.
<b>PLACE OF WORSHIP</b>	Means land or buildings used for religious purposes, such as a church, temple, synagogue, mosque, or other religious activities, and may include a wall of remembrance, as well as

	one ancillary dwelling unit, but excludes a Funeral Parlour (chapel) and a Cemetery.
<b>PRIVATE RECREATION AREA</b>	Means a sports ground, playing field or other open space of a club, firm, private person or other body, including buildings normally ancillary to recreational activities.
<b>PROTECTED AREA (STATUTORY)</b>	Means all Protected Areas recognised by Section 9 of the Protected Areas Act (National Environmental Management: Protected Areas Act 57 of 2003), namely: a) special nature reserves, national parks, nature reserves (including wilderness areas) and protected environments; b) world heritage sites; c) marine protected areas; d) specially protected forest areas, forest nature reserves and forest wilderness areas declared in terms of the National Forests Act, 1998 (Act 84 of 1998); and e) mountain catchment areas declared in terms of the Mountain Catchment Areas Act, 1970 (Act 63 of 1970).
<b>PUBLIC OFFICE</b>	Means an office building used for any National, Provincial or Local Government purpose, and includes an administrative office, Municipal office and town hall, government office, court house, police station, public library, public art gallery, public museum, and buildings ordinarily ancillary thereto.
<b>PUBLIC OPEN SPACE</b>	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.
<b>PUBLIC STREET OR ROAD</b>	Means the area or portion of any street, road, bridge, subway, tunnel, avenue, lane, driveway, sanitary lane, thoroughfare or right of way, shown on the general plan of a township, agricultural holdings or other division land, or in respect of which the public has acquired right of way prescription or any other means.
<b>RAILWAY PURPOSES</b>	Means land or buildings used for the movement of trains and busses and includes inter alia shops, workshops, industries related to railways, stations and inter modal transport facilities and may include ancillary and subservient uses for

	staff and passengers, but excludes a Place of Entertainment and noxious industries.
<b>RECREATIONAL BUILDING</b>	Means a clubhouse, gymnasium, squash court, pavilion, shelter, change room and any similar building used in conjunction with a sport. A clubhouse may include dining facilities and lounges.
<b>RECYCLING DEPOT</b>	Means an area where domestic recycling materials may be deposited into appropriate containers. Such areas shall not include the processing of such recycling materials and may not include activities, which constitute a Scrap Yard.
<b>RESIDENTIAL BUILDING</b>	Means a building or portion of a building other than a dwelling house, duplex flat, semi-detached house, terrace house or maisonette, bed and breakfast or guest house used for human habitation, together with such outbuildings as are ordinarily used therewith, and includes a block of flats, boarding-house, hotel, residential club or hostel.
<b>RESORT DEVELOPMENT</b>	Means an integrated development comprising a hotel and chalets laid out to the satisfaction of the municipality with roads essential services including arrangements for refuse removal and supporting recreational facilities and leisure activities.
<b>RESTAURANT</b>	Means a building or portion of a building used primarily for the preparation and sale of food, confectionery and/or beverages for consumption on the premises and includes inter alia a Pub, Take-Away and Drive-Through Restaurant, as well as an ancillary children's play area; but excludes a Tavern, Place of Entertainment or live performances.
<b>RESTRICTED BUILDING</b>	Means a building used for such purposes as a clinic or hospital for infectious diseases, a jail, mental home or hospital, or reformatory.
<b>SCRAP YARD</b>	Means a building or land which is utilized for one or more of the following purposes: <ul style="list-style-type: none"> <li>• Storing, depositing or collecting of junk or scrap material or articles the value of which depends mainly or entirely on the material used in the manufacture thereof;</li> </ul>

- The dismantling or storage of scrap metals, second hand vehicles or machines to recover components or material; and
- The storing or sale of second hand parts, poles, steel, wire, lumber yards, tyres, bricks, containers or other articles which are suitable to be left in the open without any serious damage being incurred.

**SERVICE STATION**

Means a building

- a) wherein is sold, by retail sale only:
  - ) petrol or petroleum derivatives capable of use in internal combustion engines,
  - i) lubricating oils and greases,
  - ii) spare parts, including electrical equipment,
  - v) tyres, tubes, valves and repair equipment, or
  - r) tourist brochures and other such incidentals; and
- c) where the following operations are carried on:
  - ) running repairs of a minor nature;
  - i) lubricating and greasing;
  - ii) washing and cleaning;

but shall not include panel beating, spray painting or the carrying out of vehicle body repair work or repairs of a major nature to the engine or transmission system thereof. (See additional controls at paragraph 4.4 of the scheme).

**SHOP**

Means land used or a building used for retail or wholesale trade or business wherein the primary purpose is the selling of goods and services. It does not include an industrial building, garage, service station, milk depot or hotel.

**SPAZA SHOP**

Means part of a dwelling house, not more than 20m<sup>2</sup> in extent, used mainly for the sale of consumable products including groceries, stationary, reading material and tobacco products, as well as other similar goods. The retail activity shall be in accordance with Municipal policy and shall remain ancillary to the main use, but may not include the sale of liquor.

<b>TAVERN</b>	Means a licensed building or portion of a building used for the consumption of liquor on the premises and may include facilities associated with the preparation and consumption of food.
<b>TAXI RANK</b>	Means a building or land where three or more taxis load or unload passengers.
<b>TRANSPORT FACILITY</b>	Means the use of a property for the purpose of loading and off-loading of passengers by taxi and/or buses, ranking and parking facilities, offices incidental to the taxi industry, washing facilities, ablution facilities and formal and informal trading.
<b>UMUZI</b>	Means a residential land use often 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, and burial grounds.
<b>VETERINARY PURPOSES</b>	Means a place where animals or pets are given medication or surgical treatment and are cared for during the time of such treatment, and could include the sale of related accessories.
<b>WAREHOUSE</b>	Means a building used primarily for the storage of goods except those of an offensive or dangerous nature and includes premises used for businesses of a wholesale nature but does not include buildings intended for retail businesses.
<b>WHOLESALE SHOP</b>	Means buildings used for the purposes of wholesale or retail trade, specialising in single themed goods, from a custom-built, stand-alone warehouse-type building or warehouse-scaled environment. Single themes exclude groceries and other goods or consumables purchased on a regular basis, as well as departmental shops. Examples of single themed buildings may include a tiling, lighting, camping, and bathroom or furniture warehouse.
<b>WASTE DISPOSAL SITE (LANDFILL SITE)</b>	Means land used for the dumping of refuse and rubble, subject to such conditions as may be required by the relevant

Controlling Authority and may include a waste sorting and recycling facility.

### 3 THE USE AND DEVELOPMENT OF LAND

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#### 3.1 ERECTION AND USE OF BUILDINGS AND USE OF LAND

3.1.1 At any time after the effective date of this Scheme, no person shall whether or not such act is in conformity with the Scheme:

3.1.1.1 erect a new building, alter or add to an existing building or carry out any other proposed work, or

3.1.1.2 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, or

3.1.1.3 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 has first applied in writing to the Municipality for authority to do so and the Municipality has granted its written authority thereto either with or without conditions.

3.1.2 Any authority granted by the Municipality shall remain valid for 18 months from the date of granting of such authority; and, 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.

3.1.3 The extent and location of the various land use zones shall be as is set out on the current adopted Scheme Maps. Within each land use zone the defined buildings and land use activities contemplated are separated into four categories and listed for each zone in these Clauses. The categories of land use are:

3.1.3.1 **Permitted Uses (Free Entry Uses):** uses which may be permitted with the written consent of the Municipality;

3.1.3.2 **Consent Uses:** uses, which may be approved by the Municipality but which require special consideration and which, may involve the imposition of special requirements and/or conditions in relation to the approval given. (Where the written consent of the neighbouring property owners has been obtained, the Municipality may waive the public advertising procedure required under consent); and

3.1.3.3 **Prohibited Uses:** those buildings and uses, which are expressly prohibited.

3.1.4 Any building or use not specifically defined in this scheme shall be deemed to be a Consent application.

- 3.1.5 Applications for development on land falling under the Ingonyama Trust also require the consent of the relevant Tribal Authority and the Ingonyama Trust Board.
- 3.1.6 Ordinary applications processed under the Bylaws shall be sufficient notice for the purpose of administering applications in terms of Clause 3.1.3.2 of this Scheme; provided that the Municipality may call upon persons making such applications to provide any additional information or plans which it deems necessary. The Municipality may call upon any building owner who proposes to alter a building or put it to a new use to provide a fresh building survey of the property.
- 3.1.7 The procedures for the administering Consent applications contemplated in terms of Clause 3.1.3.2, are set out in the Dr. Nkosazana Dlamini-Zuma Municipality Spatial Planning and Land Use Management Bylaw. In approving the application the Municipality shall take into consideration the nature of the proposed use in relation to the character of the area and impose whatever conditions it considers necessary to protect the amenities of the area. Provided that, if it is subsequently found that there is, in fact, an interference with the amenities of the neighbourhood the Municipality may impose further conditions, or the Municipality may call on the applicant to apply for Consent or call upon the occupant to cease the use.
- 3.1.8 No land in any use zone may be used for the purpose of the permanent or temporary 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 Municipality.

## 3.2 EXEMPTIONS

The following exemptions requires consent from the Municipality.

### 3.2.1 Exemption 1: Bed and Breakfast Establishment

- 3.2.1.1 The owner or occupier of the dwelling house in any residential zone is allowed to let a maximum of five bedrooms for accommodation purposes. The primary use of the site shall remain residential in nature and the Bed and Breakfast Establishment activity shall, in the opinion of the Municipality, not negatively impact on the neighbourhood. Land uses such as conference facilities, wedding venues and beauty related land uses shall not be permitted.
- 3.2.1.2 Nothing in the Land Use Scheme shall prohibit or restrict the running of a Bed and Breakfast Establishment from a dwelling house provided that:
- 3.2.1.3 The consent of the Municipality has been applied for and obtained.
- 3.2.1.4 A Bed and Breakfast Establishment shall not consist of more than five bedrooms for the use by patrons of the Establishment;

- 3.2.1.5 There shall be at all times on site, either the owner or manager who shall be responsible for the management of the establishment;
- 3.2.1.6 The building shall, in the opinion of the Municipality, conform to the appearance and definition of a dwelling house, so that upon the cessation of the use, the building shall be capable of reverting to the use as a dwelling house;
- 3.2.1.7 Parking for all guests shall be one bay per room, and parking for the vehicles of the owner/manager shall be provided on-site to the satisfaction of the Municipality.
- 3.2.1.8 Any sign advertising the use shall not exceed 450mm by 600mm and only one such sign is permitted;
- 3.2.1.9 After affording the applicant the opportunity of being heard, 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.

### 3.2.2 Exemption 2: Guest House Establishment

Guesthouses are land uses whereby a dwelling house in any residential zone may be let by the owner for temporary accommodation purposes only (maximum 10 bedrooms). The primary use of the site shall remain residential in nature and the guesthouse activity may not in the opinion of the Municipality impact on the neighbourhood.

Nothing in this Land Use Scheme shall prohibit or restrict the running of a guesthouse from a dwelling house, provided that:

- 3.2.2.1 The consent of the Municipality has been applied for and obtained.
- 3.2.2.2 Uses ancillary to the Guesthouse Establishment shall only be considered with the Consent of the Municipality;
- 3.2.2.3 There shall be at all times on site, either the owner or manager who shall be responsible for the management of the establishment.
- 3.2.2.4 The building shall, in the opinion of Municipality, conform to the appearance and definition of a dwelling house so that upon the cessation of the use; the building shall be capable of reverting to the use of a dwelling house.
- 3.2.2.5 Parking for all guests shall be one bay per room, and parking for the vehicles of the owner/manager shall be provided on-site to the satisfaction of the Municipality;
- 3.2.2.6 Any sign advertising the use shall not exceed 450mm by 600mm and only one such sign is permitted;

3.2.2.7 After affording the applicant the opportunity of being heard, 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.

### 3.2.3 Exemption 3: Additional self-contained residential unit

3.2.3.1 An Additional self-contained residential unit shall have a gross permitted floor area not exceeding 80m<sup>2</sup>;

3.2.3.2 The following shall apply when considering the establishment of an Additional self-contained residential unit:

3.2.3.2.1.1 There shall be no inter-leading doors between an ancillary unit and the main dwelling house, provided that the Municipality may relax this provision, if there is a need for an inter-leading door for health and safety reasons.

3.2.3.2.1.2 An Additional self-contained residential unit may only be permitted where there is a single dwelling house on an Erf.

3.2.3.2.1.3 An Additional self-contained residential unit shall comprise of an open lounge kitchen, combined toilet and bath, and main bedroom.

3.2.3.2.1.4 The road or street access serving the Additional self-contained residential unit shall be the same access which serves the main dwelling, provided that the Municipality may, by reason of the same access being impractical, or any other cogent reason, permit a road or street access separate from that which serves the main dwelling.

### 3.2.4 Exemption 4: Letting of a dwelling house

Nothing in this Scheme shall prohibit or restrict the letting of part of a dwelling house, provided that, no part of any dwelling house nor any additional freestanding building which may be erected for use in conjunction with such dwelling house may be used as a separate dwelling unit unless such building or part thereof complies with the provisions of this Scheme and has the approval of the Municipality.

### 3.2.5 Exemption 5: Spaza (tuck) shop

The intention of Land Use Scheme is to allow the owner/occupier of a dwelling house in any residential zone to sell goods required for essential day-to-day needs of the neighbourhood, in residential areas that are not adequately serviced by such a facility. The sale of goods is to take place through a window, doorway or hatchway only and shall not include a walk-in shop. Such use shall not detract from the residential character of the neighbourhood, aesthetically or impact wise.

The operation of the tuck-shop shall comply with the following conditions, to the extent that they may be applicable:

- 3.2.5.1 A Tuck-shop activity shall only be operated with the Consent of the Municipality; provided that the Municipality may waive compliance with the formal Consent procedure if the (written) consent of the registered owner of each adjoining property is first obtained and furnished to the Municipality.
- 3.2.5.2 The area to be utilized for the Tuck-shop shall not exceed 20m<sup>2</sup> of the area of the dwelling house and the dwelling house must remain residential in appearance and character, and must at all times comply with the definition of a dwelling house.
- 3.2.5.3 Any sign advertising the use shall not exceed 450mm by 600mm and only one such sign is permitted;
- 3.2.5.4 Entertainment facilities shall not be permitted within a Tuck-shop;
- 3.2.5.5 A Tuck-shop shall not involve the sale of alcohol or any other goods which in the opinion of the Municipality are unnecessary for the day to day needs;
- 3.2.5.6 A Tuck-shop must be operated in accordance with all relevant by-laws and other legislation of the Municipality, particularly the fire regulations;
- 3.2.5.7 The hours of operation shall be to the satisfaction of the Municipality;
- 3.2.5.8 The 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;
- 3.2.5.9 Only one light delivery vehicle may be used to dispatch goods or supplies;
- 3.2.5.10 After affording the applicant the opportunity of being heard, 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;
- 3.2.5.11 The owner/occupier the Tuck-shop may be assisted by not more than one other person;
- 3.2.5.12 In assessing any application, consideration shall be given to ensure that the location of the Tuck-Shop does not compromise the principle of sound planning practice.

### 3.2.6 Exemption 6: Temporary use of land

Notwithstanding any other provisions of this Land Use Scheme, the Municipality may authorise the temporary use of buildings or land contrary to the provisions of this Land Use Scheme for a defined period with or without conditions.

3.2.6.1 The erection of a temporary building and the temporary use of land for a limited period, which the municipality may determine, not exceeding two years, where such building or use is ancillary to building or constructional works in progress on or adjoining the site, shall not be deemed to be a contravention of this Land Use Scheme; provided that the Municipality may:

- a) extend the two year period and, in doing so, may impose any conditions that it thinks fit; and
- a) where Municipality is of the opinion that such temporary building or structure or temporary use interferes with the amenities of the neighbourhood, existing or as contemplated by the Land Use Scheme, require the removal of the building or the suspension or cessation of the temporary use.

3.2.6.2 The placing of temporary structures in a road reserve for a municipal road provided such structure is ancillary to building works in progress on the road, or is necessary for the promotion of small business development.

3.2.6.3 Nothing in this Scheme shall prohibit or restrict the use of a site as a place of public amusement, provided that such use is restricted to not more than twenty days in each calendar year and the written consent of the Municipality has been obtained.

### 3.2.7 Exemption 7: Day Care Centre

Nothing in the Scheme shall prohibit or restrict the use of a building or portion of a building as a child minder facility for the daytime care of six or less children.

### 3.2.8 Exemption 8: Home Business

The owner/occupier of a dwelling house in any residential zone is allowed to contribute to the local economy of the Municipality. Land uses that may be considered shall not in the opinion of the Municipality negatively impact on the neighbourhood. Industrial uses such as Panel Beating/Spray Painting/Motor related uses as well as Engineering land uses will not be allowed. For the purposes of a Home Business, a shop is a prohibited land use.

Nothing in this Land Use Scheme shall prohibit or restrict the occupier of a dwelling house from carrying on thereon a home business, provided that:

- 3.2.8.1 On-site parking and loading facilities shall be provided to the satisfaction of the Municipality;
- 3.2.8.2 Off street parking for vehicles of clients and employees shall be provided to the satisfaction of the Municipality;
- 3.2.8.3 The hours of operation shall be to the satisfaction of the Municipality and shall be specified in the consent granted;

- 3.2.8.4 The Home Business must only be operated by a person who is the bona fide resident in the dwelling house and such person may be assisted in the business by not more than two people;
- 3.2.8.5 Any sign advertising the use shall not exceed 450mm by 600mm and only one such sign is permitted;
- 3.2.8.6 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;
- 3.2.8.7 Only one light delivery vehicle may be used for delivery or to dispatch goods or supplies;
- 3.2.8.8 After affording the applicant the opportunity of being heard, 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.
- 3.2.8.9 Any written consent granted in terms of a home business shall lapse if the residents vacate the erf and may not be transferred to the new owner/resident.

### 3.3 NON-CONFORMING EXISTING USE RIGHTS

- 3.3.1 Any existing building or existing use, which is not in conformity with the Scheme, but for which authority was obtained from the Municipality or other responsible authority prior to the date of adoption, 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:
  - 3.3.1.1 Any such non-conforming existing building or use of land may be increased, on the Erf or site by an amount not greater than 10% of the total floor area or area of use, as existed 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.
  - 3.3.1.2 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".
  - 3.3.1.3 Where the non-conforming existing use of any building or 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.

### 3.4 COMPLIANCE WITH OTHER LAWS

- 3.4.1 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 in terms of the Act or any other law.
- 3.4.2 The owner of any Erf, which is subject to a condition of title, which is in conflict with any provision of this Scheme, may make application to the Premier for the alteration, suspension or removal of such condition.
- 3.4.3 The Scheme provisions shall apply over and above the Bylaws where they are more onerous than the Bylaws. Where the Scheme makes no provision, the Bylaws shall apply.
- 3.4.4 Any approvals or consents granted by the Municipality does not preclude the applicant from complying with any other legislative requirements of other national and provincial government departments.

### 3.5 EXTERNAL APPEARANCE AND APPROVAL OF BUILDINGS

- 3.5.1 The character, design and external appearance of buildings, and boundary walls, 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.
- 3.5.2 When 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 amenities of the locality by reason of its external appearance or the materials it is proposed to use.
- 3.5.3 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 the preservation of indigenous flora, the planting or replacement of trees and the protection of watercourses, by means of conditions of approval.
- 3.5.4 Any person intending to alter, extend or erect a building shall submit such drawings as are required by the Municipality together with whatever other indications the Municipality may require.
- 3.5.5 Within two months from the date of submission of the drawings and particulars, the Municipality shall approve the application either unconditionally or subject to such conditions as it may deem fit, or it may refuse to grant the application on the grounds that the external appearance of such building is unacceptable.
- 3.5.6 Any applicant aggrieved by a decision of the Municipality in terms of Clause 3.5.5 above shall have the right of appeal.

3.5.7 The approval by the Municipality of the design and external appearance of the proposed buildings, additions or alterations shall not be deemed an approval in terms of any other provisions of the Scheme in course of preparation or of the Building Bylaws/Regulations, which approval shall first be applied for and obtained before any building work is commenced.

### 3.6 FLOOR AREA RATIO, COVERAGE AND HEIGHT

3.6.1 In any zone no building shall be erected which will exceed the maximum floor area ratio, coverage and height requirements permitted for that zone.

3.6.2 Subject to the definition of Floor Area ratio under Clause 2.1, in calculating the permissible floor area from the floor area ratio the following floor areas may be excluded:

- (i) any area used exclusively for the parking of motor vehicles;
- (ii) private garages and carports and private swimming pools, squash courts and tennis courts;
- (iii) public arcades and malls in mixed use zones which are not used for retail purposes or for the display, sale or storage of goods;
- (iv) in the case of garages and service stations, the un-walled access ways and driveways covered by canopies;
- (v) open – sided, roofed verandas and balconies may be excluded at the discretion of the Municipality, provided that the resulting increase in floor area shall not exceed an area equivalent to 10% of the floor area of that storey;
- (vi) electricity transformer rooms not exceeding 10m<sup>2</sup>.

3.6.3 Only roofed or covered areas are included in the coverage.

### 3.7 SITING OF BUILDINGS AND ACCESS POINTS

3.7.1 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 Municipality and persons intending to erect buildings or use land shall, before commencing, apply to the Municipality for approval of the siting of the use or development.

3.7.2 In respect of any application to develop a site, 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.

- 3.7.3 As in some areas, there are no formal sub-divisional layouts, in order to facilitate the provision of future roads and services, when locating new buildings cognisance should be taken of the alignment of existing roads/tracks and any proposed new roads and provision made for the future municipal services.

### 3.8 BUILDING LINES

- 3.8.1 All erven, except where otherwise permitted in this Scheme, shall be subject to a 7,5 metre building line.
- 3.8.2 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.
- 3.8.3 The Municipality may, if the same is endorsed by the neighbouring property owners or alternatively by consent, relax the building line if compliance with the building line would seriously hamper the development of the lot, on account of the levels of the lot or adjoining land or the location of buildings already in front of the building line, or, any other special circumstances as determined by the Municipality.
- 3.8.4 The Municipality may, in its discretion, relax the building line if the architectural effect will enhance the appearance of the street and contribute to public amenity.
- 3.8.5 Notwithstanding the provisions of the above clauses in the cases of swimming pools the building line may be relaxed through the Development Use Permit process to no less than 1 metre; provided that where a pool is to be constructed so that any portion of it is within 7,5 metres of a road boundary such pool shall be screened to the satisfaction of the Municipality.
- 3.8.6 Erven adjacent to the railway reserve, national road and provincial roads shall be subject to the building lines as imposed by the relevant bodies administering these. These are to be established by the applicant prior to building plans being submitted. The building restriction line may not be relaxed by the Municipality, without the consent of the Provincial Roads Authority.

### 3.9 SIDE AND REAR SPACE

- 3.9.1 The Municipality 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.

- 3.9.2 The Municipality may in any zone, permit 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, or other special circumstances, the enforcement of these controls will, in the opinion of the Municipality, render the development of the Erf unreasonably difficult. In considering any application under this clause the Municipality shall have due regard to any possible detrimental effect on adjoining properties.
- 3.9.3 No building shall be erected nearer than 3 meters to any side or rear boundary of the erf on which it is situated provided that:
- 3.9.3.1 No building or portion of a building intended to be used for the purpose of a residential building, duplex flat, maisonette, semidetached house or terraced house shall be erected nearer than 4,5 meters to any such boundary, and
- 3.9.4 Within a Medium Density Housing site, side and rear space requirements do not apply to dwelling unit curtilages.
- 3.9.5 Notwithstanding clause 4.3 and 4.4, in commercial or industrial zones, the side space requirement may be waived at the discretion of the Municipality, except where it is necessary to provide access to the rear of the building for parking and loading purposes or where such buildings adjoin erven zoned for residential purposes.
- 3.9.6 Where access to parking courts is required, the side space of affected erven shall be calculated from the boundaries of such access road.
- 3.9.7 Schedule of erfs subject to the 50m rear space provision vide paragraph 3.9.3 hereof:  
Erf: 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 179, 103, 105, 106, 107, 108, 109, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, R/176, 1/176, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 231, 232, 233.

### 3.10 SUBDIVISION AND/OR CONSOLIDATION OF LAND

- 3.10.1 An application to subdivide and/or consolidate land shall be made in terms of the requirements set in the Dr. Nkosazana Dlamini-Zuma Municipality Spatial Planning and Land Use Management By-law.
- 3.10.2 Subject to the provisions of the Dr. Nkosazana Dlamini-Zuma Municipality Spatial Planning and Land Use Management By-law, no new subdivision shall be created or approved unless it complies with the minimum erf size requirements for the zone in which it is located or any other restrictions imposed in terms of this Scheme or the aforementioned legislation.
- 3.10.3 The Municipality may increase the minimum Erf size specified in these clauses where, in the Municipality's opinion, the method used for the disposal of sewage warrants such an increase.

- 3.10.4 In special circumstances, the Municipality may allow a reduction of 10% in the prescribed minimum erf area, for one (1) site in the Residential 1 and 2 zones, provided that this reduction would lead to the meaningful development of the property and such erf complies with sub-clause 3.10.5.
- 3.10.5 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.
- 3.10.6 Where a township is established for the erection of dwellings wholly or partly financed by the State, the Municipality may authorise a reduction in the prescribed density, minimum Erf sizes and frontages for any Erfs so used provided that all such Erfs are served by a sewage disposal system to the satisfaction of the Municipality.
- 3.10.7 As in some areas, there are no formal sub-divisional layouts, in order to facilitate the provision of future roads and services, when identifying areas for new uses cognisance should be taken of the alignment of existing roads/tracks and any proposed new roads and provision made for the future municipal services.
- 3.10.8 Applications for the subdivision of land and /or the change of land use of land outside areas shown to be exempt from the provisions of the Subdivision of Agricultural Land Act No. 70 of 1970, shall require the approval of the National Department of Agriculture in terms of the Subdivision of Agricultural Land Act No.70 of 1970 prior to approval by the Municipality.

### 3.11 SITE DEVELOPMENT PLANS

- 3.11.1 The Municipality may instruct prospective owners/developers to submit within a specified period of time, to the Municipality site development plans in respect of a specific area.
- 3.11.2 Any site development plan shall, as may be requested by the Municipality and to its satisfaction, acknowledge recommendations stemming from previous or current research conducted at the Municipality.
- 3.11.3 Unless the municipality requires less information, a Site Development plans shall indicate the following:
- 3.11.3.1 a to-scale drawing of the site/s, building lines applicable, town planning bulk factors and controls, existing services, existing and proposed servitudes, etc.
  - 3.11.3.2 the design and layout of proposals including details as to the functioning thereof;
  - 3.11.3.3 a programme of development;
  - 3.11.3.4 an Environmental Management Plan and landscaping proposals;
  - 3.11.3.5 details of and programme for the provision of essential services including storm water, sewerage disposal, pollution control, electricity and solid waste disposal;

- 3.11.3.6 traffic engineering details on the vehicular and pedestrian elements thereof, their implementation and management; and
- 3.11.3.7 details as to the project management ownership, mechanisms, control and monitoring through construction phases till project completion.
- 3.11.3.8 If the erf is to be subdivided, the proposed subdivision lines.

### 3.12 LOADING AND PARKING ACCOMMODATION

- 3.12.1 Any person intending to erect, alter or extend a building or develop or use any Erf or site, shall provide loading and parking accommodation within the boundaries of the site as set out in Table below, and shall submit proposals therefore in accordance with the requirements of this Scheme and to the satisfaction of the Municipality.
- 3.12.2 Car space or parking accommodation means a parking bay of dimensions not less than 5,5m x 2,5m and shall be surfaced and clearly marked to the satisfaction of the Municipality
- 3.12.3 In all cases there shall be provided adequate space for vehicular access and manoeuvring and where necessary, a loading and unloading area with suitable access to the satisfaction of the Municipality.
- 3.12.4 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.

TABLE 3: PARKING REQUIREMENTS

LAND USE TYPE	MINIMUM PARKING SPACE REQUIREMENTS
Car wash	4 parking spaces per work space 2 bays per 100m <sup>2</sup> office area
Dwelling Houses	1 garage or parking space per Dwelling Unit
Residential Buildings, Medium Density Housing and Chalets	1 garage or parking space per Dwelling Unit plus 1 space for every 2 dwelling Units for visitors plus suitable loading and unloading areas.
Hotels	1.5 per bedroom
Hospitals & Clinics	1 per bed plus 6 spaces for every 100m <sup>2</sup> of public access facilities plus suitable loading and unloading areas.
Offices and Public Offices	1 per 65m <sup>2</sup> Gross Floor Area plus suitable loading and unloading areas.

LAND USE TYPE	MINIMUM PARKING SPACE REQUIREMENTS
Shop & Laundrette	1 per 20m <sup>2</sup> Gross Floor Area plus suitable loading and unloading areas.
Funeral Parlour	1 per 30m <sup>2</sup> Gross Floor Area
Crèche, primary and secondary schools	2 per classroom or office plus on-site drop off facility to the satisfaction of the municipality
Place of Public Worship	1 per 10m <sup>2</sup> to the satisfaction of the municipality.
Halls	20 per 100m <sup>2</sup> to the satisfaction of the municipality.
General Industry	1 parking space per 100m <sup>2</sup>
Light Industry	2 parking spaces per 100m <sup>2</sup>
Service Industry	4 per 100m <sup>2</sup> Floor Area plus suitable loading and unloading areas.  The municipality may consider relaxing the parking space requirements where it can be shown that the bulk of the employees do not make use of private transport.
All Industrial Uses:	
<ul style="list-style-type: none"> <li>• Subservient Offices (where permitted)</li> <li>• All other Offices</li> </ul>	<ul style="list-style-type: none"> <li>• 2 parking spaces per 100m<sup>2</sup></li> <li>• 4 parking spaces per 100m<sup>2</sup></li> </ul>
Warehouse	3 bays plus suitable loading and unloading areas.
Wholesale Warehouse	3 parking spaces per every 100m <sup>2</sup>
Institution & Restricted Building	1 per 150m <sup>2</sup> Gross Floor Area or 1 per 2 staff members
Service Station	No parking required for fuelling of motor vehicles.
Ancillary shop	6 parking spaces per 100m <sup>2</sup>
Ancillary restaurants	10 parking spaces per 100m <sup>2</sup>
Ancillary car wash	4 parking spaces per wash bay
Garage	4 parking spaces per service bay
Panel beaters	2 parking spaces per 100m <sup>2</sup> for offices and spares
Motor showroom	2 parking spaces per 100m <sup>2</sup> of showroom area
Motor showroom and workshop	4 parking spaces per 100m <sup>2</sup>

LAND USE TYPE	MINIMUM PARKING SPACE REQUIREMENTS
Private Recreation Area	At the discretion of the municipality
Tavern	1 parking space per 25m <sup>2</sup> of gross floor area
Veterinary purposes	6 parking spaces per 100m <sup>2</sup>
Other uses	Determined by Municipality

3.12.5 Notwithstanding any provision of Clause 3.12.1 the Municipality may, at its sole discretion, in lieu of the provision of on-site parking by the developer:

3.12.5.1 instruct a developer to provide at his own cost and to the satisfaction of Municipality the number of car parking spaces that the developer would have been required to provide on-site in terms of the Scheme, at ground level, on land reserved in terms of the Scheme, for public vehicular parking purposes;

3.12.5.2 Agree to a developer providing public vehicular parking on another site, which has been identified by the Developer and is acceptable to the Municipality and further subject to the registration of a Notarial Deed in restraint of separate alienation of the land concerned;

3.12.6 The Municipality may relax the parking bay requirement to a maximum of 10% upon consideration of circumstances (excluding public transport considerations) peculiar to the development.

3.12.7 Public transport facilities shall be provided at the discretion of Municipality in addition to satisfying the parking requirement. In this regard, the Municipality may relax the parking bay requirement to a maximum of 25% upon consideration of the public transport facilities proposed.

## 4 LAND USE SCHEME ZONES, LAND USES AND CONTROLS

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### 4.1 ERECTION AND USE OF BUILDINGS AND USE OF LAND

4.1.1 The following tables provide the purpose for which:

4.1.1.1 Buildings and Land Uses may be erected and used or land may be used subject to the approval of building/layout plans as considered necessary by the Municipality;

4.1.1.2 Buildings may be erected and used or land may be used only with the Consent of the Municipality, which applications shall be accompanied by a layout plan and written motivation; and

4.1.1.3 Buildings may not be erected and used and land may not be used.

## 4.2 RESIDENTIAL

## 4.2.1 RESIDENTIAL 1

<p><b>STATEMENT OF INTENT:</b> To provide, preserve, use land or buildings for single residential use in a form of a dwelling house and ancillary uses. Protection of the quality and character of residential neighborhood and the well-being of its residents limiting multiple uses of buildings to minimize adverse impact on the residential environment. Business that comply with residential amenity such as a Bed and Breakfast Establishment, Guest House Establishment and Home Business at the discretion of the Municipality.</p>			<p><b>SCHEME MAP NOTATION:</b></p> <table border="1"> <tr> <td>FILL</td> <td>BORDER</td> </tr> <tr> <td></td> <td></td> </tr> </table>		FILL	BORDER		
FILL	BORDER							
USE OF LAND AND BUILDINGS								
COLUMN 1	COLUMN 2	COLUMN 3	ADDITIONAL CONTROLS					
FREE ENTRY USES	CONSENT USES	PROHIBITED USES						
<ul style="list-style-type: none"> <li>• Dwelling House</li> </ul>	<ul style="list-style-type: none"> <li>• Additional Self-Contained Residential Unit</li> <li>• Agricultural Building</li> <li>• Agricultural Land</li> <li>• Bed and Breakfast</li> <li>• Child Care Facility/Crèche</li> <li>• Educational Building</li> <li>• Guest House</li> <li>• Home Business</li> <li>• Institution</li> <li>• Laundrette</li> <li>• Place of Public Assembly</li> <li>• Private Recreation Area</li> <li>• Public Office</li> <li>• Spaza shop</li> </ul>	<p>Buildings and land uses not included in columns 1 and 2.</p>	<ul style="list-style-type: none"> <li>• Development shall be subject to the provision of a sewage disposal system to the satisfaction of the Municipality.</li> <li>• Provision to be made for landscaping and maintaining the grounds to the satisfaction of the Committee, and not less than 25% of the site shall be set aside and maintained as a garden and play area, which must be kept free of parking space and drive-ways.</li> </ul>					
DEVELOPMENT CONTROLS								
MINIMUM ERF SIZE	BUILDING LINE	SIDE AND REAR	HEIGHT	COVERAGE				
350m <sup>2</sup>	4,5m	2m	2	60%				

## 4.2.2 RESIDENTIAL 2

USE OF LAND AND BUILDINGS			ADDITIONAL CONTROLS				
COLUMN 1	COLUMN 2	COLUMN 3					
FREE ENTRY USES	CONSENT USES	PROHIBITED USES					
<ul style="list-style-type: none"> <li>• Dwelling House</li> <li>• Medium Density Housing</li> <li>• Private Recreation Area</li> <li>• Residential Building</li> </ul>	<ul style="list-style-type: none"> <li>• Additional Self-Contained Residential Unit</li> <li>• Agricultural Building</li> <li>• Agricultural Land</li> <li>• Bed and Breakfast</li> <li>• Child Care Facility/Crèche</li> <li>• Educational Building</li> <li>• Guest House</li> <li>• Home Business</li> <li>• Institution</li> <li>• Laundrette</li> <li>• Place of Public Assembly</li> <li>• Private Recreation Area</li> <li>• Public Office</li> <li>• Spaza shop</li> </ul>	Buildings and land uses not included in columns 1 and 2.	<p><b>SCHEME MAP NOTATION:</b></p> <table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td>FILL</td> <td>BORDER</td> </tr> <tr> <td> </td> <td> </td> </tr> </table> <ul style="list-style-type: none"> <li>• Development shall be subject to the provision of a sewage disposal system to the satisfaction of the Municipality.</li> <li>• Provision to be made for landscaping and maintaining the grounds to the satisfaction of the Committee, and not less than 25% of the site shall be set aside and maintained as a garden and play area, which must be kept free of parking space and drive-ways.</li> <li>• Accommodation for motor vehicles to be provided on erf as per Clause 3.12</li> <li>• Provision is to be made for landscaping and maintaining the grounds to the satisfaction of the Committee, and not less than 25% of the site shall be set aside and maintained as a garden and play area, which must be kept free of parking space and driveways.</li> <li>• Where the erf is linked to the existing waterborne sewage disposal system density may be increased to 20 units per hectare.</li> <li>• Subject to the provision of a sewage disposal system to the satisfaction of the Municipality.</li> <li>• A street building line does not apply to dwelling unit curtilages, except along street frontages of the site, where the street building line shall be 5,0m.</li> </ul>	FILL	BORDER		
FILL	BORDER						

			<ul style="list-style-type: none"> <li>• Side and rear space requirements do not apply to dwelling unit curtilages, except along the side and rear boundaries of the site where the side / rear space shall be 4,5m.</li> </ul>	
DEVELOPMENT CONTROLS				
MINIMUM ERF SIZE	BUILDING LINE	SIDE AND REAR	HEIGHT	COVERAGE
2000m <sup>2</sup>	7,5m	3m	2	30%

## 4.2.3 RESIDENTIAL 3

USE OF LAND AND BUILDINGS			ADDITIONAL CONTROLS
COLUMN 1 FREE ENTRY USES	COLUMN 2 CONSENT USES	COLUMN 3 PROHIBITED USES	
<ul style="list-style-type: none"> <li>• Dwelling House</li> <li>• Launderette</li> <li>• Medium Density Housing</li> <li>• Private Recreation Area</li> <li>• Residential Building</li> <li>• Retirement Village</li> </ul>	<ul style="list-style-type: none"> <li>• Agricultural Building</li> <li>• Agricultural Land</li> <li>• Bed and Breakfast</li> <li>• Chalet</li> <li>• Child Care Facility/Crèche</li> <li>• Educational Building</li> <li>• Guest House</li> <li>• Institution</li> <li>• Office Building</li> <li>• Parking Garage</li> <li>• Place of Public Assembly</li> <li>• Public Office</li> <li>• Restaurant</li> <li>• Spaza shop</li> </ul>	Buildings and land uses not included in columns 1 and 2.	<ul style="list-style-type: none"> <li>• Where the erf is used exclusively for Medium Density Housing purposes, the minimum erf area shall be 1800m<sup>2</sup> and the maximum number of units, which may be established shall be as per Clause 5.</li> <li>• Accommodation for motor vehicles to be provided on erf as per Clause 3.12</li> <li>• Provision is to be made for landscaping and maintaining the grounds to the satisfaction of the Committee, and not less than 25% of the site shall be set aside and maintained as a garden and play area, which must be kept free of parking space and driveways.</li> <li>• Where the erf is linked to the existing waterborne sewage disposal system density may be increased to 20 units per hectare.</li> <li>• Subject to the provision of a sewage disposal system to the satisfaction of the Municipality.</li> <li>• A street building line does not apply to dwelling unit curtilages, except along street frontages of the site, where the street building line shall be 5,0m.</li> <li>• Side and rear space requirements do not apply to dwelling unit curtilages, except along the side and rear boundaries of the site where the side / rear space shall be 4,5m.</li> <li>• <b>For retirement village:</b></li> </ul>

**STATEMENT OF INTENT:** This zone is intended to provide, preserve, use land or buildings for single residential use and Multiple Unit Developments in the form of dwelling houses and ancillary uses. Protection of the quality and character of residential neighbourhood and the well-being of its residents limiting multiple uses of buildings to minimize adverse impact on the residential environment is zoning in line with the existing controls for medium density housing.

**SCHEME MAP NOTATION:**

FILL	BORDER
255 211 127	0, 0, 0

								<ul style="list-style-type: none"> <li>• The following minimum areas per dwelling unit shall apply to a Residential Medium Density 2 site: <ul style="list-style-type: none"> <li>○ Private Open Area – 30 m<sup>2</sup></li> <li>○ Usable Common Open Space – 50 m<sup>2</sup></li> <li>○ Utility Area – 15 m<sup>2</sup></li> <li>○ The minimum Coverage of a garage or carport - 15 m<sup>2</sup></li> </ul> </li> <li>• Shop and restaurant area, except by consent, not to exceed 150 m<sup>2</sup> and to be for the exclusive use of the residents and their guests.</li> <li>• A frail care centre shall be provided to the satisfaction of the Municipality, provided that this need not necessarily be on the same site.</li> <li>• All landscaping shall be to the discretion of the Municipality.</li> <li>• Parking for motor vehicles to be provided on the erf as per Clause 3.12.</li> <li>• Subject to the provision of a sewerage disposal system to the satisfaction of the Municipality.</li> <li>• The minimum width of a road carriageway shall be 3 metres where the carriageway is one-way and 5.5 metres where the carriageway is two-way.</li> </ul>
DEVELOPMENT CONTROLS								
MINIMUM ERF SIZE	UNITS PER HECTARE	FRONTAGE	BUILDING LINE	SIDE AND REAR	HEIGHT	COVERAGE	FAR	
4000m <sup>2</sup>	20	12m	7,5m	3m	3	35%	0.4	
2Ha (Retirement Village)	18	18m	7,5m	4,5m	2	30%	n/a	

## 4.2.4 RURAL RESIDENTIAL

<p><b>STATEMENT OF INTENT:</b> A zone that provides, preserves, use land or buildings for residential areas or settlements with a predominantly rural character. Providing for activities that are in keeping with the rural character of the area that may include associated land uses that support livelihoods.</p>						<p><b>SCHEME MAP NOTATION:</b></p> <table border="1"> <tr> <td>FILL</td> <td>BORDER</td> </tr> <tr> <td>255 255 153</td> <td>0,128,0</td> </tr> </table>		FILL	BORDER	255 255 153	0,128,0
FILL	BORDER										
255 255 153	0,128,0										
USE OF LAND AND BUILDINGS											
COLUMN 1	COLUMN 2	COLUMN 3	ADDITIONAL CONTROLS								
FREE ENTRY USES	CONSENT USES	PROHIBITED USES									
<ul style="list-style-type: none"> <li>• Dwelling House</li> <li>• Umuzi</li> </ul>	<ul style="list-style-type: none"> <li>• Agricultural Building</li> <li>• Agricultural Land</li> <li>• Bed and Breakfast</li> <li>• Car Wash</li> <li>• Child Care Facility/Crèche</li> <li>• Educational Building</li> <li>• Guest House</li> <li>• Home Business</li> <li>• Institution</li> <li>• Laundrette</li> <li>• Medium Density Housing</li> <li>• Motor workshop and showroom</li> <li>• Place of Public Assembly</li> <li>• Private Recreation Area</li> <li>• Shop</li> <li>• Spaza shop</li> <li>• Tavern</li> </ul>	Buildings and land use not included in columns 1 and 2.	<ul style="list-style-type: none"> <li>• The existing customary tenure system of land administration shall continue to apply for dwelling units and associated outbuildings, and agricultural usage.</li> <li>• For other uses, application will include obtaining consent from the municipality prior to development commencing.</li> <li>• No settlement shall be permitted within wetlands, below a 100m flood line and on geologically unsuitable land.</li> <li>• Building lines along Provincial Roads must be complied with.</li> <li>• The agricultural management layer, indicating the KZN Land Categories, should be referred to for further detailed information and guidance.</li> </ul>								
DEVELOPMENT CONTROLS											
MINIMUM ERF SIZE	UNITS PER HECTARE	FRONTAGE	BUILDING LINE	SIDE AND REAR	HEIGHT	COVERAGE	FAR				
n/a		n/a	n/a	n/ a	2	50%	0,5				

## 4.2.5 SMALLHOLDING

<b>STATEMENT OF INTENT:</b> A zone that contains residential estates and smallholdings and that sets aside land for low-density housing and related urban-scale agriculture where the number and magnitude of ancillary land use types is of the kind related to daily employment and service needs.						<b>SCHEME MAP NOTATION:</b>	
						FILL 255; 236; 188	BORDER
<b>USE OF LAND AND BUILDINGS</b>							
<b>COLUMN 1</b>		<b>COLUMN 2</b>		<b>COLUMN 3</b>		<b>ADDITIONAL CONTROLS</b>	
<b>FREE ENTRY USES</b>		<b>CONSENT USES</b>		<b>PROHIBITED USES</b>			
<ul style="list-style-type: none"> <li>• Additional Self-Contained Residential Unit</li> <li>• Agricultural Land</li> <li>• Chalet</li> <li>• Dwelling House</li> </ul>		<ul style="list-style-type: none"> <li>• Agricultural Industry</li> <li>• Bed and Breakfast</li> <li>• Child Care Facility/Crèche</li> <li>• Educational Building</li> <li>• Guest House</li> <li>• Home Business</li> <li>• Private Recreation Area</li> </ul>		Buildings and land uses not included in columns 1 and 2.		<ul style="list-style-type: none"> <li>• Any development shall be subject to the Municipality being satisfied with regard to the arrangements for the disposal of sewage.</li> <li>• The agricultural management layer, indicating the KZN Land Categories, should be referred to for further detailed information and guidance.</li> <li>• Only one additional self-contained residential unit permitted per Erf.</li> </ul>	
<b>DEVELOPMENT CONTROLS</b>							
<b>MINIMUM ERF SIZE</b>	<b>UNITS PER HECTARE</b>	<b>FRONTAGE</b>	<b>BUILDING LINE</b>	<b>SIDE AND REAR</b>	<b>HEIGHT</b>	<b>COVERAGE</b>	<b>FAR</b>
4Ha	1	15m	10m	3m	2	20%	0,20

## 4.2.6 HOTEL

<p><b>STATEMENT OF INTENT:</b> A zone that makes provision for tourism accommodation, such as Bed and Breakfasts, small scale chalet complexes, medium sized hotels, camping and caravan facilities, cottage industries and art and craft outlets. It includes a range of related facilities such as conference centre, recreational facilities, shop and laundromat for the exclusive use of the guests, public lounge, restaurant and bar areas.</p>						<p><b>SCHEME MAP NOTATION:</b>          Fill: Gold R238, G201, B000          Border: Blue R000, G 128, B 255</p>	
USE OF LAND AND BUILDINGS							
COLUMN 1	COLUMN 2	COLUMN 3	ADDITIONAL CONTROLS				
FREE ENTRY USES	CONSENT USES	PROHIBITED USES	<ul style="list-style-type: none"> <li>• A Shop, Laundrette, Night Club/Bar, Place of Public Assembly, Place of Public Amusement or Restaurant shall have a maximum floor area of 50 square metres and be restricted to a type incidental to the use of the lot for Hotel, Lodge or Bed and Breakfast.</li> <li>• A shop shall be restricted to the sale of day to day commodities.</li> <li>• Subject to the provision of a sewage disposal system to the satisfaction of the Municipality.</li> </ul>				
<ul style="list-style-type: none"> <li>• Bed and Breakfast</li> <li>• Caravan Park</li> <li>• Chalet</li> <li>• Guest House</li> <li>• Hotel</li> <li>• Laundrette</li> <li>• Lodge</li> <li>• Place of Public Amusement</li> <li>• Place of Public Assembly</li> <li>• Private Recreation Area</li> <li>• Shop</li> </ul>	<ul style="list-style-type: none"> <li>• Agricultural Land</li> <li>• Caravan Park</li> <li>• Dwelling House</li> <li>• Educational Building</li> <li>• Night Club / Bar</li> <li>• Public Office</li> <li>• Residential Building</li> <li>• Restaurant</li> <li>• Shop</li> </ul>	<p>Buildings and land uses not included in columns 1 and 2.</p>					
DEVELOPMENT CONTROLS							
MINIMUM ERF SIZE	UNITS PER HECTARE	FRONTAGE	BUILDING LINE	SIDE AND REAR	HEIGHT	COVERAGE	FAR
n/a	n/a	n/a	5m	2m	3	50	0,75

4.3 COMMERCIAL

4.3.1 LIMITED COMMERCIAL

<p><b>STATEMENT OF INTENT:</b> To provide, preserve, use land or buildings for medium impact commercial purposes. Accommodation of commercial or business activities within a residential area where the commercial activity provides a service to the residential community and is not detrimental to the residential amenity of the area.</p>				<p><b>SCHEME MAP NOTATION:</b></p> <table border="1"> <tr> <td>FILL</td> <td>BORDER</td> </tr> <tr> <td>127 230 255</td> <td>0,0,0</td> </tr> </table>			FILL	BORDER	127 230 255	0,0,0
FILL	BORDER									
127 230 255	0,0,0									
<b>USE OF LAND AND BUILDINGS</b>										
COLUMN 1	COLUMN 2	COLUMN 3	<b>ADDITIONAL CONTROLS</b>							
<b>FREE ENTRY USES</b>	<b>CONSENT USES</b>	<b>PROHIBITED USES</b>								
<ul style="list-style-type: none"> <li>• Commercial Workshop</li> <li>• Guest House</li> <li>• Launderette</li> <li>• Office Building</li> <li>• Public Office</li> <li>• Residential Building (above ground floor)</li> <li>• Restaurant</li> <li>• Shop</li> <li>• Veterinary purposes</li> </ul>	<ul style="list-style-type: none"> <li>• Agricultural Building</li> <li>• Agricultural Land</li> <li>• Bed and Breakfast</li> <li>• Car Wash</li> <li>• Child Care Facility/Crèche</li> <li>• Dwelling House</li> <li>• Educational Building</li> <li>• Funeral Parlour</li> <li>• Home Business</li> <li>• Parking Garage</li> <li>• Place of Public Amusement</li> <li>• Place of Public Assembly</li> <li>• Private Recreation Area</li> <li>• Recycling Depot</li> <li>• Service Station</li> <li>• Tavern</li> <li>• Warehouse</li> <li>• Wholesale Shop</li> </ul>	<p>Buildings and land uses not included in columns 1 and 2.</p>	<ul style="list-style-type: none"> <li>• No Erf used for a Service Station, Garage, or a composite building which includes residential uses shall be less than 1800 m<sup>2</sup> in extent.</li> <li>• The Municipality may relax the side space requirements except where the site is immediately adjacent to a Residential Zone.</li> <li>• Residential use limited to upper floor.</li> <li>• Subject to the provision of a sewage disposal system to the satisfaction of the Municipality.</li> <li>• Accommodation for motor vehicles to be provided on erf as per Clause 3.12</li> </ul>							
<b>DEVELOPMENT CONTROLS</b>										
MINIMUM ERF SIZE	UNITS PER HECTARE	FRONTAGE	BUILDING LINE	SIDE AND REAR	HEIGHT	COVERAGE	FAR			

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450m <sup>2</sup>		15m	7,5m	3m	2	50%	0,50
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## 4.3.2 GENERAL COMMERCIAL

<b>STATEMENT OF INTENT:</b> To provide, preserve, use land or buildings for medium/high impact commercial purposes. Accommodation of commercial or business activities within a residential area where the commercial activity provides a service to the residential community and is not detrimental to the residential amenity of the area.						<b>SCHEME MAP NOTATION:</b> <table border="1"> <tr> <td>FILL</td> <td>BORDER</td> </tr> <tr> <td>0,64,128</td> <td>0,0,0</td> </tr> </table>		FILL	BORDER	0,64,128	0,0,0
								FILL	BORDER		
0,64,128	0,0,0										
<b>USE OF LAND AND BUILDINGS</b>											
COLUMN 1		COLUMN 2		COLUMN 3		ADDITIONAL CONTROLS					
FREE ENTRY USES		CONSENT USES		PROHIBITED USES							
<ul style="list-style-type: none"> <li>• Commercial Workshop</li> <li>• Guest House</li> <li>• Launderette</li> <li>• Motor showroom</li> <li>• Motor workshop and showroom</li> <li>• Office Building</li> <li>• Place of Public Amusement</li> <li>• Public Office</li> <li>• Residential Building (above ground floor)</li> <li>• Restaurant</li> <li>• Shop</li> <li>• Veterinary purposes</li> <li>• Warehouse</li> <li>• Wholesale Shop</li> </ul>		<ul style="list-style-type: none"> <li>• Agricultural Land</li> <li>• Bed and Breakfast</li> <li>• Child Care Facility/Crèche</li> <li>• Car wash</li> <li>• Dwelling House</li> <li>• Educational Building</li> <li>• Funeral Parlour</li> <li>• Home Business</li> <li>• Parking Garage</li> <li>• Place of Public Assembly</li> <li>• Private Recreation Area</li> <li>• Recycling Depot</li> <li>• Service Industrial Building</li> <li>• Service Station</li> <li>• Tavern</li> <li>• Telecommunication Mast</li> </ul>		Buildings and land uses not included in columns 1 and 2.		<ul style="list-style-type: none"> <li>• No Erf used for a Service Station, Garage, or a composite building which includes residential uses shall be less than 1800 m<sup>2</sup> in extent.</li> <li>• The Municipality may relax the side space requirements except where the site is immediately adjacent to a Residential Zone.</li> <li>• Any development shall be subject to the Municipality being satisfied with regard to the arrangements for the disposal of sewage.</li> <li>• Accommodation for motor vehicles to be provided on erf as per Clause 3.12.</li> <li>• Subject to the provision of a sewage disposal system to the satisfaction of the Municipality.</li> </ul>					
<b>DEVELOPMENT CONTROLS</b>											
MINIMUM ERF SIZE	UNITS PER HECTARE	FRONTAGE	BUILDING LINE	SIDE AND REAR	HEIGHT	COVERAGE	FAR				
1000m <sup>2</sup>		15m	0m	3m	3	80%	1,0				

## 4.3.3 OFFICE

<b>STATEMENT OF INTENT:</b> A zone, which provides for office development as the primary development focus in peripheral locations adjacent to shopping centers or a mixed-use core or as independent zones.						<b>SCHEME MAP NOTATION:</b>	
						FILL 255; 204; 000; Hatch 020; 129; 188	BORDER
<b>USE OF LAND AND BUILDINGS</b>							
<b>COLUMN 1</b>		<b>COLUMN 2</b>		<b>COLUMN 3</b>		<b>ADDITIONAL CONTROLS</b>	
<b>FREE ENTRY USES</b>		<b>CONSENT USES</b>		<b>PROHIBITED USES</b>			
<ul style="list-style-type: none"> <li>• Dwelling House (Limited to a manager's cottage)</li> <li>• Educational Building</li> <li>• Office Building</li> <li>• Parking Garage</li> <li>• Private Recreation Area</li> <li>• Public Office</li> </ul>		<ul style="list-style-type: none"> <li>• Child Care Facility/Crèche</li> <li>• Institution</li> <li>• Restaurant</li> </ul>		Buildings and land uses not included in columns 1 and 2.		<ul style="list-style-type: none"> <li>• Accommodation for motor vehicles to be provided on erf as per Clause 3.12.</li> <li>• Subject to the provision of a sewage disposal system to the satisfaction of the Municipality.</li> </ul>	
<b>DEVELOPMENT CONTROLS</b>							
<b>MINIMUM ERF SIZE</b>	<b>UNITS PER HECTARE</b>	<b>FRONTAGE</b>	<b>BUILDING LINE</b>	<b>SIDE AND REAR</b>	<b>HEIGHT</b>	<b>COVERAGE</b>	<b>FAR</b>
450m <sup>2</sup>		12m	5m	3m	3	50%	0,5

## 4.3.4 SERVICE STATION

STATEMENT OF INTENT: To provide, preserve, use land or buildings for a fuelling and service station which shall be sited and designed so as to satisfy the Municipality that traffic entering and leaving the Erf will not adversely affect movement of pedestrians or vehicles on any public road or place.				SCHEME MAP NOTATION:				
				FILL	BORDER			
				65 105 255	0,0,0			
USE OF LAND AND BUILDINGS								
COLUMN 1	COLUMN 2	COLUMN 3		ADDITIONAL CONTROLS				
FREE ENTRY USES	CONSENT USES	PROHIBITED USES						
<ul style="list-style-type: none"> <li>• Parking Area</li> <li>• Service Station</li> </ul>	<ul style="list-style-type: none"> <li>• Car Wash</li> <li>• Garage</li> <li>• Motor showroom</li> <li>• Motor workshop and showroom</li> <li>• Parking Garage</li> <li>• Place of Public Amusement</li> <li>• Restaurant</li> <li>• Service Industrial Building</li> <li>• Shop (Restricted to 150m<sup>2</sup>)</li> </ul>	Buildings and land uses not included in columns 1 and 2.		<ul style="list-style-type: none"> <li>• The following provisions shall, in addition to any other relevant provision of the Scheme, be applicable to all Service Stations.</li> <li>• Except with the approval of the Municipality: <ul style="list-style-type: none"> <li>◆ The street frontage of the site of a Service Station shall not be less than 36 metres;</li> <li>◆ The depth of the site of a Service Station (measured at right angles to the street frontage) shall not be less than 30 metres;</li> <li>◆ The area of the site of a Service Station shall not be less than 1800m<sup>2</sup> in extent; and</li> <li>◆ Access to and from a public street to a Service Station shall be located, designed, constructed and maintained to the satisfaction of the Municipality.</li> </ul> </li> <li>• Except with the approval of Municipality, no petrol or other fuel pump, installation or other facility shall be located within 7,5 metres of any street boundary or within 4 metres of any side or rear boundary.</li> <li>• Notwithstanding any other provision of the Scheme, the Municipality may approve of the conducting or carrying out of panel-beating, spray-painting, vehicle maintenance or steam pressure cleaning ancillary to and on the same site as a Service Station.</li> <li>• Accommodation for motor vehicles to be provided on erf as per Clause 3.12.</li> </ul>				
DEVELOPMENT CONTROLS								
MINIMUM ERF SIZE	UNITS PER HECTARE	FRONTAGE	BUILDING LINE	SIDE AND REAR		HEIGHT	COVERAGE	FAR
2000m <sup>2</sup>	n/a	36m	5,0m	2m		2	60%	0,4

## 4.4 INDUSTRY

## 4.4.1 SERVICE INDUSTRY

<b>STATEMENT OF INTENT:</b> To provide for land and buildings for low impact mix of industrial activities and services, warehousing and the associated activities that do not involve significant vibration, noise, odour and high volume of vehicular traffic.						SCHEME MAP NOTATION:	
						FILL	BORDER
USE OF LAND AND BUILDINGS							
COLUMN 1	COLUMN 2	COLUMN 3	ADDITIONAL CONTROLS				
FREE ENTRY USES	CONSENT USES	PROHIBITED USES					
<ul style="list-style-type: none"> <li>• Commercial Workshop</li> <li>• Public Office</li> <li>• Service Industrial Building</li> <li>• Warehouse</li> <li>• Warehouse retail</li> </ul>	<ul style="list-style-type: none"> <li>• Educational building</li> <li>• Funeral Parlour</li> <li>• Garage</li> <li>• Laundrette</li> <li>• Light Industrial</li> <li>• Mortuary</li> <li>• Office Building</li> <li>• Parking Garage</li> <li>• Private Recreation Area</li> <li>• Restaurant</li> <li>• Service Station</li> <li>• Shop</li> <li>• Telecommunication Mast</li> </ul>	<ul style="list-style-type: none"> <li>• Building and other uses not included in column 1 and 2</li> </ul>	<ul style="list-style-type: none"> <li>• Accommodation for motor vehicles to be provided on the erf as per Clause 5.</li> <li>• Where a building line is laid down in the Industrial Zone no building, boundary walls and fences shall be erected between the building line and the Street boundary. The area between such building line and the street boundary is to be landscaped by the owner or occupier of the erf to the satisfaction of the Municipality and may not be used for the storage of goods, parking of motor vehicles, depositing of refuse or any other use, which in the opinion of the Municipality will detract from the visual amenities of the area.</li> <li>• *One dwelling house of not more than 60m<sup>2</sup> may be permitted on site to accommodate a manager, foreman or caretaker.</li> <li>• When granting consent for a shop, reference should be made to Clause 7.4.2</li> </ul>				
DEVELOPMENT CONTROLS							
MINIMUM ERF SIZE	UNITS PER HECTARE	BUILDING LINE	SIDE SPACE	REAR SPACE	HEIGHT	COVERAGE	FAR
450m <sup>2</sup>		7.5m	2m	2m	2	50%	0.50

## 4.4.2 LIGHT INDUSTRY

USE OF LAND AND BUILDINGS				SCHEME MAP NOTATION:			
COLUMN 1	COLUMN 2	COLUMN 3					
FREE ENTRY USES	CONSENT USES	PROHIBITED USES					
<ul style="list-style-type: none"> <li>Commercial Workshop</li> <li>Light Industrial Building</li> <li>Motor showroom</li> <li>Motor workshop and showroom</li> <li>Office Building</li> <li>Public Office</li> <li>Service Industrial Building</li> <li>Warehouse</li> <li>Wholesale Shop</li> </ul>	<ul style="list-style-type: none"> <li>Agricultural Building</li> <li>Agricultural Industry</li> <li>Agricultural Land</li> <li>Dwelling House</li> <li>Funeral Parlour</li> <li>Garage</li> <li>Home Business</li> <li>Launderette</li> <li>Parking Garage</li> <li>Private Recreation Area</li> <li>Recycling Depot</li> <li>Restaurant</li> <li>Service Station</li> <li>Shop</li> <li>Telecommunication Mast</li> <li>Veterinary purpose</li> </ul>	Buildings and land uses not included in columns 1 and 2.	<ul style="list-style-type: none"> <li>No Erf used for a Service Station or Garage shall be less than 1800 m<sup>2</sup> in extent.</li> <li>Any development shall be subject to the Municipality being satisfied with regard to the arrangements for the disposal of sewage and waste products.</li> <li>Accommodation for motor vehicles to be provided on erf as per Clause 3.12.</li> <li>Where a street building line is laid down in an Industrial Zone, no building, boundary walls and fences shall be erected between the building line and the street boundary. The area between such street building line and street boundary is to be landscaped by the owner or occupier of the erf to the satisfaction of the Municipality and may not be used for the storage of goods, parking of motor vehicles, depositing of refuse or any other use which, in the opinion of the Municipality will detract from the visual amenities of the area.</li> <li>One dwelling unit may be permitted on each Industrial site to accommodate a manager, foreman or caretaker.</li> </ul>				
DEVELOPMENT CONTROLS							
MINIMUM ERF SIZE	UNITS PER HECTARE	FRONTAGE	BUILDING LINE	SIDE AND REAR	HEIGHT	COVERAGE	FAR
900m <sup>2</sup>	n/a	18m	7,5m	3m	2	50%	0.5

## 4.4.3 GENERAL INDUSTRY

STATEMENT OF INTENT: To provide, preserve, use land or buildings for full range of industrial uses where the emphasis is on bulk and heavy industry and where due cognizance must be taken of environmental impacts. Ensuring sustainable locations which accommodate the requirements for industrial activities and minimize their impact on surrounding uses.				SCHEME MAP NOTATION:			
				FILL		BORDER	
<b>USE OF LAND AND BUILDINGS</b>							
COLUMN 1		COLUMN 2		COLUMN 3		ADDITIONAL CONTROLS	
FREE ENTRY USES		CONSENT USES		PROHIBITED USES			
<ul style="list-style-type: none"> <li>• Commercial Workshop</li> <li>• Dwelling House (for caretaker only)</li> <li>• General Industrial Building</li> <li>• Light Industrial Building</li> <li>• Motor showroom</li> <li>• Motor workshop and showroom</li> <li>• Office Building</li> <li>• Public Office</li> <li>• Recycling Depot</li> <li>• Service Industrial Building</li> <li>• Service Station</li> <li>• Warehouse</li> <li>• Wholesale Shop</li> </ul>		<ul style="list-style-type: none"> <li>• Agricultural Building</li> <li>• Agricultural Industry</li> <li>• Agricultural Land</li> <li>• Funeral Parlour</li> <li>• Garage</li> <li>• Home Business</li> <li>• Industry-Noxious</li> <li>• Launderette</li> <li>• Office Building</li> <li>• Parking Garage</li> <li>• Place of Public Amusement</li> <li>• Place of Public Assembly</li> <li>• Private Recreation Area</li> <li>• Residential Building</li> <li>• Restaurant</li> <li>• Shop (Ancillary to the main use)</li> <li>• Telecommunication Mast</li> <li>• Veterinary purposes</li> </ul>		Buildings and land uses not included in columns 1 and 2.		<ul style="list-style-type: none"> <li>• Accommodation for motor vehicles to be provided on erf as per Clause 3.12.</li> <li>• Where a street building line is laid down in an Industrial Zone, no building, boundary walls and fences shall be erected between the street building line and the street boundary. The area between such street building line and street boundary is to be landscaped by the owner or occupier of the erf to the satisfaction of the Municipality and may not be used for the storage of goods, parking of motor vehicles, depositing of refuse or any other use which, in the opinion of the Municipality will detract from the visual amenities of the area.</li> <li>• One dwelling unit may be permitted on each Industrial site to accommodate a manager, foreman or caretaker.</li> <li>• When granting consent for a shop, reference should be made to Clause 4.3</li> </ul>	
<b>DEVELOPMENT CONTROLS</b>							
MINIMUM ERF SIZE	UNITS PER HECTARE	FRONTAGE	BUILDING LINE	SIDE AND REAR	HEIGHT	COVERAGE	FAR
900m <sup>2</sup>		18m	7,5m	3m	3	75%	1,5

## 4.4.4 EXTRACTIVE INDUSTRY

<b>STATEMENT OF INTENT:</b> The purpose of the 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.						<b>SCHEME MAP NOTATION:</b> <table border="1"> <tr> <td>FILL</td> <td>BORDER</td> </tr> <tr> <td>222; 209; 217</td> <td></td> </tr> </table>		FILL	BORDER	222; 209; 217	
FILL	BORDER										
222; 209; 217											
USE OF LAND AND BUILDINGS											
COLUMN 1	COLUMN 2	COLUMN 3	ADDITIONAL CONTROLS								
FREE ENTRY USES	CONSENT USES	PROHIBITED USES									
<ul style="list-style-type: none"> <li>Dwelling House (for caretaker only)</li> <li>Extractive Industry</li> <li>Residential Building (for Caretaker only)</li> </ul>	<ul style="list-style-type: none"> <li>Agricultural Land</li> <li>General Industrial Building (as an ancillary use)</li> <li>Home Business</li> <li>Light Industrial Building (as an ancillary use)</li> <li>Private Recreation Area</li> <li>Recycling Depot</li> </ul>	Buildings and land uses not included in columns 1 and 2.	<ul style="list-style-type: none"> <li>Subject to the provision of a site layout plan, which shall be approved by the Municipality prior to development or expansion occurring.</li> <li>Accommodation for motor vehicles to be provided on erf as per Clause 3.12.</li> </ul>								
DEVELOPMENT CONTROLS											
MINIMUM ERF SIZE	UNITS PER HECTARE	FRONTAGE	BUILDING LINE	SIDE AND REAR	HEIGHT	COVERAGE	FAR				
n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a				

## 4.5 CIVIC AND SOCIAL

## 4.5.1 EDUCATION

USE OF LAND AND BUILDINGS				SCHEME MAP NOTATION:			
STATEMENT OF INTENT: To provide, preserve, use land or buildings for a full range of educational facilities either public or private. Institutional facilities that to the discretion of the municipality does not affect the amenity of the area, recreational facilities ancillary to the educational establishment and accommodation of students, educators and other staff of the educational establishment.				FILL		BORDER	
				0,255,0		255,128,0	
COLUMN 1	COLUMN 2	COLUMN 3	ADDITIONAL CONTROLS				
FREE ENTRY USES	CONSENT USES	PROHIBITED USES					
<ul style="list-style-type: none"> <li>• Child Care Facility/Crèche</li> <li>• Dwelling House</li> <li>• Educational Building</li> <li>• Place of Public Assembly</li> <li>• Private Recreation Area</li> <li>• Residential Building</li> <li>• Shop (restricted to tuck shop for learners)</li> </ul>	<ul style="list-style-type: none"> <li>• Additional Residential Unit</li> <li>• Agricultural Building</li> <li>• Agricultural Land</li> <li>• Institution</li> <li>• Laundrette</li> <li>• Medium Density Housing</li> <li>• Office Building</li> <li>• Parking Garage</li> <li>• Public Office</li> <li>• Recycling Depot</li> <li>• Restaurant*</li> <li>• Telecommunication Mast</li> </ul>	Buildings and land uses not included in columns 1 and 2.	<ul style="list-style-type: none"> <li>• Any development shall be subject to the Municipality being satisfied with regard to the arrangements for the disposal of sewage.</li> <li>• Minimum erf area is to be to the satisfaction of the municipality and the relevant Provincial Departments.</li> <li>• On-site accommodation for motor vehicles to be provided on the erf for staff and visitors to the satisfaction of the Municipality.</li> <li>• Accommodation for motor vehicles to be provided on erf as per Clause 3.12.</li> <li>• Subject to the provision of a site layout plan, which shall be approved by the municipality prior to development or expansion occurring.</li> <li>• Restaurant* must be directly related to the needs of the education facility and subject to prevailing liquor licencing legislation.</li> </ul>				
DEVELOPMENT CONTROLS							
MINIMUM ERF SIZE	UNITS PER HECTARE	FRONTAGE	BUILDING LINE	SIDE AND REAR	HEIGHT	COVERAGE	FAR
Primary School: 2.8ha	n/a	18m	5m	3m	3	60%	1,0
Secondary School: 4.8ha							

## 4.5.2 MUNICIPAL AND GOVERNMENT

STATEMENT OF INTENT: This zone is intended for buildings erected and used for National, Provincial and Municipal administration and general government services.				SCHEME MAP NOTATION:			
				FILL		BORDER	
USE OF LAND AND BUILDINGS							
COLUMN 1	COLUMN 2	COLUMN 3	ADDITIONAL CONTROLS				
FREE ENTRY USES	CONSENT USES	PROHIBITED USES					
<ul style="list-style-type: none"> <li>• Dwelling House</li> <li>• Educational Building</li> <li>• Institution</li> <li>• Parking Garage</li> <li>• Place of Public Assembly</li> <li>• Private Recreation Area</li> <li>• Public Office</li> <li>• Recycling Depot</li> <li>• Service Industrial Building</li> </ul>	<ul style="list-style-type: none"> <li>• Additional Self-Contained Residential Unit</li> <li>• Agricultural Building</li> <li>• Agricultural Land</li> <li>• Bed and Breakfast</li> <li>• Child Care Facility/Crèche</li> <li>• Guest House</li> <li>• Home Business</li> <li>• Launderette</li> <li>• Parking Garage</li> <li>• Place of Public Amusement</li> <li>• Restaurant</li> <li>• Restricted Building</li> <li>• Shop</li> <li>• Telecommunication Mast</li> <li>• Veterinary purposes</li> <li>• Warehouse</li> </ul>	Buildings and land uses not included in columns 1 and 2.	<ul style="list-style-type: none"> <li>• Any development shall be subject to the Municipality being satisfied with regard to the arrangements for the disposal of sewage.</li> <li>• Minimum erf area is unrestricted and dependant on the use.</li> <li>• Accommodation for motor vehicles to be provided on erf as per Clause 3.12.</li> <li>• Subject to the provision of a site layout plan, which shall be approved by the Municipality prior to development or expansion occurring.</li> </ul>				
DEVELOPMENT CONTROLS							
MINIMUM ERF SIZE	UNITS PER HECTARE	FRONTAGE	BUILDING LINE	SIDE AND REAR	HEIGHT	COVERAGE	FAR
n/a	n/a	15m	5m	3m	3	50%	1,0

## 4.5.3 INSTITUTION

<p><b>STATEMENT OF INTENT:</b> To provide, preserve, use land or buildings for Institutions such as hospitals, nursing homes, sanatorium, clinic, convalescent home, orphanage, retirement center, or other buildings used as a public or private institution except those included in restricted building.</p>						<p><b>SCHEME MAP NOTATION:</b></p> <table border="1"> <tr> <td>FILL</td> <td>BORDER</td> </tr> <tr> <td></td> <td></td> </tr> </table>		FILL	BORDER		
FILL	BORDER										
USE OF LAND AND BUILDINGS											
COLUMN 1	COLUMN 2	COLUMN 3	ADDITIONAL CONTROLS								
FREE ENTRY USES	CONSENT USES	PROHIBITED USES									
<ul style="list-style-type: none"> <li>• Dwelling House</li> <li>• Institution</li> <li>• Launderette</li> <li>• Medium Density Housing</li> <li>• Place of Public Assembly</li> <li>• Private Recreation Area</li> <li>• Public Office</li> </ul>	<ul style="list-style-type: none"> <li>• Agricultural Land</li> <li>• Bed and Breakfast</li> <li>• Child Care Facility/Crèche</li> <li>• Educational Building</li> <li>• Guest House</li> <li>• Home Business</li> <li>• Recycling Depot</li> <li>• Residential Building</li> <li>• Restricted Building</li> <li>• Service Industrial Building</li> <li>• Shop (Restricted to 100 m<sup>2</sup>)</li> <li>• Telecommunication Mast</li> </ul>	Buildings and land uses not included in columns 1 and 2.	<ul style="list-style-type: none"> <li>• Any development shall be subject to the Municipality being satisfied with regard to the arrangements for the disposal of sewage.</li> <li>• Subject to the provision of a site layout plan, which shall be approved by the municipality prior to development or expansion occurring.</li> <li>• Accommodation for motor vehicles to be provided on erf as per Clause 3.12.</li> </ul>								
DEVELOPMENT CONTROLS											
MINIMUM ERF SIZE	UNITS PER HECTARE	FRONTAGE	BUILDING LINE	SIDE AND REAR	HEIGHT	COVERAGE	FAR				
-	-	15m	5m	3m	3	60%	-				

## 4.5.4 HEALTH &amp; WELFARE

<b>STATEMENT OF INTENT:</b> A zone, which provides for the development of public or private facilities and service required for the administration, social, health and cultural well-being of surrounding communities.						<b>SCHEME MAP NOTATION:</b>	
						FILL	BORDER
						255 228 255	255 174 185
USE OF LAND AND BUILDINGS							
COLUMN 1	COLUMN 2	COLUMN 3	ADDITIONAL CONTROLS				
FREE ENTRY USES	CONSENT USES	PROHIBITED USES					
<ul style="list-style-type: none"> <li>• Child Care Facility/Crèche</li> <li>• Dwelling House</li> <li>• Institution</li> <li>• Office Building</li> <li>• Place of Instruction</li> <li>• Place of Public Assembly</li> <li>• Place of Worship</li> <li>• Private Recreational Use</li> <li>• Public Office</li> </ul>	<ul style="list-style-type: none"> <li>• Agricultural Land</li> <li>• Dwelling House</li> <li>• Residential Building</li> <li>• Restaurant</li> <li>• Service Industrial Building</li> <li>• Telecommunication Mast</li> </ul>	Buildings and land uses not included in columns 1 and 2.	<ul style="list-style-type: none"> <li>• Any development shall be subject to the Municipality being satisfied with regard to the arrangements for the disposal of sewage.</li> <li>• Minimum erf area is to be to the satisfaction of the municipality and the relevant Provincial Departments.</li> <li>• Subject to the provision of a site layout plan, which shall be approved by the municipality prior to development or expansion occurring.</li> <li>• Accommodation for motor vehicles to be provided on erf as per Clause 3.12.</li> </ul>				
DEVELOPMENT CONTROLS							
MINIMUM ERF SIZE	UNITS PER HECTARE	FRONTAGE	BUILDING LINE	SIDE AND REAR	HEIGHT	COVERAGE	FAR
900m <sup>2</sup>	n/a	15m	5m	3m	UR	50%	1,0

## 4.5.5 WORSHIP

USE OF LAND AND BUILDINGS				SCHEME MAP NOTATION:			
STATEMENT OF INTENT: To provide, preserve, use land or buildings for a church, mosque, temple, chapel or other place for practicing a faith or religion and ancillary uses ordinarily associated thereto.				FILL		BORDER	
				230 99 250		0,0,0	
COLUMN 1	COLUMN 2	COLUMN 3	ADDITIONAL CONTROLS				
FREE ENTRY USES	CONSENT USES	PROHIBITED USES					
<ul style="list-style-type: none"> <li>• Dwelling House</li> <li>• Place of Public Assembly</li> <li>• Private Recreation Area</li> </ul>	<ul style="list-style-type: none"> <li>• Additional Self-Contained Residential Unit</li> <li>• Agricultural Land</li> <li>• Bed and Breakfast</li> <li>• Child Care Facility/Crèche</li> <li>• Educational Building</li> <li>• Guest House</li> <li>• Home Business</li> <li>• Institution</li> <li>• Launderette</li> <li>• Recycling Depot</li> <li>• Telecommunication Mast</li> </ul>	Buildings and land uses not included in columns 1 and 2.	<ul style="list-style-type: none"> <li>• Any development shall be subject to the Municipality being satisfied with regard to the arrangements for the disposal of sewage.</li> <li>• *In the worship zone, the height restriction may be relaxed to accommodate a church tower, or steeple or similar architectural feature.</li> <li>• Accommodation for motor vehicles to be provided on erf as per Clause 3.12.</li> <li>• Side and rear space provisions as for residential building.</li> <li>• Height may be relaxed by Consent.</li> </ul>				
DEVELOPMENT CONTROLS							
MINIMUM ERF SIZE	UNITS PER HECTARE	FRONTAGE	BUILDING LINE	SIDE AND REAR	HEIGHT	COVERAGE	FAR
3600m <sup>2</sup>	n/a	12m	7.5	3m	2*	30%	0.5

## 4.5.6 CEMETERY

<b>STATEMENT OF INTENT:</b> To provide, preserve, use land or buildings for a church, mosque, temple, chapel or other place for practicing a faith or religion and ancillary uses ordinarily associated thereto.						<b>SCHEME MAP NOTATION:</b>	
						FILL	BORDER
						62 230 162	0,0,0
USE OF LAND AND BUILDINGS							
COLUMN 1	COLUMN 2	COLUMN 3	ADDITIONAL CONTROLS				
FREE ENTRY USES	CONSENT USES	PROHIBITED USES					
<ul style="list-style-type: none"> <li>• Cemetery</li> <li>• Crematoria</li> <li>• Public Open Space</li> </ul>		Buildings and land uses not included in columns 1 and 2.	<ul style="list-style-type: none"> <li>• Subject to the provision of a site layout plan, which shall be approved by the Municipality prior to development or expansion occurring.</li> <li>• All cemetery sites are to be established and managed in terms of the KwaZulu-Natal Cemeteries and Crematoria Act and shall only be used for burial and ancillary purposes and may include a crematorium.</li> </ul>				
DEVELOPMENT CONTROLS							
MINIMUM ERF SIZE	UNITS PER HECTARE	FRONTAGE	BUILDING LINE	SIDE AND REAR	HEIGHT	COVERAGE	FAR
n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

## 4.6 ENVIRONMENTAL SERVICES

## 4.6.1 ACTIVE OPEN SPACE

<b>STATEMENT OF INTENT:</b> A zone that provides for residential areas or settlements with a predominantly rural character. This includes activities that are in keeping with the rural character of the area that may include associated land uses that support livelihoods.						<b>SCHEME MAP NOTATION:</b>	
						FILL	BORDER
USE OF LAND AND BUILDINGS							
COLUMN 1	COLUMN 2	COLUMN 3	ADDITIONAL CONTROLS				
FREE ENTRY USES	CONSENT USES	PROHIBITED USES					
<ul style="list-style-type: none"> <li>• Agricultural Land</li> <li>• Caravan Park</li> <li>• Private Recreation Area</li> <li>• Public Open Space</li> </ul>	<ul style="list-style-type: none"> <li>• Agricultural Land</li> <li>• Bed and Breakfast</li> <li>• Child Care Facility/Crèche</li> <li>• Dwelling House</li> <li>• Guest House</li> <li>• Home Business</li> <li>• Place of Public Amusement</li> <li>• Place of Public Assembly</li> <li>• Residential Building (Restricted to a Flat for a caretaker)</li> <li>• Restaurant</li> <li>• Shop (restricted to 100 m2)</li> </ul>	Buildings and land uses not included in columns 1 and 2.	<ul style="list-style-type: none"> <li>• Any development shall be subject to the Municipality being satisfied with regard to the arrangements for the disposal of sewage.</li> </ul>				
DEVELOPMENT CONTROLS							
MINIMUM ERF SIZE	UNITS PER HECTARE	FRONTAGE	BUILDING LINE	SIDE AND REAR	HEIGHT	COVERAGE	FAR
n/a	n/a	n/a	7.5	3m	2	15%	0.5

4.6.2 CONSERVATION

<p><b>STATEMENT OF INTENT:</b> This is a zone that protects and conserves environmentally or historically important land, buildings or water bodies or areas that are important ecological features. These areas normally form part of the sustainable open space system, which includes independent or linked open space areas and permits only limited and specific developments.</p>			<p><b>SCHEME MAP NOTATION:</b></p> <table border="1"> <tr> <td>FILL</td> <td>BORDER</td> </tr> <tr> <td> </td> <td> </td> </tr> </table>	FILL	BORDER		
FILL	BORDER						
USE OF LAND AND BUILDINGS							
COLUMN 1	COLUMN 2	COLUMN 3	ADDITIONAL CONTROLS				
FREE ENTRY USES	CONSENT USES	PROHIBITED USES					
<ul style="list-style-type: none"> <li>• *Ancillary land uses</li> <li>• Agricultural purposes</li> <li>• Conservation Area</li> <li>• Nature Reserve</li> <li>• Office related to the main use</li> <li>• Protected Areas</li> <li>• Public Open Space</li> </ul>	<ul style="list-style-type: none"> <li>• Dwelling House*</li> <li>• Game Reserve</li> <li>• Restaurant*</li> <li>• Shop (restricted to 100 m2)</li> <li>• Restaurant ancillary to the main use.</li> </ul>	<p>Buildings and land uses not included in columns 1 and 2.</p>	<ul style="list-style-type: none"> <li>• Restaurant* limited to 300m<sup>2</sup> with the primary objective of supporting the use of the land for conservation purposes.</li> <li>• *Ancillary land uses refers to land uses complimentary to the aim of the conservation of the natural environment as set out in contract and management plan.</li> <li>• **One dwelling house of not more than 60m<sup>2</sup> may be permitted on site to accommodate a manager, foreman or caretaker.</li> <li>• No indigenous trees may be cut down without the permission of the relevant Government Department.</li> <li>• In order to protect the amenity of water courses and to minimize pollution and erosion, no indigenous vegetation or may be cut down or removed along the banks of rivers as follows:             <ul style="list-style-type: none"> <li>• (a) within 5m on each side of a minor tributary;</li> <li>• (b) within 10m of each side of a major tributary, or</li> <li>• (c) within 15m of a major water body.</li> </ul> </li> <li>• No soil, sand or stones shall be removed from or along rivers without the authority of the Municipality.</li> <li>• Applications for development near rivers must comply with the requirements of the relevant legislation.</li> <li>• No indigenous flora, fauna or any naturally occurring material shall be disturbed or removed;</li> <li>• No person shall cause or permit the following to occur on such area of land : dumping, littering, building, earthworks cultivation, fires, or other action which may endanger the amenity of the zone, provided that the</li> </ul>				

			<p>Municipality may at its discretion, condone or undertake any reasonable action necessary for the protection and/or enhancement of the amenity of the area; and</p> <ul style="list-style-type: none"> <li>Any development shall be based on a Site Development Plan as contemplated in Clause 3.11 of the Scheme; provided further that an Environmental Impact Assessment shall form an integral part of such plan/s.</li> </ul>			
<b>DEVELOPMENT CONTROLS</b>						
<b>MINIMUM ERF SIZE</b>	<b>UNITS PER HECTARE</b>	<b>FRONTAGE</b>	<b>BUILDING LINE</b>	<b>SIDE AND REAR</b>	<b>HEIGHT</b>	<b>COVERAGES</b>
n/a	n/a	n/a	To be determined by the Municipality			

## 4.6.3 PASSIVE OPEN SPACE

STATEMENT OF INTENT: To provide, preserve, use land or buildings for provision of passive recreational areas on publicly or privately owned land. Generally, to promote passive recreation, enhance aesthetical appearance and the maintenance of open space systems.				SCHEME MAP NOTATION:				
				FILL		BORDER		
USE OF LAND AND BUILDINGS								
COLUMN 1	COLUMN 2	COLUMN 3	ADDITIONAL CONTROLS					
FREE ENTRY USES	CONSENT USES	PROHIBITED USES						
<ul style="list-style-type: none"> <li>• Conservation area</li> <li>• Game / Nature Reserve</li> <li>• Private Open Space</li> <li>• Public Open Space</li> <li>• River reserve</li> </ul>	<ul style="list-style-type: none"> <li>• *Dwelling house</li> <li>• Agricultural land</li> <li>• Base Telecommunication Station</li> <li>• Caravan Park</li> <li>• Restaurant</li> </ul>	Buildings and land uses not included in columns 1 and 2.	<ul style="list-style-type: none"> <li>• Land use within the active open space zone may not be changed without the prior consent of the Department of Environmental Affairs.</li> <li>• Administration of passive open space is subject to relevant environmental management legislation.</li> <li>• *One dwelling house of not more than 60m<sup>2</sup> may be permitted on site to accommodate a manager, foreman or caretaker.</li> <li>• No indigenous trees may be cut down without permission of the relevant Government Department.</li> <li>• In order to protect the amenity of water courses and to minimize pollution and erosion, no indigenous vegetation or may be cut down or removed along the banks of rivers as follows: <ul style="list-style-type: none"> <li>• (a) within 5m on each side of a minor tributary;</li> <li>• (b) within 10m of each side of a major tributary, or (c) within 15m of a major water body.</li> </ul> </li> <li>• No soil, sand or stones shall be removed from or along rivers without the authority of the Municipality.</li> <li>• Applications for development near rivers must comply with the requirements of relevant legislation.</li> <li>• No indigenous flora, fauna or any naturally occurring material shall be disturbed or removed;</li> <li>• No person shall cause or permit the following to occur on such area of land : dumping, littering, building, earthworks cultivation, fires, or other action which may endanger the amenity of the zone, provided that the Municipality may at its discretion, condone or undertake any reasonable action necessary for the protection and/or enhancement of the amenity of the area; and</li> <li>• Any development shall be based on a Site Development Plan as contemplated in Clause 3.11 of the Scheme; provided further that an Environmental Impact Assessment shall form an integral part of such plan/s.</li> </ul>					
DEVELOPMENT CONTROLS								
MINIMUM ERF SIZE	UNITS PER HECTARE	FRONTAGE	BUILDING LINE	SIDE AND REAR		HEIGHT	COVERAGE	FAR

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n/a	n/a	n/a	7.5	3m	2	15%	0.15
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## 4.6.4 STATUTORY PROTECTED AREA 1

<p><b>STATEMENT OF INTENT:</b> This zone demarcates land that has been designated as a protected area under the National Environmental Management Protected Area Act No 57 of 2003, as a World Heritage Site; Nature Reserve; Special Nature Reserves; National Parks; Specially Protected Forest Areas; Forest Nature Reserves; and Forest Wilderness Areas. Where land use and management of the land is undertaken as per the provisions of the Protected Areas Act and its regulations, and other related legislation.</p>					<p>SCHEME MAP NOTATION:</p> <table border="1"> <tr> <td>FILL</td> <td>BORDER</td> </tr> <tr> <td></td> <td></td> </tr> </table>			FILL	BORDER		
FILL	BORDER										
<b>USE OF LAND AND BUILDINGS</b>											
<b>COLUMN 1</b>	<b>COLUMN 2</b>	<b>COLUMN 1</b>	<b>COLUMN 2</b>								
<b>FREE ENTRY USES</b>	<b>CONSENT USES</b>	<b>FREE ENTRY USES</b>	<b>CONSENT USES</b>								
<ul style="list-style-type: none"> <li>• Conservation area</li> <li>• Conservation Tourism</li> </ul>	<ul style="list-style-type: none"> <li>• Abattoir</li> <li>• Conference and events facilities</li> <li>• Other uses considered by the municipality and concurred with by Ezemvelo KZN Wildlife</li> </ul>	<ul style="list-style-type: none"> <li>• Conservation area</li> <li>• Conservation Tourism</li> </ul>	<ul style="list-style-type: none"> <li>• Abattoir</li> <li>• Conference and events facilities</li> <li>• Other uses considered by the municipality and concurred with by Ezemvelo KZN Wildlife</li> </ul>								
<b>DEVELOPMENT CONTROLS</b>											
<b>MINIMUM ERF SIZE</b>	<b>UNITS PER HECTARE</b>	<b>FRONTAGE</b>	<b>BUILDING LINE</b>	<b>SIDE AND REAR</b>		<b>HEIGHT</b>	<b>COVERAGE</b>	<b>FAR</b>			
-	-	-	-	-		-	-	-			

## 4.6.5 STATUTORY PROTECTED AREA 2

<b>STATEMENT OF INTENT:</b> Demarcates land that has been designated as a Protected Environment under the National Environmental Management Protected Area Act No 57 of 2003. Where land use and management of the land is undertaken as per the provisions of the Protected Areas Act and its regulations, as well as via the management plans and stewardship contract.						<b>SCHEME MAP NOTATION:</b>	
						FILL	BORDER
<b>USE OF LAND AND BUILDINGS</b>							
<b>COLUMN 1</b>	<b>COLUMN 2</b>	<b>COLUMN 3</b>	<b>ADDITIONAL CONTROLS</b>				
<b>FREE ENTRY USES</b>	<b>CONSENT USES</b>	<b>PROHIBITED USES</b>					
<ul style="list-style-type: none"> <li>• **Ancillary land use</li> <li>• *Agriculture</li> <li>• Conservation area</li> <li>• Conservation Tourism</li> <li>• Dwelling house</li> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• Abattoir</li> <li>• Tourism infrastructure</li> <li>• Conference and events facilities</li> <li>• Other uses considered by the municipality and concurred with by Ezemvelo KZN Wildlife</li> </ul>	<ul style="list-style-type: none"> <li>• Mining</li> <li>• Building and land uses not included in columns 1 and 2.</li> </ul>	<ul style="list-style-type: none"> <li>• Consent use applications must align with the approved Protected Area Management Plan and must have obtained authorisation from the relevant PA management authority and Ezemvelo KZN Wildlife, and must, where required, have been granted environmental authorisation and/or a permit from the National Forest Act and the National Water Act.</li> <li>• *Agriculture will be restricted to agriculture and facilities reasonably related to this agricultural use as set out in contract and management plan.</li> <li>• **Ancillary land uses and facilities required for conservation management as set out in contract and management plan</li> </ul>				
<b>DEVELOPMENT CONTROLS</b>							
<b>MINIMUM ERF SIZE</b>	<b>UNITS PER HECTARE</b>	<b>BUILDING LINE</b>	<b>SIDE SPACE</b>	<b>REAR SPACE</b>	<b>HEIGHT</b>	<b>COVERAGE</b>	<b>FAR</b>
-	-	-	-	-	-	-	-

4.7 AGRICULTURE

4.7.1 AGRICULTURE 1

<p><b>STATEMENT OF INTENT:</b> To provide, preserve, use land or buildings for Agricultural productivity, Industrial development and uses ancillary to agricultural activity and industrial accommodation are permitted at the discretion of the Municipality.</p>						<p><b>SCHEME MAP NOTATION:</b></p> <table border="1"> <tr> <td>FILL</td> <td>BORDER</td> </tr> <tr> <td> </td> <td> </td> </tr> </table>		FILL	BORDER		
FILL	BORDER										
USE OF LAND AND BUILDINGS											
COLUMN 1	COLUMN 2	COLUMN 3	ADDITIONAL CONTROLS								
FREE ENTRY USES	CONSENT USES	PROHIBITED USES									
<ul style="list-style-type: none"> <li>• Agricultural Building</li> <li>• Agricultural Land</li> <li>• Dwelling House</li> <li>• Forestry</li> <li>• Veterinary purposes</li> </ul>	<ul style="list-style-type: none"> <li>• Additional Self-Contained Residential Unit</li> <li>• Agricultural Industry</li> <li>• Bed and Breakfast</li> <li>• Caravan Park</li> <li>• Child Care Facility/Crèche</li> <li>• Educational Building</li> <li>• Extractive Industry</li> <li>• Game reserve</li> <li>• Guest House</li> <li>• Home Business</li> <li>• Institution</li> <li>• Lodge</li> <li>• Place of Public Assembly</li> <li>• Private Recreation Area</li> <li>• Recycling Depot</li> <li>• Restaurant</li> </ul>	<p>Buildings and land uses not included in columns 1 and 2.</p>	<ul style="list-style-type: none"> <li>• Applications for the subdivision of land and /or the change of land use, not exempt from the provisions of the Subdivision of Agricultural Land Act No. 70 of 1970, shall require the approved of the National Department of Agriculture in terms of the Subdivision of Agricultural Land Act No.70 of 1970 prior to approval by the Municipality.</li> <li>• The agricultural management overlay indicating the KZN Land Categories, should be referred to for further detailed information and guidance.</li> <li>• Any change in land use will require a 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.</li> <li>• Cabins or chalet will be limited in coverage and restricted numbers will be permitted.</li> <li>• Camping will be permitted only in designated areas and in will be limited in numbers.</li> <li>• Fishing will only be permitted in designated areas with restrictions.</li> <li>• All timber plantations must be lawful and have a valid licence, as per relevant legislation.</li> <li>• *One dwelling house of not more than 60m<sup>2</sup> may be permitted to accommodate a manager, foreman or caretaker.</li> </ul>								
DEVELOPMENT CONTROLS											
MINIMUM ERF SIZE	UNITS PER HECTARE	FRONTAGE	BUILDING LINE	SIDE AND REAR	HEIGHT	COVERAGE	FAR				
n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a				

4.7.2 AGRICULTURE 2

<p><b>STATEMENT OF INTENT:</b> This zone is intended to protect and manage the use of Ingonyama Trust land and Traditional Municipality land where the predominant activity is agriculture together with a combination of non-agricultural land uses required to support rural communities.</p>						<p><b>SCHEME MAP NOTATION:</b></p> <table border="1"> <tr> <td>FILL</td> <td>BORDER</td> </tr> <tr> <td> </td> <td> </td> </tr> </table>		FILL	BORDER		
FILL	BORDER										
USE OF LAND AND BUILDINGS											
COLUMN 1	COLUMN 2	COLUMN 3	ADDITIONAL CONTROLS								
FREE ENTRY USES	CONSENT USES	PROHIBITED USES									
<ul style="list-style-type: none"> <li>• Agricultural Land</li> <li>• Dwelling House</li> <li>• Forestry</li> <li>• Umuzi</li> <li>• Veterinary purposes</li> </ul>	<ul style="list-style-type: none"> <li>• Additional Self-Contained Residential Unit</li> <li>• Agricultural Industry</li> <li>• Base Telecommunication Station/Mast</li> <li>• Bed and Breakfast</li> <li>• Child Care Facility/Crèche</li> <li>• Educational Building</li> <li>• Extractive Industry</li> <li>• Guest House</li> <li>• Home Business</li> <li>• Institution</li> <li>• Place of Public Assembly</li> <li>• Private Recreation Area</li> <li>• Recycling Depot</li> <li>• Restaurant</li> </ul>	<p>Buildings and land uses not included in columns 1 and 2.</p>	<ul style="list-style-type: none"> <li>• Any development shall be subject to the Municipality being satisfied with regard to the arrangements for the disposal of sewage.</li> <li>• The existing customary tenure system of land administration shall continue to apply for dwelling units and associated outbuildings, and agricultural usage.</li> <li>• For other uses application will include obtaining consent from the municipality prior to development commencing.</li> <li>• No settlement shall be permitted within wetlands, below a 100m flood line and on geologically unsuitable land.</li> <li>• Building lines along Provincial Roads must be complied with.</li> <li>• The agricultural management layer, indicating the KZN Land Categories, should be referred to for further detailed information and guidance.</li> </ul>								
DEVELOPMENT CONTROLS											
MINIMUM ERF SIZE	UNITS PER HECTARE	FRONTAGE	BUILDING LINE	SIDE AND REAR	HEIGHT	COVERAGE	FAR				
n/a	As permitted by the Municipality in consultation with the Traditional Municipality.										

## 4.8 TRANSPORTATION AND ACCESS

## 4.8.1 TRANSPORTATION

<b>STATEMENT OF INTENT:</b> This zone provides for the use of land or buildings for the operation of a service, which involves the transportation of goods or passengers by rail, air or road and other uses ancillary thereto.				<b>SCHEME MAP NOTATION:</b>			
				FILL		BORDER	
<b>USE OF LAND AND BUILDINGS</b>							
<b>COLUMN 1</b>	<b>COLUMN 2</b>	<b>COLUMN 3</b>	<b>ADDITIONAL CONTROLS</b>				
<b>FREE ENTRY USES</b>	<b>CONSENT USES</b>	<b>PROHIBITED USES</b>					
<ul style="list-style-type: none"> <li>• Airfield</li> <li>• Parking garage / area</li> <li>• Shop (as an ancillary use)</li> <li>• Taxi rank</li> <li>• Transport Facility</li> </ul>	<ul style="list-style-type: none"> <li>• Base Telecommunication Station/Mast</li> <li>• Carwash facility</li> <li>• Restaurant</li> <li>• Service Station</li> <li>• Truck stop</li> </ul>	<ul style="list-style-type: none"> <li>• Building and land uses not included in columns 1 and 2.</li> </ul>	<ul style="list-style-type: none"> <li>• Development within this zone shall be undertaken strictly in accordance with a development plan approved by Municipality.</li> <li>• Land uses specified in this table must be specifically related to the functioning of the bus and taxi transport system.</li> <li>• Sewerage to be provided to the satisfaction of the Municipality.</li> </ul>				
<b>DEVELOPMENT CONTROLS</b>							
<b>MINIMUM ERF SIZE</b>	<b>UNITS PER HECTARE</b>	<b>BUILDING LINE</b>	<b>SIDE SPACE</b>	<b>REAR SPACE</b>	<b>HEIGHT</b>	<b>COVERAGE</b>	<b>FAR</b>
-	-	7.5m	2m	2m	To the satisfaction of the municipality	To the satisfaction of the municipality	-

4.8.2 RAILWAY

<p><b>STATEMENT OF INTENT:</b> This zone makes provision for the use and development of railway land. It is acknowledged that railway property incorporates a wide variety of land uses ranging from residential to commercial and industrial. The primary purpose of railway property is to provide an efficient railway system.</p>						<p><b>SCHEME MAP NOTATION:</b></p> <table border="1"> <tr> <td>FILL</td> <td>BORDER</td> </tr> <tr> <td>150 150 150</td> <td>0,0,0</td> </tr> </table>		FILL	BORDER	150 150 150	0,0,0
FILL	BORDER										
150 150 150	0,0,0										
USE OF LAND AND BUILDINGS											
COLUMN 1	COLUMN 2	COLUMN 3		ADDITIONAL CONTROLS							
FREE ENTRY USES	CONSENT USES	PROHIBITED USES									
<ul style="list-style-type: none"> <li>• Railway</li> <li>• Transport Facility</li> </ul>	<ul style="list-style-type: none"> <li>• Agricultural Land</li> <li>• Educational Building</li> <li>• Industry-General</li> <li>• Industry-Light</li> <li>• Industry-Service</li> <li>• Office Building</li> <li>• Residential Building</li> <li>• Restaurant</li> <li>• Shop (Restricted to 150m<sup>2</sup>)</li> <li>• Dwelling House</li> </ul>	Buildings and land uses not included in columns 1 and 2.		<ul style="list-style-type: none"> <li>• All uses other than railway purposes shall be submitted to the Municipality as an application.</li> <li>• Land uses specified in this table must be specifically related to the functioning of the railway system, as well as other works ancillary to the functioning of railways and subject to agreement being reached on the permissible floor area ratio, coverage and height restrictions, the placing of buildings on the site, on-site parking requirements and/or any other related matters by way of a site development plan to be approved by the Municipality</li> </ul>							
DEVELOPMENT CONTROLS											
MINIMUM ERF SIZE	UNITS PER HECTARE	FRONTAGE	BUILDING LINE	SIDE AND REAR	HEIGHT	COVERAGE	FAR				
n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a				

4.8.3 ROAD

<p><b>STATEMENT OF INTENT:</b> This zone makes provision for the protection of existing and proposed roads and road reserves as a means to enable an unhindered movement of vehicular and pedestrian traffic.</p>						<p><b>SCHEME MAP NOTATION:</b></p> <table border="1"> <tr> <td>FILL</td> <td>BORDER</td> </tr> <tr> <td> </td> <td> </td> </tr> </table>		FILL	BORDER		
FILL	BORDER										
<b>USE OF LAND AND BUILDINGS</b>											
COLUMN 1	COLUMN 2	COLUMN 3	ADDITIONAL CONTROLS								
FREE ENTRY USES	CONSENT USES	PROHIBITED USES	<ul style="list-style-type: none"> <li>• National roads are subject to the rules and regulations of SANRAL.</li> <li>• Provincial roads are subject to the rules and regulations of the Department of Transport.</li> <li>• Local access roads and streets are subject to the rules and regulations of the Municipality.</li> </ul>								
<ul style="list-style-type: none"> <li>• Parking garage</li> <li>• Road reserves</li> <li>• Roads</li> </ul>	<ul style="list-style-type: none"> <li>• None</li> </ul>	Buildings and other uses not included in columns (1) to (3)									
<b>DEVELOPMENT CONTROLS</b>											
MINIMUM ERF SIZE	UNITS PER HECTARE	FRONTAGE	BUILDING LINE	SIDE AND REAR	HEIGHT	COVERAGE	FAR				
n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a				

## 4.8.4 AERODROME

<b>STATEMENT OF INTENT:</b> This zone makes provision for the landing and take-off of aircrafts, facilities for refuelling and repair, and various accommodation facilities for passengers.						<b>SCHEME MAP NOTATION:</b>	
						FILL	BORDER
						150 150 150	0,0,0
USE OF LAND AND BUILDINGS							
COLUMN 1	COLUMN 2	COLUMN 3			ADDITIONAL CONTROLS		
FREE ENTRY USES	CONSENT USES	PROHIBITED USES					
<ul style="list-style-type: none"> <li>• Airport / Airfield</li> <li>• Landing strip</li> </ul>	<ul style="list-style-type: none"> <li>• Educational building</li> <li>• Office Building</li> <li>• Restaurant</li> <li>• Shop (Restricted to 300m<sup>2</sup>)</li> </ul>	Buildings and land uses not included in columns 1 and 2.			<ul style="list-style-type: none"> <li>• Land uses specified in this table are permitted in the Airport Zone at Municipality's sole discretion and must be specifically related to the functioning of the airport, as well as other works ancillary to the function of an airfield and subject to agreement being reached on the permissible floor area ratio, coverage and height restrictions, the placing of buildings on the site, on-site parking requirements and/or any other related matters by way of a site development plan in terms of this Scheme. Such site development plan shall have due consideration for any relevant regulations on airports and any related legislation as may be laid down from time to time by the Minister of Transport or any other responsible authority.</li> </ul>		
DEVELOPMENT CONTROLS							
MINIMUM ERF SIZE	UNITS PER HECTARE	FRONTAGE	BUILDING LINE	SIDE AND REAR	HEIGHT	COVERAGE	FAR
n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

4.9 UTILITIES AND SERVICES

4.9.1 PUBLIC SERVICES AND UTILITIES

<p><b>STATEMENT OF INTENT:</b> This zone makes provision for sites and corridors reserved for the Municipality and other service delivery agents to supply services throughout the municipality. It includes waterworks, sewerage treatment works and associated infrastructure necessary for the Municipality to deliver clean potable water and manage disposal of sewage.</p>	SCHEME MAP NOTATION:	
	FILL	BORDER

**USE OF LAND AND BUILDINGS**

COLUMN 1	COLUMN 2	COLUMN 3	ADDITIONAL CONTROLS
FREE ENTRY USES	CONSENT USES	PROHIBITED USES	
<ul style="list-style-type: none"> <li>• Base Telecommunication Station/Mast</li> <li>• Electricity substations</li> <li>• Incinerator</li> <li>• Post boxes</li> <li>• Power station / sub station</li> <li>• Reservoir</li> <li>• Scrapyard</li> <li>• Sewerage works</li> <li>• Waste disposal site (Landfill site)</li> <li>• Waste recycling centre</li> <li>• Water works and reservoirs</li> </ul>	<ul style="list-style-type: none"> <li>• None</li> </ul>	<ul style="list-style-type: none"> <li>• Buildings and other uses not included in columns (1) to (3)</li> </ul>	<ul style="list-style-type: none"> <li>• All utilities and services have to be approved and developed according to established norms and standards set by the Municipality or by government departments responsible for each particular function.</li> <li>• Sewerage works, reservoirs and water works must comply with health standards and with the pollution management requirements of the Department of Water Affairs and the Department of Economic Development, Tourism and Environmental Affairs.</li> <li>• Height of buildings may be relaxed upon application to the Municipality and subject to the all necessary approvals in terms of any other law.</li> <li>• Refuse disposal sites should comply with the requirements of the National Environmental Management: Waste Act, 2008 (Act 59 of 2008)</li> <li>• Land Fill sites have to comply with the requirements of the Department of Water Affairs and the Department of Economic Development, Tourism and Environmental Affairs.</li> <li>• Landfill sites may include recycling centres</li> </ul>

**DEVELOPMENT CONTROLS**

MINIMUM ERF SIZE	UNITS PER HECTARE	BUILDING LINE	SIDE SPACE	REAR SPACE	HEIGHT	COVERAGE	FAR
-	-	7.5m	3m	3m	-	-	-

## 5 DEVELOPMENT STANDARDS

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### 5.1 APPLICATION PROCEDURE, DESIGN AND LAYOUT OF MEDIUM DENSITY HOUSING DEVELOPMENT

5.1.1 Any person wishing to develop a site for Medium Density Housing shall apply to the Municipality for approval in principle, and attach to the application a layout plan showing in outline, proposed buildings, roads, access points and private open areas.

5.1.2 The approval in principle having been granted, the applicant shall subsequently submit to the Municipality for its approval:

5.1.2.1 a layout plan or plans showing:

- a) the position, dimensions and materials to be used in the construction of all roads, drive-ways, parking areas, squares and pedestrian access ways, if any;
- b) the boundaries of all dwelling unit curtilages, private open areas and common open spaces;
- c) the position, nature, extent and levels of all proposed and existing buildings on the site and adjoining sites;
- d) the proposed landscaping of the site;
- e) the proposed public open space;
- f) the proposed common open spaces;
- g) the position and extent of all utility areas.

5.1.2.2 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;

5.1.2.3 a table indicating:

- a) the total area of the site;
- b) the total number of dwelling units;
- c) the total floor area;
- d) the total number of car parking spaces provided for visitors and for residents;
- e) the extent of the usable common land, the smallest private open area, the smallest dwelling unit curtilage and the smallest utility space;
- f) the areas of public open space and other public areas; and

- g) any other documents which the Municipality may reasonably require.
- 5.1.3 The following minimum areas per dwelling unit shall apply to a Medium Density Housing site:
- 5.1.3.1 Private Open Area - 30 m<sup>2</sup>
- 5.1.3.2 Usable Common Open Space - 50 m<sup>2</sup>
- 5.1.3.3 Utility Area - 15 m<sup>2</sup>
- 5.1.3.4 The minimum coverage of a garage or carport shall be 18 m<sup>2</sup>.
- 5.1.4 Where in the opinion of the Municipality a road within a Medium Density Housing site should 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.
- 5.1.5 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 metres where the carriageway is two-way.
- 5.1.6 Situated at the end of every *cul-de-sac* there shall be provided turning space to the satisfaction of the Municipality.
- 5.1.7 Notwithstanding the provisions of Clauses 5.1.2.1 (b) (c) (d) and (e), the individual dwelling unit curtilages may be transferred in freehold or registered leasehold title. In the event of the different dwelling unit curtilages being so transferred, the Municipality shall require that:
- 5.1.7.1 the common land shall be owned exclusively by the freehold or registered leasehold owners of the dwelling units in co-ownership; and
- 5.1.7.2 no co-owners shall be entitled to require the partition of the common land according to the proportion of his share;
- 5.1.7.3 a Home Owners' Association shall be established. Such Association shall administer and maintain the common land, control the external appearance of buildings within the Medium Density Housing site and deal with any other matter pertaining to the Medium Density Housing 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.
- 5.1.7.4 No dwelling unit curtilage within a 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 Medium Density Housing Site within which the curtilage is situated, has been developed to the satisfaction of the Municipality.

- 5.1.8 Wherever it is intended to develop a site for Medium Density Housing in a Residential Only Detached zone, the consent of the Municipality shall first be obtained. Provided that where neighbours' written consent is obtained the Consent Procedure may be waived.
- 5.1.8.1 In the Residential zones the maximum number of dwelling units which may be established on a Medium Density Housing site shall be obtained by dividing the net developable area of the property concerned by the appropriate minimum erf area per dwelling house and raised to the next whole number.
- 5.1.8.2 A Medium Density Housing site shall be subject to the provision of a Sewage Disposal System to the satisfaction of the Municipality.
- 5.1.9 In the Residential Zones, on Medium Density housing sites of one hectare and larger, an additional unit to accommodate a Caretaker may be provided subject to the following conditions.
- 5.1.9.1 Such unit shall remain in the ownership of the Home Owners' Association;
- 5.1.9.2 only one Caretaker unit may be provided; and
- all other requirements of the Land Use Scheme relating to maximum floor area, coverage, height, sewage disposal, building lines, side and rear spaces are complied with.

## 5.1 POLICY FOR CONTROL OF TRAFFIC GENERATING SITES

- 5.1.1 The term "road" shall mean for the purpose of this policy, a way intended, prepared, or used for foot-passengers, riders and vehicles to travel on, inclusive of the full extent of its width notwithstanding that only a portion thereof may be in actual use for traffic purposes, and shall include a street. It shall not include an alley, land or passage used solely by foot-passengers.
- 5.1.2 The term "traffic generator" or "traffic-generating site" shall mean a site, business or activity whereon, or by reason whereof, a larger number of motor vehicles are required to leave or enter a public street or roadway, and shall include, but not be confined to, sites whereon petrol filling stations, parking garages, parking lots, churches, sports stadia, blocks of flats or shopping centres are established.

- 5.1.3 No vehicular entrance to, or exit from, a traffic generator should be permitted in the immediate vicinity of a road intersection, junction or interchange. In the case of an intersection or junction at grade, under rural conditions the distance from such entrance or exit to any intersection as defined in section 1 of the Road Traffic Ordinance No. 21 of 1966, measured parallel to the direction of travel along the road to which entrance or from which exit is afforded should not be less than 150 metres. Under urban conditions (as defined in the Advertising on Roads and Ribbon Development Act No. 21 of 1940) this distance may be reduced, in which case minor street or 60 metres from an intersection with a major street. No such entrance or exit should be permitted within a distance of 150 metres from the limits of an interchange, which limits should be determined by the road authority. Any unavoidable reduction of these minimum distances should be regarded as justified only by exceptional circumstances, and as requiring safeguards such as the imposition and enforcement of special speed limits, acceleration and deceleration lanes or other traffic controls.
- 5.1.4 Direct vehicular or pedestrian entrance to or exit from a traffic generator, from or to important Provincial main roads should not be permitted, nor should such entrance or exit be permitted from or to freeways, expressways or heavily-trafficked through arterial main roads in urban areas.
- 5.1.5 No commercial premises with direct access to a flanking service road should be permitted unless direct pedestrian access from the main carriageway to such service road has been rendered impracticable.
- 5.1.6 No traffic generator should be permitted upon any site which, by reason of its proximity to and situation in relation to schools, churches, cinemas, bus depots, railway stations, major recreation grounds, beaches or other similar places which generate heavy pedestrian movements at certain times, is likely to create conflict between the vehicular traffic and the pedestrian traffic.
- 5.1.7 In considering applications for the establishment of petrol filling stations the need within the area of such stations having regard to the location of other existing stations and the existing and/or contemplated development of the area should be taken into account. Any argument, based on the solo-site system, that all brands of petrol should be available within any particular area should not be taken into account.
- 5.1.8 The following standards should be adopted in considering the establishment of traffic generators:
- 5.1.8.1 Where separate entrance and exit are provided they should be placed at or near either end of a frontage or not less than 36 metres. The site should be of sufficient depth for the whole activity to be carried on clear of the street, and should in no case be less than 15 metres in depth. It should be in such area and so laid out that a waiting area is provided near the entrance large enough to accommodate vehicles awaiting service so that these do not queue in the public road.

- 5.1.8.2 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 of eye being 1,37 metres, to an object 1,37 metres high.
- 5.1.8.3 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.
- 5.1.8.4 Outside an urban area, buildings should be sited at least 36 metres from the nearest point of the road reserve of any main road.
- 5.1.8.5 Pump islands in petrol filling stations should not be less than 5 metres from the property boundary.

## 5.2 POLICY FOR ADMISSION OF RETAIL INTO INDUSTRIAL ZONES

- 5.2.1 Certain categories of retail outlets should be admitted to industrial zones by consent and the remaining categories only by rezoning.
- 5.2.2 The categories of retail outlets which should be admitted to industrial zones by consent are as follows:
  - 5.2.2.1 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 (including a set of shops separated by a road or pedestrian route) should in no case exceed 300 m<sup>2</sup>.
  - 5.2.2.2 Shops which are incompatible with the vast majority of the types of shops normally found in commercial 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).
  - 5.2.2.3 Shops which deal largely with other firms normally located in industrial areas such as service stations, specialist industrial concerns in the motor trade (like panel beaters and auto electrical specialist), builders and engineering firms (e.g. paint shops; firms dealing in engineering supplies; motor spares shops).
  - 5.2.2.4 Shops which -
    - a) are situated on the same sites as the industrial activities concerned;
    - b) retail only products of the industrial concerns to which they relate or directly associated products;
    - c) have floor areas not exceeding 10 per cent of the total floor area of all buildings on the site or 150m<sup>2</sup> whichever is the lesser;provided that there shall be only one shop for each industrial undertaking on the site.

### 5.3 DESIGN OF A GARAGE AND/OR SERVICE STATION

- 5.3.1 The layout of a Garage and/or Service Station including the siting of pumps, buildings and vehicular access or egress shall be to the satisfaction of the Municipality.
- 5.3.2 Garages and Service Station having direct vehicular access to a major arterial road proposed arterial road shall not be permitted, unless approved in specific terms by the Municipality.
- 5.3.3 The following pre-requisites and conditions shall be observed whenever it is proposed to erect a new, or extend an existing Fuelling and Service Station:-
- 5.3.3.1 No vehicular entrance and exit to a Garage and/or Service Station shall be within 150 metres of a freeway interchange, 60 metres from an intersection with a road in the opinion of the Municipality is a major road or 20 metres from an intersection from any other road, unless approved in specific terms by the Municipality.
- 5.3.3.2 The frontage of a Garage and Service Station Erf shall not be less than 36 metres in length, unless approved in specific terms by the Municipality.
- 5.3.3.3 Dwarf walls or permanent structures to the satisfaction of the Municipality shall be erected on the street frontage of the Erf so as to confine the movement of vehicles into or out of the Fuelling and Service Station to authorised access and egress points.
- 5.3.3.4 No Garage and /or Service Station shall be established upon an Erf unless, in the opinion of the Municipality, it has adequate depth so as to enable all activities to be carried on clear of the street or road. Filler points for underground tanks shall be positioned so as to make it possible for tanker vehicles to stand wholly within the curtilage of the Erf when re-charging the tanks and for such vehicles to enter or leave the Erf in a forward direction.
- 5.3.3.5 No pump island shall be less than 5 metres from any boundary of the Erf and all traffic routes within the forecourt shall have a minimum width of 5 metres.
- 5.3.3.6 Any Garage and /or Service Station shall be sited and designed so as to satisfy the Municipality that traffic entering and leaving the Erf will not adversely affect movement of pedestrians or vehicles on any public road or place.

### 5.4 CONTROLS FOR PHYSICALLY DIFFICULT SITES

The development of land in the Residential Only Detached and Medium Density zones, either by subdivision or for the Medium Density Housing purposes, as the case may be, shall be considered in the light of the following provisions:

- 5.4.1 No subdivision of land should be permitted
- 5.4.1.1 where 65% or more, of the area of the proposed sub-division is steeper than 1:3; and
- 5.4.1.2 where the land is in the opinion of the Municipality otherwise affected by virtue of soil instability, liability to flooding, inaccessibility or topography;

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.

5.4.2 The calculation of the number of Medium Density Housing units, which may be erected on a Medium Density Housing site, as well as the Coverage calculation shall be based on the net developable area of the site and shall be determined by deducting from the surveyed lot area:

5.4.2.1 all areas of the site which are steeper than 1:3; and

5.4.2.2 all areas of the site which, in the opinion of the Municipality are otherwise undevelopable by virtue of any physical or topographical constraint such as soil instability, liability to flooding, inaccessibility or topography.

## 5.5 DESIGN AND LAYOUT OF CARAVAN PARKS

5.5.1 The written authority of the Municipality for the establishment of a Caravan Park shall only be given if the design and lay—out is in accordance with the standards laid down in the code of practice for Caravan Parks published by the South African Bureau of Standards, (Publication S.A.B.S. 092/1971 as amended).

## 5.6 THE USE OF HOTELS FOR CERTAIN PURPOSES

5.6.1 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:-

5.6.1.1 in any hotel graded as a five-star, four-star or three- star hotel 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;

5.6.1.2 by Consent in any hotel other than those referred to in sub- paragraph 5.7.1.1 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.

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

## 5.7 ENVIRONMENTAL CONTROLS

5.7.1 Environmental Requirements Applicable to all Land Use Zones:

5.7.1.1 Except as below, no development shall be permitted in environmentally sensitive areas including, but not limited to, flood plains, watercourses and wetlands, except within land set aside for Utilities and Services.

- 5.7.1.2 Notwithstanding the wetlands identified in terms of this Land Use Scheme, the following provisions shall apply:
- (a) Any developments within or adjacent to wetlands and watercourses, either identified or not identified in terms of this Land Use Scheme shall be subject to any environmental authorisation and/or water use licence processes in terms of applicable legislation.
  - (b) 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 area as defined in this Land Use Scheme, unless Environmental Authorisation has been issued for these activities.
- 5.7.1.3 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 using soil hydromorphic characteristics and establish appropriate buffers, and to indicate the delineation and buffers on the site plan or building plan. This should include wetlands on adjacent erven.
- 5.7.1.4 In considering any application for development of land situated within a Land Use Scheme area it shall be the duty of the Municipality to ensure that adequate provision be made for protection of environmentally sensitive areas, by means of conditions qualifying approval of such development. Where possible, areas are to be set aside for conservation purposes, such areas being clearly indicated on a site plan.
- 5.7.1.5 No activity listed in terms of the National Environmental Management Act (Act No. 107 of 1998 as amended) and the current Environmental Impact Assessment Regulations may take place without an environmental authorisation. This includes all areas designated as sensitive in the aforementioned legislation.
- 5.7.1.6 Environmental authorisation shall be obtained from the relevant authority prior to the submission of any application for development to the Municipality.
- 5.7.1.7 The Municipality shall at its discretion, include all conditions or part thereof contained in the Environmental Authorisation in its conditions of approval issued in terms of relevant Municipal Bylaws.
- 5.7.1.8 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.

5.7.1.9 The environmental screening report as mentioned in sub-clause (5.8.1.8) must be undertaken by a person that has the necessary knowledge and experience in environmental management, natural resources or ecology, and should include:

- a) information about the project including the spatial extent, timing, frequency and duration of the project;
- b) the identification of relevant environmental legislation, regulations, policies and plans relevant to the proposed development and identification of those activities that require licensing or authorisation before they can proceed;
- c) 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;
- d) identify project activities likely to cause damage, stress, disturbance or impact on ecosystems processes;
- e) 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;
- f) identify other significant activities, e.g. access roads, associated with the project/proposal that could result in significant cumulative effects; and,
- g) potential strategies to avoid and/or minimise any negative environmental impacts and the identification of opportunities for enhancing biodiversity and promoting Provincial biodiversity objectives.

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

## 5.8 TELECOMMUNICATION MAST AND BASE STATION

5.8.1 The Municipality, in considering proposals for the location of Telecommunication mast and/or base station shall be mindful of the need for the development of an effective and efficient communications system within the Municipal area. In this regard, the Municipality shall give fair consideration to the requirements of the Service providers to develop an effective and efficient communications system and to the protection of the community in which such installations are to occur.

5.8.2 The installation of Telecommunication mast shall be undertaken in such a manner that their impact upon the environment is minimized. The Telecommunication mast shall be as unobtrusive as possible thorough the choice of materials, colour, depth of silhouette and design which shall complement the aesthetics of the surrounding built and natural environment thereby minimizing the impact upon the environment.

- 5.8.3 In considering the appropriate location of a Telecommunication mast, the applicant should be conscious of sites of historic, cultural and architectural importance. Cognisance must be taken of the impact installations may have upon open spaces, coastal regions and prominent ridges.
- 5.8.4 Locational Provisions for Telecommunication masts and/ or base station:
- 5.8.4.1 Due consideration must be given to the impact of Telecommunication mast and/ or base station on other developments and natural features, whether existing or contemplated by the Land Use Scheme and their location in relation to view corridors.
- 5.8.4.2 In the selection of a site for of Telecommunication mast and/ or base station consideration shall be given to the locational context of the proposed installation in respect of aesthetic suitability and environmental intrusion.
- 5.8.4.3 Antennae shall be installed on existing structures or existing masts.
- 5.8.4.4 The principle of multiple use of telecommunications masts by network providers, shall applied provided that a motivation for exemption from sharing may only be considered on the following basis:
- (a) that no existing of Telecommunication mast and/ or base station or suitable alternative structures are located within the geographic antenna placement area required to the meet the applicant's requirements;
  - (b) that the existing of Telecommunication mast and/ or base station is not of sufficient height or structural strength to meet the applicant's engineering requirements;
  - (c) that consideration shall be given to alternative sites where the cumulative RF emissions would exceed the maximum levels permitted should additional transceivers be attached to a mast or where the RF exclusion zone cannot be achieved;
  - (d) that there will be electromagnetic interference resulting from more than one antenna positioned on a single telecommunications mast.
- 5.8.4.5 Permission to share an existing of Telecommunication mast and/ or base station shall not be unreasonably withheld by the owner of that of Telecommunication mast and/ or base station.
- 5.8.4.6 Every applicant seeking to locate a new of Telecommunication mast and/ or base station or modify such of Telecommunication mast and/ or base station, shall provide the Municipality with an inventory of the existing of Telecommunication mast and/ or base station inclusive of the sites for which authority is being sought, within a 1 000 metre radius of the Erf on which it is intended to erect a of Telecommunication mast and/ or base station.

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- 5.8.4.7 When a of Telecommunication mast and/ or base station requires replacement, it shall be replaced with a mast designed to accommodate multiple carriers.
- 5.8.4.8 No of Telecommunication mast and/ or base station shall be erected on an Erf, which in the opinion of Municipality, has been identified as containing a building or structure of architectural, cultural, historic, or artistic importance, nor in an area set aside for conservation purposes, whether natural, physical or social, provided that the Municipality may, by consent, relax this provision if it can be shown that the erection of a of Telecommunication mast and/ or base station, shall not detract from the architectural, cultural, historic, artistic, natural, physical or social value of the site.
- 5.8.4.9 Where possible, the equipment room forming part of the of Telecommunication mast and/ or base station shall be sited to the rear of an Erf.
- 5.8.5 Visual Attributes:
- 5.8.5.1 Visual amenity and visual aspects relating to the of Telecommunication mast and/ or base station shall be at the discretion of the Municipality.
- 5.8.5.2 Consideration shall be given to the context of the Erf in relation to its surrounding environment when determining the height of the mast and selecting the type of camouflage appropriate to the area.

## 6 ADDITIONAL GUIDELINES

### 6.1 GUIDELINES FOR DEVELOPMENT IN AGRICULTURAL AREAS

#### 6.1.1 Agricultural overlays

Agricultural Land Categories Overlay	
<p>Department of Agriculture, Forestry and Fisheries and the Department of Agriculture and Rural Development has embarked on a new initiative to develop an Agricultural Land Zoning System, which categorise land in terms of its agricultural potential. Within each of these zones, permitted or preferred land uses are identified that will not compromise the value and production of the land. It is proposed that these zones be used as overlays in the Land Use Scheme, since it is not according to cadastral. The overlay will cover the following agricultural zones:</p>	
<p>Agriculture only (high potential agricultural land): Category A &amp; B (Irreplaceable and Threatened)</p>	<p>A zoning overlay intended to provide for land and buildings where the primary activity is extensive agricultural production of crops, plantations, mostly free-roaming livestock, poultry, etc. or products for the commercial market. This zone comprise high value agricultural land with high production value for grazing land and it can support arable cropping systems. Limited changes to land use will be supported, and only if this takes place on the lowest potential areas and where the activity will complement existing farming practices without impacting negatively on the existing farming practices or the surrounding activities.</p>
<p>Moderate to high potential agriculture: Category C and also might include B (Primary and Threatened)</p>	<p>This zoning overlay is intended to protect agriculture as the primary use of land and to serve as a buffer for higher agricultural potential. Although it might include less arable land for crop production, this zone is more suitable for extensive grazing and production of fodder crops. Changes to land use may be considered, but only if this takes place on the lowest potential areas and where the activity will not negatively impact existing agricultural land uses. Changes to land use may also be considered particularly if it is supplementary or adds to the viability of the farming unit as a whole and is placed in lower potential agricultural land.</p>
<p>Low agricultural potential: Category D &amp; E (Secondary and mixed)</p>	<p>This zoning overlay serves to promote activities to optimise agricultural production on land with low agricultural potential. It should also promote non-agricultural activities compatible with current and potential, local and surrounding agricultural activities on land, which cannot be used productively. A preferred alternative on land that cannot be used productively would be intensive agricultural uses or agricultural uses, which are not dependent on the resource</p>

## Agricultural Land Categories Overlay

base. Changes to land use may be considered as long as it does not conflict with the surrounding agricultural activity and is placed on the lowest potential agricultural land.

## 6.1.2 Agro – Biodiversity Overlay

## Agro – Biodiversity Overlay

This is a zone overlay, which aims to highlight the importance of both sustainable agriculture and biodiversity conservation, because it is deemed to have high to moderate agricultural potential and high biodiversity value. The designation encourages indigenous biodiversity throughout the agricultural landscape wherever possible and links these areas through “corridors” with formal protected areas. In principle, rangeland can be utilised to provide viable habitats or to link areas to enable species to maintain genetic interaction between populations that would otherwise be isolated. This would involve protecting indigenous vegetation and maintaining it in a good state and/or re-establishing natural species, the removal of alien plant species, buffering wetlands and watercourses, management of pesticide, herbicide & fertiliser applications, control of surface runoff and prevention of soil erosion and degradation (in accordance with CARA (Act 43, of 1983). Since the most significant contribution towards facilitation of these concepts will rely on uncultivated land, the ploughing of any additional virgin land will, in principle not be supported and the area should thus be retained as extensive grazing. A limited level of resource harvesting may be permitted on a sustainable basis.

## PREFERRED LAND USES

RIGHTS (1)	DISCRETIONARY USES (consent required from KZN DARD & Ezemvelo KZNW) (2)	PROHIBITED USES (3)
<ul style="list-style-type: none"> <li>• Agriculture</li> <li>• Dwelling house</li> </ul>	<ul style="list-style-type: none"> <li>• Dwellings:               <ul style="list-style-type: none"> <li>▪ Secondary dwelling unit</li> <li>▪ Staff Accommodation (Employees of primary farming activity only)</li> </ul> </li> <li>• Primary Agricultural Support Infrastructure:               <ul style="list-style-type: none"> <li>▪ Storage sheds</li> <li>▪ Silos (local feed storage)</li> <li>▪ Hay Barns</li> <li>▪ Workshop</li> <li>▪ Farm Office</li> <li>▪ Stables for farm use</li> </ul> </li> <li>• Conservation Recreation:               <ul style="list-style-type: none"> <li>▪ Eco Activities</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Mining</li> <li>• Renewable Energy Farms (Wind Farm, Solar Farm)</li> <li>• Building and land uses not included in columns 1 to 2.</li> </ul>

## Agro – Biodiversity Overlay

- Trails (Hiking & mountain biking)
  - Bird hides
  - Accommodation/Recreation
    - Cabins/Chalets
  - Campsite
  - Ablution facilities
  - Picnic Areas
  - Rural Suited Business
    - Small Home Business / Cottage Industries.
- Any proposed development considered appropriate but not listed on this table will default to requiring discretionary consent.

**ADDITIONAL CONTROLS**

- Buildings and infrastructure must not negatively impact on existing or potential local or surrounding agricultural activities, or on biodiversity, and must be placed on the lowest potential agricultural land on the property or on existing transformed areas.
- Any permitted or discretionary development must adhere to the principle of clustering.
- Discretionary use applications, including breaking virgin land for the purposes of infrastructure development, must align with both Agricultural and Biodiversity Management Overlays and will require detailed natural resource/agricultural and biodiversity assessments. Permission must be obtained from both DARD and Ezemvelo KZN Wildlife prior to being submitted to the municipality.

## 6.2 GUIDELINES FOR LAND DEVELOPMENT IN BIODIVERSITY AREAS

6.2.1 Critical Biodiversity Areas are identified by means of an overlay, referred to as the Biodiversity Management Overlay Map. The Critical Biodiversity Areas map identifies the minimum biodiversity network required to meet the conservation targets; support biodiversity features and ecosystem functioning; and ensure the persistence and maintenance of biodiversity patterns and ecological processes.

6.2.2 Development or land uses within these identified areas needs to accommodate and support the biodiversity network, and in this regard, the following development control measures must be implemented as per the CBA map category.

### 6.2.3 Critical Biodiversity Areas

<b>Biodiversity Management Overlay: Critical Biodiversity Areas Map</b>	
<b>CBA Map Category</b>	<b>Control measure</b>
Terrestrial CBA Irreplaceable	<ul style="list-style-type: none"> <li>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.</li> <li>Need to undertake appropriate biodiversity specialist studies and inform Ezemvelo KZN Wildlife of the application.</li> </ul>
Terrestrial CBA Optimal	<ul style="list-style-type: none"> <li>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.</li> </ul>
ESA	<ul style="list-style-type: none"> <li>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.</li> <li>Integrity of buffer should be maintained. If integrity cannot be maintained, a biodiversity assessment would be required and comments from Ezemvelo KZN Wildlife.</li> </ul>
ESA: Species specific	<ul style="list-style-type: none"> <li>Hardening of surfaces requires a biodiversity assessment to determine if the proposed development will negatively impact on the species. Authorisation from KZN DARD and permission from Ezemvelo KZN Wildlife.</li> </ul>
River CBA	<ul style="list-style-type: none"> <li>Indigenous riparian vegetation must not be cleared.</li> </ul>

<b>Biodiversity Management Overlay: Critical Biodiversity Areas Map</b>	
	<ul style="list-style-type: none"> <li>• A minimum buffer of 30m of indigenous vegetation must be maintained from the edge of the riparian vegetation, or where such does not occur 50m from the bank of the watercourse.</li> <li>• A minimum buffer of 100m must be maintained between hard surfaces and the riparian vegetation or, where such does not occur, the bank of the watercourse, where such buffer is maintained as undisturbed soil.</li> </ul>
Wetland CBA	<ul style="list-style-type: none"> <li>• The modification of land or development of land within a 100m of a wetland CBA, must trigger a wetland assessment, undertaken by a qualified wetland specialist, to determine an appropriate wetland buffer. The wetland report must comply with the document 'Ezemvelo KZN Wildlife, Guideline: Environmental Impact Assessment in KwaZulu-Natal, version 2 of February 2013 or its update.</li> <li>• The modification of land or development of land within a 100m of a wetland CBA may not occur without Ezemvelo KZN Wildlife approval of the determined buffer.</li> </ul>

#### 6.2.4 Protected Areas and Buffers

Protected Area requires a specified buffer based on its location within the landscape, its interaction with surrounding land uses, its Protected Area values, its conservation requirements, and its conservation tourism requirements. The following development control measures must be implemented as per the CBA map category:

<b>Biodiversity Management Overlay: Protected Areas and Buffers</b>	
	<ul style="list-style-type: none"> <li>• Land use surrounding a Protected Area can have a significant impact through new or increased visual and noise impacts, pollution, animal conflict issues, barriers to movement, etc., all of which can negatively affect the reasons for the protected area being designated. The use of and reasons for the designation of a PA would determine which aspects would have the greatest impacts on the PA values and integrity.</li> <li>• In general, development and land use around the Protected Areas needs to be compatible with the values of the protected areas, with a gradient of development/ land use density and scale as well as type occurring from the edge of the protected area to the outer edge of the buffer.</li> </ul>
<b>CBA Map Category</b>	<b>Control measure</b>
World Heritage Sites and Nature Reserves	<ul style="list-style-type: none"> <li>• No person may fly over a nature reserve or world heritage site of less than 2 500 feet above its highest point, except for (i) the taking off and landing from a landing field designated by the</li> </ul>

<b>Biodiversity Management Overlay: Protected Areas and Buffers</b>	
	management authority, (ii) conservation management activities or for activities determined by the management authority.
Protected Area: Buffer	<ul style="list-style-type: none"> <li>• Compliance with Protected Area specific buffers, where such have been developed.</li> <li>• Where specific buffers have not been development, the general guidelines and management controls set out in the section 'BUFFERING OF PROTECTED AREAS' should be utilised.</li> </ul>

- 6.2.4.1 The values and the spatial planning within a Protected Area is set out in Management Plans, available from Ezemvelo KZN Wildlife. This will provide the municipalities the context for the Protected Area and help identify the resultant buffer requirements.
- 6.2.4.2 Comments and input should always be sort from Ezemvelo with regards to the planning around Protected Areas.
- 6.2.4.3 The precautionary principle should be utilised with regards to planning new land uses and to expansion of developments.
- 6.2.5 A biodiversity / environmental assessment should be undertaken for the transformation of, or development on areas identified as being sensitive/ biodiversity priority areas. These areas include the critical biodiversity areas and ecological support areas identified on the KZN CBA Map, as well as the above wetlands, rivers, estuaries and forest areas.

### 6.3 GUIDELINES FOR DEVELOPMENT IN THE BUFFER ZONE OF THE WORLD HERITAGE SITE

6.3.1 The World Heritage Convention Act (Act No. 49 of 1999) permits the World Heritage Authority to define a Buffer Zone to the World Heritage Site and develop a set of rules, which govern land use and activities in that zone. The following layers define activities allowed in each layer:

6.3.2 Layer 1 indicates the area closest to the WHS and is currently defined as all land within a 2 km radius of the WHS boundary. The following rules will apply in this layer:

6.3.2.1 All development decisions must incorporate the precautionary principle (as defined in the Buffer Zone Policy and in NEMA (Act No. 107 of 1998) into the decision-making process.

6.3.2.2 The Maloti Drakensberg Park WHS Authority must be given a reasonable opportunity to comment on any Rezoning applications and Building Plans.

6.3.2.3 Normally there shall be no new development outside of the development nodes/footprints within the 2 km layer, with the exception of very low impact tourism facilities related to the trekking route.

6.3.2.4 Normally there shall be no new roads built in the 2 km layer; existing roads shall be maintained, or downgraded where appropriate.

6.3.2.5 Where there are inappropriate or non-compliant land uses, they shall not be permitted to expand beyond their current footprint; where possible, such land uses should be encouraged to move out of this layer.

6.3.2.6 All existing and future developments must take cognisance of the principles and guidelines published by the WHS Authority, in particular those related to mitigation and management of visual impact.

6.3.2.7 Careful rehabilitation measures to be undertaken for any land use that is discontinued; this includes anti-erosion/ erosion rehabilitation measures.

6.3.2.8 Consolidation of land to be promoted but subdivision of land shall not be supported.

6.3.2.9 Public Infrastructure and facilities to be located outside this layer and within identified Public Capital Investment Framework study centres.

6.3.2.10 Sustainable energy to be promoted and energy generators to be located outside this layer.

6.3.2.11 Mining is not permitted in this layer.

6.3.3 Layer 2 is currently defined as all land extending from the 2 km radius line a further 8 km (in other words, the outer boundary of this layer extends 10 km radius from the WHS boundary). The following rules will apply in this layer:

6.3.3.1 Any new activities can only be permitted if they do not pose a threat to the Outstanding Universal Values of the WHS.

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- 6.3.3.2 The biodiversity values of this layer cannot be compromised.
  - 6.3.3.3 View sheds and landscapes must be considered with no development allowed on ridge lines and all relevant legislation protecting water resources and biodiversity to be strictly adhered to.
  - 6.3.3.4 Any development in this layer must have a clearly defined footprint, which cannot be exceeded; settlement sprawl must be further prevented; further settlement expansion or densification should be discouraged and directed to layer 3 (beyond 10 km).
  - 6.3.3.5 All development in this layer, current and future, should be encouraged to make use of sustainable utility services: energy, water supply, waste recycling etc.
  - 6.3.3.6 Consolidation of land to be promoted but subdivision of land shall not be promoted.
  - 6.3.3.7 Public Infrastructure and facilities to be located within identified Public Capital Investment Framework study centres.
  - 6.3.3.8 Sustainable energy to be promoted and energy generators to be located outside this layer.
  - 6.3.3.9 Mining is not permitted in this layer.
- 6.3.4 Reciprocal Viewsheds are areas that have been identified as being particularly sensitive to any form of development as any structure built within these areas will have a visual impact on the Wilderness areas within the Maloti Drakensberg Park World Heritage Site. Developments and infrastructure, such as powerlines and masts, would not be supported in these areas.

## 7 PROPOSED GUIDELINES FOR LAND MANAGEMENT AND ALLOCATION

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The following highlights key issues relating to different land uses, which the Traditional Council should consider when allocating land.

- Residential and business land must not be allocated in the open space system or environmentally sensitive areas.
- No densification will be permitted in traditional settlements located within the Word Heritage Buffer.
- No development must be allowed on slopes steeper than 1:3 without a full geotechnical study and a certificate from a suitably qualified professional.
- Placement of buildings in relation to roads should acknowledge the following set backs:
  - National Roads: 60m from edge of the fence line of the road.
  - Provincial Main and District roads: 15m measured from the edge of the road reserve boundary.
  - Un-surveyed Main Roads: 30m measured from the centre line of the road.
  - Un-surveyed District Roads: 25m measured from the centre line of the road.
  - All other roads: at least 6m.
- Allocation of residential uses:
  - Adequate space about buildings for future installation of services.
  - Residential development should be clustered to retain land for agricultural development, minimize impact on sensitive environmental areas, and facilitate efficient provision of basic services.
  - Cluster houses near intersections and places with good access to road network so that people can access public transport.
  - Access to individual houses off busy main roads should be limited.
  - Access off Provincial Roads requires the permission of the Provincial Department of Transport.

## ANNEXURE A: TRADITIONAL COUNCIL CONSENT FORM



**INGONYAMA TRUST BOARD**

**FORM ITB 2**

Description of site - \_\_\_\_\_

At a meeting held on \_\_\_\_\_ at the

\_\_\_\_\_ Traditional Council Office, the \_\_\_\_\_  
Traditional Council

resolved that it had no objection to the application to acquire rights to land by

\_\_\_\_\_  
\_\_\_\_\_ *(give full particulars of the applicant)*

The form of tenure thereof to be agreed between the applicant and the Ingonyama Trust Board as land owner-in-law in terms of section 3 of the Ingonyama Trust Act, Act 3 of 1994, as amended. This consent is given in terms of section 2 (5) of that Act.

The Traditional Council confirms that all persons occupying or having an interest in the said Land have been consulted and have no objections to the proposals.

The applicant has been advised and confirms that he/she/it will not do anything or erect any structure on land until an appropriate tenure right has been agreed to and the necessary documents have been signed with the Ingonyama Trust Board.

Signed

\_\_\_\_\_  
**CHAIRMAN**

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**MEMBER**

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**MEMBER**

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**SECRETARY**

**Notes:**

- The consent submitted to the Trust must be an original, on Traditional Council headed notepaper and with a Traditional Council date stamp.
- Please provide a full legal description supported if possible by a site plan and co-ordinates.
- This consent together with the Ingonyama Trust Board standard application form (ITB1) must be submitted timeously to the Secretariat, Ingonyama Trust Board 65 Trelawney Road / P.O. Box 601, Pietermaritzburg 3201.

## ANNEXURE B: INGONYAMA TRUST TENURE OPTION APPLICATION FORM



**INGONYAMA TRUST BOARD**

**FORM ITB 1**

### **Notes**

- An original application form, completed in black ink, should be lodged by the applicant with the Secretariat, Ingonyama Trust Board, P.O.Box 601, Pietermaritzburg 3200. It may be delivered to 65 Trelawney Road, Southgate, Pietermaritzburg.
- Telephone queries may be directed to 033–846 9900.
- If more space is required for an adequate response, then additional information should be annexed and clearly referenced.
- In cases of applications involving new development it is the policy of the Board to initially grant a short-term lease usually for a period of two years to enable applicants to obtain all necessary planning and environmental consents and to finalise any financial arrangements.
- Upon receipt of these consents the Board will consider the granting of a long-term lease for a period of up to forty years. This lease may be renewed for a further period of forty years.
- To obtain information as to what planning and environmental consents are required references should be made to the Municipality within whose area the site falls.
- The application must be supported by the written consent of the relevant Traditional Council (*if applicable*).

### **SECTION A: SUMMARY INFORMATION**

#### **1. Particulars of Applicant Indicate whether**

Individual

Registered Company

Close Corporation

Other

Name of applicant.....

Address.....

.....

Telephone number..... Fax number.....

Cell phone number..... E-mail address.....

If the applicant is a **registered company** or **close corporation**, please provide the following details together with a copy of the certificate of confirmation issued by the Registrar of Companies.

- full name of the company or close corporation
- registration number
- address of registered office
- details of directors, shareholders or members

If the applicant is a non-profit organisation or co-operative, then please provide a copy of the certificate of confirmation of registration.

Name of development consultant (if applicable) .....

Address.....

.....

Telephone number..... Fax number.....

Cell phone number..... Email address.....

**2. Property and Tenure Description**

Municipality..... Magisterial District.....

Cadastral Description of Property.....

Common Name of Property (as per Title Deed).....

Title Deed Number(s) and date(s) [including servitudes].....

.....

Extent of site (in hectares or square metres).....

Are there any registered land claims or expropriations to the best of your knowledge on the property concerned? .....

If yes, briefly supply details thereof.....

.....

Are there any other rights against the property such as servitudes, leases or Permission to Occupy?

.....

**3. Physical Characteristics**

Briefly describe the physical characteristics of the site e.g. level, hilly, sloping etc.

.....

**4. Land use**

Current activities on the site.....

.....

Briefly describe the land use on the surrounding properties.....  
.....

**5. What do you intend to use the site for:**

- Residential
- Agricultural
- Commercial
- Institutional
- Place of Worship
- Other (please specify)

**SECTION B: DESCRIPTION OF DEVELOPMENT (IF COMMERCIAL OR INSTITUTIONAL)**

Provide a detailed description of the nature of development for which the application is made (incl. nature of activity, sector, type, size, timeframe, construction materials used  
.....  
.....

How many people will be employed? Summarise what their tasks will be.  
.....  
.....

What opportunities will the project create within the local community (e.g. employment opportunities, equity and share participation)  
.....  
.....

In what ways does the project conform with the ideals of Black Empowerment and Equity?  
.....  
.....

**SECTION C: TYPE OF TENURE REQUIRED (PLEASE ✓ TYPE REQUIRED)**

(a) TYPE OF LEASE REQUIRED : (see note below)

short term:

long term:

**Note:** It is Board policy in the case of proposed new development to issue a short term lease for a period of two years to enable the applicant to obtain all necessary development planning and environmental consents and to organise any finance.

*Thereafter this will be converted into a long term lease. In the case of existing development the Board may consider the outright grant of a long term lease.*

(b) SERVITUDE

(c) PURCHASE

Note: The Board will only consider the sale of its property in exceptional circumstances.

**FULL NAMES OF PERSON AUTHORISED TO SIGN DOCUMENTATION**

.....

ID NO.....

CAPACITY (e.g. director, company secretary etc.)

.....

.....

**SECTION D: SITE AND LOCALITY PLAN**

Please provide locality and site plans in order that the location of the site can be identified. If possible, surveyor’s co-ordinates should also be given. It is possible that a locality plan may be obtained from the relevant Municipality.

**SECTION E: TRADITIONAL COUNCIL CONSENT (WHERE APPLICABLE)**

It is a requirement of the Ingonyama Trust legislation that the formal consent of the relevant Traditional Council shall be obtained. This must be submitted with this application. A draft form of consent is attached hereto as form ITB 2.

*Note: This is to be completed only where the subject land falls within a proclaimed Traditional Council area. Applicants should confirm this with the Board’s Secretariat before approach is made to a Traditional Council.*

**SECTION F: SUPPORTING DOCUMENTATION**

Please submit a brief business financial plan together with any supporting documentation that you consider relevant. The following is an outline of the information, which should be included in the financial plan.

Where will loan finance be obtained for the establishment and operation of the business? What will be the conditions of the loan, i.e. how much will be borrowed, at what rate of interest and on what terms of repayment? An estimate of the annual turnover and profit for the first year of operations should be included. Provide a cash flow for the first five years of operations. If the space provided is insufficient please annexe further details.

.....

.....  
**SECTION G: MUNICIPAL INTEGRATED DEVELOPMENT PLAN.**

Every municipality in South Africa is required to produce an Integrated Development Plan (IDP), in which the municipality's future is mapped over the short, medium and long term. Issues that are considered include spatial planning and economic development amongst others. Please submit to us **a letter from the relevant local municipality stating that your business project conforms with their IDP and that the proposed use of the site is in accordance with their development planning schemes.**

**SECTION H: DECLARATION BY APPLICANT**

I declare that all the information supplied in this application is true and correct.

Signed at.....on this.....day of .....2012

Signature of applicant.....

