

FINAL DRAFT



MKHAMBATHINI URBAN SCHEME

June 2014

Version 6.1

Contact Details:

The Municipal Manager
Mkhambathini Local Municipality
Tel: 031 785 9300
Fax: 031 785 1463
E-mail: mkhambamune@telkomsa.net

FOREWORD TO THE MKHAMBATHINI URBAN SCHEME

The Mkhambathini Municipality is the responsible authority for the administration of the Scheme. The Municipality derives its powers for control of land use in terms of the KwaZulu-Natal Planning and Development Act No. 6 of 2008.

The Mkhambathini Scheme is a tool to guide and manage development according to the vision, strategies and policies of the Municipal Integrated Development Plan and its Spatial Development Framework, in the interest of the general public in order to promote sustainable development and a better quality of life.

The general purpose of the Mkhambathini Scheme is to create a coordinated, harmonious and sustainable development of the municipal area in such a way that it efficiently promotes health, safety, order, amenity, convenience and general welfare, as well as efficiency and economy in the process of development.

The approach to the preparation of the Mkhambathini Wall-to-Wall Scheme involved the formulation of two types of land use management mechanisms. This includes the Mkhambathini Urban Scheme and the Rural Land Use Management Policy. The Urban Scheme covers Camperdown/Umlaas Road and proposed zonings for Manderston and Mid Illovo, making use of traditional zoning and associated rules, whilst the Rural Land Use Management Policy is a policy-based document, covering the remaining portions of the Mkhambathini Municipality.

The Rural Land Use Management Policy provides strategic guidance to land use within the appropriate context of traditional processes on land held in trust of the Ingonyama Trust Board and the acknowledgement of the Subdivision of Agricultural Land Act (No. 70 of 1970) on agricultural land without infringing on the mandate of the Department of Agriculture, Forestry and Fisheries.

In the spirit of cooperative governance, it is important that all stakeholders and role-players agree to the Mkhambathini Scheme, its underlying principles and application in respect of the Land Use Zones and associated provisions contained in this document.

The principles which govern the Mkhambathini Scheme include the following:

<i>Principle</i>	<i>Description</i>
Sustainability	<p>Sustainability involves the ability to achieve equity (balancing of competing demands on land) and efficiency (effective allocation and distribution of resources such as land, resources, and skills) on an on-going basis without damaging the natural resource base. This means living, working and behaving in a way that will sustain the integrity and biodiversity of the local, and national ecosystem through:</p> <ul style="list-style-type: none">• Protecting the environmental resources such as vegetation and environmentally sensitive areas, during future development.• Ensuring that sufficient natural resources such as water and land are available for future expansion.• Ensuring economical, affordable, and variable service provision schemes.• Creating an investor friendly environment. <p>A balance must be sought between the principles of lateral growth and conservation. Although containing urban sprawl has the benefit of protecting valuable scenic and agricultural resources, it cannot be done at the detriment of the economy as a whole. The Scheme seeks to redress past imbalances through focused public investment. This in turn should assist in improving social justice and encouraging more economic activity in these areas. The Scheme also supports the creation of quality urban and rural environments and is also directly aimed at improving the opportunities for social and economic growth. Spatially, the Scheme aims at defining and protecting important natural areas and systems upon which the life of the region depends.</p>

<i>Principle</i>	<i>Description</i>
Efficiency	This principle refers to the most efficient use of human, financial, institutional and environmental resources to the betterment of society as a whole. In practice, the following principles need to be adhered to at the applicable levels of implementation
Integration	<p>The aim of municipal integration in general and urban integration specifically, is to create a mutually supportive mix of activities. In aiming to integrate urban areas, a complimentary mix of activities must be achieved. The location of inappropriate or conflicting activities in close proximity is not supported. However, through appropriate design it is sometimes possible to have potentially non-compatible land-uses in close proximity. The following principles are relevant in this regard:</p> <ul style="list-style-type: none"> • Integration between urban and rural settlements (urban-rural interface) where the urban area offers markets and investment opportunities to the products of the rural and surrounding areas. • Promoting the availability of residential and employment opportunities in close proximity to each other. Thus, mixed land uses co-ordinated through the land-use management system. • Promoting a diverse combination of land uses within the city, but still improving the quality of life of the residents. • Promoting affordable and appropriate housing in areas close to existing economic, social and transportation opportunities. This applies particularly to vacant pockets of under-utilised land close to the city centre that should be redeveloped to include mixed uses and a strong affordable housing component. • Promoting a mutually supportive mix of residential, recreational, commercial and employment opportunities. This applies specifically to the development corridors, and appropriate nodes. Higher densities and mixed land-uses along the corridors are aimed at creating a more sustainable compact urban form that enables people to live closer to places of work, business, recreational and social facilities and services. • Developing an effective, efficient and equitable transport system (including rural areas) to better link jobs, housing and other urban opportunities with particular emphasis on public transport.

Table of Contents

1	INTRODUCTION TO THE SCHEME	1
1.1	TITLE OF THE SCHEME	1
1.2	COMPONENTS OF THE SCHEME	1
1.3	SCHEME AREA	1
1.4	STATUS OF THE SCHEME	1
1.5	SCHEME REGULATIONS	1
1.6	EFFECTIVE DATE	1
1.7	RESPONSIBLE AUTHORITY	1
1.8	INSPECTION OF THE SCHEME	1
1.9	AMENDMENTS TO THE SCHEME	2
1.10	CONTRAVENTIONS	2
1.11	CONFLICT OF LAWS	2
1.12	SCHEME SUBORDINATION LAWS	3
1.13	NON-CONFORMING EXISTING USE	3
1.14	RESERVATION OF LAND	3
1.15	USE OF LAND FOR CERTAIN MUNICIPAL PURPOSES	3
2	DEFINITIONS	4
2.1	GENERAL DEFINITIONS	4
2.2	LAND USE AND DEVELOPMENT DEFINITIONS	12
3	ADMINISTRATION OF THE SCHEME	21
3.1	APPLICATION OF THE SCHEME	21
3.2	ERECTION, USE OF LAND AND BUILDINGS	21
3.3	BUILDING RESTRICTIONS AND THE USE OF LAND	22
3.4	APPLICATION PROCEDURE FOR THE USE AND DEVELOPMENT OF LAND	22
3.4.1	<i>Council Approval for the Use and Development of Land</i>	22
4	GENERAL CONTROLS	23
4.1	GENERAL DEVELOPMENT AND DESIGN GUIDELINES APPLICABLE TO ALL LAND USE ZONES	23
4.2	ENVIRONMENTAL REQUIREMENTS APPLICABLE TO ALL LAND USE ZONES	23
4.2.1	<i>Environmental Requirements Applicable to “Listed Activities”</i>	23
4.2.2	<i>Environmental Requirements Applicable to Environmentally Sensitive Areas</i>	24
4.2.3	<i>Requirements Applicable to Water Quality Environmental Control Zones (ECZ)</i>	24
4.3	EXTERNAL APPEARANCE OF BUILDINGS	25
4.3.1	<i>Approval of Building Plans</i>	25
4.3.2	<i>Site Development Plans</i>	25
4.3.3	<i>Siting of Buildings and Access Points</i>	26
4.4	PARKING AND LOADING ACCOMMODATION	26
4.4.1	<i>Parking and Loading Accommodation for Industry Zones</i>	26
4.4.2	<i>Parking and Loading Accommodation for Parking Sites and Parking Garages</i>	27
4.5	DEVELOPMENT BULK FACTORS AND ERF CONTROL	27
4.5.1	<i>Floor Area Ratio, Coverage and Height</i>	27
4.5.2	<i>General Erf Controls</i>	27
5	ADDITIONAL CONTROLS APPLICABLE TO ZONES AND / OR LAND USES	28
5.1	RESTRICTIONS TO DEVELOPMENT ON CRITICAL AREAS	28
5.2	APPLICABLE CONTROLS TO SPECIFIC USES AND DEVELOPMENT IN A RESIDENTIAL ONLY DETACHED ZONE	28
5.2.1	<i>Controls applicable to a Bed and Breakfast Establishment</i>	28
5.2.2	<i>Controls applicable to Additional Self-contained Dwelling Unit</i>	29
5.2.3	<i>Controls applicable to Home Business</i>	29
5.3	ADDITIONAL PROVISIONS FOR MEDIUM DENSITY HOUSING	30
5.4	USE OF HOTELS FOR CERTAIN PURPOSES	31
5.5	APPLICABLE REQUIREMENTS FOR THE ESTABLISHMENT OF TRAFFIC GENERATORS (GARAGES AND FILLING STATIONS)	31

5.6	APPLICABLE RESTRICTIONS TO AN INDUSTRIAL BUILDING	31
5.7	APPLICABLE PROVISIONS FOR TELECOMMUNICATION INFRASTRUCTURE	32
5.8	APPLICABLE PROVISIONS FOR SPECIAL ZONES	32
5.9	ADVERTISEMENTS AND SIGNAGE	32
6	URBAN LAND USE ZONES AND ASSOCIATED PROVISIONS	33
6.1	CIVIC AND SOCIAL	33
6.1.1	<i>Education</i>	34
6.1.2	<i>Health & Welfare</i>	35
6.1.3	<i>Administration</i>	36
6.1.4	<i>Worship</i>	37
6.1.5	<i>Cemetery</i>	38
6.2	RESIDENTIAL.....	39
6.2.1	<i>Residential Only Detached</i>	40
6.2.2	<i>Residential Only Medium Density</i>	41
6.2.3	<i>General Residential</i>	42
6.2.4	<i>Small Holdings</i>	43
6.3	MIXED USE.....	44
6.3.1	<i>Core Mixed Use</i>	45
6.3.2	<i>Limited Mixed Use</i>	47
6.3.3	<i>Mixed Use</i>	49
6.4	INDUSTRY	51
6.4.1	<i>Service Station</i>	52
6.4.2	<i>Service Industry</i>	53
6.4.3	<i>Light Industry</i>	55
6.5	ENVIRONMENTAL SERVICES.....	57
6.5.1	<i>Private Open Space</i>	58
6.5.2	<i>Public Open Space</i>	59
6.5.3	<i>Conservation</i>	60
6.6	AGRICULTURE.....	61
6.6.1	<i>Urban Agriculture</i>	61
6.7	TRANSPORTATION AND MOVEMENT.....	62
6.7.1	<i>Bus and Taxi Terminal</i>	62
6.8	LAND RESERVATIONS	63
6.8.1	<i>Railway Reserve</i>	63
6.8.2	<i>Existing Roads and Proposed New Roads</i>	63
6.8.3	<i>Refuse Site</i>	63
6.8.4	<i>Utility and Services</i>	64
6.9	SPECIAL ZONE 1: MAYIBUYE COMMUNITY GAME RESERVE	65

LIST OF MAPS

Camperdown/Umlaas Road Scheme Map

LIST OF APPENDICES

Appendix 1a: Flow Chart for Environmental “Listed Activity”

Appendix 1b: Flow Chart for “Environmentally Sensitive Areas”

Appendix 2: Land Use Guidelines for the Water Quality Environmental Control Zones

Appendix 3a: Register of Scheme Amendments

Appendix 3b: Register of Rezoning Applications

Appendix 3c: Register of Consent Applications

ABBREVIATIONS USED IN THIS DOCUMENT

CBD	-	Central Business District
EIA	-	Environmental Impact Assessment
Ha	-	Hectare
IDP	-	Integrated Development Plan
KZN	-	KwaZulu-Natal
NBRBSA	-	National Building Regulation and Building Standards Act (No. 103 of 1997) as amended
NEMA	-	National Environmental Management Act (No. 107 of 1998) as amended
PDA	-	KwaZulu-Natal Planning and Development Act (No. 6 of 2008)
SDF	-	Spatial Development Framework
SEA	-	Strategic Environmental Assessment
SEMP	-	Strategic Environmental Management Plan

1 INTRODUCTION TO THE SCHEME

1.1 Title of the Scheme

This scheme shall be known as the **Mkhambathini Urban Scheme 2014**, hereinafter referred to as the **Scheme**.

1.2 Components of the Scheme

The Scheme shall consist of:

- (a) The Scheme Clauses (this text document)
- (b) The Scheme Map

1.3 Scheme Area

This document shall apply to the Scheme Areas of Camperdown/Umlaas Road which lie within the administrative boundary of Mkhambathini Municipality, at the time of adoption by Council.

The area to which the Scheme applies is depicted on the following map:

Map Reference	Content
US 39 – 01 – V6	Camperdown/Umlaas Road Scheme Map

1.4 Status of the Scheme

- (1) This Scheme replaces all Town Planning Schemes within the area to which it applies.
- (2) This Scheme is binding on the Municipality, all other persons and organs of state, except in the event of a conflict with the provisions of an Integrated Development Plan, hereinafter referred to as the IDP, which was adopted prior to the adoption of the scheme or amendment(s) thereof.
- (3) The provisions of the Scheme which were adopted prior to the adoption of an IDP will prevail in the event of a conflict with the provisions of the IDP.

1.5 Scheme Regulations

In general, the Scheme Regulations aim to control:-

- (1) The use of land and buildings by means of prescribing permitted, consent or prohibited land uses on specifically zoned sites and land use definitions applicable;
- (2) Floor area, coverage and height factors for buildings and structures;
- (3) Building lines, side and rear spaces which must be maintained around buildings;
- (4) Parking and loading controls;
- (5) Additional provisions relating to a specific use zone or land use;
- (6) How contraventions of the scheme provisions will be dealt with;
- (7) Provisions relating to the design of sites and buildings;
- (8) Definitions, controls, provisions and procedures.

1.6 Effective Date

The effective date is the date on which the Mkhambathini Local Municipality adopts the Scheme by means of a Council resolution. The effective date of this Scheme shall replace the previous Camperdown Scheme dated 18 October 1992.

1.7 Responsible Authority

The Mkhambathini Local Municipality, hereinafter referred to as the Municipality, shall be the authority responsible for enforcing and carrying into effect the provisions of the Scheme.

1.8 Inspection of the Scheme

- (1) The Municipality must maintain an up to date version of this scheme, and make it available for inspection and

copying at all reasonable times to any person.

- (2) A Register of all applications and decisions on the scheme shall be kept in accordance with the requirements of the relevant legislation in force at the time.

1.9 Amendments to the Scheme

- (1) If the Council desires to rescind, alter or amend any of the provisions of the Scheme it shall follow the procedure as set out in Schedule 1 of the KZN Planning & Development Act 2008 (No.6 of 2008) as amended, or any other relevant legislation that might replace the said act.
- (2) The owner of any land, or any person having a real right to any land, which is zoned in terms of the Scheme may make application to rezone such land or amend the Scheme controls applicable to such land as is contemplated in terms of Part 2 of Chapter 2, as read with Schedule 1 of the KZN Planning & Development Act 2008 (No.6 of 2008).
- (3) Provided that, in terms of the provisions of the KwaZulu-Natal Planning and Development Act (Act No.6 of 2008), the Municipality does not have to follow a formal process to amend the scheme in cases where:
 - (a) a spelling / typing error or numbering within the Scheme is amended or corrected,
 - (b) Scheme Clauses are re-organised without amending the meaning of the clauses;
 - (c) reference to legislation becomes outdated and must be replaced or updated;
 - (d) any annexures to the Scheme need to be updated or amended,
 - (e) legally approved development applications or land use zones have not been included in the Scheme, or have been included incorrectly;
 - (f) changes to or deletion of Management Plans and Overlays.

1.10 Contraventions

- (1) An authorised official in the service of the Council may access building plans and, subject to the provisions of the KZN Planning and Development Act, (Act No.6 of 2008), may enter any property within the area of its jurisdiction for inspection purposes. No person shall in any way obstruct such official in the execution of his or her duties.
- (2) If any person or persons contravenes any provision of this scheme, a notice issued in terms of the scheme, or a condition set by virtue of it, the Council shall be entitled to take any steps against such person or persons as provided for in legislation, including legal action.
- (3) Subject to the provisions of the KZN Planning and Development Act, (Act No.6 of 2008), a notice of contravention may be served by:
 - (a) Handing the notice to the affected person, an appointed representative, or legal body or any employee of such person or legal body; and/or
 - (b) By sending the notice by email to the last registered email address known to the Municipality of such person or legal body; and/or
 - (c) By sending the notice by prepaid registered post to the last registered address known to the Municipality of such person or legal body.
- (4) For the purpose of calculating any time period referred to in the notice it shall be assumed that the notice has been received by the addressee within 21 days as contemplated in Section 158(2) of the KZN Planning and Development Act (Act No.6 of 2008).

1.11 Conflict of Laws

- (1) Nothing in this Scheme shall be construed as enabling any person to erect or use any building or to develop or use any land which is in conflict with any condition of title imposed by the Premier in terms of the Kwazulu-Natal Planning & Development Act, 2008 (Act 6 of 2008) as amended or by the State under any other law.
- (2) Nothing in the Scheme shall be construed as enabling any person to erect or use any building or to develop or use land which is in conflict with any other legal requirement or for which a permit, license or authorisation is required in terms of any other relevant legislation.
- (3) The owner of any erf which is subject to a condition of title, referred to in **sub -clause (1)** which is in conflict with any provision of the Scheme, may make application to the Municipality for the alteration, suspension or removal of such condition.
- (4) The Scheme provisions shall apply over and above the Bylaws/Regulations where they are more onerous than the Bylaws/Regulations. Where the Scheme makes no provision, the Bylaws/Regulations shall apply.

1.12 Scheme Subordination Laws

- (1) The Municipality may not adopt, approve an amendment to a scheme, or replace a scheme that is in conflict with:
 - (a) the Provincial Planning and Development Norms & Standards; or
 - (b) the Municipalities Integrated Development Plan; or
 - (c) the Municipalities Spatial Development Framework; or
 - (d) any other plans and polices that may be adopted by the Municipality from time to time.

1.13 Non-Conforming Existing Use

- (1) Any existing building or existing use which is not in conformity with the scheme, but for which approval was obtained from the Municipality prior to the date of adoption, 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:
 - (a) any such non-conforming existing building or use of land may be increased on the lot by an amount not greater than 12.5% of its total floor area or area as the case may be, at the date of adoption, provided that the completed building or use is in conformity with the other provisions of the Scheme, relating to the zone in which such building or use is situated.
 - (b) 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".
 - (c) 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.

1.14 Reservation of Land

- (1) The Municipality shall reserve the right to the reservation of land for public benefit where any of the land is in Municipality ownership or is in ownership of any organ of state, provided the use of the affected site does not infringe on the amenity of the affected surrounding area/s.
- (2) Where any of the land is in Municipality ownership, the Municipality may execute thereon any development necessary or incidental to the purpose for which the land is reserved.
- (3) The Scheme shall at all times indicate the use or uses to which the land may be put in the event of such reservation being rescinded.
- (4) In instances where a use has not been assigned to that land, the zoning for that land shall be referred to as "undetermined" until such time a use and appropriate zoning shall be assigned to the land by Council.

1.15 Use of Land for Certain Municipal Purposes

- (1) Notwithstanding any of the provisions of this Scheme, the Municipality may erect buildings required for Municipal purposes or lay drains, pipes, wires or cables on, through, over or under any land in accordance with the provisions of the Local Authorities Ordinance No. 25 of 1974 as amended from time to time or of any other law.

2 DEFINITIONS

Unless the context indicates otherwise, any word in these clauses shall have the same meaning as assigned to it in these definitions or, where not specifically defined, shall have the same meaning as assigned to it in the KwaZulu-Natal Planning and Development Act No. 6 of 2008.

2.1 General Definitions

“Acceptable”; **“adequate”** means satisfactory or suitable in the Council’s opinion.

“Act” means the KwaZulu-Natal Planning and Development Act (No. 6 of 2008)

“Advertise” means the giving of public notice by an applicant or the municipality in a manner as defined in Schedule 1 Item 5(2) or Item 14(2) of the KwaZulu-Natal Planning and Development Act (No. 6 of 2008) respectively.

“Advertisement” when used in the context of outdoor advertising, has the same meaning as assigned to it in terms of the Outdoor Advertising Bylaw;

“Amenity” means the natural or created features of a place, property or area that assists to create a pleasant living/working/recreational environment and is compatible with the surrounding use.

“Ancillary use” means a use incidental to, or customarily associated with a lawful specific use.

“Appeal Tribunal” is the KwaZulu-Natal Planning and Development Appeal Tribunal established by Section 100(1) of the Act and the Town Planning Appeals Board established by Section 73bis of the Town Planning Ordinance (No 27 of 1949), until such time when the Ordinance is completely repealed.

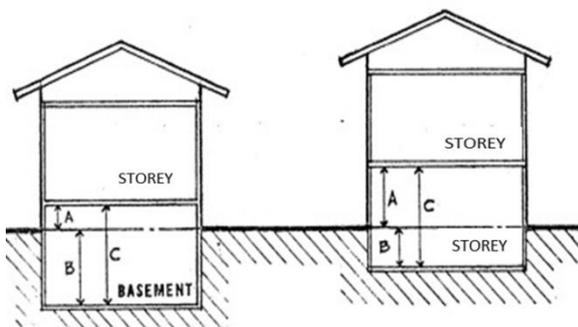
“Approval” means the written approval of the Council.

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

“Area of Scheme” means the area which lies within the inner edge of the defined boundary as illustrated on the adopted Scheme Maps.

“Basement” means the lowest part of any building, which part is constructed with more than 50% of its volume below the lower of either the mean finished ground level or the existing natural ground level immediately surrounding the building. See illustration in Figure 1.

Figure 1: Illustration of Basement



“Boundary” in relation to land, means a cadastral line registered with the Surveyor General, separating a lot from another lot or a street.

“Building” means:-

- (a) any other structure, whether of a temporary or permanent nature and irrespective of the materials used in the erection thereof, erected for or in connection with:
 - (i) The accommodation or convenience of human beings or animals;
 - (ii) The manufacture, processing, storage, display or sale of any goods;
 - (iii) The rendering of a service;
 - (iv) The destruction or treatment of refuse or other waste materials;
 - (v) The cultivation or growing of any plant or crop
- (b) any wall more than 2m, swimming bath, swimming pool, reservoir or bridge or any other structure connected therewith;
- (c) any fuel pump or any tank used in connection therewith;
- (d) any part of a building, including a building as defined in paragraph (a), (b) or (c); and
- (e) any facilities or systems, or part or portion thereof, within or outside but incidental to a building, for the provision of a water supply, drainage, sewerage, stormwater disposal, electricity supply, or other similar services in respect of the building. [[NATIONAL BUILDING REGULATIONS AND BUILDING STANDARDS ACT \(NO. 103 OF 1977\) AS AMENDED](#)]

“Building line” means a line parallel to any boundary of a lot which is conterminous with a street, public right of way or road reservation; or in the case of “hatchet shaped” lots, a line parallel to the boundary nearest to the street which is not a boundary of the access strip.

“Bylaw” means a regulation made by the municipality to enable it give proper effect to the powers and duties conferred or imposed upon it.

“Common land” means that portion of a development which is set aside for the use and enjoyment of all the occupants or owners on that site and from which the general public may be excluded.

“Consent” means special permission granted by Council, after due consideration of all relevant facts and lawful, reasonable and procedurally fair administrative action, in terms of which a specific type of land use or activity is permitted, in addition to the primary use right applicable to the erf concerned.

“Consent use” means an additional use right permitted in terms of this Scheme as defined in a particular use zone with the Consent of Council.

“Council” means the Mkhambathini Local Municipality established in terms of Provincial Gazette Notice and includes any municipal standing committee or municipal official with delegated powers in terms of the area of jurisdiction within which these town-planning conditions apply. Council or its delegated authority shall be the approving authority for all applications pertaining to this Scheme.

“Coverage” means the proportion of a lot covered by buildings, and is expressed as a percentage of the lot area as defined. Thus 25% coverage means that only one quarter of the lot may be covered by buildings.

“Date of adoption” means the date upon which any provision of this Scheme is finally adopted by the Municipality.

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

“Development” in relation to land, means the erection of buildings and structures, the carrying out of construction, engineering, mining or other operation on, under or over land and a material change to the existing use of any building for non-agricultural purposes [[KWAZULU-NATAL PLANNING AND DEVELOPMENT ACT NO. 6 OF 2008](#)].

“Display” in relation to a sign, without in any way limiting its ordinary meaning, includes the erection of any structure for the support of such sign;

“Dominant use” means the predominant or major use of a property, and may consist of a primary or a Consent use permitted on the property;

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

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

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

“Eave” means a portion of a roof not projecting 600mm beyond the face of a building, excluding any gutters.

“Environmentally Sensitive Area” means an area which contains natural organisms and similar characteristics and is considered to be of environmental significance to the functioning of the natural ecosystem and maintenance of biodiversity within such ecosystems. Such areas of ecological sensitivity may include but not limited to the following:-

- (a) habitat of a rare species;
- (b) pristine/indigenous vegetation;
- (c) proclaimed protected areas; and
- (d) designated buffer zones related to such areas of ecological sensitivity.

“Environment” means the surroundings within which humans exist and that are made up of:-

- (e) the land, water and atmosphere of the earth;
- (f) micro-organisms, plant and animal life;
- (g) any part or combination of (a) and (b) and the interrelationships among and between them; and
- (h) the physical, chemical, aesthetic and cultural properties and conditions of the foregoing that influence human health and well-being. [NATIONAL ENVIRONMENTAL MANAGEMENT ACT NO. 107 OF 1998 AS AMENDED]

“Environmental Impact Assessment (EIA)” means a systematic process of identifying, assessing and reporting environmental impacts associated with an activity and includes basic assessment and S&EIR (scoping and environmental impact reporting process as contemplated in regulation 26 to 35) [NEMA ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, GAZETTE NOTICE NO. R 543, 18 JUNE 2010]

“Environmental Management Programme (EMPr)” means a management plan as defined in Section 11 of the National Environmental Management Act (No. 107 of 1998).

“Erection” in relation to a building, includes the alteration, conversion, extension, rebuilding, re-erection, subdivision of or addition to, or repair of any part of the structural system of, any building. [NATIONAL BUILDING REGULATIONS AND BUILDING STANDARDS ACT (NO. 103 OF 1977) AS AMENDED]

“Erf (same as “Lot”)” 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 or stand [KWAZULU-NATAL PLANNING AND DEVELOPMENT ACT NO. 6 OF 2008].

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

“Existing building” 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.

“Existing use” 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.

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

“Family” means a man or a woman or both, with or without their parents and with or without the children of one or the other or both of them, living together as one household.

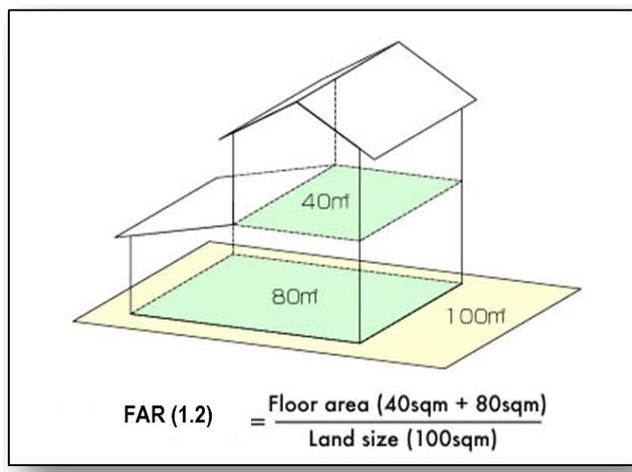
“Floor” means the inner, lower surface of a room on or nearest to the mean natural ground level immediately surrounding the building, garage or basement and includes a terrace to which occupants of a building have access.

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

- (a) public access galleries, public toilets, lift shafts and lift motor rooms, water storage tanks, fire escapes, refuse storage areas, areas used for electricity transformer rooms, substations and meter rooms, and areas for the accommodation of mechanical ventilation, air-conditioning and effluent treatment plants;
- (b) any area used exclusively for the loading and unloading of motor vehicles;
- (c) covered parking spaces or garages other than such areas within a petrol filling station, parking erf / parkade and automotive showroom;
- (d) any area within a basement used exclusively for storage purposes;
- (e) any area to which the general public has access and which, in the opinion of Council, comprises bona fide pedestrian shopping arcades, malls or part thereof, provided that such area is not itself used for any business or commercial purpose whatsoever; and
- (f) features of a purely decorative nature such as ledges, spires, turrets and belfries.

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

Figure 2: Illustration of Floor Area Ratio



“Flood line” means an indicative line indicating the maximum level likely to be reached by floodwaters on average once in every 100 years. [Paraphrased from SECTION 144 OF THE NATIONAL WATER ACT NO. 36 OF 1998]

“Frontage” is the length of the boundary of a lot which is coincident with the boundary of an existing or proposed street.

“Gross floor area” is the sum of the floor areas of a building including storage, corridors, lift shafts, staircases, kitchens and conveniences, and shall include wall thickness and basements, but shall exclude public conveniences and areas for parking purposes.

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

“Guideline(s)” means written non-regulatory information that directs or influences land use decisions.

“Habitable room” means a room designed or used for human habitation in accordance with standards prescribed by the bylaws but excludes a storeroom.

“Height” means the height of a building measured from floor to apex of a roof and may be expressed as a number, provided that where the ground floor of a building is on more than one level, such building shall be regarded as formed of portions in relation to each respective level and the height of such a building shall be calculated separately in respect of each portion as if such portion were a separate building but shall exclude spires and decorative architectural features.

“Heritage Resource” means any place or object of cultural significance as determined in the National Heritage Resource Act.

“Heritage Resource Act” means the National Heritage Resource Act, No 25 of 1999.

“Home Owners’ Association” means a company registered in terms of section 21 of the Companies Act, No. 71 of 2008, as amended, membership of which shall be exclusive to and compulsory for the freehold or registered leasehold owners of dwelling unit cartilage in a medium density housing development.

“Integrated Development Plan” means a plan envisaged in Section 25 of the Municipal Systems Act No 32 of 2000.

“Land” means a tract of ground capable of being owned as property and includes land covered by water.

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

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

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

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

“Municipality” means the Mkhambathini Municipality as defined in section 1, and established under section 12 of the Municipal Structures Act, No. 117 of 1998 and read with the provisions of the KwaZulu-Natal Determination of Types of Municipality Act, 2000 (Act No. 7 of 2000).

“Municipal area” means the Council’s municipal area of jurisdiction as proclaimed from time to time by the Municipal Demarcation Board and in terms of the Municipal Demarcation Act No. 51 of 2002.

“Municipal Manager” means the person appointed as municipal manager for a municipality under section 82 of the Municipal Structures Act No. 117 of 1998 and includes a municipal official acting under delegated powers.

“National Environmental Management Act” means the National Environmental Management Act, No 107 of 1998 as amended and its associated regulations, and Specific Environmental Management Acts.

“Net Developable Area” means the surveyed area of a lot excluding the following areas but not limited to:-

- (a) any public right of way, road servitudes, new roads, or road widening;
- (b) areas of soil instability and/or soils classified as having high water tables;
- (c) soils classified as highly erodible, subject to erosion, or are highly acidic;
- (d) areas liable to flooding and flood plains;
- (e) inaccessibility of topography and/or slopes steeper than 1:3;
- (f) land formerly used for landfill operations or hazardous industrial use;
- (g) fault areas;
- (h) stream corridors;
- (i) estuaries;
- (j) mature stands of indigenous vegetation;

- (k) aquifer recharge and discharge areas;
- (l) wetlands and wetland transition areas; and
- (m) habitats of endangered species

which in the opinion of the Municipality are considered undevelopable.

“Noise level” means reading on an integrating impulse sound level meter, taken in accordance with accepted scientific principles and relevant legislation.

“Non-conforming existing use” means any lawfully existing use of a lot/or building as at the date of adoption which does not conform to the current development controls applicable to such a lot, or the provisions of this Scheme, including previous schemes.

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

- (a) any archaeological artefact;
- (b) paleontological and rare geological specimens;
- (c) meteorites;
- (d) other objects referred to in the Heritage Resource Act.

“Occupant” in relation to any building, structure or land, includes any person occupying such building, structure or land or legally entitled to occupy it or anybody having the charge or management thereof, and includes the agent of such a person who is absent or whose whereabouts are unknown.

“Ordinance” means the Town Planning Ordinance No.27 of 1949), as amended.

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

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

“Panhandle” means the access portion of a property to the street by means of a narrowed part of the lot.

“Pollution” means any change in the environment caused by:-

- (a) substances;
- (b) radioactive or other waves; or
- (c) noise, odours, dust or heat, emitted from any activity, including the storage or treatment of waste or substances, construction and the provision of services, whether engaged in by any person or an organ of state, where that change has an adverse effect on human health or wellbeing or on the composition, resilience and productivity of natural or managed ecosystems, or on materials useful to people, or will have such an effect in the future. [[NATIONAL ENVIRONMENTAL MANAGEMENT ACT NO. 107 OF 1998 AS AMENDED](#)]

“Premier” means the Premier of the KwaZulu-Natal Province.

“Primary use” means the dominant use of any erf, building or structure.

“Principles” means a set of values and guiding rules that should guide and inform on-going planning and development.

“Property” means any land that is registered as a separate unit at the Surveyor General’s Office and the Deeds Office.

“Provincial Government” means the Provincial Government of the Province of KwaZulu-Natal.

“Public Authority” means a National Department, Municipality or semi-state agency or the Provincial Government.

“Rear boundary” shall mean that boundary of a lot or erf which is furthest from any street boundary, and which does not meet any street boundary.

“Register” means a record of all applications, including:

- (a) conditions of rezoning that affect the land use right of any lot or erf, and
- (b) consent uses and non-conforming uses;
- (c) applicable to a lot or erf as prescribed or required under this Scheme.

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

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

“Rezoning” means the amendment of a Scheme map in terms of the relevant planning legislation, in order to effect a change of zoning and associated controls, restrictions and provisions in relation to a particular lot or erf.

“Satisfactory” or **“Suitable”** means acceptable, adequate in the Council’s opinion.

“Scheme” means the Mkhambathini Scheme in course of preparation, and as amended from time to time;

“Scheme map” means a map indicating all zoning within the area of jurisdiction and adopted as the Mkhambathini Scheme by Council in terms of Section 9(1) of the KwaZulu-Natal Planning and Development Act, No. 6 of 2008.

“Servitude” means a registered right that grants the use of a portion of land for specified purposes.

“Side Boundary” means any boundary of an erf which meets a street boundary and any other boundary and which is neither a street boundary nor a rear boundary.

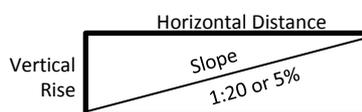
“Sign” means any sign, sign writing, mural, graphic design, signboard, screen, blind, hoarding or other device by means of which advertisement of notice is publicly displayed.

“Site development plan” means a scaled and dimensioned plan which shows details of proposed development and may include but not limited to (i) existing physical characteristics of the property, (ii) the position, use and extent of buildings, and (iii) any other details as may reasonably be required by the Council. [See Clause 4.3.2.](#)

“Slope” means the degree of deviation of a surface from the horizontal, expressed as a ratio or percentage and calculated for the purpose of this scheme as depicted below:

For Example: a piece of land rise 5m vertical over a 100m distance. The slope is calculated as follows:

$$\begin{aligned} \text{Slope} &= \frac{\text{Vertical Rise}}{\text{Horizontal distance}} \\ &= \frac{5}{100} \\ &= \frac{1}{20} \\ &= 5\% \text{ slope} \end{aligned}$$



“Storey” is a room or set of rooms at one level, including any room, of which the floor is split in two or more levels, and shall have the following implications:

- (a) The basement of a building, not used for residential purposes, but used solely for the purpose of parking vehicles, service installations, such as transformer and meter rooms, or storage shall not count as a storey provided such area or areas constitutes a basement;
- (b) The ground floor may be on several levels;

- (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.
- (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;
- (e) With the exception of Lift rooms, stairwells and pitched roofs, any structures or architectural features situated on the roof of a building and greater than 1,2 metres in height shall constitute a storey.

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

“Subdivide and subdivision” in relation to land, means to subdivide the land, whether by means of:

- (a) a survey;
- (b) the allocation, with a view to the separate registration of properties, of undivided portions thereof in any manner, including the marketing and conclusion of contracts for the alienation, sale or exchange of portions of the lot or erf;
- (c) the preparation thereof for subdivision.

“Systems Act” means the Municipal Systems Act (No. 32 of 2000).

“Townhouse” means a private or self-contained dwelling with private grounds within a common ground for other dwellings.

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

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

“Utilisation” in relation to land, means the use of land for a particular purpose and includes the extent of such use.

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

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

“Water Act” means the National Water Act, No. 36 of 1998, as amended.

“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, or from which, water flows; and
- (d) any collection of water which the Minister may, by notice in the Gazette declared to be a watercourse, and a reference to a watercourse includes, where relevant, its bed and banks [[NATIONAL WATER ACT \(NO. 36 OF 1998\), AS AMENDED](#)].

“Water Quality Environmental Control Zone” means a delineated buffer measuring 100 metres on either side of the main stem rivers and a 1 kilometre buffer around upstream of the dam walls for dams [[UMGUNGUNDLOVU STRATEGIC ENVIRONMENTAL MANAGEMENT PLAN, 2013](#)]

“Wetland” means land which is transitional between terrestrial and aquatic systems where the water table is usually at or near the surface, or the land is periodically covered with shallow water, and which land in normal circumstances

supports or would support vegetation typically adapted to life in saturated soil [NATIONAL WATER ACT (NO. 36 OF 1998), AS AMENDED].

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

2.2 Land Use and Development Definitions

1. “**Additional Self-contained Residential Unit** (or Additional Self-contained Dwelling Unit)” means a single dwelling unit not exceeding a gross floor area of 60m² and may include a garage not exceeding a gross floor area of 20m², forming an extension of an existing dwelling house.
2. “**Advertising Billboard**” means a panel for the display of advertisements in public places, such as alongside highways or on the sides of buildings.
3. “**Agriculture**” means the cultivation of land for crops and plants, the keeping and breeding of animals, pig farming, horticulture, poultry farming, dairy farming, breeding and keeping livestock, horse riding facilities and related schooling uses, bee keeping, forestry, mushroom and vegetable farming, floriculture, orchards, or the operation of a game farm (on an extensive basis) and includes such activities and buildings as are reasonably connected with the main farming activities such as residential accommodation for the farmer, farm manager and farm workers, the packing of agricultural produce grown on the property for delivery to the market and a plant nursery and farm shop for selling of produce grown / bred on the farm; but excludes intensive horticulture, intensive animal farming, harvesting of natural resources, agricultural industry, sporting and recreation purposes or a race course.
4. “**Agricultural Building**” is a structure designed for farming and agricultural practices, including but not limited to: growing and harvesting of crops and raising livestock and small animals. Such buildings inter alia include, but are not limited to the following: Barns, greenhouses, storage buildings for farm equipment, animal supplies or feed, storage buildings for equipment used to implement farming and/or agricultural practices, Storage buildings for crops grown and raised on site (cold storage), Horticultural nursery.
5. “**Agricultural Industry**” means an enterprise used for the intensive production in any form whatsoever, of poultry, game birds, livestock, vegetables, fruit and allied products; on or close to the lot where these agricultural products are grown and where processing in such proximity is necessary due to the nature, perishability and fragility of such agricultural products, and includes a winery and distillery cheese making industry, feedlots, chicken hatcheries, but excludes an abattoir, a butchery and a service trade.
6. “**Agricultural land**” means land as defined in Section 1 of the Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970).
7. “**Animal Rehabilitation Centre[s]**” means a building or land used for the treatment and care of sick, injured or orphaned wild animals, and the preparation of such animals with the intention of releasing them back to their natural habitats in the wild.
8. “**Arts and Craft Centre**” means a building of which the primary purpose is the production and selling of goods including graphic arts, textile design, weaving, pottery, furniture making, leatherwork, studios, creative fashion design, stained glass, and the like.
9. “**Airfield**” means a demarcated area and associated buildings where light aircraft can land 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.
10. “**Automotive Showroom**” refers to a display room where roadworthy motor vehicles are displayed for sale to the public.

11. **“Automotive Workshop”** means the use of buildings or land for the repair, maintenance and servicing of motor vehicles including the installation of parts and accessories.
12. **“Bed and Breakfast Establishment”** means a private dwelling house where not more than four rooms in the building or an approved outbuilding are let out for commercial tourist overnight accommodation, managed by the owner of the property, who shall also reside on the property, and where meals may be served to registered guests.
13. **“Betting Depot”** means a building used for the purpose of a Bookmaker’s premises or a totalisator agency operating legally in terms of the relevant legislation[s].
14. **“Boarding House”** as provided for under “Residential Building” shall mean an accommodation establishment that offers long term accommodation and which:
 - a) is not licensed to sell liquor;
 - b) offers boarding and lodging;
 - c) the owner or operator resides on the property.
15. **“Builder’s yard”** means a lot, which is used for the storage of material:
 - a) if necessary for or normally used for construction work; or
 - b) that was obtained from demolitions of structures or excavations of ground; or
 - c) required or is normally used for land improvements, such as storage of material used for building roads, for installing essential services, or for any other construction work (e.g. of sand or bricks), whether for public or private purposes; or
 - d) or land or building used for the preparation for use of materials thus stored but does not include a builders’ yard established for the purpose of temporarily storing of such materials in connection with and for the duration of construction or building works, in the vicinity of such builders yard and does not include the storage at a “Shop” or a “Warehouse”.
16. **“Bus and Taxi Rank”** means land, a building or part of a building used for the purpose of parking of buses or taxis. Such facilities may include ancillary facilities such as informal trader stalls and restroom facilities. For the purpose of this Scheme the term "Bus and Taxi" shall mean a vehicle used to transport people for financial gain and registered as such.
17. **“Carwash Facility”** means a place or structure having special equipment for washing automobiles. This does not include informal carwash facilities on parking areas.
18. **“Caravan Park”** means an area of land provided with ablution and sanitary facilities with or without a communal kitchen, constructed of permanent materials, arranged for the accommodation of caravans which are used for temporary holiday dwellings, and provided also with permanent water points, approved refuse receptacles and containing within the curtilage a sufficient open space for recreational purpose and may include incidental commercial use.
19. **“Cemetery Purposes”** means land or buildings which is permanently set aside for the purpose of burying human or animal remains, and may include an office for administrative uses associated therewith, a funeral chapel/s, gardens, roads, parking, sheds for maintenance purposes and the like but shall not include a Crematorium.
20. **“Clinic”** means, in relation to the definition of an institution building, a place where patients receive medical treatment or medical related advice, and may include a wellness centre, out-patients centre, a medical centre or live-in facilities for not more than 20 persons (including staff and patients).
21. **“Commercial Building”** means a building designed or used for such purposes as distribution centres, wholesale trade, storage, computer centres, warehouses, petrol filling stations, public garages, cartage and transport services and laboratories and may also include offices such that use usually ancillary to or reasonably necessary in connection with the main use.
22. **“Commercial Workshop”** means a light industrial building wherein the primary purpose is the selling of goods or services by retail and may be in conjunction with a shop or office to which the public has access and includes such

uses as a watch repair, shoe repair, valet services, radio/television repairer, electrician and may include a jobbing printer.

23. **“Community Facility”** means premises used for cultural activities, social meetings, gatherings, non-residential clubs, gymnasiums, sport clubs or recreational or other activities where the primary aim is not profit seeking and excludes a place of entertainment.
24. **“Composite Building”** means a building which is used for two or more purposes recognised as uses in the Scheme.
25. **“Conservation Purposes”** means environmentally sensitive land, coastal areas and/or water bodies, or land earmarked for environmental protection and/or rehabilitation which includes independent or linked open space areas and permits only limited and specific developments that are normally associated with, but secondary to, the conservation of land, such as parking areas, walking trails, bird watching structures, educational buildings, restaurant / tuck shop and other facilities for the convenience of visitors. Development would most likely be subject an environmental approval process in line with relevant legislation.
26. **“Crèche”** means any building or premises maintained or used, whether for profit or otherwise, for the reception, protection and temporary or partial care of more than six children apart from their parents, but does not include any boarding school, school hostel or any establishment which is maintained or used mainly for the tuition or training of children and which is controlled by or which has been registered or approved by the State, including a Provincial Government.
27. **“Crematorium”** means a place for incinerating corpses in a furnace, and includes associated facilities such as a chapel and offices.
28. **“Day Care Facility”** means land or building used for the care of a child during the day by a person other than the child's legal guardians, typically performed by someone outside the child's immediate family. A day care facility may not have more than 6 children being looked after.
29. **“Dwelling House”** means a freestanding dwelling unit on a single erf, which does not form part of either Medium Density Housing or Chalets, used as a Dwelling Unit for a single family together with such outbuildings and as are customarily used incidental therewith. It may include land used for sport and/or recreation facilities associated with, but secondary to the residential use of land and used exclusively by the residents of the dwelling unit on the site. Such freestanding dwelling unit (excluding outbuildings) shall have a floor area of 80m² or greater.
30. **“Educational Building”** means a building used as a school, college, technical institute, academy, environmental centre, 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. Ancillary to an educational building may be a sport fields, used for educational purposes.
31. **“Extractive Industry”** means the process of extracting, mining, sand-winning or quarrying of raw materials from the ground, including gravel, sand and stone and includes buildings connected with such operations and crushing plant.
32. **“Factory”** means
 - (a) any premises on which any person performs work in connection with any business, undertaking or institution, whether an employer or employee, pupil or inmate of an institution or otherwise, in any one or more of the following activities:-
 - (i) the making of any article or part of any article;
 - (ii) the altering, repairing, renovating, ornamenting, painting, spraying, polishing, finishing, cleaning, dyeing, washing or breaking up of any article;
 - (iii) the adaption for sale or use of any article;
 - (iv) the sorting, assembling or packing (including washing or filling bottles or other containers) of any articles;
 - (v) the construction, reconstruction, assembling, repairing or breaking up of vehicles or parts thereof (but excluding premises used for the purpose of housing vehicles where only minor adjustments are carried out);

- (vi) printing or letterpress, or other similar process, including any activity associated with the printing industry;
 - (vii) the production and storage of gas in a holder of more than four thousand litres (141,6 cu.. metres) storage capacity;
 - (viii) the freezing, chilling or storage in cold storage of any article;
 - (ix) the slaughtering of livestock;
 - (x) the generation of electricity;
 - (xi) photographic work;
 - (xii) any activity that is necessarily or ordinarily incidental to any activity referred to in paragraph(a), inclusive, if the premises on which it is carried on or form part of or are adjacent to the premises on which the activity to which it is so incidental is carried on; and
- (b) any premises on which bookkeeping, typewriting or any other clerical work incidental to any activity referred to in paragraph (a) is performed, if such premises form part of or are adjacent to the premises in which the said activity is carried on.
33. **“Farm Stall”** means a building or structure, which does not exceed 35m² in floor area, used for the retailing of fresh farm produce produced on site, including homemade items.
34. **“Funeral Parlour”** means a building or land used for the purpose of funeral management, the preparation of the deceased for burial or cremation, and may include a shop intended primarily for public reception and for the sale and display of those commodities required for cemetery purposes and services ordinarily ancillary to funeral management, but does not include a monumental mason, cremation facilities or the manufacturing of coffins.
35. **“Game Reserve”** means a building or land used in connection with, or which would ordinarily be incidental to, or reasonably necessary in connection with the use of the building or land as a game reserve for the conservation of indigenous vegetation and for the keeping for display, rehabilitation of breeding of wild animals or birds to which the general public shall have controlled access.
36. **“Garage”** means a building for the parking of motor vehicles, and includes a carport but does not include a public parking area or petrol filling station.
37. **“General Industrial Building”** means an industrial building as defined in Clause 2.2 and includes a building used for the general repair of motor vehicles, but does not include a garage, petrol filling station or special industrial building.
38. **“Guest Lodge”** means a dwelling or group of dwellings buildings with more than three (3) rooms which are let out for overnight accommodation, and where meals may be provided to registered guests, and may include ancillary uses such as a recreational facility.
39. **“Helistop”** means land or an elevated structure used for the landing and take-off of helicopters with the minimum prescribed safety equipment but without auxiliary facilities such as parking area, a waiting room or hanger.
40. **“Home Business”** means the conduct of an occupational activity in, or in conjunction with, a Dwelling Unit or an approved structure erected on the site of an existing dwelling unit which may be used for a home occupation, practiced by the bone fide residential occupant of that property, and may be subject to certain conditions. Such business shall not interfere with the amenity of the surrounding properties or be of nuisance value by virtue of noise, appearance, dust or smell. For the purposes of a Home Business, a shop, any vehicle or motor manufacturing, repairs or maintenance are prohibited land uses.
41. **“Hospital”** means a medical facility which is either government owned, privately-owned or non-governmental, authorised by the relevant legislation(s) and may include a hospice to diagnose and treat human illness; with integrated facilities such as operating theatres and live-in accommodation for patients; and includes a clinic and medical consulting rooms.
42. **“Hotel (Licensed)”** means a facility offering transient lodging accommodation to the general public and providing additional services accessible by guests and the general public, such as restaurants, meeting rooms / conference facilities, entertainment, recreational facilities, health and beauty facilities, and limited shopping, and in respect

of which is in compliance with the requirement of a hotel as laid down in the Hotels Act, 1965 (Act 70 of 1965), as amended, but does include an off-sales facility.

43. **“Informal Trading/ Hawking”** means the legal selling of products at areas and/or facilities on public land in areas demarcated by Council specifically for these purposes.
44. **“Industrial Building”**: see definition for “Factory”.
45. **“Institutional Building”** means a building or portion of a building used or designed for use as a charitable institute including the administration thereof, and a building designed for use as a hospital, home for the aged or for mentally or physically retarded children, nursing home, sanatorium, clinic, convalescent home, orphanage or other building used as a public or private institution, but does not include a restricted building. Such building or portion of a building shall be served exclusively by a communal kitchen.
46. **“Landfill Activity”** means the on-site disposal, management and/or recycling of refuse and other waste material and ancillary activities undertaken as a normal part of sanitary landfill activities.
47. **“Laundrette (or Laundromat)”** 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 a type that shall not cause harmful effluent to be discharged into the sewerage system.
48. **“Lifestyle Village”** means a low to medium planned residential development catering mainly for people aged 55 years and above and may include ancillary facilities as may be found relevant, at the discretion of the Municipality.
49. **“Light Industrial Building”** means an industrial building or factory in which the processes carried on or the machinery installed are such as can be carried on or installed in a Light Industrial zone without causing nuisance to other properties within such zone or to the general public, or without detriment to the amenities of other use zones, by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust, grit, traffic generation, size or other causes.
50. **“Medical Centre”** means a building designed for the use as consulting rooms or offices for medical purposes that is used by one or more medical doctors, sangoma, herbalist, physiotherapist, homeopath, optometrist or any other medical related use that serves the purpose of consultation, but excludes a clinic or any other medical use that provides overnight accommodation for patients. It excludes any noxious practices or uses which will interfere with the amenity of the surrounding properties or is of nuisance value by virtue of noise, appearance, dust, smell or activities or for any other reason whatsoever.
51. **“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 having been designed as an harmonious entity. Such development may include duplex flats, semidetached houses, terrace houses, maisonettes or dwelling houses and a lifestyle village.
52. **“Municipal Purposes”** means and includes the use of land and the erection and use of buildings by or on behalf of the Council for the purpose of carrying out one or more municipal functions which may include the supply of essential protective, health, community, administrative, engineering, support or other similar services and the provision of housing, recreational or other similar facilities, but excluding uses provided for under specific zones such as cemeteries, refuse sites, sewerage treatment plants and water works.
53. **“Nursery Garden”** means land used to propagate, grow, and sell plants and/or the sale of gardening equipment, horticultural products and landscaping supplies provided that:-
 - (a) any structure / building developed and/or used in connection therewith shall not exceed a coverage of 150m²;
 - (b) the person operating the nursery garden shall reside on the property in question; and
 - (c) not more than 3 persons shall be employed on the property.

54. **“Office Building”** means a building or part of a building used as an office and includes a bank, building society, insurance office, estate agent and other professional suites, but does not include a public office, medical offices or any other use which in the opinion of the Municipality, may interfere with the amenity of the surrounding area.
55. **“Office - Public”** means an office building used for any National, Provincial or Local Government purposes or public service use, and includes an administrative office, Municipality office and town hall, government office, court house, police station, post office, public library, public art gallery, public museum, and buildings ordinarily ancillary thereto.
56. **“Parking Area”** means an open area used exclusively for the parking of motor vehicles at a fee or not, other than parking required in terms of Clause 4.4, and may include an area or building for the administration of the parking use, ablution facilities and a kiosk to accommodate uses such as the sale of flowers, newspapers and refreshments but excludes uses such as a carwash facility, automotive showroom, parking garage, workshop for the repair of motor vehicles or for sale of petrol, oil and accessories.
57. **“Parking Garage”** means a building, part of a building or land designed primarily for the purpose of parking, other than parking required in terms of Clause 4.4, and includes washing and servicing of motor vehicles, but does not include a building or part thereof which is designed for use as a workshop for the repair of motor vehicles or for the sale of petrol, oil and accessories.
58. **“Petrol Filling Station”** means land or building wherein motor vehicles are provided with fuel, lubricants, tyres, motor spares, electrical equipment, and may on Consent from the municipality include, the repair of motor vehicles of a minor nature, lubricating and greasing, washing and cleaning, a restaurant or café and a convenience store which does not exceed 30% of the total floor area and is integrated with the other facilities in terms of design, but shall not include the carrying out of operations such as spray painting, panel beating or body or blacksmith works, the repairs of a major nature to the engine or overhauling of motor vehicles and transmission systems thereof;
59. **“Place of Instruction”** means a place for education at pre-school, school or post school levels, including a crèche, nursery school, primary school, secondary school, college, university, research institute and ancillary uses such as boarding hostels, monastery, convent and all uses which are ancillary, directly related to and subservient to the main use; or a civic facility for the promotion of knowledge to the community such as a public library, public art gallery, museum, public library, public art gallery, museum; or a place of instruction in sport where the main objective is instruction as opposed to participation by the public as either competitors or spectators; but excludes a reformatory, commercial conference facility, gymnasium or in-house business training centre;
60. **“Place of Public Amusement”** means a place used predominantly for commercial entertainment which may attract relatively large numbers of people, operate outside normal business hours or generate noise from music or revelry on a regular basis and includes a building designed for use or a building or land which is used as an amusement park, billiards saloon, bingo halls, casino, cinema, circus arena, concert hall, dance hall, discos, exhibition hall (trade, industry or other recreational purposes), gymnasium, Live Music, music hall, night clubs, race courses, skating rink, sports arena, theatre, and also includes such uses as are ancillary, directly related to and subservient to the main use but excludes pornographic / adult entertainment.
61. **“Place of Public Assembly”** means a public hall, hall for social functions, music hall, concert hall, recreational hall, public art gallery, a town or civic centre or exhibition hall which is not directly related to a commercial undertaking, or a town hall or civic centre, but excluding a school hall and a place of entertainment.
62. **“Place of Worship”** means a church, synagogue, mosque, temple, chapel or any other building intended to be used for practicing of religion and includes a building or residential unit ancillary thereto, or parsonage but does not include a funeral parlour.
63. **“Private Recreation Area”** means a sport ground, playing field or other open space of a club, firm, private person or other body, including buildings normally ancillary to recreational activities.

64. **“Private Open Area”** means a usable area, exclusive of utility areas, driveways and parking areas, which is open to the sky and which is adjacent to and has direct access from a dwelling unit in sectional title developments, with such private open area being reserved for the exclusive use of the occupants or owners of the associated dwelling unit, but may include semi-covered areas such as a pavilion.
65. **“Public Open Space”** means an open space or reserve owned by the Municipality which the public has a right to use and enjoy, and includes all ancillary facilities and buildings.
66. **“Public Parking Area”** means a building used or land used, whether or not for gain or reward, for the provision of parking of motor vehicles, not related to the parking requirements or provisions of the scheme for another building or site or part thereof.
67. **“Public Recreational Use”** means the use of Municipal-owned open space for enjoyment by the public, and may include playgrounds, botanical and zoological gardens, sport and recreational facilities and similar uses, and may include parking areas necessary for such use/s and a restaurant or shop ancillary to such sport and recreational uses.
68. **“Railway Infrastructure”** means land used for the transport of goods and passengers via rail and may include railway routes, facilities to park, maintain and manoeuvre railway vehicles and shunting / marshalling yards, but excludes a Railway Terminal.
69. **“Recreational Building”** means a clubhouse, gymnasium, squash court, pavilion, shelter, change room, stadium, and any similar facility used in conjunction with a sport or recreational activity. A clubhouse may include dining facilities and lounges, and may include an open space or reserve which the public has a right to use and enjoy, and includes any ancillary facilities.
70. **“Recycling Depot”** means an area of land, with or without buildings which is licensed under relevant legislation, where used materials are separated and processed for shipment and for eventual reuse in new products.
71. **“Residential Building”** means a building (other than a dwelling-house or town house) for human habitation, together with such outbuilding as are normally used therewith, and includes a boarding house, block of flats, residential club, old age home, a children’s home and a hostel, but does not include buildings mentioned whether by way of inclusion or exclusion in the definitions of “place of instruction” or “institutional building”.
72. **“Restaurant”** means a building or portion of a building used primarily for the preparation and sale of food, confectionery and beverages for consumption on the premises and could include:
- a) a coffee shop or cafeteria
 - b) the licensed provision of alcoholic beverages, only with the Consent of the Council but excludes a tavern.
73. **“Restricted Building”** means a building used for such purposes as a clinic or hospital for infectious diseases, a jail, mental home or reformatory.
74. **“Road Infrastructure”** means land used for the transport of goods and passengers via road and may include national, provincial and municipal roads, facilities to park and stop, road reserves, maintenance and maneuvering facilities.
75. **“Sanatorium”** as provided for under “Institutional Building” means a building used for the treatment of chronic diseases or for medically supervised recuperation.
76. **“Scrapyard”** means land used for the collection, storage or sale of scrap metals, second hand building materials, containers, waste paper, rags, bottles or other used materials, or for the collection, dismantling, storage or salvaging of motor vehicles and machinery. It includes the sale of such goods, but does not include a Noxious Industry.
77. **“Service Industrial Building”** means a light industrial building catering primarily for the local customer, and includes a builder’s yard and allied trades, laundry, bakery, dairy depot, dry-cleaning and similar types of uses.

78. **“Shop”** means a building or land used for any retail trade or business wherein the primary purpose is the selling of goods and appliances by retail and includes a building used for the purpose of a hairdresser, ticket agency, video hire, showroom (including motor showroom restricted to the display and sale of vehicles only), auction mart or for the sale of food and drinks for consumption off the premises or for the reception of goods to be washed, cleaned, altered, dry-cleaned or repaired and includes ancillary buildings ordinarily incidental to the conduct of the retail business, but does not include an industrial building, garage, petrol filling station, milk depot, hotel, service trade, motor repair garage, restaurant, adult entertainment business, bottle store and if such uses are included on the property they shall be regarded as separate uses subject to such separate development rules.
79. **“Special Industrial Building”** means a building or use of land used for industrial purposes where dangerous or offensive processes are carried out. A Special Industrial Building shall include a premises where the following activities take place: Chemical works, dye works, manure, super phosphate, or fertilizer works or stores; tanning and leather-dressing works; works or premises used for storing, drying preserving or otherwise dealing with bones, horns, hoofs or hides, knackers- yards; glue or size factories; soap and candle works; fat—melting or tallow-melting works and any similar works or establishment for dealing with meat, bones, blood, offal, horns, boots, or other animal organic matter; wattle-bark (grinding or extracting) works; brick burning and lime burning works; breweries and distilleries; sugar mills and sugar refineries; fish canning works; bacon factories, sausage factories and similar works; gut scraping works; tripe-cleaning or tripe-boiling works; and destructors.
80. **“Tavern”** means a building in which the onsite consumption of liquor is legalized by means of the National Liquor Act (No. Act 59 of 2003) and subsequently granted a liquor licence in terms of the KwaZulu-Natal Liquor Licensing Act (No. Act 6 of 2010) and may include a restaurant, café, bar or pub designed and used for the preparation and or retail trade of meals, refreshments and liquor and may in addition also mean the retail sale of cold drink and smoking requisites, but excluding a hotel, residential use and drive in restaurant. It may include a place of amusement. It may not interfere with the amenity of surrounding properties or be of nuisance value by virtue of noise, appearance, dust, smell, activities or for any other reason whatsoever.
81. **“Telecommunication infrastructure”** means, but is not limited to, any one or more of the following:
- (a) antenna support structure including any solid or lattice structure, mast pole, monopole, guyed tower, lattice tower, freestanding tower or other structure designed and primarily used to support antenna;
 - (b) antenna structure including any system of wires, poles, rods or similar devices, used for the transmission or reception of electromagnetic waves, attached to a building or a mast, and includes cabling between the equipment room and the antenna;
 - (c) base station site including the land, antenna support structure, and all associated infrastructure such as antenna, microwave dish, equipment room and access road;
 - (d) equipment room including a structure to house cellular telecommunication equipment associated with an antenna support structure and/or antenna; which may be separated building used exclusively for the equipment, or a container, or a room or rooms within a building with another predominant use;
 - (e) microwave dish including any device incorporating a reflective surfaced that is solid, open mesh, or bar configured that is the shape of a shallow dish, cone, horn or other, and is used to transmit and/or receive electromagnetic waves.
82. **“Utility Facility”** means land or buildings used for the provision and maintenance of essential infrastructural services such as service roads, rail, sewer, water, electricity, gas, telecommunications infrastructure, public lighting and stormwater control and other services deemed necessary by the Council, and may include a water reservoir, dam, waterworks, electrical substation, telephone exchange, postal collection points, weigh bridge, servitudes for the provision of services and conveyers, etc.
83. **“Veterinary Purposes”** means the use of land and/or buildings for medical treatment of domestic animals, and the short term boarding of animals’ incidental to the hospital use. It may include a grooming parlour and retail outlet restricted to the sale of veterinary and animal maintenance products. Subject to the approval of the Council, the facility may include the treatment of any other animal.
84. **“Warehouse”** means a building used for storing goods, which are not dangerous, noxious or unsightly, before distribution to retailers, but does not include a store for good normally incidental to a shop, business premises or another building. It includes wholesale trade and may also include ancillary office accommodation, which is

subsidiary to the main use, but excludes any retail trade on the property of such building, unless the Consent of the Municipality has been given.

85. **“Waste Transfer Site”** means an area of land, with or without buildings, that may be licensed under relevant legislation for the temporary accumulation and storage of more than 35m³ of garden and domestic waste and which may include the separation and processing of domestic waste materials for eventual reuse or final disposal at a landfill site, but excludes a sewerage treatment works.

3 ADMINISTRATION OF THE SCHEME

3.1 Application of the Scheme

- (1) At any time after the effective date of this scheme, no person shall:-
 - (a) erect a new building, or alter or add to an existing building or carry out any other proposed work, or
 - (b) 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
 - (c) use any building or structure erected after such date for a purpose or in a manner different from the purpose for which it was erected until he has first applied in writing to the Municipality for approval from Council to do so and the Council has granted its written Approval thereto either with or without conditions.
- (2) After the date of adoption, no person shall erect or extend a building or institute work which is not in conformity with the provisions of the Scheme relating to the erection and use of buildings and use of land.
- (3) No person shall use or cause to be used any building or portion thereof for any use other than that for which it has been lawfully erected unless such building has been altered for any proposed new use and any necessary Consent or approval of the Council has first been applied for and obtained.
 - (a) Whenever the Council grants its Consent for the use of land, the erection or use of a building for a particular purpose or purposes, such land or building shall not be used for any other purpose or be extended without the further Consent of the Council.
- (4) No land in any use zone may be used for the purpose of the deposit or disposal of waste material or refuse, tipping, dumping, scrap yard, motor graveyard, used car lot, or any other similar purpose until the owner or his duly authorised representative has applied for and received the written approval of the Council.
- (5) Ordinary applications under the Bylaws/Regulations shall be sufficient notice for the purpose of administering the Scheme; provided that the Municipality may call upon persons making such applications to provide any additional information or plans which are considered relevant to the evaluation of such application. 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.

3.2 Erection, Use of Land and Buildings

- (1) No person shall erect, alter or add to any building without applying to and obtaining the permission of the Municipality.
- (2) The use of buildings and land is restricted by the provisions of the specified use zone in which the lot is situated, which stipulates that:-
 - (a) **Permitted Uses:** This category includes land uses that are considered to be compatible with the surrounding land uses. A building plan should be submitted to the Council for approval.
 - (b) **Consent Uses:** This category includes ancillary uses that might have a more intrusive impact and may require special conditions to protect the amenity of the area or mitigate the impact of the proposed use. This procedure involves giving public notice, and the Municipality at its discretion, may impose conditions in granting an approval for Consent.
 - (c) **Prohibited Uses:** This category includes land uses which are considered to be incompatible with the surrounding land uses, and which the Municipality is precluded from considering. The proposed change in land / building use may only be considered with an application for a rezoning or scheme amendment in terms of Chapter 2, Sections 9 to 16 of the KwaZulu-Natal Planning and Development Act No. 6 of 2008.
- (3) Notwithstanding the provisions of this scheme, all categories / types of development as defined in Section 38(3) of the Act shall not be subjected to Council approval.
- (4) Notwithstanding the provisions of **sub-clause (3)**, all infrastructure developments not listed as projects in the Municipal Integrated Development Plan shall be subject to an application in terms of the relevant section[s] of the Act, and subsequently obtain authorisation from any other relevant authority[s] and approval of Council prior to the commencement of development.

3.3 Building Restrictions and the Use of Land

The types of building and land uses shall be as defined in **Clause 2.2 – Land Use and Development Definitions**.

3.4 Application Procedure for the Use and Development of Land

- (1) Applications shall be made in writing to the Municipal Manager, shall contain all information required by the Act and the Municipality and may be subject to an application fee.
- (2) The Municipality may refuse to accept an application which:
 - (a) is incomplete¹
 - (b) lacks any prerequisite approval(s)
- (3) In such cases defined in sub-clauses (2)(a) and (2)(b), the Municipality shall inform the applicant to resubmit a complete application, and provide the applicant with a description of the necessary information which must be submitted as a complete application in terms of **Schedule 1, items 3 and 4** of the Act.

3.4.1 Council Approval for the Use and Development of Land

- (1) The validity of any written approval obtained from the Council shall be as follows:-
 - (a) any approval granted by Council for subdivision and consolidation shall remain valid from the date of granting of such approval; and;
 - (b) any approval granted by Council for development outside of the scheme shall remain valid for 5 years from the date of granting such approval.
- (2) Notwithstanding **sub-clause (1)(a)**, the written approval of the Council shall lapse as contemplated in Section 39 of the Act.
- (3) Notwithstanding **sub-clause (1)(b)**, the written approval of the Council shall lapse as contemplated in section 49 of the Act.
- (4) Where an appeal has been lodged in respect of a Council's decision, any decision, order or authorization given by the Appeal Tribunal in terms of the KwaZulu-Natal Planning and Development Act and as confirmed or altered on review due to any other relevant legislation, shall be a valid approval granted by the Council.
- (5) The Municipality shall within 28 days from the date of decision of the Appeal Tribunal, inform all parties who submitted representation on the Council's decision on the said application, of the revised approval.

¹ A complete application is as contemplated in Schedule 1, item 2 of the Act.

4 GENERAL CONTROLS

4.1 General Development and Design Guidelines Applicable to all Land Use Zones

- (1) Open spaces, environmentally sensitive areas and heritage resources shall be properly identified and conserved, among others, within the context of the Mkhambathini IDP, the Umgundundlovu SEA and SEMP, the Umgundundlovu Biodiversity Plan as well as within the context of the Land Use Zones allocated in this Scheme.
- (2) For civic and social buildings, the design should be such that access is easy and welcoming with appropriate shady waiting areas for those buildings where such is necessary.
- (3) Education facilities should be designed and landscaped with the idea of promoting social interaction and the well-being of those using the buildings and facilities.
- (4) Where possible the development of commercial and other types of land uses in Mixed Use Zones should be done in a way that adds to the amenity and aesthetic value of the area.
- (5) Public spaces must be planned in a way to preserve an “open-market” atmosphere with appropriate landscaping and urban design elements.
- (6) While dwellings on larger properties will allow for private open space and gardens, it is also important to landscape the streets and public areas to enhance the value of the land use zone and increase its attraction.
- (7) Quarrying and mining shall be subject at all times to the provisions of the relevant environmental and mining legislation relating to the establishment, operation and decommissioning of quarrying and mining operations and the use of land within and around quarries and mining areas.

4.2 Environmental Requirements Applicable to all Land Use Zones

- (1) No development shall be permitted in environmentally sensitive areas including but not limited to flood plains, watercourses and wetlands, except within the zones of Utilities and Services, Existing and Future Roads, and Existing and Future Movement Corridors.
- (2) Notwithstanding the wetlands identified on the Scheme Map, the following provisions shall apply:
 - (a) Any developments within or adjacent to wetlands and watercourses, either identified or not identified on the Scheme Map 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 Clause 2.1, unless Environmental Authorisation has been issued for such activities.
 - (c) 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.
- (3) In considering any application for development of land situated within a scheme area in terms of Section 17 and Chapter 4 of the Act, it shall be the duty of the Municipality to ensure wherever it is considered appropriate, that adequate provision be made for protection of environmentally sensitive areas, by means of conditions 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.
- (4) Where any development which through an Environmental Authorisation or an Environmental Screening Process, identifies an area as environmentally sensitive, such area[s] shall be zoned as Private Open Space or Conservation, either of which may seem appropriate.

4.2.1 Environmental Requirements Applicable to “Listed Activities”

- (1) Notwithstanding the provisions of this Scheme, any development or land use activity which is included as a “Listed Activity” in terms of the National Environmental Management Act No. 107 of 1998 as amended shall be subject to an Environmental Impact Assessment as part of an application to obtain Environmental Authorisation from the relevant authority.
- (2) An Environmental Impact Assessment shall be undertaken in the manner prescribed in the Environmental Impact Assessment Regulations of the National Environmental Management Act No. 107 of 1998 as amended (see Appendix 1a).
- (3) Environmental authorisation shall be obtained from the relevant authority prior to the submission of any application for development to the Municipality.

- (4) The Municipality shall at its discretion, include all conditions or part thereof contained in the Environmental authorisation referred to in **sub-clause (3)** to its conditions of approval issued in terms of the Act.

4.2.2 Environmental Requirements Applicable to Environmentally Sensitive Areas

- (1) Notwithstanding the provisions of this Scheme, the Municipality, shall at its discretion, request an applicant to provide an Environmental Screening Report for any development or land use activity on any site or portion thereof which it considers to be an environmentally sensitive area or in an area identified as being critical for biodiversity conservation (see **Appendix 1b**).
- (2) The Environmental Screening Report as mentioned in sub-clause (1) 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 identify 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
- (3) The Environmental Screening Report shall be included as part of an application submitted to the Municipality else such application shall be deemed incomplete.

4.2.3 Requirements Applicable to Water Quality Environmental Control Zones (ECZ)

- (1) Only activities that can demonstrate how they would not further compromise water quality and that would result in positive impacts on water quality shall be undertaken within Water Quality Environmental Zones (see **Appendix 2** for Land Use Guidelines for Water Quality Environmental Zones);
- (2) All activities must make use of advanced effluent management and treatment systems within any identified ECZ.
- (3) If a development is proposed within an ECZ, studies must be undertaken to delineate the occurrence of wetlands and access to the functionality of any wetland areas on the site or in close proximity of the site, as is the requirement outside of an ECZ at the discretion of the relevant authorities;
- (4) Site specific development buffers around delineated wetlands and watercourses, in excess of general standards, shall be established within which development shall not be allowed to encroach;
- (5) Development shall not encroach within 100 metres of the full supply level of the main water supply dams or within the 100 year flood line (whichever is larger), unless exceptional circumstances permit.

4.3 External Appearance of Buildings

- (1) The character, design and external appearance of buildings, including the material used in their construction, shall be subject to the approval of the Municipality, and no building may be erected without the approval of the Council.
- (2) In considering any application, the Municipality shall have regard to the character of the locality in which it is proposed to erect such building and shall take into account whether or not the building will be injurious to the amenity of the locality by reason of its external appearance or the materials it is proposed to use.
- (3) Any person intending to alter, extend or erect a building shall submit drawings to the Municipality as set out in **sub-clause (1)** with whatever other indications the Municipality may require, showing the external appearance of the proposed building together with a description of the materials to be used.
- (4) The Council shall approve the application within the time period as stipulated in Section 7(1) of the [NATIONAL BUILDING REGULATIONS AND BUILDING STANDARDS ACT \(No. 103 OF 1977\) AS AMENDED](#) either unconditionally or subject to such conditions, or it may refuse to grant the application on the grounds that the external appearance of such building is unacceptable.
- (5) Any applicant aggrieved by any decision in terms of **sub-clause (4)** hereof shall have the right of appeal to the Appeal Tribunal.
- (6) The Council approval granted in **sub-clause (4)** shall lapse 12 months from the date of granting of such approval as stipulated in Section 7(3) of the [NATIONAL BUILDING REGULATIONS AND BUILDING STANDARDS ACT \(No. 103 OF 1977\) AS AMENDED](#).

4.3.1 Approval of Building Plans

- (1) For the purpose of securing the approval of Council in terms of **Clause 4.3(4)**, the following documents shall be lodged with the Municipality;
 - (a) Five (5) copies of drawings showing the elevations facing any National or Provincial Highway, railway line, street, or access way, together with side and rear elevations; the drawings shall be to a scale not less than 1:100 or in the case of projects too large to be shown conveniently to this scale, a scale of 1:200 will be acceptable; fences, gates and boundary walls being deemed to form part of the elevation for the purpose of this clause.
 - (b) All drawings shall be coloured and presented in such a manner as will clearly indicate the finished appearance of the proposed building or alterations or additions, and, if so required, supplemented by plans and sections to indicate the true intent and meaning of the elevations.
 - (c) A Block Plan to a scale not less than 1:500 indicating the siting of the buildings on the lot, the position of any existing buildings on the adjoining lots, and servitudes, building lines and rights-of-way to which the erf is subject.
 - (d) Five (5) copies of the brief schedule, specifying the general construction and finishes of the proposed building, alterations or additions on the erf.
- (2) The approval by the Council of the design and external appearance of the proposed buildings, additions or alterations shall not be deemed to be 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.

4.3.2 Site Development Plans

- (1) The Council may from time-to-time for the purpose of the coordinated allocation of land use rights and restrictions as contemplated in this Scheme and as a requisite for development, instruct prospective owners/developers to submit within a specified period of time to Council, site development plans in respect of a specific area.
- (2) Any site development plan shall, as may be requested by Council and to its satisfaction, acknowledge recommendations stemming from previous or current research conducted at Mkhambathini Municipality.
- (3) The Site Development plans shall amongst others provide for but not be limited to:
 - (a) a to-scale drawing of the site/s, building lines applicable, town planning bulk factors and controls (Floor Area Ratio, Coverage and Height factors), existing services, existing and proposed servitudes, etc.
 - (b) the design and layout of proposals including details as to the functioning thereof;
 - (c) a programme of development;
 - (d) an Environmental Management Plan;
 - (e) landscaping proposals;
 - (f) slope analysis
 - (g) details of and programme for the provision of essential services including storm water, sewerage

- disposal, pollution control, electricity and solid waste disposal;
- (h) traffic engineering details on the vehicular and pedestrian elements thereof, their implementation and management;
 - (i) details as to the project management ownership, mechanisms, control and monitoring through construction phases till project completion.

4.3.3 Siting of Buildings and Access Points

- (1) The siting of any buildings intended to be erected or the development or use of any land shall be subject to the approval of the Council and persons intending to erect buildings or use land shall, before commencing, apply to the Municipality for approval of the siting, use or development.
- (2) In respect of any application to develop a lot, the Municipality may determine the position and number of vehicular or pedestrian points of access and may, if it deems fit, prohibit pedestrian or vehicular access across any boundary or boundaries and require that a suitable fence or wall be erected to prevent such access.

4.4 Parking and Loading Accommodation

- (1) The following provisions shall apply in respect of loading and parking in the Scheme unless otherwise stated:
 - (a) Any person intending to erect, alter or extend a building or develop or use any lot, shall provide loading and parking accommodation within the boundaries of the erf and shall submit proposals therefore in accordance with the provisions of this Scheme.
 - (b) Car space or parking accommodation means a parking bay of dimensions not less than 5,5 x 2,5 metres and shall be surfaced and clearly marked to the satisfaction of the Municipality. In addition, there shall be provided adequate space for vehicular access and manoeuvring to the satisfaction of the Municipality.
 - (c) In instances where parking and loading requirements have not been specified in the Scheme for a particular zone, the Municipality shall to its satisfaction, determine the number of parking spaces and loading requirements, having regard to the nature of the proposed development, the number of employees likely to be on the site, the prevention of the obstruction of roads and streets, and the orderly and proper planning of the locality and the preservation of its amenities, but not limited to the aforementioned.
 - (d) Except with the prior approval of the Municipality, no person shall bring onto any premises of a dwelling unit or cause or allow to be present thereon any public motor vehicle or trade vehicle, heavy or extra heavy vehicle for a period exceeding two hours, except for bona fide purposes of delivering or supplying goods or services to such premises. For the purposes of this clause, the expressions 'public motor vehicle', 'trade vehicle', 'heavy and extra heavy vehicle' shall have the meanings assigned thereto by the National Road Traffic Act, 1996, No. 93 of 1996 together with any schedule thereto, regulations made thereunder and amendment thereof.

4.4.1 Parking and Loading Accommodation for Industry Zones

- (1) For every industrial building, there shall be provided on the erf sufficient accommodation for parked cars, calculated on the number of persons engaged in the business, including management, office staff and factory employees, as follows:
 - (a) up to 25 persons employed, 1 car space for every 4 persons or part thereof;
 - (b) thereafter, for the next 25 persons, 1 car space for every 5 persons or part thereof;
 - (c) thereafter, for any further number of persons, 1 car space for every 10 persons or part thereof.
 - (d) There shall be in all cases a minimum of 2 car spaces and, in addition to the foregoing, there shall be provided on the erf to the satisfaction of the Municipality, a further parking and turning space for every commercial vehicle used for the benefit of the industry and a loading and unloading area with suitable access.

Provided that:

- (i) in respect of employees who do not use private motor vehicles the Municipality may relax the above requirements; and
- (ii) the Municipality may at any time vary the foregoing requirements if the character or type of manufacturing or processing activity being conducted on the site is changed or altered to an extent which, in the opinion of the Municipality materially alters the number and type of vehicles attached

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

- (iii) In addition to the above there shall be provided adequate space for vehicle access and manoeuvring to the satisfaction of the Municipality.
- (2) Where in any building the area set aside for the parking or garaging of vehicles exceeds the minimum requirements by more than 50 per cent, any such excess in area shall be taken into account when calculating the permitted floor area for that building.
- (3) A betting depot shall be required to provide 15 car spaces.

4.4.2 Parking and Loading Accommodation for Parking Sites and Parking Garages

- (1) The following provisions shall, in addition to any other relevant provision of the Scheme, be applicable to all Parking Sites and Parking Garages which may be used for parking purposes only.
 - (a) no building other than a parking garage, and carwash facility shall be permitted.
 - (b) the surface of all areas used for parking of motor vehicles and access roads shall be hardened, and if required by the council, paved or surfaced or sealed and maintained in a dust free condition to the satisfaction of the council.
 - (c) points of ingress to and egress from parking sites, from and to, respectively, the public street system shall be sited, constructed, paved and maintained to the satisfaction of the council.
 - (d) the dimensions and layout of parking spaces on parking sites shall conform to the minimum standards as determined by the municipality.
 - (e) all parking garages within the area of the scheme shall conform to the standards and dimensions as determined from time to time by the municipality.
 - (f) entrances to and exits from all parking garages from and to, respectively, the public street system shall be sited, constructed, paved and maintained to the satisfaction of the council.
 - (g) parking sites and parking garages shall be provided with interior lighting to the satisfaction of the council.
 - (h) precautions shall be taken on parking sites and parking garages against the outbreak of a fire and firefighting apparatus shall be installed and maintained to the satisfaction of the Council.

4.5 Development Bulk Factors and Erf Control

4.5.1 Floor Area Ratio, Coverage and Height

- (1) In any zone as set out in the land use tables under **Clause 6**, no building shall be erected which will exceed in floor area ratio, coverage or height of the maximum figures permitted for that zone.
- (2) 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, except as provided in **Clause 4.4**.
 - (ii) garages, carports, swimming pools, squash courts and tennis courts where they are for private use only;
 - (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 petrol filling stations, the unwallled access ways and driveways covered by canopies; and
- (3) Only roofed or covered areas are included in the coverage.

4.5.2 General Erf Controls

- (1) The following provisions are applicable for any zone:
 - (a) The Municipality may increase the minimum erf sizes specified in this Scheme where, in the Municipality's opinion, the method used for the disposal of sewage warrants such an increase or where a site has any of the characteristics as in **Clause 5.1(1)(a)**. In such instances, the provisions of **Clause 5.1** and any other relevant additional controls in the Scheme shall apply.
 - (b) The erf area in any zone is exclusive of access ways in "hatchet-shaped/Panhandle" erf.

5 ADDITIONAL CONTROLS APPLICABLE TO ZONES AND / OR LAND USES

5.1 Restrictions to Development on Critical Areas

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

(a) No subdivision of land shall be permitted:

- (i) where 65% or more of the area of the proposed subdivision is steeper than 1:3; and
- (ii) where the land is unsuitable for development due to such characteristics, but not limited to soil instability, liability to flooding, inaccessibility or topography; slopes steeper than 1:3, wetlands, soils of high erosion and mature stands of indigenous vegetation

unless the Municipality is of the opinion that sufficient remaining area exists for development in terms of the zoning of the land, including the provision of adequate vehicular access on the proposed subdivision.

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

- (i) all areas of the site which are steeper than 1:3; and
- (ii) all areas of the site which are found to be unsuitable for development as described in **sub-clause (1)(a)(ii)**.

5.2 Applicable Controls to Specific Uses and Development in a Residential Only Detached Zone

5.2.1 Controls applicable to a Bed and Breakfast Establishment

(1) Notwithstanding any applicable clauses to the Residential Only Detached zone, nothing in this scheme shall prohibit or restrict the conversion of part of the main dwelling house or outbuilding for use as a bed and breakfast establishment on an erf in excess of 2000m², provided that the Consent of the Municipality had been obtained in terms of Section 67 *bis* of the Ordinance (No. 27 of 1949), and such Consent shall contain the following conditions:

- (a) that the building shall retain the external appearance of a dwelling house, such bed-and-breakfast facilities either forming part of the existing dwelling house or being attached to the main dwelling so that if its use as a bed and breakfast/guest house ceases the use of the building shall revert to that of a dwelling house;
- (b) A maximum of 50% of letable rooms shall be retained for private home use;
- (c) the activity or use shall not occupy more than three (3) habitable rooms with a combined floor area subject to a maximum floor area of 75m².
- (d) that the owner be resident on the site;
- (e) the only meal that shall be available is breakfast which shall be served each morning of the guest's stay;
- (f) that the accommodation of motor vehicles on the lot shall be as follows:
 - (i) one (1) parking bay per guest room;
 - (ii) two (2) parking bays for the owner-occupier;
 - (iii) parking provision shall be such that motor vehicles must be able to enter and leave the property in a forward direction;
 - (iv) such parking shall be located to the rear of the dwelling, where possible;
 - (v) the site including the parking area shall be landscaped and maintained at all times to the satisfaction of the Municipality
- (g) that a maximum of 2 guests shall be permitted in each guest room;
- (h) that all health, fire, and national building regulations shall be complied with, along with the approval by the Municipality;
- (i) that the bed and breakfast establishment must be registered with Tourism-KwaZulu-Natal.
- (j) applicants for bed and breakfast establishments shall adhere to the planning controls of the respective authority including:
 - (i) satisfying the responsible authority that an application does not conflict with existing title deed restrictions or conditions;

- (ii) complying with the Advertising and Signage Bylaws of the Municipality which shall be limited to a sign not larger than 600mm by 450mm and which indicates the nature of the activity and shall be compliant with the character of the dwelling;
- (iii) compliance with the requirements of the respective authority with regard to rear or other lighting complying with the by-laws of the respective authority;
- (iv) that a register of all guests be kept;
- (v) that a sewage disposal system be provided to the satisfaction of the Municipality, and, where disposal is by means of septic tanks and french drains, a geo-technical report on the site shall be required by the Municipality;
- (vi) that the Municipality may impose whatever other conditions it considers necessary to protect the amenities of the neighbourhood, provided that, if it is subsequently found that there is in fact an interference with the amenities of the neighbourhood, it may impose further conditions or call upon the owner and/or occupants to cease the use.

5.2.2 Controls applicable to Additional Self-contained Dwelling Unit

- (1) The Municipality may grant its Consent to the erection of an Additional Self-contained Dwelling Unit in the Residential Only Detached zone provided that:
 - (a) no site on which an Additional Self-contained Dwelling Unit is to be erected shall be less than 2000m² in extent;
 - (b) a single Additional Self-contained Dwelling Unit may only be erected on a Site where a dwelling house is already in existence;
 - (c) the gross floor area, excluding a garage shall not exceed 60m²;
 - (d) the gross floor area of a garage shall not exceed 20m²

5.2.3 Controls applicable to Home Business

- (1) The operation of a Home Business shall comply with the following conditions, to the extent that they may be applicable:
 - (a) the area to be utilized for the home business shall not exceed 30% or a maximum of 40m², inclusive of storage areas (whichever is the lesser) of the existing area of dwelling house existing on the erf, and the predominant use shall remain residential;
 - (b) the dwelling house or dwelling unit in which the home business is carried on must remain residential in appearance and character, and must at all times, comply with the definition of dwelling house;
 - (c) on-site parking and loading facilities related to the activity being carried out shall be provided to the satisfaction of the Municipality;
 - (d) the hours of operation shall be to the satisfaction of the Municipality, and shall be specified in the Consent granted;
 - (e) the home business must only be operated by a person who is the bona fide resident in the dwelling house or dwelling unit, and such person may not be assisted in the business by not more than two people;
 - (f) no external advertising shall be permitted on the site except for one non-illuminated sign on each road frontage, and each sign shall not exceed 0,20m² in area;
 - (g) storage of goods and equipment shall be within the area designated for that purpose on the plan which is to accompany the application for Consent, detailing the area to be used for the business as well as any portion of that area in which goods or equipment will be stored;
 - (h) only one light delivery vehicles may be used for the delivery to dispatch goods or supplies;
 - (i) after the granting of such Consent by Council, the municipality may at any time impose any further condition it deems reasonably necessary in order to preserve the residential amenity of the area, or it may withdraw the Consent if, in its opinion, the amenities of the neighbourhood are being adversely affected by the activities of the business;
 - (j) if the use is discontinued for the period of 18 months, the dwelling house, insofar as it may have been altered for that purpose, must be restored to its original state to the satisfaction of the Municipality.

5.3 Additional Provisions for Medium Density Housing

- (1) The applicant shall submit to the Municipality for its approval:
 - (a) a layout plan or plans showing, where applicable;
 - (i) the position, dimensions and materials to be used in the construction of all roads, driveways, parking areas, squares and pedestrian access ways, if any;
 - (ii) the boundaries of all dwelling unit curtilages, private open areas and common open spaces;
 - (iii) the position, nature, extent and levels of all proposed and existing buildings on the site and adjoining sites;
 - (iv) the proposed landscaping of the site;
 - (v) the proposed public open space;
 - (vi) the position and nature of recreation facilities, if any;
 - (vii) the position and extent of all utility areas.
 - (b) a set of sketch drawings prepared by an architect at a scale of 1:100 showing the plans, sections and elevation of each type of structure within the proposed development and particulars of the materials and colours to be used for the exterior wall finishes and roof or roofs; together with both front and rear elevations of each typical group of dwelling units at a scale of 1:100 or 1:200;
 - (c) a table indicating:
 - (i) the total area of the site;
 - (ii) the total number of dwelling units;
 - (iii) the total floor area;
 - (iv) the total number of car parking spaces provided for visitors and for residents;
 - (v) the extent of the usable common land, the smallest private open area, the smallest dwelling unit curtilage and the smallest utility area;
 - (vi) the areas of public open space and other public uses where applicable;
- (2) The following minimum areas per dwelling unit shall apply to a Residential Only Medium Density site:
 - (a) Private Open Area = 30m²
 - (b) Usable Common Open Area = 50m²
 - (c) Utility Area = 15m²
 - (d) The minimum floor area of a garage or carport shall be 18m²
- (3) Where in the opinion of the Municipality, a road within a Medium Density Housing site shall serve the public; the Municipality may require the road to be registered as a public road, provided that for the purpose of bulk and coverage calculation, the area of the public road shall be included in the gross site area.
 - (a) The minimum width of a road carriageway within a Medium Density Housing site shall be 3 metres where the carriageway is one-way and 5.5 metres where the carriageway is two-way.
 - (b) Situated at the end of every *cul-de-sac* there shall be provided turning space to the satisfaction of the Municipality.
- (4) In the event of the different dwelling unit curtilages being transferred in freehold or registered leasehold title, the Municipality shall require that:
 - (a) the common land shall be owned exclusively by the freehold or registered leasehold owners of the dwelling units in co-ownership; and
 - (b) no co-owners shall be entitled to require the partition of the common land according to the proportion of his share.
- (5) For the administration and management of a Medium Density Housing development:
 - (a) a Home Owners' Association shall be established. Such Association shall administer and maintain the common land, control the external appearance of buildings within the Residential Only Medium Density site and deal with any other matter pertaining to the Residential Only Medium Density site which is of common interest to its members. The affairs of the Association shall be regulated by a memorandum and Articles of Association. The Memorandum and Articles of Association shall have been submitted to the Municipality who shall have certified that it has no objection to these documents;
 - (b) no dwelling unit curtilage within the Medium Density Housing site or within any portion of the site specified by the Municipality shall be transferred or separately registered before the whole Medium Density Housing site or the specified portion of the Residential Only Medium Density site within which the curtilage is situated has been developed to the satisfaction of the Municipality.
- (6) Notwithstanding the requirements in **sub-clauses (1) to (4)**, wherever it is intended to develop a site for Medium Density Housing in a Residential Only Detached zone:
 - (a) the Consent of the Municipality shall first be obtained;
 - (b) the maximum number of dwelling units which may be established for Medium Density Housing shall be

obtained by dividing the registered surveyed area of the property concerned by the appropriate minimum lot area per dwelling house as specified in [Clause 6.2.1](#) and rounded off to the nearest whole number.

5.4 Use of Hotels for Certain Purposes

(1) The Municipality may permit any one or more of the following shops or activities, viz:

- Hairdressing salons;
- Bookshops or newsagents;
- Florists;
- Curio shops;
- Theatre Booking agents;
- Bank agents;
- Travel agents;
- Vending machines;

to be established:

- (a) in any hotel graded by the Tourism Grading Council of South Africa as a five-star, four-star or three-star hotel in terms of the Tourism Act (No. 72 of 1993) or which, according to the nature of the accommodation and service provided therein, and its situation, is in the opinion of the Municipality, likely to be graded as such;
- (b) by Consent in any hotel other than those referred to in sub-paragraph (1) hereof; provided that no external advertising of any shop or activity shall be permitted and access thereto shall be gained only from within the hotel.
- (c) The Municipality may, by Consent and when it is of the opinion that there will be no interference with the amenities of the neighbourhood, authorize, in terms of this scheme, the establishment of a bottle store in any licensed hotel premises.

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

- (1) Where separate entrance and exit are provided they should be placed at or near the end of a frontage of not less than 36 metres.
- (2) No Garage or Petrol Filling Station shall be established upon any lot unless, in the opinion of the Municipality it has adequate depth so as to enable all activities are to be carried on clear off the street.
- (3) Filler points for underground tanks shall be sited so as to make it possible for tanker vehicles to stand wholly within the curtilage of the erf when recharging the tanks and for such vehicles to enter and leave the erf in a forward direction.
- (4) The minimum sight distance along the road should be 120 metres. Sight distance shall be measured from the entrance or exit as the case may be, height or eye being 1.37 metres, to an object 1.37 metres high.
- (5) No traffic generator should be permitted with entrance from or exit to a street whose gradient is steeper than 1 in 8, and no access ramp should be steeper than 1 in 10.
- (6) Outside an urban area as defined in the Advertising on Roads and Ribbon Development Act No. 21 of 1940, buildings should be sited at least 36 metres from the nearest point of the road reserve of any main road.
- (7) Pump islands in a petrol filling station should not be less than 5 metres from the property boundary and all traffic routes within the forecourt shall have a minimum width of 5 metres.
Dwarf walls or other permanent structures satisfactory to the Municipality shall be erected on the street frontage of the site so as to confine the movement of vehicles into or out of the Garage or Petrol Filling Station to authorised access points.

5.6 Applicable Restrictions to an Industrial Building

(1) Notwithstanding the definition of "factory" in [Clause 2.2](#), a factory shall not include:-

- (a) Any premises on which fewer than three persons perform work in any activity referred to in [Clause 2.2 \(29\)](#) unless:
 - (i) mechanical power (other than for ordinarily lighting purposes) is used in the activity conducted on such premises, whether such power is derived from steam, electricity, gas, liquid or from any other source;
 - (ii) such premises have been registered as a factory under Section 13 of the ;
- (b) Premises on which any retail activity shall occur is only incidental to the conduct of a business engaged

- mainly in the sale of goods by retail;
- (c) Premises on which any activity is only incidental to the conduct of a business engaged mainly in the sale of goods by wholesale;
 - (d) Any mine or works defined in terms of a valid legislation that may become law from time to time;
 - (e) Private houses, hotels, boarding houses, restaurants, refreshment or tea rooms or eating houses in respect of any activity referred to in **Clause 6.4** which is ordinarily and necessary incidental to the conduct of such establishment.
 - (f) Premises used temporarily and exclusively for the carrying on of any activity connected with the construction, alteration, renovation, repair or demolition of any building, bridge, road or irrigation work, or any other similar works;
 - (g) Premises (on a farm) on which a farmer, including a partnership or group of persons, other than a company performs work in any activity referred to in **Clause 6.4** solely in connection with products which he has produced on a farm occupied by him, or solely in connection with his farming operations; or
 - (h) A workroom in connection with a prescribed class of institution;
 - (i) The danger area of an explosives factory as described in the regulations made under the Explosives Act, 2003 (Act No. 15 of 2003)
- (2) For the purpose of this section, “power” does not include hand or foot power used to operate any mechanical appliance or power derived from machinery that is rated to develop not more than 0,7457 kw machine power.

5.7 Applicable Provisions for Telecommunication Infrastructure

- (1) The Council may consider an application for Consent to erect telecommunication infrastructure on an erf, or part thereof, and within any zone provided for in this Scheme.
- (2) When considering an application for Consent to erect telecommunication infrastructure, the Council shall consider the following objectives:
 - (a) to encourage co-location as a means of preventing unnecessary proliferation and duplication of such infrastructure;
 - (b) to minimize the visual impact of such infrastructure on the surrounding locality; and
 - (c) to avoid impact on lines of sight and any impact that the infrastructure may have on the responsibilities of the South African Civil Aviation Authority.
- (3) Council reserves the right to insist on the decoration of telecommunication masts/antennae if regarded necessary, as well as the possible relocation of and/or alterations to the mast by and at the expense of the applicant if the need arises.

5.8 Applicable Provisions for Special Zones

- (1) In general, the creation of Special Zones shall be discouraged.
- (2) Notwithstanding **sub-clause (1)**, in exceptional circumstances and where an existing zoning provided for in the Scheme does not accommodate existing or proposed buildings and land uses required, and where a scheme amendment may be impractical, Council may consider the creation of a “Special Zone”.
- (3) Such application for the creation of a special zone shall be properly motivated on its uniqueness and as to the reasons why a Scheme amendment is impractical, the reasons for the creation of the Special Zone, etc. and must be submitted in the prescribed format.

5.9 Advertisements and Signage

- (1) The Municipal bylaws pertaining to Advertisements and Signage shall apply.

6 URBAN LAND USE ZONES AND ASSOCIATED PROVISIONS

6.1 CIVIC AND SOCIAL

This group of zones covers a variety of public uses such as crèches, all levels of education, tertiary education facilities, clinics, hospitals, pension pay-out points, care facilities, places of safety, community halls, libraries, municipal offices, public buildings and places of worship.

Civic & Social: Summary of Zones and Land Uses

Land Uses P = Permitted C = Consent X = Prohibited ¹ = condition applicable to land use (see Zoning table)	CIVIC AND SOCIAL				
	Education	Health & Welfare	Administration	Worship	Cemetery
Advertising Billboard	C	X	X	X	X
Agricultural Building	C	X	X	X	X
Agricultural Land	C	X	X	X	X
Cemetery Purposes	X	X	X	X	P
Clinic	X	P	X	X	X
Community Facility	X	P	C	X	X
Crèche	P	C	C	P	X
Crematorium	X	X	X	X	C
Day Care Facility	P	P	X	X	X
Dwelling House	P	X	P ¹	P ¹	P ¹
Educational Building	P	X	P	X	X
Hospital	X	P	X	X	X
Institutional Building	C	C	X	C	X
Laundrette	C ¹	P ¹	X	X	X
Medical Centre	X	P	X	X	X
Medium Density Housing	C ¹	X	X	X	X
Municipal Purposes	X	P	P	X	X
Office - Public	C	P	P	C	X
Office Building	X	P	C	X	X
Parking Garage	X	X	C	X	X
Place of Instruction	P	X	X	X	X
Place of Public Assembly	P	X	P	P	X
Place of Worship	C	C	X	P	C
Private Recreation Area	P	X	X	P	X
Public Parking Area	X	C	X	X	X
Recreational Building	P	C	P	C	X
Residential Building	C ¹	P	X	C ¹	X
Restaurant	C ¹	P ¹	C	C	X
Restricted Building	X	C	X	X	X
Sanatorium	X	P	X	X	X
Shop	X	X	X	X	C ¹
All other land uses not included in this table are prohibited in these zones					

6.1.1 Education

Notation: 	STATEMENT OF INTENT: This zone makes provision for and development of the full range of infants and pre-primary, primary, secondary and tertiary educational facilities including adult education and training centres for the local and the broader community
---	---

LAND USE CONTROLS

Permitted Uses	Consent Uses	Prohibited Uses
26. Crèche 28. Day Care Facility 29. Dwelling House 30. Educational Building 59. Place of Instruction 61. Place of Public Assembly 63. Private Recreation Area 69. Recreational Building	2. Advertising Billboard 4. Agricultural building 6. Agricultural Land 44. Institutional Building 47. Laundrette ¹ 51. Medium Density Housing ¹ 55. Office - Public 62. Place of Worship 71. Residential Building ¹ 72. Restaurant ¹	Buildings and land uses not listed in the other two columns.

DEVELOPMENT CONTROLS

Height	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)
3	To the satisfaction of the municipality and the relevant Provincial Departments	50	1.5	7.5m	7.5m	7.5m

ADDITIONAL CONTROLS

Riders

- ¹Ancillary to a Permitted Use

Parking Requirements

- 1 parking space for every 4 pupils;
- 1 parking space for each teacher / staff;
- For every residential building, there shall be provided 1 garage or covered parking space for each dwelling unit. In addition, there shall be provided a suitable area for visitors parking at the rate of 1 car space for every 2 dwelling units, and a loading and unloading area with suitable access to the satisfaction of the Municipality.
- For every Office Building used for public purposes, there shall be provided a convenient area for parking accommodation for a minimum of 15 cars. Council shall at its discretion require further parking where necessary.

Erf Control

Nil

Minimum Frontage Requirements

- Except in special circumstances the minimum frontage for all erven shall be 22 metres and the width of the access way or a "hatchet-shaped" erf shall be a minimum of 4 metres throughout its length which length shall not exceed 65m. Where an erf is of an irregular shape or occurs in a cul-de-sac or change of road direction, the frontage on the street may, with the authority of the Municipality, may be less than 22 metres provided the proportion of the erf is in conformity with the ratio provision set out in (b) and provided also that the frontage on the street is not less than 4 metres.
- 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.

Exemptions

Nil

6.1.2 Health & Welfare

Notation: 	STATEMENT OF INTENT: This zone provides for the full range of public and private hospitals, medical centres, clinics, sanatoria, community care, welfare and social requirements including pension pay points.					
LAND USE CONTROLS						
Permitted Uses		Consent Uses		Prohibited Uses		
20. Clinic 23. Community Facility 28. Day Care Facility 41. Hospital 47. Laundrette ¹ 50. Medical Centre 52. Municipal Purposes 54. Office Building 55. Office – Public 71. Residential Building (restricted to accommodation of doctors and nurses) 72. Restaurant ¹ 75. Sanatorium		26. Crèche 45. Institutional Building 62. Place of Worship 66. Public Parking Area 69. Recreational Building 73. Restricted Building		Buildings and land uses not listed in the other two columns.		
DEVELOPMENT CONTROLS						
Height	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)
3	To the satisfaction of the Municipality and the relevant Provincial Departments	60%	1.0	7.5m	7.5m	7.5m
ADDITIONAL CONTROLS						
Riders						
1. ¹ Ancillary to a Permitted Use						
Parking Requirements						
1. For every residential building, there shall be provided 1 garage or- covered parking space for each dwelling unit. In addition, there shall be provided a suitable area for visitors parking at the rate of 1 car space for every 2 dwelling units, and a loading and unloading area with suitable access to the satisfaction of the Municipality. 2. For every Office Building used for public purposes, there shall be provided a convenient area for parking accommodation for a minimum of 15 cars. Council shall at its discretion require further parking where necessary. 3. The Municipality, at its discretion shall request a traffic report for any application as part of an application to Council.						
Erf Control						
Nil						
Minimum Frontage Requirements						
1. Except in special circumstances the minimum frontage for all erven shall be 22 metres and the width of the access way or a “hatchet-shaped” erf shall be a minimum of 4 metres throughout its length which length shall not exceed 65m. Where an erf is of an irregular shape or occurs in a cul-de-sac or change of road direction, the frontage on the street may, with the authority of the Municipality, may be less than 22 metres provided the proportion of the erf is in conformity with the ratio provision set out in (b) and provided also that the frontage on the street is not less than 4 metres. 2. Except in special circumstances the depth of an erf in relation to the frontage shall not exceed the ratio of 3 to 1 in proportion. 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.						
Exemptions						
Nil						

6.1.3 Administration

Notation: 	STATEMENT OF INTENT: This zone is intended for buildings erected and used for National, Provincial and Municipal administration and services.					
LAND USE CONTROLS						
Permitted Uses			Consent Uses		Prohibited Uses	
29. Dwelling House ¹ 31. Educational Building 52. Municipal Purposes 55. Office - Public 61. Place of Public Assembly 69. Recreational Building			23. Community Facility 26. Crèche 54. Office Building 57. Parking Garage 72. Restaurant		Buildings and land uses not listed in the other two columns.	
DEVELOPMENT CONTROLS						
Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)
3	UR	50%	2.0	7.5m	5m (Minimum relaxation to 2m)	5m
ADDITIONAL CONTROLS						
Riders						
1. ¹ For the purpose of this clause, only one dwelling unit of not more than 60m ² shall be permitted to accommodate a manager, foreman or caretaker.						
Parking Requirements						
1. 1 parking space for every 30m ² floor area or part thereof 2. For every building intended for office use there shall be provided 1 car space for each 65m ² or major portion thereof of gross office area. In addition there shall be provided on the erf a loading and unloading area with suitable access to the satisfaction of the Municipality. 3. For every office Building used for public purposes, there shall be provided a convenient area for parking accommodation for a minimum of 15 cars. Council shall at its discretion require further parking where necessary.						
Erf Control						
Nil						
Minimum Frontage Requirements						
1. Except in special circumstances the minimum frontage for all erven shall be 22 metres and the width of the access way or a "hatchet-shaped" erf shall be a minimum of 4 metres throughout its length which length shall not exceed 65m. Where a erf is of an irregular shape or occurs in a cul-de-sac or change of road direction, the frontage on the street may, with the authority of the Municipality, be less than 22 metres provided the proportion of the erf is in conformity with the ratio provision set out in (b) and provided also that the frontage on the street is not less than 4 metres. 2. Except in special circumstances the depth of an erf in relation to the frontage shall not exceed the ratio of 3 to 1 in proportion. 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.						
Exemptions						
Nil						

6.1.4 Worship

Notation: w	STATEMENT OF INTENT: This zone is intended for land and buildings to be used as a church, chapel, oratory, synagogue, mosque, temple, Sunday school, and other places of public devotion.					
LAND USE CONTROLS						
Permitted Uses		Consent Uses			Prohibited Uses	
26. Crèche 29. Dwelling House ¹ 61. Place of Public Assembly 62. Place of Worship 63. Private Recreation Area		45. Institutional Building 55. Office - Public 69. Recreational Building 71. Residential Building ² 72. Restaurant			Buildings and land uses not listed in the other two columns.	
DEVELOPMENT CONTROLS						
Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)
2	3600m ²	30%	0.5	7.5m	4.5m	4.5m
ADDITIONAL CONTROLS						
Riders						
1. ¹ For the purpose of this clause, only one dwelling unit of not more than 60m ² shall be permitted to accommodate a manager, foreman or caretaker.						
2. ² Ancillary to a Permitted Use						
Parking Requirements						
1. 1 parking space for every 4 seats.						
2. 1 parking space for every 15m ² floor area or part thereof for a Restaurant component.						
Erf Control						
1. The site of a Place of Worship shall not simultaneously be the site of one or more Dwelling Units provided that the Council may grant its approval to the erection and use of one or more Dwelling Units, upon such site, to be used in conjunction with the use of such site as a Place of Worship.						
Minimum Frontage Requirements						
1. Except in special circumstances the minimum frontage for all erven shall be 22 metres and the width of the access way or a "hatchet-shaped" erf shall be a minimum of 4 metres throughout its length which length shall not exceed 65m. Where a erf is of an irregular shape or occurs in a cul-de-sac or change of road direction, the frontage on the street may, with the authority of the Municipality, be less than 22 metres provided the proportion of the erf is in conformity with the ratio provision set out in (b) and provided also that the frontage on the street is not less than 4 metres.						
2. Except in special circumstances the depth of an erf in relation to the frontage shall not exceed the ratio of 3 to 1 in proportion. 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.						
Exemptions						
Nil						

6.1.5 Cemetery

Notation: C	STATEMENT OF INTENT: This zone is intended for public and private cemeteries, memorial parks and funeral chapel.					
Land Use Controls						
Permitted Uses		Consent Uses			Prohibited Uses	
19. Cemetery Purposes 29. Dwelling House ¹		27. Crematorium 62. Place of Worship 78. Shop ²			Buildings and land uses not listed in the other two columns.	
Development Controls						
Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)
2	As per Cemeteries and Crematoria Act*	5%	0.1	20m**	20m**	20m**
ADDITIONAL CONTROLS						
Riders						
<ol style="list-style-type: none"> ¹One dwelling unit of not more than 60m² may be permitted on a Cemetery site to accommodate a manager, foreman or caretaker. ²A shop may be permitted on a Cemetery Site provided it is restricted to the sale of items directly related to funerals and burials purposes such as flowers, grave stones and coffins. *All cemeteries shall comply with the KwaZulu-Natal Cemeteries and Crematoria Act (No. 12 of 1996) and Council's Cemetery Bylaws. Public conveniences shall be provided and maintained on the site to the satisfaction of Council and all cemeteries shall be fenced. 						
Parking Requirements						
Nil						
Erf Control						
Nil						
Minimum Frontage Requirements						
<ol style="list-style-type: none"> Except in special circumstances the minimum frontage for all erven shall be 22 metres and the width of the access way or a "hatchet-shaped" erf shall be a minimum of 4 metres throughout its length which length shall not exceed 65m. Where an erf is of an irregular shape or occurs in a cul-de-sac or change of road direction, the frontage on the street may, with the authority of the Municipality, be less than 22 metres provided the proportion of the erf is in conformity with the ratio provision set out in (b) and provided also that the frontage on the street is not less than 4 metres. 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. 						
Exemptions						
<ol style="list-style-type: none"> **The building line, side space and rear space shall only apply to graves. 						

6.2 RESIDENTIAL

This group of zones allows for a variety of residential uses accommodating a range of housing typologies. In this group of zones, the idea is to a large extent, retain a residential character. Ancillary uses may be permitted as considered contextually appropriate.

Residential: Summary of Zones and Land Uses

Land Uses P = Permitted C = Consent X = Prohibited ¹ = Condition attached to land use (see Zoning table)	Residential			
	Residential Only Detached	Residential Only Medium Density	General Residential	Small Holdings
Additional Self-contained Dwelling Unit	C	X	X	P
Agricultural Building	X	X	X	P
Agricultural Land	X	X	X	P
Art and Craft Centre	X	X	X	C
Bed and Breakfast Establishment	C	X	X	C
Boarding House	X	X	C	C
Conservation Purposes	X	X	X	P
Crèche	C	X	C	C
Day Care Facility	C	C	C	C
Dwelling House	P	P	C	P
Farm Stall	X	X	X	C
Guest Lodge	X	X	C	C
Home Business	C	X	X	C
Hotel (Licenced)	X	X	C	X
Laundrette	X	C	P	X
Medium Density Housing	C	P	P	X
Nursery Garden	X	X	X	P
Place of Instruction	X	X	X	C
Place of Public Assembly	X	C	C	X
Place of Worship	X	X	X	C
Private Recreation Area	X	C	C	P
Recreational Building	X	C	C	X
Residential Building	X	X	P	X
Restaurant	X	X	X	C ¹
Veterinary Purposes	X	X	X	C

All other land uses not included in this table are prohibited in these zones

6.2.1 Residential Only Detached

Notation:	STATEMENT OF INTENT: This zone promotes the development of primarily detached dwelling units, and a limited number of compatible ancillary uses, which have a non-disruptive impact on a neighbourhood amenity, may be allowed.					
LAND USE CONTROLS						
Permitted Uses		Consent Uses			Prohibited Uses	
29. Dwelling House		1. Additional Self-contained Dwelling Unit 12. Bed and Breakfast Establishment 26. Crèche 28. Day Care Facility 40. Home Business 51. Medium Density Housing			Buildings and land uses not listed in the other two columns.	
DEVELOPMENT CONTROLS						
Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)
2	1300m ²	30%	0.25	7.5m	2m	2m
ADDITIONAL CONTROLS						
Parking Requirements						
See Clause 4.4						
Erf Control						
<ol style="list-style-type: none"> Except in cases where any erf was in existence prior to the date of adoption, no erf within this zone shall be less than 1300m² in extent; No erf used for Medium Density Housing or a bed and breakfast establishment shall be less than 2000m². Where an existing erf in this zone has been reduced in area by the expropriation or alienation of land for road widening or construction purposes and for open space purposes, the Municipality may allow the erection of a dwelling house on the erf provided that the erf has not been reduced in area to less than 900m² and provided further that arrangements for the disposal of sewage have been made to the satisfaction of the Municipality. Except as provided in Clause 5.3(6), not more than one dwelling house shall be erected on any erf, provided that where the erf is 2600m² in extent or greater in a Residential Only Detached zone, one additional dwelling house may be erected on the erf provided the applicant has submitted to the Municipality and received approval for a drawing showing that the land on which the additional dwelling house will stand is capable of being subdivided so that the subdivision will conform to the provisions of the Scheme; and provided that the applicant furnishes the Municipality with an undertaking that any land required under the scheme for road construction or road widening purposes shall be transferred to the Municipality at dates to be determined by the Municipality. 						
Minimum Frontage Requirements						
<ol style="list-style-type: none"> Except in special circumstances, the minimum frontage for all erven shall be 22 metres and the width of the access way or a "hatchet-shaped" erf shall be a minimum of 4 metres throughout its length which length shall not exceed 65m. Where an erf is of an irregular shape or occurs in a cul-de-sac or change of road direction, the frontage on the street may, with the authority of the Municipality, be less than 22 metres provided the proportion of the erf is in conformity with the ratio provision set out in sub (2) and provided also that the frontage on the street is not less than 4 metres. 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% of the minimum prescribed area. 						
Exemptions						
<ol style="list-style-type: none"> Where on the date of adoption, two dwelling houses were existing lawfully on a single erf in this zone, which is less in extent than the minimum erf size prescribed in these clauses, the Municipality may, in its discretion, grant approval for the subdivision of the erf into two separate erven, provided also that the area of either of the subdivided erven is not less than 900m² and each subdivision conforms to the other provisions of the Scheme. In giving any such approval, the Municipality shall take into account the amenity of the locality and of the adjoining properties. Nothing in this Scheme shall prohibit or restrict the letting of part of a dwelling house, provided that, in this zone 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 and provided further that no more than 4 persons (over and above the family) may so board or lodge with the family. 						

6.2.2 Residential Only Medium Density

Notation: 	STATEMENT OF INTENT: This zone is intended to promote the development of attached and detached dwelling units as part of a larger planned residential development. It creates opportunity for medium density residential development around central urban areas, along development corridors and to achieve densification of urban land. A limited number of compatible ancillary uses which have a non-disruptive impact on a neighbourhood amenity may be allowed.					
LAND USE CONTROLS						
Permitted Uses		Consent Uses			Prohibited Uses	
29. Dwelling House 51. Medium Density Housing		28. Day Care Facility 47. Laundrette 61. Place of Public Assembly 63. Private Recreation Area 69. Recreational Building			Buildings and land uses not listed in the other two columns.	
DEVELOPMENT CONTROLS						
Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)
2	2000m ²	35%	0.30	7.5m	4.5m	4.5m
ADDITIONAL CONTROLS						
Parking Requirements						
1. For every dwelling unit within a Medium Density Housing site, there shall be provided 1 garage or carport for each dwelling unit. In addition there shall be provided a suitable area for visitors parking at a rate of 1 car space for every 2 units, provided that the additional car spaces are not placed on the private open area.						
Erf Control						
1. No erf used for Medium Density Housing shall be less than 2000m ² in extent, and no dwelling unit curtilage shall be less than 200m ² .						
2. A maximum of 12 units per hectare is allowed for a Medium Density Housing Site.						
Minimum Frontage Requirements						
1. Except in special circumstances the minimum frontage for all erven shall be 22 metres and the width of the access way or a "hatchet-shaped" erf shall be a minimum of 4 metres throughout its length which length shall not exceed 65m. Where a erf is of an irregular shape or occurs in a cul-de-sac or change of road direction, the frontage on the street may, with the authority of the Municipality, be less than 22 metres provided the proportion of the erf is in conformity with the ratio provision set out in sub (2) and provided also that the frontage on the street is not less than 4 metres.						
2. Except in special circumstances the depth of an erf in relation to the frontage shall not exceed the ratio of 3 to 1 in proportion. 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.						
Exemptions						
Nil						

6.2.3 General Residential

Notation:	STATEMENT OF INTENT: This zone is intended to promote the development of multi-unit residential units for a wide range of residential accommodation at a high density; together with a mix of compatible ancillary uses to meet the needs of a broader community and to achieve densification of urban land.					
LAND USE CONTROLS						
Free Entry Uses		Consent Uses			Prohibited Uses	
47. Laundrette 51. Medium Density Housing 71. Residential Building		14. Boarding House 26. Crèche 28. Day Care Facility 29. Dwelling House 38. Guest Lodge 42. Hotel (Licensed) 61. Place of Public Assembly 63. Private Recreation Area 69. Recreational Building			Buildings and land uses not listed in the other two columns.	
DEVELOPMENT CONTROLS						
Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)
3	2000m ²	35%	0.30	9m	2m	2m
ADDITIONAL CONTROLS						
Parking Requirements						
<ol style="list-style-type: none"> For every residential building there shall be provided 1 garage or- covered parking space for each dwelling unit. In addition, there shall be provided a suitable area for visitors parking at the rate of 1 car space for every 2 dwelling units, and a loading and unloading area with suitable access to the satisfaction of the Municipality. For every dwelling unit within a Medium Density Housing site, there shall be provided 1 garage or carport for each dwelling unit. In addition there shall be provided a suitable area for visitors parking at a rate of 1 car space for every 2 units, provided that the additional car spaces are not placed on the private open area. 						
Erf Control						
<ol style="list-style-type: none"> Where an existing erf in a General Residential zone has been reduced in area by the expropriation or alienation of land for road widening or construction purposes and for open space purposes, the Municipality may allow the erection of a residential building on the erf provided that the erf has not been reduced in area to less than 1350m² and provided further that arrangements for the disposal of sewage have been made to the satisfaction of the Municipality. Not more than one dwelling house shall be erected on any erf, provided that where the erf is 4000m² or greater in a General Residential zone, one additional dwelling house may be erected on the erf provided the applicant has submitted to the Municipality and received approval for a drawing showing that the land on which the additional dwelling house will stand is capable of being subdivided so that the subdivision will conform to the provisions of the Scheme; and provided that the applicant furnishes the Municipality with an undertaking that any land required under the scheme for road construction or road widening purposes shall be transferred to the Municipality at dates to be determined by the Municipality. 						
Minimum Frontage Requirements						
<ol style="list-style-type: none"> The minimum frontage of an erf used for General Residential purposes, shall be 24m. The width of the access way for a "hatchet-shaped" erf in General Residential zone shall be a minimum of 9 metres throughout its length. Except in special circumstances the minimum frontage for all erven shall be 22 metres and the width of the access way or a "hatchet-shaped" erf shall be a minimum of 4 metres throughout its length which length shall not exceed 65m. Where a erf is of an irregular shape or occurs in a cul-de-sac or change of road direction, the frontage on the street may, with the authority of the Municipality, be less than 22 metres provided the proportion of the erf is in conformity with the ratio provision set out in sub (3) and provided also that the frontage on the street is not less than 4 metres. 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. 						
Exemptions						
Nil						

6.2.4 Small Holdings

Notation:	STATEMENT OF INTENT: The development and management of land for low density residential and related small-scale agricultural activities and small holdings.					
LAND USE CONTROLS						
Free Entry Uses		Consent Uses			Prohibited Uses	
1. Additional Self-contained Dwelling Unit 4. Agricultural Building 6. Agricultural Land 25. Conservation Purposes 29. Dwelling House 53. Nursery Garden 63. Private Recreation Area		8. Arts and Craft Centre 12. Bed and Breakfast Establishment 14. Boarding House 26. Crèche 28. Day Care Facility 33. Farm Stall 38. Guest Lodge 40. Home Business 59. Place of Instruction 62. Place of Worship 72. Restaurant ¹ 83. Veterinary Purposes			Buildings and land uses not listed in the other two columns.	
DEVELOPMENT CONTROLS						
Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)
2	5000m ²	10%	0.5	10m	7.5m	7.5m
ADDITIONAL CONTROLS						
Riders						
1. ¹ Ancillary to Permitted Use						
Parking Requirements						
See Clause 4.4						
Erf Control						
1. The site of a Place of Worship shall not simultaneously be the site of one or more Dwelling Units provided that the Council may grant its approval to the erection and use of one or more Dwelling Units, upon such site, to be used in conjunction with the use of such site as a Place of Worship.						
Minimum Frontage Requirements						
1. Except in special circumstances the minimum frontage for all erven shall be 22 metres and the width of the access way or a "hatchet-shaped" erf shall be a minimum of 4 metres throughout its length which length shall not exceed 65m. Where a erf is of an irregular shape or occurs in a cul-de-sac or change of road direction, the frontage on the street may, with the authority of the Municipality, be less than 22 metres provided the proportion of the erf is in conformity with the ratio provision set out in sub (2) and provided also that the frontage on the street is not less than 4 metres. 2. Except in special circumstances the depth of an erf in relation to the frontage shall not exceed the ratio of 3 to 1 in proportion. 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.						
Exemptions						
Nil						

6.3 MIXED USE

This group of Mixed Use zones provides for a range of commercial and related activities based on their impacts on each other and to their surrounding areas. The intent is to encourage a concentration of activities along major thoroughfares for ease of access and convenience, whilst meeting local demands in the long term.

Mixed Use Zone: Summary of Zones and Land Uses

Land Uses P = Permitted C = Consent X = Prohibited ¹ = Condition attached to land use (see Zoning table)	MIXED USE		
	Core Mixed Use	Limited Mixed Use	Mixed Use
Advertising Billboard	P	X	P
Agricultural Land	C	X	X
Arts and Craft Centre	X	P	C
Automotive Showroom	P	X	P
Bed and Breakfast Establishment	X	X	C
Betting Depot	C	C	C
Bus and Taxi Rank	P	X	C
Carwash Facility	P	C	C
Commercial Building	P	C	P
Commercial Workshop	P	X	P
Community Facility	X	X	C
Composite Building	P ¹	C	P ¹
Crèche	C	X	C
Dwelling House	C	P	C
Educational Building	C	X	C
Funeral Parlour	C	C	C
Home Business	X	X	C
Hotel (Licenced)	P	P	C
Informal Trading / Hawking	C	X	C
Laundrette	P	P	P
Light Industrial Building	X	X	P
Medical Centre	C	C	X
Nursery Garden	X	P	X
Office - Public	P	C	C
Office Building	P	P	P
Parking Area	P	X	X
Parking Garage	P	X	X
Petrol Filling Station	C	X	C
Place of Public Amusement	P	X	C
Place of Public Assembly	C	P	C
Place of Worship	X	X	C
Private Recreation Area	C	P	C
Public Parking Area	P	C	P
Recreational Building	C	C	C
Residential Building	P	X	C
Restaurant	P	P	P
Service Industrial Building	X	X	P
Shop	P	P	P
Tavern	C	X	C
Veterinary Purposes	X	C	X
Warehouse	C	X	P
All other land uses not included in this table are prohibited in these zones			

6.3.1 Core Mixed Use

Notation: 	STATEMENT OF INTENT: This zone makes provision for the development and management of land in and around a central business district. The zone permits a wide range of land uses combining commercial, trade, office, administration, cultural, residential and low impact industrial activities and developments so as to enable a special mix of development to occur.					
LAND USE CONTROLS						
Permitted Uses	Consent Uses	Prohibited Uses				
2. Advertising Billboard 10. Automotive Showroom 16. Bus and Taxi Rank 17. Carwash Facility 21. Commercial Building 22. Commercial Workshop 24. Composite Building ¹ 42. Hotel (Licensed) 47. Laundrette 54. Office Building 55. Office - Public 56. Parking Area 57. Parking Garage 60. Place of Public Amusement 66. Public Parking Area 71. Residential Building 72. Restaurant 78. Shop	6. Agricultural Land 13. Betting Depot 26. Crèche 29. Dwelling House 30. Educational Building 34. Funeral Parlour 43. Informal Trading / Hawking 50. Medical Centre 58. Petrol Filling Station 61. Place of Public Assembly 63. Private Recreation Area 69. Recreational Building 81. Tavern 84. Warehouse	Buildings and land uses not listed in the other two columns.				
DEVELOPMENT CONTROLS						
Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)
3	1300m ²	60%	1.0	7.5m	2m	2m
ADDITIONAL CONTROLS						
Riders						
1. ¹ Residential use shall not be permitted on ground floor of a composite building.						
Parking Requirements						
1. For every residential building, there shall be provided 1 garage or- covered parking space for each dwelling unit. In addition, there shall be provided a suitable area for visitors parking at the rate of 1 car space for every 2 dwelling units, and a loading and unloading area with suitable access to the satisfaction of the Municipality. 2. For every building intended for shopping use there shall be provided 1 car space off the street for each 50m ² or major portion thereof for the gross shop area. 3. For every building intended for office use there shall be provided 1 car space for each 65m ² or major portion thereof of gross office area. In addition there shall be provided on the erf a loading and unloading area with suitable access to the satisfaction of the Municipality. 4. Where a residential use is incorporated in a composite building providing for both commercial and residential use, on-site parking as set out in sub (1) to (3) shall be provided for the residential use. 5. For every Office Building used for public purposes, there shall be provided a convenient area for parking accommodation for a minimum of 15 cars. Council shall at its discretion require further parking where necessary. 6. For every hotel building or boarding house, there shall be provided 1 car space for every bedroom together with a suitable and convenient area wherein may be parked a minimum of 5 cars with the addition, where the hotel is licensed, of a further convenient area provided for parking accommodation for an additional number of 15 cars, together with a loading and unloading area with suitable access to the satisfaction of the Municipality. 7. For every building or portion of a building intended for use as a garage or petrol filling station, there shall be provided one suitably located car space for every 50m ² or major portion thereof of floor area plus a loading and unloading area for bulk tankers to the satisfaction of the Municipality. 8. For every building or portion of a building intended for use as a hall without fixed seats there shall be provided a car space off the street for every 23 m ² or major portion thereof of floor area. 9. For every building intended for use as a theatre, cinema, assembly hall or place of public worship, there shall be provided a car space for every 6 seats.						
Erf Control						
1. No erf within the Core Mixed Use, Limited Mixed Use and Mixed Use zones used for a composite building in which the ground floor is to be used exclusively for commercial purposes and the upper floor(s) for residential flats, shall be less than 1800m ² in extent.						

2. No erf used for a Garage or Petrol Filling Station shall be less than 1800m² in extent.

Minimum Frontage Requirements

1. Except in special circumstances, the depth of an erf in relation to the frontage shall not exceed the ratio of 3 to 1 in proportion. An erf of irregular shape should be capable of containing within its boundaries a rectangle not exceeding the ratio 3 to 1 in proportion, having an area of 75 per cent of the minimum prescribed area.

Amenity and Aesthetic provisions for N3 Highway

1. All development fronting the N3 Highway will conform to cohesive architectural treatment as agreed by an applicant and the Municipality in an application. This would include the architectural character, design and style of buildings which enhances the amenity of the area and general aesthetics from N3.

2. All sites abutting the N3 except for residential sites shall be subject to compulsory screening to minimise visual impact onto the N3 highway.

3. No scrap yards and outdoor storage of goods shall be permitted in clear view of the N3 Highway.

Exemptions

1. Nothing in this Scheme shall prohibit or restrict the use of a place of work, place of instruction, place of public assembly as a place of public amusement, provided that such use is restricted to not more than twenty days in each calendar year.

6.3.2 Limited Mixed Use

Notation: 	STATEMENT OF INTENT: This zone makes provision for the development and management of land in and around the CBD and other designated areas. The zone permits a limited range of land uses combining commercial, trade, office, administration, residential and low impact commercial activities and developments.					
LAND USE CONTROLS						
Permitted Uses		Consent Uses			Prohibited Uses	
8. Arts and Craft Centre 29. Dwelling House 42. Hotel (Licensed) 46. Laundrette 52. Nursery Garden 53. Office Building 60. Place of Public Assembly 62. Private Recreation Area 72. Restaurant 78. Shop		13. Betting Depot 17. Carwash Facility 21. Commercial Building 24. Composite Building 34. Funeral Parlour 50. Medical Centre 55. Office - Public 66. Public Parking Area 69. Recreational Building 83. Veterinary Purposes			Buildings and land uses not listed in the other two columns.	
DEVELOPMENT CONTROLS						
Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)
3	1300m ²	50%	0.5	7.5m	2m	2m
ADDITIONAL CONTROLS						
Riders						
Nil						
Parking Requirements						
<ol style="list-style-type: none"> For every residential building, there shall be provided 1 garage or- covered parking space for each dwelling unit. In addition, there shall be provided a suitable area for visitors parking at the rate of 1 car space for every 2 dwelling units, and a loading and unloading area with suitable access to the satisfaction of the Municipality. For every building intended for shopping use there shall be provided 1 car space off the street for each 50m² or major portion thereof for the gross shop area. For every building intended for office use there shall be provided 1 car space for each 65m² or major portion thereof of gross office area. In addition there shall be provided on the erf a loading and unloading area with suitable access to the satisfaction of the Municipality. Where a residential use is incorporated in a composite building providing for both commercial and residential use, on-site parking as set out in sub (1) to (3) shall be provided for the residential use. For every Office Building used for public purposes, there shall be provided a convenient area for parking accommodation for a minimum of 15 cars. Council shall at its discretion require further parking where necessary. For every hotel building or boarding house, there shall be provided 1 car space for every bedroom together with a suitable and convenient area wherein may be parked a minimum of 5 cars with the addition, where the hotel is licensed, of a further convenient area provided for parking accommodation for an additional number of 15 cars, together with a loading and unloading area with suitable access to the satisfaction of the Municipality. For every building or portion of a building intended for use as a hall without fixed seats there shall be provided a car space off the street for every 23 m² or major portion thereof of floor area. For every building intended for use as a theatre, cinema, assembly hall or place of public worship, there shall be provided a car space for every 6 seats. 						
Erf Control						
1. No erf within the Core Mixed Use, Limited Mixed Use and Mixed Use zones used for a composite building in which the ground floor is to be used exclusively for commercial purposes and the upper floor(s) for residential flats, shall be less than 1800m ² in extent.						
Minimum Frontage Requirements						
1. Except in special circumstances, the depth of an erf in relation to the frontage shall not exceed the ratio of 3 to 1 in proportion. An erf of irregular shape should be capable of containing within its boundaries a rectangle not exceeding the ratio 3 to 1 in proportion, having an area of 75 per cent of the minimum prescribed area.						
Amenity and Aesthetic provisions for N3 Highway						
<ol style="list-style-type: none"> All development fronting the N3 Highway will conform to cohesive architectural treatment as agreed by an applicant and the Municipality in an application. This would include the architectural character, design and style of buildings which enhances the amenity of the area and general aesthetics from N3. All sites abutting the N3 except for residential sites shall be subject to compulsory screening to minimise visual impact onto the N3 highway. 						

No scrap yards and outdoor storage of goods shall be permitted in clear view of the N3 Highway.

Exemptions

1. Nothing in this Scheme shall prohibit or restrict the use of a place of work, place of instruction, place of public assembly as a place of public amusement, provided that such use is restricted to not more than twenty days in each calendar year.

6.3.3 Mixed Use

Notation:	STATEMENT OF INTENT: STATEMENT OF INTENT: The provision for and development of a number of land uses in a single zone including commercial, businesses, service stations and garages, offices, trading, light and service industry and warehousing, hawking, civic and social, and residential uses so as to enable a special mix of development to occur.
------------------	---

LAND USE CONTROLS		
Permitted Uses	Consent Uses	Prohibited Uses
2. Advertising Billboard 10. Automotive Showroom 21. Commercial Building 22. Commercial Workshop 24. Composite Building ¹ 47. Laundrette 49. Light Industrial Building 54. Office Building 66. Public Parking Area 72. Restaurant 77. Service Industrial Building 78. Shop 84. Warehouse	8. Arts and Craft Centre 12. Bed and Breakfast Establishment 13. Betting Depot 16. Bus and Taxi Rank 17. Carwash Facility 23. Community Facility 26. Crèche 29. Dwelling House 30. 34. Funeral parlour 41. Home Business 42. Hotel (Licensed) 44. Informal Trading / Hawkers 55. Office - Public 58. Petrol Filling Station 60. Place of Public Amusement 61. Place of Public Assembly 62. Place of Worship 63. Private Recreation Area 69. Recreational Building 71. Residential Building 80. Tavern Educational Building	Buildings and land uses not listed in the other two columns.

DEVELOPMENT CONTROLS						
Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)
3	1300m ²	50%	1	7.5m	2m	2m

ADDITIONAL CONTROLS
Riders
Nil
Parking Requirements
1. For every residential building, there shall be provided 1 garage or- covered parking space for each dwelling unit. In addition, there shall be provided a suitable area for visitors parking at the rate of 1 car space for every 2 dwelling units, and a loading and unloading area with suitable access to the satisfaction of the Municipality. 2. For every building intended for shopping use there shall be provided 1 car space off the street for each 50m ² or major portion thereof for the gross shop area. 3. For every building intended for office use there shall be provided 1 car space for each 65m ² or major portion thereof of gross office area. In addition there shall be provided on the erf a loading and unloading area with suitable access to the satisfaction of the Municipality. 4. Where a residential use is incorporated in a composite building providing for both commercial and residential use, on-site parking as set out in sub (1) to (3) shall be provided for the residential use. 5. For every Office building used for public purposes, there shall be provided a convenient area for parking accommodation for 15 cars. 6. For every building or portion of a building intended for use as a garage or petrol filling station, there shall be provided one suitably located car space for every 50m ² or major portion thereof of floor area plus a loading and unloading area for bulk tankers to the satisfaction of the Municipality. 7. For every building or portion of a building intended for use as a hall without fixed seats there shall be provided a car space off the street for every 23 m ² or major portion thereof of floor area. 8. For every building intended for use as a theatre, cinema, assembly hall or place of public worship, there shall be provided a car space for every 6 seats.
Erf Control

1. No erf within the Core Mixed Use, Limited Mixed Use and Mixed Use zones used for a composite building in which the ground floor is to be used exclusively for commercial purposes and the upper floor(s) for residential flats, shall be less than 1800m² in extent.
2. No erf used for a Garage or Petrol Filling Station shall be less than 1800m² in extent.
3. No erf which is used for a Petrol Filling Station or a composite building which includes residential uses shall be less than 1800m² in extent.
4. No site used for a Place of Worship shall be less than 3600m² in extent except with the approval of the Council.

Minimum Frontage Requirements

1. Except in special circumstances, the depth of an erf in relation to the frontage shall not exceed the ratio of 3 to 1 in proportion. An erf of irregular shape should be capable of containing within its boundaries a rectangle not exceeding the ratio 3 to 1 in proportion, having an area of 75 per cent of the minimum prescribed area.

Exemptions

Amenity and Aesthetic provisions for N3 Highway

1. All development fronting the N3 Highway will conform to cohesive architectural treatment as agreed by an applicant and the Municipality in an application. This would include the architectural character, design and style of buildings which enhances the amenity of the area and general aesthetics from N3.
 2. All sites abutting the N3 except for residential sites shall be subject to compulsory screening to minimise visual impact onto the N3 highway.
 3. No scrap yards and outdoor storage of goods shall be permitted in clear view of the N3 Highway.
1. Nothing in this Scheme shall prohibit or restrict the use of a place of work, place of instruction, place of public assembly as a place of public amusement, provided that such use is restricted to not more than twenty days in each calendar year.

6.4 INDUSTRY

This set of Industrial zones is used to designate and manage activities considered to be of an industrial nature. It accommodates industrial services and light industrial activities, all with limited impacts on each other and surrounding land uses. Agricultural industrial activities may occur in this zone.

Industry: Summary of Zones and Land Uses

Land Uses P = Permitted C = Consent X = Prohibited ¹ = Condition attached to land use (see Zoning Table)	INDUSTRY		
	Service Station	Service Industry	Light Industry
Agricultural Building	X	C	C
Agricultural Land	X	C	C
Arts and Craft Centre	X	P	X
Automotive Showroom	X	P	P
Automotive Workshop	C	P	P
Builder's Yard	X	P	P
Carwash Facility	C ¹	P	X
Commercial Building	X	P	P
Commercial Workshop	X	P	P
Dwelling House	P ¹	P ¹	P ¹
Funeral Parlour	X	C	C
Garage	C	C	C
Laundrette	X	C	C
Light Industrial Building	X	C	P
Office - Public	X	P	P
Office Building	X	X	P
Parking Area	C	X	X
Parking Garage	X	C	C
Petrol Filling Station	P	C	C
Private Recreation Area	X	C	C
Recreational Building	X	C	C
Recycling Depot	X	C	X
Restaurant	C	C	C
Service Industrial Building	X	P	P
Shop	C ¹	C ¹	C ¹
Warehouse	X	P	P
All land uses not included in this table are prohibited in these zones			

6.4.1 Service Station

Notation: 	STATEMENT OF INTENT: A zone that permits activities such as public garage, petrol filling station, and a restricted amount of space devoted to a convenience store which may include a bakery.					
LAND USE CONTROLS						
Permitted Uses	Consent Uses	Prohibited Uses				
29. Dwelling House ¹ 58. Petrol Filling Station	11. Automotive Workshop 17. Carwash Facility ² 36. Garage 56. Parking Area 72. Restaurant 78. Shop ³	Buildings and land uses not listed in the other two columns.				
DEVELOPMENT CONTROLS						
Height	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)
2	1800m ²	60	0.40	7.5m	2m	2m
ADDITIONAL CONTROLS						
Riders						
2. ¹ For the purpose of this clause, only one dwelling unit of not more than 60m ² shall be permitted to accommodate a manager, foreman or caretaker.						
3. ² Ancillary to primary use.						
4. ³ A shop in this zone shall be limited to the following:						
i. Low order convenience goods and service shops catering for the immediate day-to-day needs of customers provided that the Shop shall be situated on the same site as the primary activity concerned.						
Parking Requirements						
See Clause 4.4						
Erf Control						
1. No erf used for a Garage or Petrol Filling Station shall be less than 1800m ² in extent.						
Minimum Frontage Requirements						
1. Except in special circumstances the depth of an erf in relation to the frontage shall not exceed the ratio of 3 to 1 in proportion. An erf of irregular shape should be capable of containing within its boundaries a rectangle not exceeding the ratio 3 to 1 in proportion, having an area of 75 per cent of the minimum prescribed area.						
2. 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.						
Exemptions						
Nil						

6.4.2 Service Industry

Notation:	STATEMENT OF INTENT: This zone allows for a limited range of low impact light industrial activities which are compatible with land uses permitted in adjacent land use zones such as Residential, Mix Use and Industry.
------------------	--

LAND USE CONTROLS

Permitted Uses	Consent Uses	Prohibited Uses
8. Arts and Craft Centre 10. Automotive Showroom 11. Automotive Workshop 15. Builders Yard 17. Carwash Facility 21. Commercial Building 22. Commercial Workshop 29. Dwelling House ¹ 55. 77. Service Industrial Building 84. Warehouse Office - Public	4. Agricultural Building 6. Agricultural Land 34. Funeral Parlour 36. Garage 47. Laundrette 49. Light Industrial Building 57. Parking Garage 58. Petrol Filling Station 63. Private Recreation Area 69. Recreational Building 70. Recycling Depot 72. Restaurant 78. Shop ²	Buildings and land uses not listed in the other two columns.

DEVELOPMENT CONTROLS

Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)
2	900m ²	50	0.5	7.5	2m	2m

ADDITIONAL CONTROLS

Riders

1. ¹For the purpose of this clause, only one dwelling unit of not more than 60m² shall be permitted to accommodate a manager, foreman or caretaker.
2. ²Certain categories of retail outlets may be admitted to industrial zones by Consent and the remaining categories only by rezoning.
 - (a) The categories of retail outlets which should be admitted to industrial zones by Consent are as follows:
 - (i) Low order convenience goods and service shops catering for the immediate day-to-day needs of people working within the industrial area concerned; provided that the total floor area of any shop or contiguous set of shops (including a set of shops separated by a road or pedestrian route) should in no case exceed 300 m².
 - (ii) Shops which are incompatible with the vast majority of the types of shops normally found in Mixed Use zones but which fit in well in industrial areas (e.g. builders' supplies dealers; firms dealing in wire, gates and fences; timber merchants; firms dealing in agricultural implements).
 - (iii) Shops which deal largely with other firms normally located in industrial areas such as petrol filling stations, specialist-industrial concerns in the motor trade (like panel beaters and auto electrical specialists), builders and engineering firms (e.g. paint shops; firms dealing in engineering supplies; motor spares shops).
 - (iv) Shops shall:
 - (v) Be situated on the same sites as the industrial activities concerned;
 - (vi) retail only products of the industrial concerns to which they relate or directly associated products;
 - (vii) have floor areas not exceeding 10% of the total floor area of all buildings on the site or 150m² whichever is the lesser;

provided that there shall be only one shop for each industrial undertaking on the site.

Parking Requirements

1. For every building or portion of a building intended for use as a warehouse there shall be provided one car space for each 140m² or major portion thereof of floor area and a loading and unloading area with suitable access to the satisfaction of the Municipality.
2. For every industrial building, there shall be provided on the erf sufficient accommodation for parked cars, calculated on the number of persons engaged in the business, including management, office staff and factory employees, as follows:
 - (a) Up to 25 persons employed, 1 car space for every 4 persons or part thereof;
 - (b) thereafter, for the next 25 persons, 1 car space for every 5 persons or part thereof;
 - (c) thereafter, for any further number of persons, 1 car space for every 10 persons or part thereof.
3. There shall be in all cases a minimum of 2 car spaces and, in addition to the foregoing, there shall be provided on the erf to the satisfaction of the Municipality a further parking and turning space for every commercial vehicle used for the benefit of the industry and a loading and unloading area with suitable access. Provided that:
 - (a) in respect of employees who do not use private motor vehicles the Municipality may relax the above requirements; and
 - (b) the Municipality may at any time vary the foregoing requirements if the character or type of manufacturing or processing activity being conducted on the site is changed or altered to an extent which, in the opinion of the Municipality materially alters the number and type of vehicles attached to the site; provided that in no case shall such variation result in the number of car spaces provided exceeding a ratio of one car space per 150m² of total floor area of the industrial buildings on the site.
 - (c) In addition to the above there shall be provided adequate space for vehicle access and manoeuvring to the satisfaction of the Municipality.

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

(e) A betting depot shall be required to provide 15 car spaces.

Erf Control

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

Minimum Frontage Requirements

1. Except in special circumstances the minimum frontage for all erven shall be 22 metres and the width of the access way or a "hatchet-shaped" erf shall be a minimum of 4 metres throughout its length which length shall not exceed 65m. Where a erf is of an irregular shape or occurs in a cul-de-sac or change of road direction, the frontage on the street may, with the authority of the Municipality, be less than 22 metres provided the proportion of the erf is in conformity with the ratio provision set out in sub (b) and provided also that the frontage on the street is not less than 4 metres.
2. Except in special circumstances the depth of an erf in relation to the frontage shall not exceed the ratio of 3 to 1 in proportion. 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. 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.

Amenity and Aesthetic provisions for N3 Highway

1. All development fronting the N3 Highway will conform to cohesive architectural treatment as agreed by an applicant and the Municipality in an application. This would include the architectural character, design and style of buildings which enhances the amenity of the area and general aesthetics from N3.
2. All sites abutting the N3 except for residential sites shall be subject to compulsory screening to minimise visual impact onto the N3 highway.
3. No scrap yards and outdoor storage of goods shall be permitted in clear view of the N3 Highway.

Exemptions

Nil

6.4.3 Light Industry

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

LAND USE CONTROLS

Permitted Uses	Consent Uses	Prohibited Uses
10. Automotive Showroom 11. Automotive Workshop 15. Builders Yard 21. Commercial Building 22. Commercial Workshop 29. Dwelling House ¹ 49. Light Industrial Building 54. Office Building 55. Office - Public 77. Service Industrial Building 84. Warehouse	4. Agricultural Building 6. Agricultural Land 34. Funeral Parlour 36. Garage 47. Laundrette 57. Parking Garage 58. Petrol Filling Station 63. Private Recreation Area 69. Recreational Building 72. Restaurant 78. Shop ²	Buildings and land uses not listed in the other two columns.

DEVELOPMENT CONTROLS

Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)
5	5000m ²	50*	1.0	7.5	5m	5m

ADDITIONAL CONTROLS

Riders

- ¹For the purpose of this clause, only one dwelling unit of not more than 60m² shall be permitted to accommodate a manager, foreman or caretaker.
- ²Certain categories of retail outlets may be admitted to industrial zones by Consent and the remaining categories only by rezoning.
 - The categories of retail outlets which should be admitted to industrial zones by Consent are as follows:
 - 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 m².
 - Shops which are incompatible with the vast majority of the types of shops normally found in Mixed Use zones but which fit in well in industrial areas (e.g. builders' supplies dealers; firms dealing in wire, gates and fences; timber merchants; firms dealing in agricultural implements).
 - Shops which deal largely with other firms normally located in industrial areas such as petrol filling stations, specialist-industrial concerns in the motor trade (like panel beaters and auto electrical specialists), builders and engineering firms (e.g. paint shops; firms dealing in engineering supplies; motor spares shops).
 - Shops which:
 - are situated on the same sites as the industrial activities concerned;
 - retail only products of the industrial concerns to which they relate or directly associated products;
 - have floor areas not exceeding 10% of the total floor area of all buildings on the site or 150m² whichever is the lesser; provided that there shall be only one shop for each industrial undertaking on the site.
- *In special cases, coverage of 60% could be permitted at the discretion of Council to cater for loading overhangs.

Parking Requirements

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

Erf Control

Nil

Minimum Frontage Requirements

- Except in special circumstances the minimum frontage for all erven shall be 22 metres and the width of the access way or a "hatchet-shaped" erf shall be a minimum of 4 metres throughout its length which length shall not exceed 65m. Where a erf is of an irregular shape or occurs in a cul-de-sac or change of road direction, the frontage on the street may, with the authority of the Municipality, be less than 22 metres provided the proportion of the erf is in conformity with the ratio provision set out in sub (2) and provided also that the frontage on the street is not less than 4 metres.
- 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. 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.

Amenity and Aesthetic provisions for N3 Highway

1. All development fronting the N3 Highway will conform to cohesive architectural treatment as agreed by an applicant and the Municipality in an application. This would include the architectural character, design and style of buildings which enhances the amenity of the area and general aesthetics from N3.
2. All sites abutting the N3 except for residential sites shall be subject to compulsory screening to minimise visual impact onto the N3 highway.
3. No scrap yards and outdoor storage of goods shall be permitted in clear view of the N3 Highway.

Exemptions

Nil

6.5 Environmental Services

This zone accommodates areas that provide an important environmental, recreational and social service such as proclaimed parks, view sheds, open spaces system (e.g. water courses, wetlands, grasslands, and other natural habitats, proclaimed conservation areas, sport fields, play erven and parks, etc. It reserves land as part of a sustainable living environment.

Environmental Services: Summary of Zones and Land Uses

Land Uses P = Permitted C = Consent X = Prohibited ¹ = Condition attached to land use (see Zoning table)	Environmental Services		
	Private Open Space	Public Open space	Conservation
Agricultural Land	C	C	X
Caravan Park	C	X	C
Conservation Purposes	P	P	P
Dwelling House	C ¹	C ¹	C ¹
Place of Public Amusement	C ¹	C ¹	X
Place of Public Assembly	X	C	X
Private Recreation Area	P	X	X
Public Recreational Use	X	P	P
Recreational Building	P	P	X
Restaurant	C ¹	X	X
Utility Facility	X	X	P

All land uses not included in this table are prohibited in these zones

6.5.1 Private Open Space

Notation: 	STATEMENT OF INTENT: Provides for the development and management of a system of privately owned areas as part of a sustainable open space system and the Municipality's environmental services. It includes independent or linked open space areas and green lung areas for sporting and recreational activities and may include ancillary facilities and buildings.					
LAND USE CONTROLS						
Permitted Uses		Consent Uses			Prohibited Uses	
25. Conservation Purposes 32. Private Recreation Area 69. Recreational Building		6. Agricultural land 18. Caravan Park 29. Dwelling House ¹ 60. Place of Public Amusement ² 72. Restaurant ²			Buildings and land uses not listed in the other two columns.	
DEVELOPMENT CONTROLS						
Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)
2	-	15%	0.15	7.5m	4m	4m
ADDITIONAL CONTROLS						
Riders						
1. ¹ For the purpose of this clause, only one dwelling unit of not more than 60m ² shall be permitted to accommodate a manager, foreman or caretaker.						
2. ² Ancillary to permitted use						
Additional Provisions						
1. In terms of Section 7 of the Forestry Act 1998, (No.84 of 1998) as amended, no indigenous trees may be cut down without the permission of the Department.						
2. 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:						
(a) within 5m on each side of a minor tributary;						
(b) within 10m of each side of a major tributary, or						
(c) within 15m of a major water body.						
3. No soil, sand or stones shall be removed from or along rivers without the authority of the Municipality.						
4. The Municipality shall be permitted to install services where necessary, across or along river courses.						
5. Applications for development near rivers must comply with the requirements of the Water Act 1998 (Act No.36 of 1998 as amended) which requires that consideration be given to the maximum level likely to be reached by flood water every 100 years.						
6. Within this zone:						
(a) no indigenous flora, fauna or any naturally occurring material shall be disturbed or removed;						
(b) 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						
(c) any development shall be based on a Development Plan and/or Site Development Plan as contemplated in Clause 4.3.2 of the Scheme; provided further that an Environmental Impact Assessment shall form an integral part of such plan/s.						
7. Land within the Private Open Space Use Zone shall not be used for any purpose which, in the opinion of the Council, would spoil, impair or waste such land for the purpose for which it is zoned.						

6.5.2 Public Open Space

Notation: 	STATEMENT OF INTENT: This zone provides for the development and management of a system of publicly owned areas as part of the sustainable open space system and the Municipality's environmental services. It includes independent or linked open space areas and green lung areas for sporting and recreational activities and may include ancillary facilities and buildings.					
LAND USE CONTROLS						
Free Entry Uses	Consent Uses	Prohibited Uses				
25. Conservation Purposes 67. Public Recreational Use 69. Recreational Building	6. Agricultural land 29. Dwelling House ¹ 60. Place of Public Amusement ² 61. Place of Public Assembly	Buildings and land uses not listed in the other two columns.				
DEVELOPMENT CONTROLS						
Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)
2	-	15%	0.15	7.5m	4m	4m
ADDITIONAL CONTROLS						
Riders						
1. ¹ For the purpose of this clause, only one dwelling unit of not more than 60m ² shall be permitted to accommodate a manager, foreman or caretaker.						
2. ² Ancillary to permitted use						
Additional Provisions						
1. In terms of Section 7 of the Forestry Act 1998, (No.84 of 1998) as amended, no indigenous trees may be cut down without the permission of the Department.						
2. 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: (a) within 5m on each side of a minor tributary; (b) within 10m of each side of a major tributary, or (c) within 15m of a major water body.						
3. No soil, sand or stones shall be removed from or along rivers without the authority of the Municipality.						
4. The Municipality shall be permitted to install services where necessary, across or along river courses.						
5. Applications for development near rivers must comply with the requirements of the Water Act 1998 (Act No.36 of 1998 as amended) which requires that consideration be given to the maximum level likely to be reached by flood water every 100 years.						
6. Within this zone: (a) no indigenous flora, fauna or any naturally occurring material shall be disturbed or removed; (b) 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 (c) any development shall be based on a Development Plan and/or Site Development Plan as contemplated in Clause 4.3.2 of the Scheme; provided further that an Environmental Impact Assessment shall form an integral part of such plan/s.						

6.5.3 Conservation

Notation:	STATEMENT OF INTENT: This is a zone that refers to an area[s] earmarked for the preservation or protection of the natural or built environment, including the preservation or protection of the physical, ecological, cultural or historical characteristics of land against undesirable change or human activity. 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.					
LAND USE CONTROLS						
Free Entry Uses		Consent Uses			Prohibited Uses	
25. Conservation Purposes 67. Public Recreational Use 82. Utility Facility		18. Caravan Park 29. Dwelling House ¹			Buildings and land uses not listed in the other two columns.	
DEVELOPMENT CONTROLS						
Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)
2	-	15%	0.15	7.5m	4m	4m
ADDITIONAL CONTROLS						
Riders						
1. ¹ For the purpose of this clause, only one dwelling unit of not more than 60m ² shall be permitted to accommodate a manager, foreman or caretaker.						
Additional Provisions						
1. In terms of Section 7 of the Forestry Act 1998, (No.84 of 1998) as amended, no indigenous trees may be cut down without the permission of the Department.						
2. 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: (a) within 5m on each side of a minor tributary; (b) within 10m of each side of a major tributary, or (c) within 15m of a major water body.						
3. No soil, sand or stones shall be removed from or along rivers without the authority of the Municipality.						
4. The Municipality shall be permitted to install services where necessary, across or along river courses.						
5. Applications for development near rivers must comply with the requirements of the Water Act 1998 (Act No.36 of 1998 amended) as which requires that consideration be given to the maximum level likely to be reached by flood water every 100 years.						
6. Within this zone: (a) no indigenous flora, fauna or any naturally occurring material shall be disturbed or removed; (b) 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 (c) any development shall be based on a Development Plan and/or Site Development Plan as contemplated in Clause 4.3.2 of the Scheme; provided further that an Environmental Impact Assessment shall form an integral part of such plan/s.						

6.6 AGRICULTURE

This zone accommodates agricultural land situated within and in the immediate surroundings of identified urban areas for the purposes of small-scale agricultural activities and its related developments which have limited impacts on surrounding areas. It also acts as a buffer zone between the urban areas and areas of extensive agricultural activities.

6.6.1 Urban Agriculture

Notation:	This zone provides for land located in urban areas for agricultural purposes, which could serve as a buffer between urban areas and primary agricultural areas. Land in this zone can be utilised for small scale agricultural production, market gardening, horticulture, aquaculture, the keeping of limited livestock and community gardens.					
Land Use Controls						
Permitted Uses		Consent Uses			Prohibited Uses	
4. Agricultural Building 6. Agricultural Land 25. Conservation Purposes 29. Dwelling House		5. Agricultural Industry ¹ 12. Bed and Breakfast Establishment 29. Dwelling House ² 33. Farm Stall 38. Guest Lodge 82. Utility Facility			Buildings and land uses not listed in the other two columns.	
Development Controls						
Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)
2	2Ha	N/A	N/A	10m	5m	5m
Additional Controls						
Riders						
1. ¹ The use of land for Agricultural Industry may be allowed by Consent and at the discretion of Council, provided that it will not impact negatively on the amenity of the surrounding areas, will not impact harmfully on public health and/or the natural environment and will contribute to the social and economic well-being of people.						
2. ² For the purpose of this clause, only one dwelling unit of not more than 60m ² shall be permitted to accommodate a manager, foreman or caretaker.						
Parking Requirements						
Nil						
Erf Control						
1. Not more than one dwelling house shall be erected on any erf, (a) provided that where the erf is 2ha or greater in the Urban Agricultural zone, one additional dwelling house may be erected on the erf provided the applicant has submitted to the Municipality and received approval for a drawing showing that the land on which the additional dwelling house will stand is capable of being subdivided so that the subdivision will conform to the provisions of the Scheme; and (b) provided that the applicant furnishes the Municipality with an undertaking that any land required under the scheme for road construction or road widening purposes shall be transferred to the Municipality at dates to be determined by the Municipality.						
Minimum Frontage Requirements						
1. 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.						
2. Except in special circumstances the minimum frontage for all erven shall be 22 metres and the width of the access way or a "hatchet-shaped" erf shall be a minimum of 4 metres throughout its length which length shall not exceed 65m. Where a erf is of an irregular shape or occurs in a cul-de-sac or change of road direction, the frontage on the street may, with the authority of the Municipality, be less than 22 metres provided the proportion of the erf is in conformity with the ratio provision set out in sub (b) and provided also that the frontage on the street is not less than 4 metres.						
3. 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.						
Exemptions						
Nil						

6.7 TRANSPORTATION AND MOVEMENT

6.7.1 Bus and Taxi Terminal

Notation: 	STATEMENT OF INTENT: A zone that makes provision for the parking, drop off and collection of passengers by public and private bus services and mini bus taxis.					
LAND USE CONTROLS						
Permitted Uses		Consent Uses			Prohibited Uses	
16. Bus and Taxi Rank		43. Informal Trading/Hawking 54. Office – Public ¹			Buildings and land uses not listed in the other two columns.	
DEVELOPMENT CONTROLS						
Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)
2	-	-	-	7.5m	3m	3m
ADDITIONAL CONTROLS						
1. ¹ Ancillary to primary use.						

6.8 Land Reservations

6.8.1 Railway Reserve

Notation: 						
LAND USE CONTROLS						
Permitted Uses		Consent Uses			Prohibited Uses	
6. Agricultural land 68. Railway Infrastructure 82. Utility Facility		29. Dwelling House ¹ 78. Shop ¹			Buildings and land uses not listed in the other two columns.	
DEVELOPMENT CONTROLS						
Height (Storey)	Intensity (Min. Erf)	Coverage (%)	FAR	Building Line (m)	Side space (m)	Rear Space (m)
At the sole discretion of Council and supported by a Development Plan, if required by Council						
ADDITIONAL CONTROLS						
1. ¹ Ancillary to primary use.						

6.8.2 Existing Roads and Proposed New Roads

Notation: Proposed New Roads / Existing Roads  						
LAND USE CONTROLS						
Permitted Uses		Consent Uses			Prohibited Uses	
68. Road Infrastructure 82. Utility Facility		2. Advertising Billboard 56. Parking Area			Buildings and land uses not listed in the other two columns.	
DEVELOPMENT CONTROLS						
Design and construction is subject to the engineering specifications prescribed by relevant National or Provincial government and in agreement with Council.						
ADDITIONAL CONTROLS						
Declaring or Closing of Streets						
a) Unless otherwise specified, wherever a road widening or proposed road is shown on the scheme map, the underlying zoning shall be the same as the lot on which such road widening or proposed road is located.						
b) All roads shown in red hatch on the scheme map are to be closed at dates to be determined. The scheme map shall indicate the underlying zoning which would be applicable once the road closure is implemented.						

6.8.3 Refuse Site

Notation: 						
LAND USE CONTROLS						
Free Entry Uses		Consent Uses			Prohibited Uses	
46. Landfill Activity 52. Municipal Purposes 70. Recycling Depot 85. Waste Transfer Site		None			Buildings and land uses not listed in the other two columns.	
DEVELOPMENT CONTROLS						
Subject to the requirements of the local municipality and the relevant service providers.						
ADDITIONAL CONTROLS						
1. Land identified for a refuse site shall be developed in such a way that the site can be formally licensed in accordance with the applicable legislation.						
2. A refuse/landfill site shall be developed in such a way that will enable the sorting of materials that can be re-used/ recycled for additional income earning opportunities for local residents.						

6.8.4 Utility and Services

Notation: 		
Applicable Alphabetic Notations inclusive to Colour Notation		
ES – Electricity / WW – Water Works / SW – Sewerage Works / TC – Telecommunication Infrastructure		
LAND USE CONTROLS		
Permitted Uses	Consent Uses	Prohibited Uses
82. Utility Facility 52. Municipal Purposes	None	Buildings and land uses not listed in the other two columns.
DEVELOPMENT CONTROLS		
Design and construction is subject to the engineering specifications prescribed by relevant National or Provincial government and in agreement with Council.		
ADDITIONAL CONTROLS		
None		

6.9 Special Zone 1: Mayibuye Community Game Reserve

Notation:



LAND USE CONTROLS

Permitted Uses	Consent Uses	Prohibited Uses
6. Agricultural Land (limited to Nursery Garden) 8. Art & Crafts Centre 25. Conservation Purposes 26. Crèche 29. Dwelling House 30. Educational Building (limited to Nodes & Animal Rehabilitation Centre) 35. Game Reserve 39. Helistop 45. Institutional Building (limited to Frail Care/Home for the Aged) 51. Medium Density Housing 54. Office Building 57. Parking Garage 61. Place of Public Assembly (limited to Nodes) 63. Private Recreation Area 69. Recreational Building 71. Residential Building 72. Restaurant 78. Shop	47. Launderette 60. Place of Public Amusement (limited to Nodes)	Buildings and land uses not listed in the other two columns.

ADDITIONAL CONTROLS

1. Development shall be substantially in accordance with plan no. 1006/4 dated 31 October 2013. Changes to this plan which are, in the opinion of the Local Authority, not likely to impact on the game reserve, natural environment or neighbouring properties shall be permitted at the discretion of the Local Authority.
2. Subject to fencing and/or any control measures required by Ezemvelo KZN Wildlife to protect the general public and control the ongoing management of the game reserve.
3. A common architectural theme shall apply and be substantially in accordance with the Architectural Design Code prepared by VARA Ross dated June 2013.
4. All signage, lighting and advertising shall be aesthetically pleasing, discreet and to the satisfaction of the Home Owners' Association (MMA/LMA) and the Local Authority.
5. Loading and Parking shall be in accordance with clause 6.5.
6. Subject to the provision of a stormwater management, sewage and pollution control system to the satisfaction of the local authority.
7. The MMA/LMA shall be formed and each landowner shall belong to the MMA/LMA and abide by its rules.
8. Every erf shall have a Site Development Plan, Landscaping Plan and Building Plan prepared for it by the owner and approved by the Local Municipality prior to any construction or development on the erf provided that such plans have been recommended in writing as acceptable by the MMA/LMA prior to submission to the Local Municipality for approval.
9. On Dwelling House erven no building or development of any sort shall take place outside the building area footprint of $\pm 2500\text{m}^2$ to be determined by the MMA/LMA save for a driveway and endemic indigenous plant to satisfaction of the MMA/LMA

MAYIBUYE COMMUNITY GAME RESERVE – BULK FACTORS

Types of building and land uses	Land use	FAR	Coverage (%)	Height	Building Line (m)	Side space (m)	Rear Space (m)	Min. Erf	Parking standards
Dwelling Houses	Dwelling House *1	n/a	n/a	2	0	0	0	7500	As per municipal standards
Medium Density Housing	Lifestyle Village *2	0.30	30	2	7.5	4.5	4.5	1800(paren t property) 200(mini subs)	As per municipal standards
Residential Building	Lodge	0.05	15	2	0	0	0	n/a limited to 110 suites	1bay/ 3bedroom
Institution	Frail care & Assisted living	0.60	30	2	2.5	4.5	4.5	1800	Unit of 1 bedroom: 1.0 bay/unit Unit of 2 bedrooms: 1.0 bay/unit Unit of 3 bedrooms: 1.5 bays/unit Visitors 0.5 bays/unit
Crèche	Crèche	0.50	40	2	2.5	4.5	4.5	1800	2 bays/ classroom
Restaurant	Restaurant	0.60	30	2	7.5	4.5	4.5	1800	10 bays/ 100m ² PAA
Administration	Administration	0.50	50	2	2.5	2.0	2.5	1800	2 bays/ 100m ² PFA
Education building	Conference Environmental Centre	0.50	50	2	7.5	4.5	4.5	3600	2 bays/ 3 seats
Place of Public Assembly	Chapel	0.50	30	2	7.5	4.5	4.5	3600	As per municipal standards
Parking Garage	Parking Area	n/a	90	1	2.5	2.0	2.5	3600	n/a
Private recreation Area	Community Facility	0.15	15	2	7.5	4.5	4.5	3600	10 bays
Office Building	Offices	0.50	50	2	2.5	2	2	1300	5 bays/ 100m ² PFA
Arts & Crafts Centre	Craft Centre	0.25	50	2	7.5	4.5	4.5	1800	As per municipal standards
Shop	Shop	0.25	50	2	7.5	4.5	4.5	1300	As per municipal standards
Agricultural land	Nursery Garden/ Tea Room	0.25	50	2	7.5	4.5	4.5	1800	6bays/ 100m ² PPA
Heli-stop	Heli-stop	0.15	15	1	2.5	2	2	3600	4 bays
Game Reserve	Estate Management, Service, Maintenance, Storage, Staff Acc	0.50	50	2	2.5	2	2	3600	10 bays
Game Reserve	Game Reserve	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Game Reserve	Animal Rehabilitation Centre	0.15	15	2	7.5	4.5	4.5	3600	10 bays
Game Reserve	Commercial Game Breeding Programme Area	0.05	15	2	7.5	4.5	4.5	3600	10 bays
Water Works	Reservoir	n/a	n/a	2	2.5	2	2	1800	2 bays
Sewage Disposal Works	Private Package treatment plant	n/a	n/a	2	2.5	2	2	1800	2 bays

Riders

- *1 Maximum building size of 625m² floorspace;
- *2 Controls applicable to bulk parent property and not individual mini-sub created.
 - PFA: Proposed Floor Area
 - PAA: Public Accessible Area

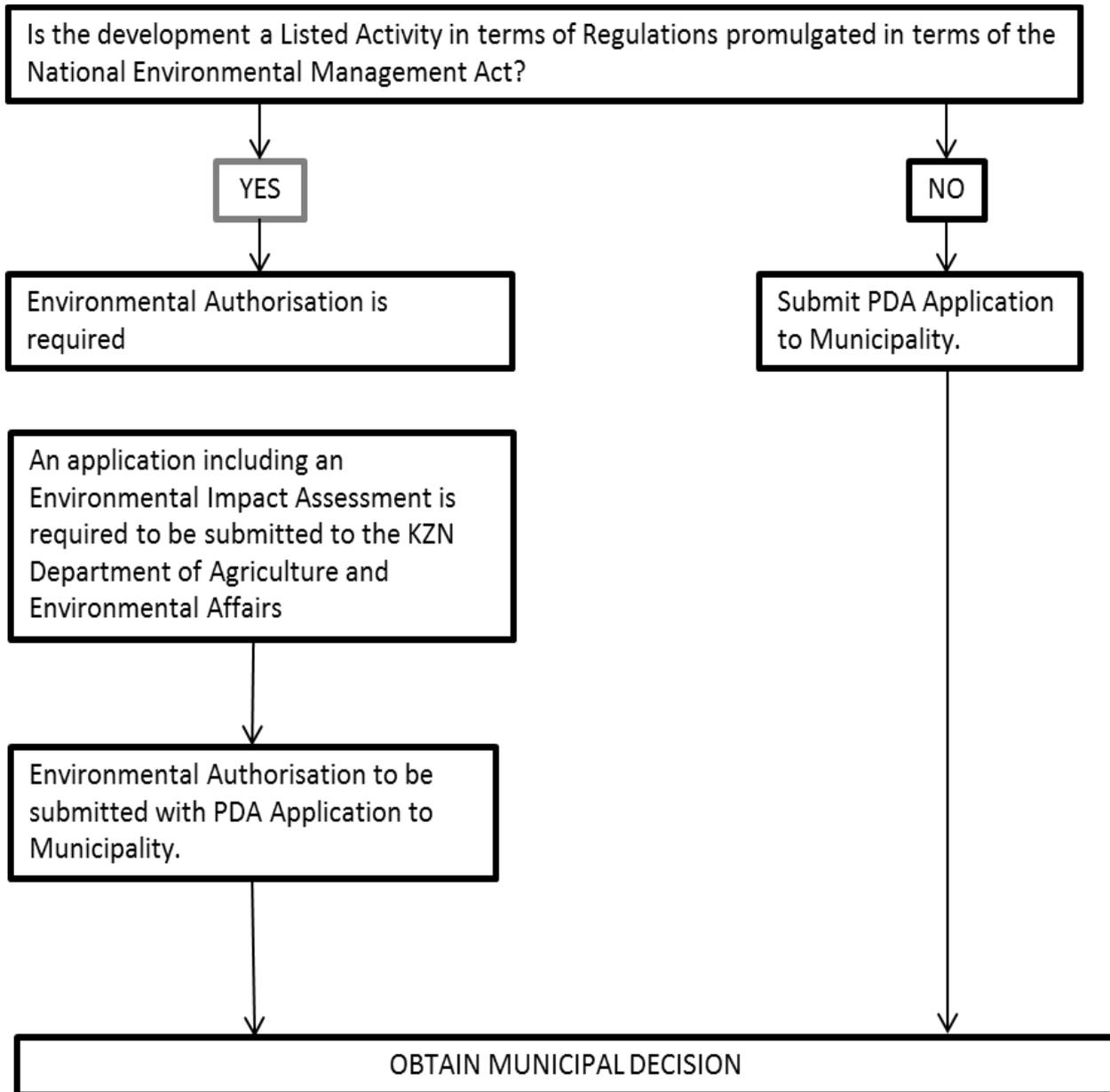
Maps

Map Reference	Content
US3 – 01 - V5	Camperdown/Umlaas Road Scheme Map

APPENDICES

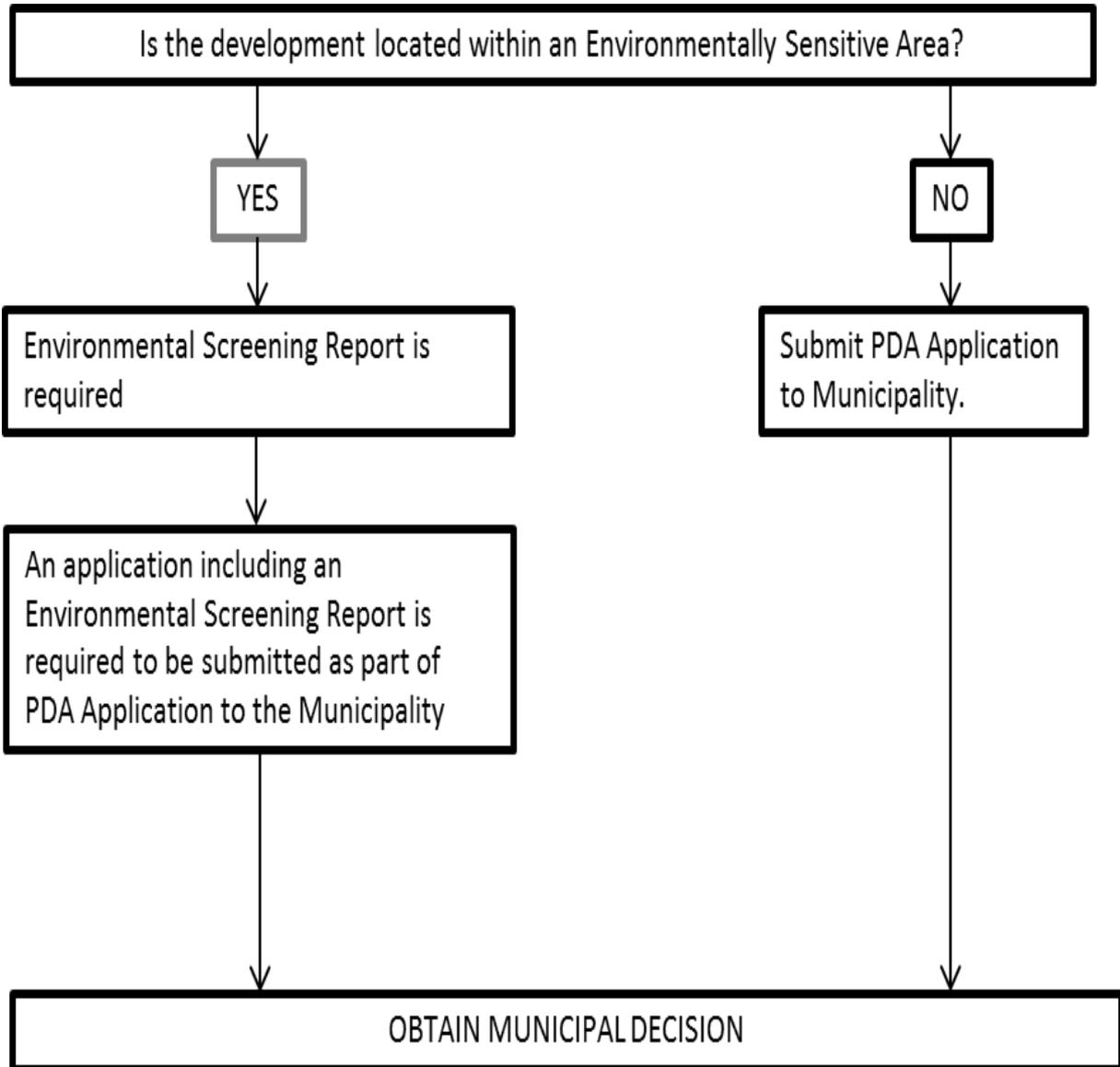
APPENDIX 1a

Flow Chart for Environmental “Listed Activity”



APPENDIX 1b

Flow Chart for “Environmentally Sensitive Areas”



APPENDIX 2

Land Use Guidelines for Water Quality Environmental Zones

Land Use Categories			Water Quality Category		
			Main Stem Rivers	Major Dams	
Non-Urban Development	Agriculture	Irrigated Crop Production	2	2	
		Extensive Crop Production	2	2	
		Intensive Crop Production	2	2	
		Agri-Industry	3	2	
		Intensive Production of Animals and/or Animal Products	3	3	
		Extensive Animal Production	1	1	
		Forestry	2	2	
	Environmental Services & Conservation Areas	Conservation Management and Stewardship	1	1	
		Ecological Infrastructure	1	1	
		Transformed Open Space	2	2	
	Tourism	Low Impact/Eco-Tourism	1	1	
		Medium Impact Tourism	2	2	
		High Impact Tourism	3	2	
	Urban Development & Non-Urban Development	Infrastructure and Services	Airstrip	2	2
			Roads and Railways	2	2
Utilities and Services			2	2	
Sewerage Works			2	2	
Water Works Projects and Catchment Transfers			2	2	
Rural/Traditional Settlement		3	2		
Urban Development	Residential	3	2		
	Mixed Use	3	2		
	Civic and Social	3	2		
	Industry	Extractive Industry/Quarrying and Mining	3	3	
		Industry	3	3	

Key:

1 Compatible Activity	Recommended.
2 Potential Activity	Potential may exist depending on the existing land use and potential, the current ecological state and the sustainable nature of the development type in question.
3 Incompatible Activity	Not Recommended.

