



LAND USE MANAGEMENT SCHEME

VERSION 11.1

TABLE OF CONTENTS

1. INTRODUCTION TO THE SCHEME	6
1.1 LEGAL REQUIREMENTS FOR SCHEMES	6
1.2 TITLE OF THE SCHEME	6
1.3 RESPONSIBLE AUTHORITY	6
1.4 PURPOSE OF THE SCHEME	7
1.5 EFFECTIVE DATE	7
1.6 AREA OF SCHEME AND SCHEME MAPS	7
1.7 MANAGEMENT OVERLAYS	10
1.8 INSPECTION OF THE SCHEME	10
1.9 AMENDMENTS TO THE SCHEME	10
1.10 CONTRAVENTIONS	10
2. GENERAL DEFINITIONS OF TERMINOLOGY	12
3. GENERAL DEFINITIONS OF LAND USE	19
4. THE USE AND DEVELOPMENT OF LAND	29
4.1 BUILDING RESTRICTIONS AND THE USE OF LAND	29
4.2 APPLICATION FOR THE PERMISSION OF COUNCIL AND THE MUNICIPAL PLANNING TRIBUNAL.	29
4.3 APPLICATION FOR THE CONSENT OF COUNCIL	29
4.4 SPECIAL CASE USES	30
4.5 HOUSING PROJECTS – DEPARTMENT OF HUMAN SETTLEMENTS	37
4.6 DEVELOPMENT FACILITATION ACT (DFA) APPROVALS	37
4.7 SPECIAL CONSENT APPLICATIONS	38
4.8 REMOVAL OF INJURIOUS CONDITIONS	39
4.9 NON-CONFORMING EXISTING USES	39
4.10 MANDENI URBAN REGENERATION PLAN	40
4.11 CORRIDOR DEVELOPMENTS	40
4.12 TRANSNET PIPELINE	41
5. BUILDING CONTROL	42
5.1 BUILDING LINE	42
5.2 SIDE AND REAR SPACES	43
5.3 RELAXATION OF BUILDING LINES	43
5.4 COVERAGE	43
5.5 HEIGHT	43
5.6 FAR	43
5.7 PARKING REQUIREMENTS	45

5.8	LOADING REQUIREMENTS.....	45
6.	LAND USE ZONES	46
6.1	AGRICULTURE	52
6.2	CIVIC AND SOCIAL.....	56
6.3	ENVIRONMENTAL.....	63
6.4	MIXED USE.....	72
6.5	INDUSTRY	80
6.6	RESIDENTIAL.....	84
6.7	TRANSPORTATION AND ACCESS	95
7.	GENERAL CONTROLS	101
7.1	SITE DEVELOPMENT PLANS	101
7.2	EXTERNAL APPEARANCE OF BUILDINGS	101
7.3	DEPOSITING OF WASTE MATERIAL	102
7.4	FLOODLINE AREAS.....	102
7.5	UNSERVICED AREAS	102
7.6	TRAFFIC GENERATING SITES.....	102
7.7	PROVISION OF PUBLIC FACILITIES.....	103
7.8	PERMENANT CLOSURE OF STREETS AND PUBLIC PLACES	103
7.9	WELLS AND BOREHOLES	103
7.10	ADVERTISING.....	103
8.	ENVIRONMENTAL MANAGEMENT.....	104
8.1	ENVIRONMENTALLY SENSITIVE AREAS	104
8.2	THE BIODIVERSITY SECTOR PLAN	104
8.3	MARINE PROTECTED AREAS	104
8.4	NEM: BIODIVERSITY ACT.....	104
8.5	COASTAL MANAGEMENT PLAN.....	105
9.	SPECIAL ZONES.....	106
9.1	GENERAL PROVISIONS.....	106
9.2	SPECIAL ZONE 1	107
9.3	SPECIAL ZONE 2	108
10.	LAND USE MANAGEMENT IN AREAS UNDER TRADITIONAL AUTHORITY	123

TABLES

Table 1: Management Overlays	10
Table 2: General Definitions of Terminology	18
Table 3: General Definitions of Land Use.....	28
Table 4: Housing Projects - Department of Human Settlements.....	37
Table 5: Historic DFA Applications	38
Table 6: Parking Requirements	45
Table 7: Mandeni Scheme Zones	47
Table 8: Tugela Scheme Zones.....	49
Table 9: New proposed zones.....	51
Table 10: Agriculture 1.....	52
Table 11: Agriculture 2.....	53
Table 12: Urban Agriculture	54
Table 13: Education.....	56
Table 14: Health and Welfare	57
Table 15: Municipal and Government	58
Table 16: Institution	59
Table 17: Worship	60
Table 18: Cemetery	61
Table 19: Environmental Services	63
Table 20: Active Open Space.....	64
Table 21: Private Open Space	65
Table 22: Passive Open Space.....	66
Table 23: Nature Reserves	67
Table 24: Sea Shore	68
Table 25: Dam	69
Table 26: Core Mixed Use	72
Table 27: Medium Impact Mixed Use.....	73
Table 28: Low Impact Mixed Use.....	74
Table 29: Multipurpose Retail and Hotel.....	75
Table 30: Office	76
Table 31: Public Parking Garage	77
Table 32: Petrol Filling Station	78
Table 33: Extractive Industry	80
Table 34: General Industry.....	81
Table 35: Light Industry.....	82
Table 36: Special Residential 1.....	84
Table 37: Residential Medium Impact	86
Table 38: Residential Only High Density	87
Table 39: Residential Only Medium Density.....	88
Table 40: Small Holdings	89
Table 41: Traditional Settlements.....	90
Table 42: Rapid Urban Management Zone	91
Table 43: Caravan Park	92
Table 44: Resort (Small Tourism)	93
Table 45: Railways.....	95

Table 46: Bus and Taxi Rank.....	96
Table 47: Public Parking	97
Table 48: Utilities and Services	98
Table 49: Existing Road	98
Table 50: Proposed New Road.....	99
Table 51: Refuse Sites	99
Table 52: Waterworks.....	100
Table 53: Sewerage Works.....	100
Table 54: Special Zones.....	106

MAPS

Map 1: Existing Schemes.....	8
Map 2: Housing Projects within the LUMS	8
Map 3: Land under Traditional Authority	9
Map 4: Act 70 of 70 land.....	9
Map 5: Historic DFA Applications	38
Map 6: Urban Regeneration Plan	40

1. INTRODUCTION TO THE SCHEME

1.1 LEGAL REQUIREMENTS FOR SCHEMES

The Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013,) hereinafter referred to as SPLUMA, came into effect on the 02nd August 2013 as per Government Gazette dated 05 August 2013 and subsequently became law on the 01st July 2015.

Specifically, SPLUMA at its promulgation will now provide for the adoption of municipal land use schemes, including their purpose, content, status, review, enforcement and relationship with existing land use schemes. It also provides for the amendment of land use schemes and alignment of authorizations in terms of other applicable legislation.

The municipality has made steady strides in terms of SPLUMA readiness. The SPLUMA bylaw was adopted and accordingly published on the 4th December 2015. Additionally, a Joint Municipal Tribunal was established; inclusive of Maphumulo and Ndwedwe local municipalities. Successively, all preliminary and legislative requirements have been adhered to, as such the municipality is SPLUMA compliant.

1.2 TITLE OF THE SCHEME

1.2.1 This Scheme shall be known as the **Mandeni Land Use Management Scheme**

1.2.2 The Scheme shall consist of:

- a) Scheme Regulations (this document);
- b) Scheme Map/s.

1.2.3 The Mandeni Scheme Regulations and Maps form part of the Land Use Management System which applies to all Erven within the designated boundary.

1.2.4 The Scheme has been prepared in terms of Chapter 5 of SPLUMA read with Chapter 3 of the Mandeni Local Municipality Spatial Planning and Land Use Management Bylaw; December 2015, hereinafter the SPLUMA Bylaw.

1.3 RESPONSIBLE AUTHORITY

1.3.1 The Mandeni Municipality shall be the only authority responsible for enforcing and carrying into effect the provisions of the Scheme within its area of jurisdiction.

1.4 PURPOSE OF THE SCHEME

1.4.1 The purpose of the Scheme is to:

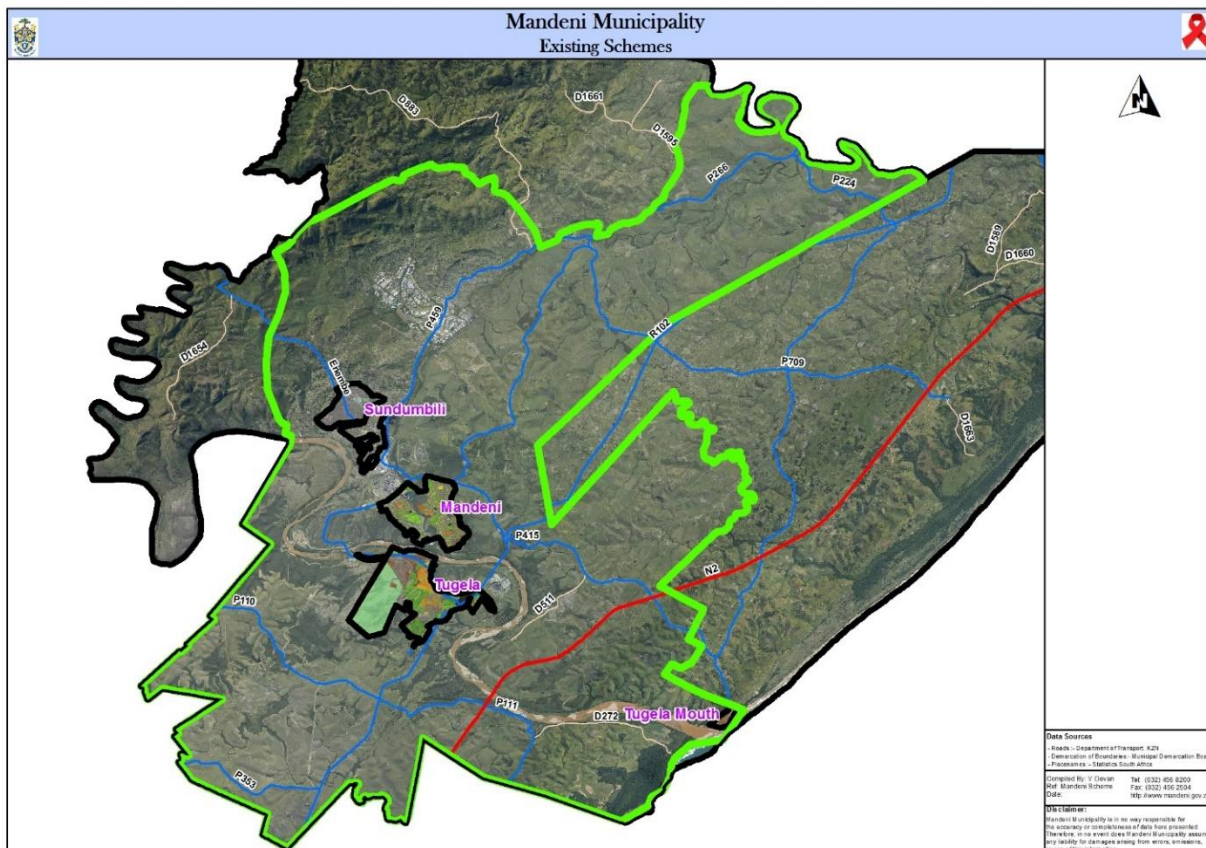
- a) Enable the comprehensive land use management of all erven (both private and state owned land) within the Municipality;
- b) To promote and implement the applicable planning and development legislation and principles as adopted by the relevant National, Provincial and local spheres of government from time to time;
- c) To promote and implement the Vision and Strategies of the Integrated Development Plan in the realization of quality environments; and
- d) To manage urban growth, development and to manage conservation of the natural environment, in order to:
 - (i) Achieve co-ordinated and harmonious development in a way that will efficiently promote public safety, health, order, convenience and to protect the general welfare of the inhabitants of the Municipality;
 - (ii) Promote integrated and sustainable development through-out the area of jurisdiction;
 - (iii) Promote sustainable environmental management, conserve and protect environmentally sensitive areas.

1.5 EFFECTIVE DATE

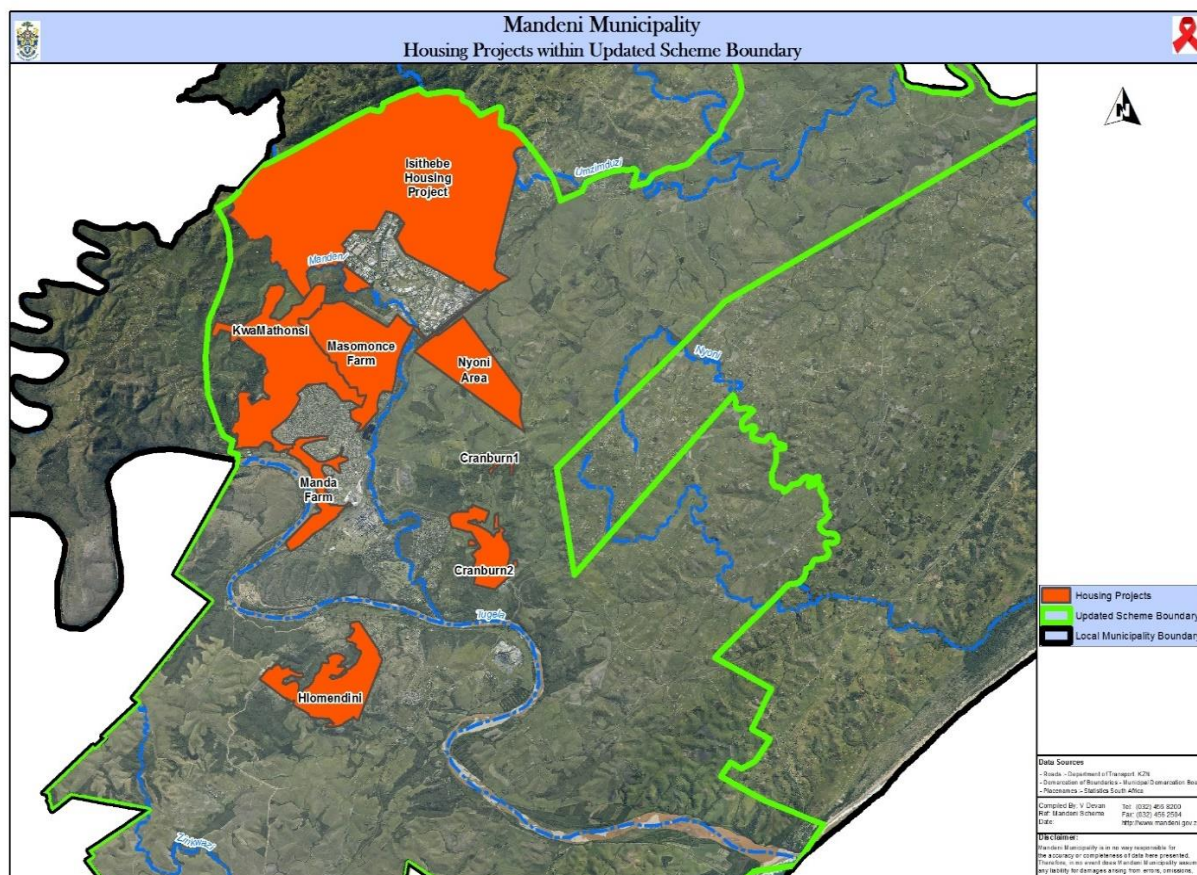
1.5.1 The effective date of this Land Use Management Scheme is the **8th December 2016.**

1.6 AREA OF SCHEME AND SCHEME MAPS

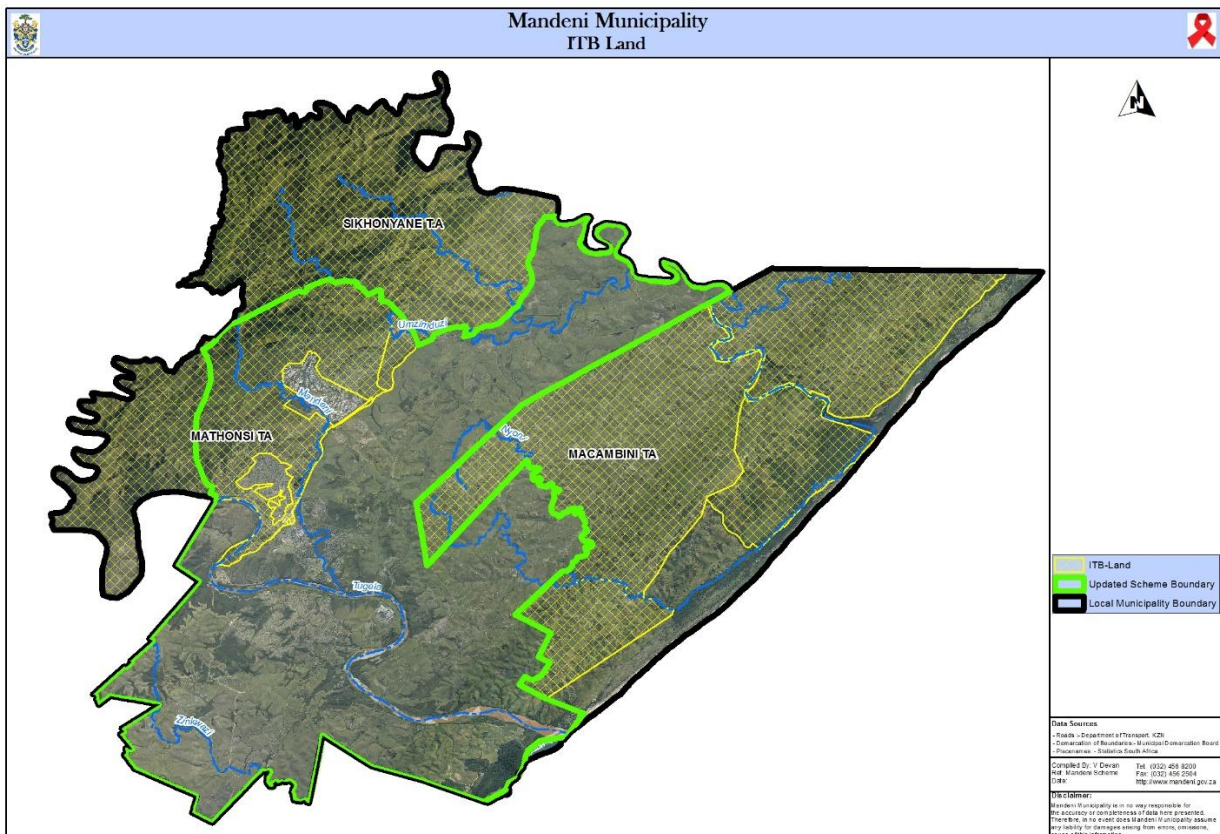
- 1.6.1 The Scheme applies to areas previously covered by the Mandeni and Tugela Scheme; incorporates the areas of Tugela Mouth, High View Park, Padianagar, Mandeni suburb, Sundumbili A and B and isiThebe
- 1.6.3 Housing projects; IsiThebe, KwaMathonsi, Hlomendlini, Nyoni, Masomonco, Cranburn and Manda farm.
- 1.6.4 DFA applications; Tugela Tides, Tugela River Lodge, Tugela Destination Golf Resort and Tugela North.
- 16.5 Areas under Traditional Authority and Agricultural land in terms of the Subdivision of Agricultural Land Act 70 of 1970.



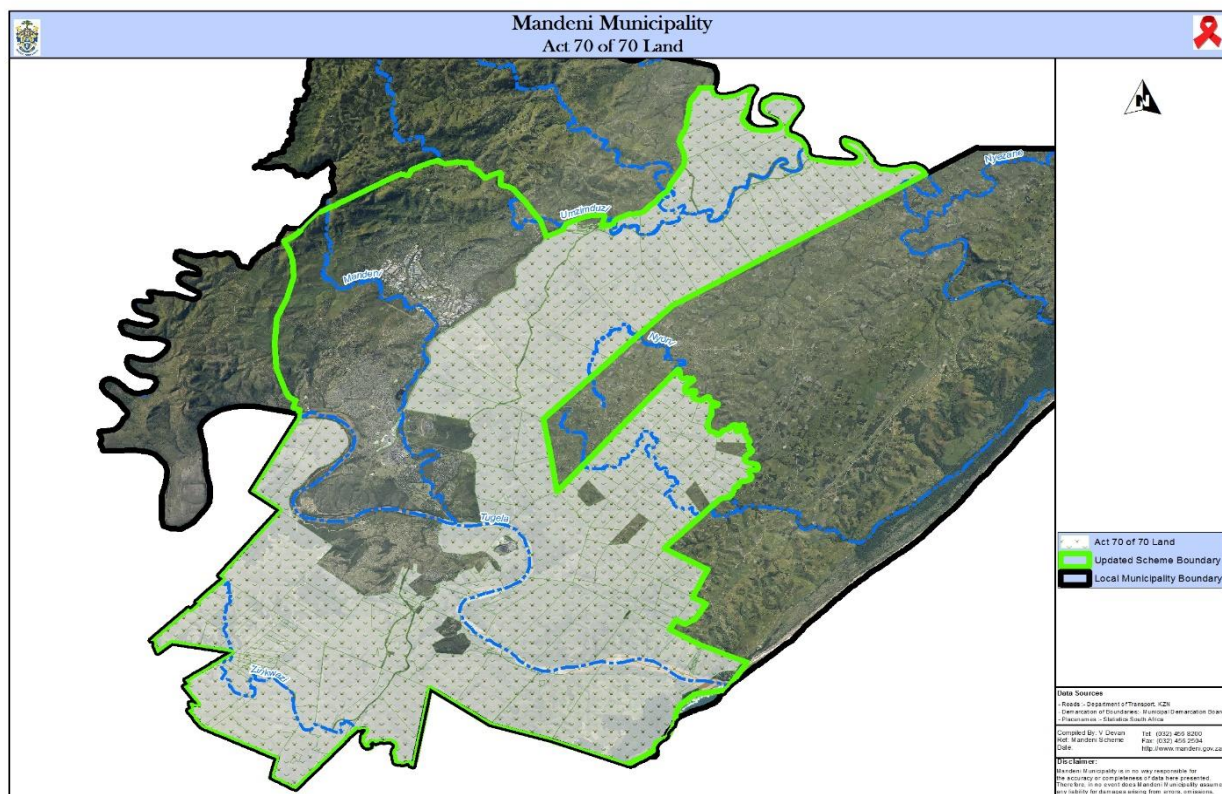
Map 1: Existing Schemes



Map 2: Housing Projects within the LUMS



Map 3: Land under Traditional Authority



Map 4: Act 70 of 70 land

1.7 MANAGEMENT OVERLAYS

- 1.7.1 Where additional and more detailed land use management, beyond that stipulated in the Scheme Regulations and Map/s is required, it will be processed via the use of Management Overlays and Management Plans. The Management Overlay identifies the boundary of the area or precinct for which additional regulations or guidelines pertain. The Management Overlay redirects the user to the “informant” or “plan” that contains the additional information, and this is a parallel or co-ordinating plan. The Management Overlay also redirects the user to the source (date) of the plan concerned.

MANAGEMENT OVERLAYS:
a. Dokodweni Local Area Plan.
b. iLembe Environmental Management Framework.
c. iLembe Bio-diversity Sector Plan.
d. Mandeni Urban Design Framework.
e. Mandeni Coastal Management Programme.
f. Tugela Mouth Local Area Plan.
g. Transnet Pipeline Conditions.

Table 1: Management Overlays

1.8 INSPECTION OF THE SCHEME

- 1.8.1 The Local Municipality shall allow any person to inspect the Scheme at any reasonable time on request. A Register of all amendments to the Scheme shall be kept by the Local Municipality and shall be available to the general public.

1.9 AMENDMENTS TO THE SCHEME

- 1.9.1 If the local Municipality desires to amend any of the provisions of the Scheme, it shall follow the prescribed procedure set out in Section 28 of SPLUMA.

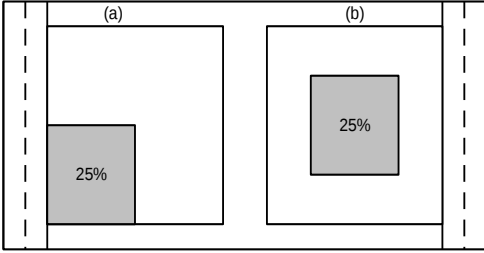
1.10 CONTRAVENTIONS

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

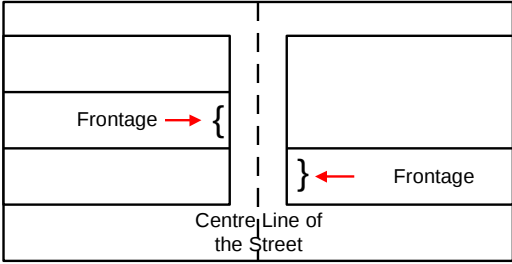
1.10.2 An authorised official in service of council may enter any property within the area of its jurisdiction for inspection purposes. No person shall in any event obstruct such an official in the execution of his or her duties.

2. GENERAL DEFINITIONS OF TERMINOLOGY

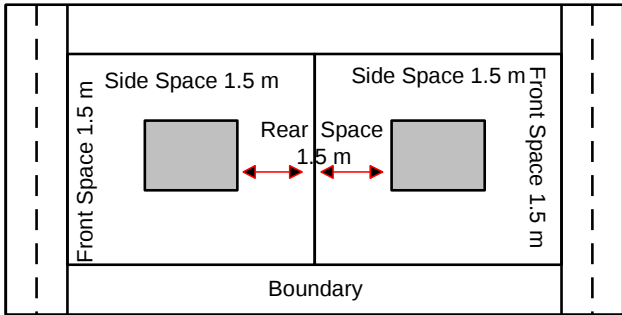
APPLICANT	Means a person who makes a land application as contemplated in Section 45 of the Act.
AUTHORISED OFFICER	Means Municipal Planning Authorised Officer, an official who may consider and determine applications as contemplated in section 35(2) of the Act and section 22 (1)(a) of the SPLUMA Bylaw.
APPEAL AUTHORITY	Means the Municipal Planning Appeal Authority which is the Municipal Council/ Executive Committee.
AUTHORITY	Means the written authority given by the Municipality in terms of its statutory powers.
APPROVAL	Means the approval of the Council/Municipal Planning Tribunal or Authorised Officer.
AREA OF SCHEME	The area of land under the jurisdiction of the Mandeni Land Use Management Scheme.
ATTORNEYS OR ADVOCATES	Means a person admitted to practice as an attorney in terms of the Attorneys Act, 1979 (Act No 53 of 1979) or as an advocate in terms of the Advocates Act 1964 (Act No. 74 of 1964).
BASEMENT	Means any storey of a building or portion thereof where either: The floor level of such storey is two metres (2m) or more below the mean finished ground level of the site on which such building or portion thereof is erected; The ceiling level of such storey is below a level of one metre (1m) above finished ground level.
BUILDING	Means any structure or erection of an immovable nature for whatever purpose used including any tank, swimming pool, mast, wind turbine and any wall, retaining wall or close-boarded fence more than two metres in height at any point, but excluding any open fence, post, steps, pier, ramp, fountain, statue, fish-pond, pergola or other garden ornament.
BUILDING LINE	Means a line parallel to any boundary of an Erf which is contiguous with a street, public right of way or road reservation; or in the case of "hatchet shaped" Erven, a line parallel to the boundary nearest to the street which is not a boundary of the access strip.
BOUNDARY ADJUSTMENT	A boundary line of two properties is moved without creating any new erven.
BYLAW	Means a regulation made by a local authority to enable the Council to give proper effect to the powers and duties conferred or imposed upon it
COMMON LAND	Means that portion of a medium density housing site which is set aside for the use and enjoyment of all occupants of the dwelling units on that site and from which the general public may be excluded.

CONSENT USE	Buildings and uses which may be approved by Council/Municipal Planning Tribunal after following the Special Consent procedure as set out in the SPLUMA Bylaw.
CONSTITUTION	Means the Constitution of the Republic of South Africa, Act (Act No. 108 of 1996).
COVERAGE	The maximum proportion of an erf that may be covered by buildings, and is expressed as a percentage of the Erf area as defined. Thus 25% coverage means that only one quarter of the Erf may be covered by buildings. Only roofed or covered areas are included in coverage.
	
DENSITY	Means the number of dwelling units per hectare as prescribed in relation to a specific area in the development parameters of the land use scheme.
DEEDS REGISTRY	Means a deeds registry established in terms of section 1(1) (a) of the Deeds Registries Act, 1937 (Act No 47 of 1937).
DEVELOPMENT FACILITATION ACT	Means the Development Facilitation Act, 1995 (Act No. 67 of 1995).
DISTRICT MUNICIPALITY	Means the iLembe District Municipality.
DEVELOPMENT	In relation to any land, means the erection of buildings and structures, the carrying out of construction, engineering, mining or other operations on, under or over land, and a material change to the existing use of any building or land for non-agricultural purposes.
DEVELOPMENT RIGHTS	Means rights to use land in ways that differ from the current use.
DEVELOPABLE AREA	Means the registered, surveyed area of a lot excluding areas which are, in the opinion of the Municipality, rendered undevelopable by virtue of factors such as soil instability, prone to flooding, topographic inaccessibility environmental sensitivity and/or steep slope.
DWELLING UNIT	Means a self-contained inter-leading group of rooms used exclusively for human habitation, including not more than one kitchen together with relevant ancillary outbuildings.
DWELLING UNIT CURTILAGE	Means a single defined area of land forming part of a Medium Density Housing development 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.
ENGINEERING SERVICES	Means infrastructure for – (a) roads; (b) storm water drainage; (c) water; (d) electricity; (e) telecommunication; (f) sewerage disposal; (g) waste water disposal; and (h) solid waste disposal
ENVIRONMENTAL IMPACT ASSESMENT (EIA)	It is a process by which possible impacts of proposed developments are measured, as required by the National Environmental Act, 1998 (Act No. 107 of 1998).
ENVIRONMENTAL MANAGEMENT PLAN	Means a site-specific document that details the methods and procedures for mitigating and monitoring the impact of a development project/construction.
ERECTION OF A BUILDING	Means the construction of a new building or a structural alteration or additions to any building.
ERF	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.
EXISTING BUILDING	Means a building lawfully erected before the effective date 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, the continuous use of such building or land for the same purpose for which such a building was designed and lawfully used on the effective date.
EXECUTIVE AUTHORITY	Means the executive committee or executive mayor of the Municipality or, if the Municipality does not have an executive committee or executive mayor, a committee of councillors appointed by the Municipal Council.
FAMILY	Means a man or a woman or both, with or without their parents, the children of one or the other or both of them, or a partner, living together as one household.
FLOOD LINE	Means the lines indicating the maximum level likely to be reached by floodwaters on the land, having a specified recurrence interval e.g. 1 in 50 year or 1 in 100 year flood line and within which development should be avoided.
FLOOR AREA	The floor area of a building shall be taken as the sum of the roofed areas of the building at each floor level, measured over and including wall thickness and enclosed balconies, verandas and stoops, but shall exclude: Staircases and access galleries, public toilets, lift shafts and lift motor rooms, water storage tanks, 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; Any area used exclusively for the loading and unloading of motor vehicles; Covered parking spaces other than such area within a public garage and automotive showroom; and, Any area within a basement used exclusively for storage purposes.
FLOOR AREA RATIO	Means the ratio that is obtained by dividing the floor area of a building or buildings erected, or to be erected, on a site by the registered surveyed area of such site, that is: $\text{F.A.R.} = \frac{\text{total floor area of buildings}}{\text{Total area of site}}$
FRONTAGE	It is the length of the boundary of an erf, which is coincident with the boundary of an existing or proposed street.
	
GEOMATICS PROFESSIONS ACT	Geomatics Professions Act, 2013 (Act No. 19 of 2013).
GENERAL PLAN	Means a general plan approved by the Surveyor-General in terms of the land Survey Act, 1997 (ActNo.8 of 1997)
GREEN HOUSE	As provided for under “Agricultural Land” means a structure with the sides primarily made of a transparent material such as glass, Perspex or plastic, used for the purpose of rearing delicate plants or hastening growth of plants under controlled environmental conditions.
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.
HEIGHT	Means the height of a building in storeys and is 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.
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 curtilages in a medium density housing development.
INTEGRATED DEVELOPMENT PLAN	Means a plan adopted in terms of Chapter 5 of the Municipal Systems Act (Act No 32 of 2000).
LAND	Means any erf, agricultural building of farm portion and includes any improvement or building on the land and any real right
LAND DEVELOPMENT	Means the erection of buildings or structures on land, or the change of use of land, including township establishment, the subdivision or consolidation of land or any deviation from the land use or uses permitted in terms of an applicable land use scheme.
LAND USE	Means the purpose for which land is or maybe used lawfully in terms of a land use scheme, existing scheme or in terms of any authorisation permit or consent issued by a competent authority, and includes any conditions related to such land use purposes.
LAND USE MANAGEMENT SYSTEM	Means the system of regulating and managing land use and conferring land use rights through the use of schemes and land development procedures.
LAND USE SCHEME	Means the documents referred to in Chapter 5 of SPLUMA for the regulation of land use.
LAND DEVELOPMENT MANAGEMENT ADMINISTRATOR	Means an official in the employ of the municipality who may consider and determine applications as contemplated in section 35(2) of the Act.
LIQUOR ACT	Means the Liquor Act, No. 27 of 1989.
LODGE	Has the same meaning as “serve”, except in relation to the lodging of plans and documents with the Surveyor-General or the lodging of deeds, plans and documents with the Registrar of Deeds.
LODGER	Means a person who pays rent in return for accommodation
MAISONETTE	Means a two-storey building consisting of 2 dwelling units placed one above the other with separate entrances
MEC	Means a Member of the Executive Council of a Province
MUNICIPAL AREA	Means the area of jurisdiction of a municipality in terms of the Local Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998)
MUNICIPALITY	Means the Mandeni Local Municipality.
MUNICIPAL PLANNING	Means by-law enforcement officers who are peace officers located in the Economic Development, Planning and Human Settlement Department.

ENFORCEMENT OFFICER	
MUNICIPAL PLANNING TRIBUNAL	Means Municipal Planning Tribunal in terms of Chapter 6 of the Spatial Planning and Land Use Management Act 2013 (Act No 16 of 2013) read with the SPLUMA Bylaw (December 2015).
NET DENSITY	Means the density of a specified area, calculated by deducting land set aside for public purposes and other ancillary uses from the total area.
NON-CONFORMING USE	In relation to any building, land or other premises means the continued use of an existing use pertaining to such building, land or other premises for a purpose or in any manner whatsoever which is not in conformity with or constitutes a breach of any of the provisions of the Scheme, but is otherwise lawful.
ORDINANCE	Means the Town Planning Ordinance No. 27 of 1949 as amended.
OWNER	Means the person registered in a deeds registry as the owner of land or who is beneficial owner in law.
OUTBUILDING	Means a building ordinarily used in conjunction with a dwelling unit(s), and used for the garaging of private motor vehicles, storeroom, servant's rooms, servant's toilet, workroom and other such similar uses.
PANHANDLE	Means the access portion of a property to the street by means of a narrowed part of the land unit.
PRIMARY USE	Means the predominant use of any Erf, building or structure.
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 on a medium density housing, residential development, such private open area being reserved for the exclusive use of the occupants of the associated dwelling unit, but may include covered open areas (patios) and verandas.
REAR BOUNDARY	Shall mean that boundary of an Erf which is furthest from any street boundary, and which does not meet any street boundary
	
REGISTRAR OF DEEDS	Means the Registrar of Deeds as defined in the Deeds Registries Act (Act No 47 of 1937)

RESTRICTIVE CONDITIONS	Means any condition registered against the title deed of land restricting the use, development or subdivision of the land concerned.
SERVICES AGREEMENT	Means a written agreement which is concluded between the developer of land and Council and in terms of the respective responsibilities of the two parties for planning, design, provision, installation and maintenance of internal and external engineering services.
SERVITUDE	Means a registered right that grants the use of a portion of land for specified purposes
SET BACK	See definition for building line.
SIDE BOUNDARY	It is 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.
STREET	Means any street, road, lane, avenue, way, footpath, bridge, subway or other right-of-way and includes appurtenances thereto.
STREET BOUNDARY	Means a boundary of an Erf, which is coincident with the boundary of an existing or proposed street.
SURVEYOR GENERAL	Means the Surveyor General as defined in the Land Survey Act, 1997 (Act No. 8 of 1997)
SURVEYOR GENERAL (S.G.) DIAGRAM	Means a diagram as defined in the Land Survey Act, 1997 (Act No. 08 of 1997).
TITLE DEED	Means any deed registered in a Deeds registry recording the ownership of land or real rights in land.
TOWNSHIP REGISTER	Means an approved subdivision register of a township in terms of the Deeds Registries Act.
URBAN EDGE	Means the demarcated line and inter related policy which serves to manage, direct and control the outer limit of urban expansion.
USABLE COMMON OPEN SPACE	Means the usable portion of the common land which is not occupied by vehicular road carriageway, parking areas and communal facilities of a non-recreational nature, but includes walkways, structures intended for recreational use and a children's playing area or areas.
UTILITY AREA	Means the outdoor private area adjacent to or associated with the kitchen side of a medium density housing unit, the screening of which shall be to the satisfaction of the Municipality and which includes patios, verandas and drying area.
ZONES	It is 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.

Table 2: General Definitions of Terminology

3. GENERAL DEFINITIONS OF LAND USE

ABATTOIR	Means a place where game, livestock, poultry and similar animals are slaughtered on a large scale and prepared for distribution. It excludes the occasional slaughtering of animals for cultural, traditional and recreational purposes.
ABLUTION FACILITY	Means a building housing bathing and toilet facilities.
AGRICULTURAL BUILDING	A building or buildings on the same land that is used for the concentration of animals for the purpose of commercial production or sale – (i) that is 400m² or more in extent or that together are 400m² or more in extent; or (ii) that is 8 meters or more in height; (b) A building or buildings on the same land that is used for the cultivation, processing, packaging, storage or sale of crops, flowers or trees – (i) that is 400m² or more in extent or that together are 400m² or more in extent; or (ii) that is 8 meters or more in height; and (c) A building or buildings on the same land that is used for the storage of farm and forestry vehicles and implements– (i) that is 400m² or more in extent or that together are 400m² or more in extent; or (ii) that is 8 meters or more in height.
AGRICULTURAL LAND	Means arable, meadow or pasture land, market gardens, poultry farm, nursery garden and land used for the purpose of breeding or keeping domestic animals, poultry or bees and includes any buildings connected therewith.
AGRICULTURAL INDUSTRY	Means a building used for the intensive production in any form whatsoever, or fish, poultry, gamebirds, livestock and allied products and includes any final processing of these commodities.
ARTS AND CRAFT WORKSHOP	Means a building utilised as a workshop for the manual creation, manufacturing and displaying of arts and craft.
APARTMENT BUILDING	Means a building or portion of a building used as a block of residential flats.
BASE TELECOMMUNICATION -S STATION	Any structure designed and used for the accommodation of equipment used in the transmitting or receiving of electronic communications signals and includes a telecommunications mast.
BED AND BREAKFAST	Means a dwelling in which not more than four (4) bedrooms are provided for the non-permanent accommodation of guests for compensation, on a daily or weekly basis, with or without meals.

BETTING DEPOT	A building used for the purpose of a bookmakers premises or a totalisator agency in terms of section 22(1) and 28(3) of the Horse Racing and Betting Control Consolidation Ordinance, Ordinance No. 28 of 1957 (as amended).
BOARDING HOUSE	Means a building where lodging is provided to no more than 15 lodgers, and may incorporate communal cooking, dining and bathroom facilities. Rooms are rented for residential purposes, youth hostel, backpackers lodge, guest house and residential club; but does not include a hotel, dwelling house, second dwelling or group house.
BOTTLE STORE	Means a licensed premise/s in which predominately alcoholic beverages are sold in the retail trade for consumption off-site.
BUS AND TAXI RANK	Means land, a building or part of a building used for the purposes of parking buses and taxis. For the purposes of this scheme the term, a bus or taxi shall mean a vehicle used to transport people for financial gain and registered as such. Such facilities may include ancillary facilities such as informal trader's stalls and restroom facilities.
CARAVAN PARK	Means an area of land provided with adequate ablution and sanitary facilities with or without communal kitchen, constructed with permanent materials arranged for the accommodation of caravans which are used for temporary holiday dwellings and provided also with permanent water points, approved refuse receptacles and containing within the curtilage a sufficient open space for recreational purposes.
CAR WASH FACILITY	Means a place or structure with specified equipment for washing automobiles. This does not include informal carwash facilities on parking areas.
CASINO	Means a casino as defined in section 1 of the KwaZulu-Natal Gaming and Betting Act, 2010 (Act No. 8 of 2010).
CEMETERY	Means land or premises ear-marked exclusively for the burial or depositing of human remains, it may include buildings that are necessary for administration, and may include a crematorium.
CHAPEL	Means a building or structure, which by design and construction is primarily intended for conducting religious services and associated uses.
CHALET DEVELOPMENT	Means a dwelling unit used as a holiday dwelling or for permanent habitation, consisting of not more than three living rooms with or without sanitary convenience, bathroom, shower and kitchen; with a floor area not exceeding 53 square metres and not less than 32 square meters.

CLINIC	Premises where persons receive an out-patient facility providing medical or surgical services for sick or injured persons and may include emergency treatment diagnostic services and may include a day ward.
COMMUNITY GARDEN	Land used for the production of fruit and vegetables in an urban environment using resources available in that urban area for the benefit of residents from that area. It expressly excludes the large-scale sale of produce/crops from the site so as to cause a nuisance to the surrounding landowners. It may include a small-scale plant nursery.
COMMUNITY HALL	Means a facility for public or private meetings, including, but not limited to: community centres; civic and private auditoriums; union halls; meeting halls for clubs and other membership organizations, etc. Also includes functionally related internal facilities such as kitchens, multi-purpose rooms and storage.
COMMERCIAL WORKSHOP	Means a light industrial building which caters only for retail where-in the primary purpose is the selling of goods or service by retail and where the processes are operated specifically in conjunction with a shop or office to which the public, as customers have, access. It includes such uses as a watch repairer, shoe repairer, valet service, radio/television repairer, and electrician and may include a garage or service station.
CONFERENCE FACILITY	A building or portion of a building used for conferences, seminars and meetings and may include offices for the administration of such centre.
CRECHE	Means the provision of a building or portion of buildings to be used for the care of no less than six or more infants and young children during the daytime
CREMATORIUM	Means a place for incinerating corpses in a furnace, and includes associated facilities such as a chapel and offices.
DAY CARE FACILITY	A facility operated for the purpose of providing care, protection and guidance to seven or more individuals during only part of a 24 hour day. This term includes crèches, nursery schools, pre-schools, day care centres for individuals, and other similar uses, but excludes public and private education facilities or any facility offering care to individuals for a full 24 hour period.
DWELLING HOUSE	Means a free standing 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 customary 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.

EDUCATIONAL BUILDING	Means a building used as a school, college, technical institute, academy, research laboratory, lecture hall, convent, monastery, gymnasium, public library, art gallery, museum or for other instruction together with any associated land or buildings and includes a hostel but does not include a reformatory or a school for the mentally challenged.
EXTRACTIVE INDUSTRY	Means the process of extracting, mining, winning or quarrying of raw materials from the ground, including gravel, sand and stone and includes a hostel but does not include a reformatory.
FACTORY	Means an area of a building that is 100m ² or more in extent or an area of land that is 100m ² or more in extent, used for the manufacturing of goods/A building or a group of buildings where goods are manufactured or assembled, mostly by machinery.
FAST FOOD DRIVE THROUGH	Means a building used for the sale of food and beverages to customers who remain in their vehicles.
FIRE STATION	Means a building that houses a fire brigade.
FUNERAL PARLOUR	Means a building or land used for the purpose of funeral management, includes a shop intended primarily for public reception and for the sale and display of those commodities required for cemetery purposes, funeral chapel, funeral parlour and services ordinarily ancillary to funeral management but does not include a monumental mason, or crematorium or Morgue.
FORESTRY	Means the use of land primarily for timber production, tree farms, forest nurseries, the gathering of forest products, or the performing of forest services.
FLEA MARKET	An occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale.
GAME RESERVE	Mean large areas of land where wild animals live safely or are hunted in a controlled manner as a form of a sporting activity.
GARAGE	Means a building used for the repair, storage, parking, display, sale, paint spraying or fuelling of vehicles; it includes facilities connected with these activities and includes the storage of fuel and lubricants, office, storeroom, workshop, grease pit and machinery provided that panel beating may be included by Special Consent.
GENERAL INDUSTRIAL BUILDING	Means a factory as defined in the Factories, Building Machinery and Building Works Act, 1941, as amended, and includes a building used for the general repair of motor vehicles, but does not include a Garage or Service Station or Special Industrial Buildings.
GUEST HOUSE	A building wherein more than four but less than 10 bedrooms may be used for the purpose of providing short stay self-catering accommodation to guests, and

	may include other uses considered by Council to be ancillary thereto, without impairing the amenity of the adjoining properties.
GOVERNMENT SUBSIDISED DWELLING	Means a dwelling that is funded or partially funded with funds from the Integrated Residential Development Programme, the Upgrading of Informal Settlements Programme, and the Rural Housing Subsidy: Communal Land Rights, or a similar programme of an organ of state, irrespective of where the dwelling is situated.
HEIGHT	Means the vertical distance of a structure measured from the average elevation of the finished graded level surrounding the structure to the highest point of the structure.
HEALTH FACILITY	Means a building used by a health agency or a health establishment as defined in section 1 of the National Health Act for the care and treatment of human illness, including a hospital, clinic and doctor's consulting room.
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 business, subject to certain conditions. In particular, such business may cause the employment of additional staff which is necessary to conduct the business, but shall not have a negative impact on the residential character of the area.
HOSPITAL	Means an institution providing health services and medical and/or surgical care to persons suffering from illness, disease, injury and includes related facilities such as laboratories, medical offices, and staff residences.
HOTEL	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.
HORTICULTURE	Means the cultivation of a garden, orchard, or nursery; the cultivation of flowers, fruits, vegetables, or ornamental plants/ The art or practice of garden cultivation and management.
HOMESTEAD/UMUZI	Means a traditional household/homestead consisting of one Umuzi, together with ancillary outbuildings and agricultural uses and structures.
INDUSTRY – GENERAL	Means a factory as defined in the factories, Building Machinery and Building Works Act, 1941 as amended and includes a building used for general repair of motor vehicles, but does not include a garage or service station.

INDUSTRY – LIGHT	Means an industry in which the processes carried on or the machinery installed are of such nature that it could be carried out or operated without any detriment to amenity, engineering services or to health by reason of, inter alia: a) noise, vibration or glare; b) odour, gas, fumes or smoke; c) soot, ash, dust, grit or other particulate matter; d) radiation, fire or explosion hazards; e) electronic or electromagnetic interference; f) heat or humidity; g) the discharge of any other vapour, gas, effluvium, liquids and solid matter; and/or h) causing undue load on any existing or proposed engineering services such as energy/water intensive uses. Examples of “Light Industries” include panel beaters, enclosed spray painting booths with filtration systems, etc.
INDUSTRY – SERVICE	Light industrial premises which have a retail shop front and from which goods manufactured on the premises, may be sold, and includes a builder’s yard, laundry, bakery, dairy depot, dry-cleaning, and similar types of uses, and which caters specifically for the essential day-to-day needs of a residential area.
INFORMAL TRADE AREA	Means an area within which any small scale economic activity is permitted, provided that each operator occupies a defined space. Provided further that, notwithstanding anything stated to the contrary in these clauses, no specific provision shall apply to such area, unless considered necessary and so specified by Council.
INSTITUTION	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, homes for the aged or for mentally or physically retarded children, nursing home, sanatorium, clinic, convalescent home, orphanage or other buildings 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.
LAUNDERETTE	Means a building used for the purpose of washing and drying clothing and household fabrics, where the machines used are electrically operated and quite running, and of the type which process each customer’s articles individually, and which may be operated by the customer. The washing media used shall be of a type that shall not cause harmful effluent to be discharged into the sewerage system.

LIFE GUARD HOUSE	Means a building for use by a lifeguard or lifeguards who are employed to rescue swimmers that get into difficulty at a beach or swimming pool. The building may be used to store equipment related to the primary land use e.g. a rubber dingy, tubes oars etc.
LODGE	Means an accommodation facility that is located in a game reserve, may include the following; - Conference facilities - Restaurant - Shop - Place of public entertainment
MEDIUM DENSITY HOUSING	Means, a group of two or more attached or detached Dwelling Units, together with such outbuildings as are ordinarily associated thereto, each Dwelling Unit having access to a private open space and access to common land, the whole development having been designed as a harmonious entity. No Ancillary Unit shall be permitted on a Medium Density Housing Development.
MOBILE PARK HOME	Means an area of land developed for mobile homes and ancillary facilities, the whole area having been designed as a harmonious entity
MOTOR GARAGE	Means a building used for the repair, storage, parking, display, sale, paint spraying or fuelling of vehicles and includes facilities connected with these activities and includes the storage of fuel and lubricants, office, storeroom, workshop, grease pit and machinery provided that panel beating may be included by Special Consent.
MORTUARY	Means a building where dead bodies are kept and prepared before burial or cremation
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.
NATURE RESERVE	Means areas in which human activities are very limited and where the natural environment is protected from man-made changes.
PARKADE / PARKING GARAGE	Means land or buildings used exclusively for the parking of motor vehicles, other than parking normally required in terms of the Scheme, at a fee or not, and may include an area for the administration of the parking use, carwash facility and ablution facilities and kiosks to accommodate uses such as flower,

	refreshments and newspaper sellers but shall not include “Industry-Salvage”, “Public Garage” or “Automotive Showroom”.
PETROL FILLING STATION	Means a building and land used for the retail sale of petrol and petroleum related products. May include the following; - Shop - Restaurant - Car wash
PLACE OF ENTERTAINMENT	Means a building or land used for public entertainment and includes a theatre, cinema, music hall, concert-hall, amusement arcade, dance hall, skating-rink, racetrack, sports-arena, exhibition hall, billiards room and fun fair.
PLACE OF PUBLIC ASSEMBLY	Means a building or land used for social meetings, gatherings, religious purposes or indoor recreation, but does not include a place of public entertainment.
POLICE STATION	Means a building that houses the police force;
PRISON	Means a building used for the confinement of detained persons;
PRIVATE RECREATION AREA	Means a sports ground, playing field or other open space or recreational buildings of a club, firm, private person or other body, including buildings normally ancillary to recreational activities.
PROFESSIONAL OFFICE	Means an office used for conducting the profession of, or occupation of, an accountant, architect, consulting engineer, land surveyor, legal practitioner, medical practitioner, quantity surveyor, town planner, bookkeeper, draughtsman or any other profession or occupation of a nature similar to the foregoing to which the local authority may agree and which in the opinion of the local authority is not likely to generate traffic to an extent which unduly interferes with the amenity of the neighbourhood.
PUBLIC OFFICE	Means an office building used for any Central, provincial or Local Government purpose, and includes an administrative office, Municipality office and town hall, government office, court house, police station, public library, public art gallery, public museum, and buildings ordinarily ancillary thereto.
PUBLIC ROAD	Means any road or street under the jurisdiction of and maintained by Mandeni Municipality and the Department of Transport.
RAILWAY STATION	Means a place where freight and passenger trains stop on a railway line, typically with platforms and buildings such as ticket offices, ablutions and waiting rooms. The smallest stations are most often referred to as 'stops' or, in some parts of the world, as 'halts' (flag stops).

RECYCLE PLANT/TRANSFER STATION	Means a place for processing used or abandoned materials.
RECREATIONAL BUILDING	Means a sport ground, playing field or other Private Open Space or Recreational Buildings of a club, firm or other body, where the use thereof is restricted to the owners or members of the club, firm or other body.
RESIDENTIAL BUILDING	Means a building or portion of a building other than a dwelling house, chalet, duplex flat, semi-detached house, terrace house, maisonette or hotel used for human habitation, together with such outbuildings as are ordinarily used therewith, and includes a block of flats, boarding house, residential club or hostel
RESTAURANT	Means a building or portion of a building used primarily for the preparation and sale of food, confectionary and beverages for consumption on the premises.
RETIREMENT VILLAGE	Means premises used for the housing of the aged, including assisted caring for the aged and the infirm. There shall be only incidental convalescent care either by a nurse or a non-resident physician. There shall be no surgery, physical therapy or other similar activities.
RESTRICTED BUILDING	Means a building used for such purposes as a clinic or hospital for infectious diseases, a jail, mental home or hospital, or reformatory.
SCRAPYARD	Means any land together with ancillary buildings used for the storage of used vehicles, parts of used machinery, scrap metals, used pipes, used building materials, waste materials, or similar used goods, or for all such goods and any combination of such goods, or for the dismantling of discarded vehicles or other machines.
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, showroom, video hire, auction mart or for the sale of food and drink 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, or hotel.
SHOPPING MALL	Means an enclosed building containing a variety of stores connected by common pedestrian passageways that is used for shopping, including the sale of groceries, food, clothes, cosmetics, jewellery, books, music, toys, sport equipment, camping equipment, cell phones, household appliances, décor and

	furniture and provision of services, including a bank, hairdresser, pharmacy, optometrist, laundrette, pet shop, movie house, video-hire, internet café and workshop for the repair of shoes or cell phones;
SPECIAL DEVELOPMENT	Means development which is not covered by any definitions in this table.
STORAGE WAREHOUSE	Means a building intended for the storage of goods except those of a dangerous nature, and where no business is transacted other than incidentally to such storage.
TAVERN	Means a building that is used for the sale of alcoholic beverages to be consumed on the premises and “bar” and “pub” have a corresponding meaning;
TAXI RANK	Means a building or land where three or more taxis load or unload passengers;
TRAIN STATION	Means a building or land operated by Transnet where trains load or unload passengers or goods;
TUCK SHOP	Means a small retail trade use of which the floor area does not exceed 30% including storage space and is provided on school premises or within office buildings, which is a small scale trade incidental to the needs of the employees or pupils on the premises.
UNDEFINED USE	Any other type of building or use not specifically referred to in these Land Use Definitions.
UTILITIES FACILITY	Means land or buildings used for the provision and maintenance of essential infrastructural services
VEHICLE TESTING STATION	Means the registered use of land and/or buildings by a registering authority for determining the fitness of vehicles to utilise the public road system, in line with the provisions of the National Road Traffic Act, 1996.
VETERINARY CLINIC	Means a place where animals or pets are given medication or surgical treatment and are cared for during the time of such treatment, and includes the ancillary use of the premises as a kennel or a place where animals or pets are boarded for remuneration.
WASTE TRANSFER AND/OR RECYCLING CENTRE	An area of land, with or without buildings, that may be licensed under relevant legislation for the temporary accumulation and storage of garden and recyclable domestic waste and which may include the separation and processing of domestic waste materials for eventual reuse or final disposal at a landfill site.
WASTE TRANSFER AND/OR DROP-OFF STATION	Means land that may be licensed under relevant legislation to accumulate and temporarily store of garden and recyclable domestic waste before it is transported to a recycling, treatment or waste disposal facility.
WHOLESALE WAREHOUSE	Means a building used primarily for the storage and sale of goods on wholesale basis and excludes retail sales to the public.

Table 3: General Definitions of Land Use

4. THE USE AND DEVELOPMENT OF LAND

4.1 BUILDING RESTRICTIONS AND THE USE OF LAND

4.1.1 After the adoption of the Mandeni Land Use Management 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 such person has first applied in writing to Municipality for authority to do so and the Municipality has granted its written authority thereto with or without conditions;

4.1.2 Within each use zone there are restrictions with regard to the use of land and the erection and use of buildings. These are split into three categories:

- ❖ **Free Entry uses** – Building s and uses permitted without first applying for Council formal consent or authority
- ❖ **Consent uses** – Building and uses which may be approved by council after following all necessary procedures of a Special Consent application; and
- ❖ **Prohibited uses** - Building and uses which are expressly prohibited

4.1.3 Applications for development of land falling under Ingonyama trust will also require the consent of the relevant Tribal Authority (TA) together with the Ingonyama Trust Board (hereafter “the ITB”)

4.2 APPLICATION FOR THE PERMISSION OF COUNCIL AND THE MUNICIPAL PLANNING TRIBUNAL.

Persons requiring approval of council shall apply in writing to the Municipal Manager in the prescribed form and such application shall be accompanied by documents stipulated in the Municipal bylaw as required by the SPLUMA.

4.3 APPLICATION FOR THE CONSENT OF COUNCIL

Persons requiring approval for consent shall apply in writing to the Municipal Manager in the prescribed form and such application shall be accompanied by documents stipulated by the Land Development Management Administrator and in accordance with the Mandeni SPLUMA Bylaw, read with the SPLUMA.

4.4 SPECIAL CASE USES

4.4.1 Residential

- (i) The various Residential zones provide a range of controls to cater for the necessary range of housing types required to serve the local population.
- (ii) The Residential zones facilitate sustainable development which meets the housing needs of the local community in a manner which promotes accessibility, but which also protects the levels of amenity which are necessary in a residential neighbourhood.
- (iii) In considering any application within a residential zone, and where in the opinion of the Council the proposed use or development is likely to create a detrimental effect on the amenity of that residential neighborhood, the onus shall be upon the applicant to demonstrate that there exists a planning need for the proposed use or development which overrides any such detrimental affect which may be caused to the amenity of the residential neighborhood by the proposed use or development.

4.4.2 Traditional Settlement Areas

- (i) Areas settled according to traditional settlement practices are zoned “Traditional Settlement”;
- (ii) Such a zone is applicable only on communally owned land where occupation is by traditional or indigenous land tenure including lease agreements with the ITB;
- (iii) The following uses which are considered to be of a scale which is not detrimental to the welfare of the local community do not require the written permission of the Municipality but there is a need to submit building plans to the municipality for:
 - Umuzi,
 - tuck shops of less than 25m² in extent,
 - home businesses which employ not more than one person,
 - crèches accommodating not more than 6 children;
 - agricultural activities including communal gardens, grazing and woodlots
- (iv) The uses listed in (iii) above require only the permission of Traditional leaders, including AmaKhosi, Izinduna and the ITB as applicable;
- (v) All other uses, and activities which exceed the limits set out in this clause, require the authority of the Municipality, in accordance with the provisions of this scheme.

4.4.3 Agriculture

- (i) Areas zoned for commercial agricultural purposes have been identified as forming part of the natural resource base of the Municipality and are critical components of the local economic base. The primary use of any Erf in such a zone must remain agriculture, and the only other uses permitted shall be those which are, in the opinion of the Council, ancillary to the agricultural activities on a lot.
- (ii) No subdivision of agricultural land will be permitted unless the Municipality is satisfied that the resulting subdivisions are viable for agricultural purposes, and that such subdivision has been supported by the Department of Agriculture.
- (iii) No land zoned for commercial agriculture purposes may be rezoned for any other purpose without the consent of the Department of Agriculture, Forestry and Fisheries.

4.4.4 Coastal Management Zone

The Coastal Management Zone shall be depicted symbolically on the scheme map by a blue dotted line, as this zone is too narrow to outline exactly.

- (i) This area consists of the following areas:
 - the coastal public property area which consists of the seashore and coastal / tidal waters,
 - the coastal buffer zone which is 100m in width measured from the high water mark, and
 - The coastal access land which allows public access to coastal public property through the coastal buffer zone.

Development shall be permitted in accordance to the Coastal Management Plan; adopted in 2014.

- (ii) No development shall be permitted unless coastal access land is provided to give access to the coastal public property to the satisfaction of the Municipality.

4.4.5 Caravan Parks

The written authority of the Municipality for the establishment of a Caravan Park shall only be given if the procedures followed, the design and layout are in accordance with the relevant Municipal bylaws as amended from time to time, and with the standards laid down in the code of practice for Caravan Parks.

4.4.6 Bed and Breakfast

The Municipality may authorise the use of a dwelling house for use as a Bed and Breakfast establishment as defined in “Land Use Definitions” provided that in General Residential zones, the conversion of a unit in a Medium Density Housing complex, or a Residential Building, shall not be permitted, and provided also that the following conditions are met:

- a. the person running the Bed and Breakfast establishment shall reside in the dwelling house;
- b. the written consent of the adjacent landowners has been obtained; and
- c. Signage is in accordance with the advertising policy of council.
- d. the Municipality shall be satisfied that the predominant use remains that of Residential or Agriculture as the case may be;
 - the Municipality may impose whatever conditions are necessary to protect the amenities of the neighbourhood;
 - the Municipality may call on the applicant to apply for Special Consent; and
 - If it is subsequently found that there is, in fact, an interference with the amenities of the neighbourhood, the Municipality may impose further conditions or call on the occupant to cease running the Bed and Breakfast establishment.
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4.4.7 Guest House

Guesthouses are land uses whereby dwellings maybe be let by the owner for temporary accommodation purposes (maximum 10 bedrooms). As such, the primary use must remain residential in nature and the guesthouse may not impact negatively on the environment.

Pre-requisites for approval are as follows;

- a. Special consent approval from the Municipality;
- b. The person running the guest house establishment shall reside in the dwelling house or alternatively the designated manager;
- c. The building, in the opinion of council shall conform to the appearance and definition of a dwelling house;
- d. Parking requirements
 - i. One bay or garage per room;
 - ii. Parking of the Manager/Owner shall be provided to the satisfaction of the Director: Economic Development, Planning and Human Settlements;
- e. Advertising will be in accordance to the advertising bylaw; and
- f. The Municipality may at any time impose any further condition it deems reasonably necessary in order to maintain the residential amenity of the area.

4.4.8 Home Activity

The Intention of the Scheme is to encourage the owner/occupier of a Dwelling House/Dwelling Unit to contribute to the Local Economy of the Mandeni Municipality. Land Uses that may be considered shall not, in the opinion of the Mandeni Municipality, negatively impact on the neighbourhood.

Specified activity or use will be operated in conjunction with a Dwelling or Residential Building, or a structure erected on the Site of an existing Dwelling or Residential Building which

- a. Within the Residential Only Detached zones, a Home Activity shall only operate as a permitted land use if it is stated as such in the Development Control Table of this scheme. Written authority shall be applied for and such home activity shall comply with the following:-

- The area to be used for the home activity shall not exceed 20m² of the total floor area of the house;
- The predominant use on the property shall remain residential;
- Onsite parking and loading facilities shall be provided to and in line with the parking requirements of this scheme;
- The Municipality may, if they require, request more parking to be provided;
- Operating hours shall be between 7am and 5pm. extended hours shall be to the discretion of Council.
- No shop or sale of items shall be done outside the site;
- 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;
- After affording the applicant the opportunity of being heard, the Municipality may at any time impose any further condition it deems necessary in order to preserve the residential amenity of the area, or it may call upon the applicant to apply for Special Consent following which it may refuse the application if, in its opinion, the amenity of the neighbourhood is being adversely affected by the activities of the business; and
- Any authority or Special Consent granted shall not be transferable to successors in title. If the use is discontinued for the period prescribed in the relevant legislation, the dwelling house or dwelling unit, insofar as it may have been altered for that purpose, be restored to its original state to the satisfaction of the Municipality.

4.4.9 Taverns

Provided that in the case of a Tavern, the authority of the Municipality may only be given by special consent and only if the proposed use complies with the relevant bylaws of the Municipality as amended from time to time, as well as with the following:

- a. The applicant shall obtain written comments from the surrounding neighbors as indicated by the council;
- b. A site plan indicating the position and size of the tavern shall be submitted with the application;
- c. A motivation report stipulating the intentions of the applicant, the number of people to be engaged in the business as well as the need and desirability shall form part of the application;

- d. The primary use of the site shall remain residential;
- e. Include guidelines from liquor authority; pertaining to schools, worship and clinic;
- f. If the applicant is not the owner of the property, a power of attorney / letter of consent from the registered owner of the property must be submitted with the application;
- g. The applicant shall conduct no other use on the site concerned other than that of a tavern, as approved by the Council;
- h. The area of the tavern shall not exceed 50m²;
- i. Advertising sign shall be done according to Mandeni Municipality's signage by-laws;
- j. The owner/ applicant shall reside on the premises;
- k. All consumption of liquor shall be within the property;
- l. The premises shall at all times be open to Council officials and SAPS for inspection purposes;
- m. The Council shall reserve the right to impose any other conditions it deems necessary to preserve the residential character of the area, suspend (for a period not less than 30 days) or rescind the authority granted without notification if the applicant fails to comply with any of the conditions; and
- n. In considering any such application the Council shall take into consideration the nature of the occupation in relation to the character of the area and shall impose whatever conditions it considers are necessary to protect the amenities of the neighborhood. Any occupation which in the opinion of the Council has a potential for causing pollution, hazardous situations and degradation of the residential environment, shall not be permitted. Provided that if it is subsequently found that there is, in fact an interference with the amenities of the neighborhood, the Council may impose further conditions or withdraw its authority at any time and call on the occupant to cease the activity forthwith.

4.4.10 Tuck Shops

In the case of a person operating a tuck-shop involving the selling of basic convenience goods at a small scale to his immediate residential area, such an occupation may be permitted on any residential property. Any application for the authority of Council to permit the operation of a tuck-shop shall be subject to the following:

- a. that the portion being utilised for such an occupation (including the storage of goods) not exceed a gross floor area of 15m²;
- b. Letters of no objection from the surrounding property owners and tenants. In the case of objections, however, the application shall be subject to the requirements for special consent;
- c. The occupation not interfering with the amenities of the neighborhood;
- d. No container being used for such operation, unless it has been aesthetically altered to the satisfaction of the Council; and

- e. In considering any such application the Council shall take into consideration the nature of the occupation in relation to the character of the area and shall impose whatever conditions it considers are necessary to protect the amenities of the neighbourhood. Any occupation which in the opinion of the Council has a potential for causing pollution, hazardous situations and degradation of the residential environment, shall not be permitted. Provided that if it is subsequently found that there is, in fact an interference with the amenities of the neighborhood the Council may impose further conditions or withdraw its authority at any time and call on the occupant to cease the activity forthwith.

4.4.11 Medium Density Housing

Any person wishing to develop a site for Medium Density Housing shall first apply to the Municipality for approval in principle for the development, and shall provide a layout plan showing the position of buildings, roads and access points, parking area, common land and where provided, recreation facilities and private open areas. Such application should include, where considered necessary to the Municipality, an environmental impact assessment.

Should the application in principle be successful, the applicant shall subsequently submit to the Municipality for its approval;

(a) A layout plan showing:-

- (i) The position, dimension and material proposed 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, if provided;
- (iii) The position, nature, extent and level of all proposed and existing buildings on the site and adjoining sites;
- (iv) The proposed landscaping of the site;
- (v) The proposed common open space;
- (vi) The position and nature of recreation facilities, if any;
- (vii) The position and extent of all utility areas; and
- (viii) The 50 year flood line, where applicable.

(b) 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;

- (vi) The areas of public open space and other public uses; and
 - (vii) Any other information which the Municipality may reasonably require.
- (c) The following minimum areas per dwelling unit shall apply to a medium density housing site
- | | | |
|-------|--------------------------|-------------------------|
| (i) | Dwelling unit curtilage | 200m ² |
| (ii) | Private open space | 30 m ² /unit |
| (iii) | Usable common open space | 50 m ² /unit |
| (iv) | Utility area | 15 m ² /unit |
| (v) | Garage/carport | 20 m ² /unit |
- (d) Where in the opinion of the Municipality a road within a medium density housing site should serve the public, the Municipality may require the road to be registered as a public road, provided that for purpose of bulk and coverage calculation the area of the public road shall be excluded in the gross area.
- (i) The medium width of the carriageway within a medium density housing shall be 3 meters where the carriageway is one-way and 5 meters where the carriageway is two-way.
- (e) A Home Owners Association shall be established. Such association shall administer and maintain the common land, control the external appearance of buildings within the medium density site and deal with any other matter pertaining to the Medium Density Housing site which is of common interest to the members.

4.4.12 Cluster/Row housing

Row housing refers to units that share a common wall and conserve space through a horizontal design and focus. The most common within Mandeni are simple row units. Each unit shares two side walls with a neighbour though the back walls are open to the street and backyard.

Row housing will be a free entry use in all residential zones, however; any person wishing to apply must submit a building plan showing the position of the buildings, roads, access points and parking areas.

4.4.13 Indeterminate Zone

Indeterminate zones are applicable only where the Municipality is of a view that it is undesirable or not practical to impose a particular zoning on a specific Erf at a specific time.

4.4.14 The Zoning of Unregistered Land Parcels Using Symbols

Unregistered parcels together with land that has no cadastral has been zoned in accordance to the present and intended land use. This has been affected through the following.

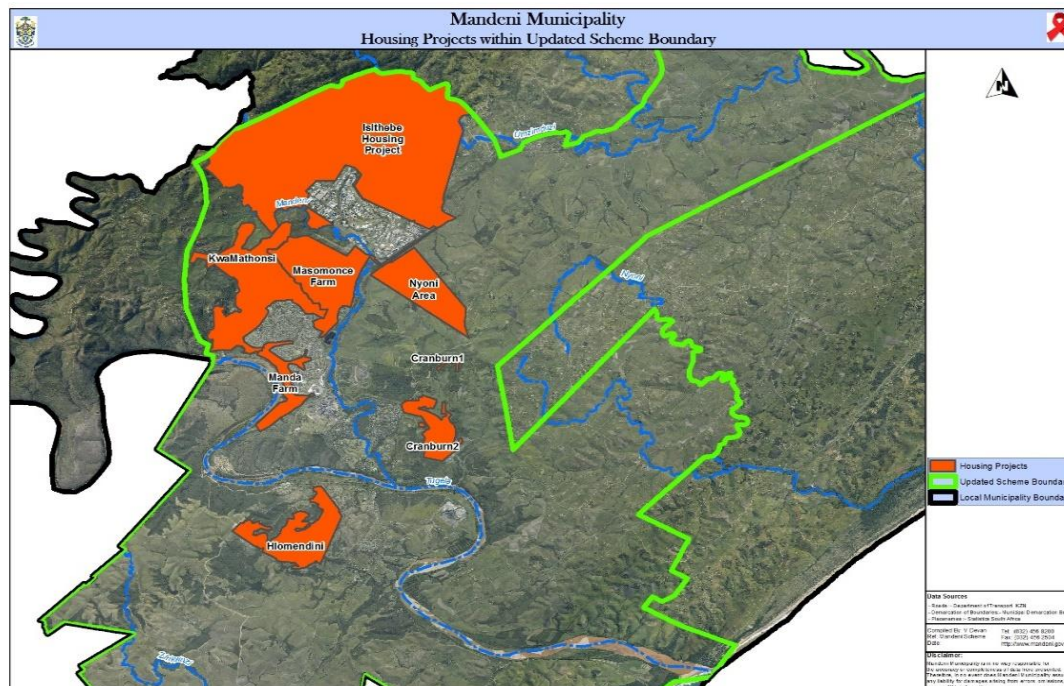
- Utilizing symbols
- Applying zones as per lease agreements obtained from the ITB; and
- Digitizing through the existing building footprints

4.5 HOUSING PROJECTS – DEPARTMENT OF HUMAN SETTLEMENTS

The Land Use Scheme will correspondingly be applied to all housing projects within the scheme boundary. The table below specifies all affected projects and the associated reference number for the layout plans.

PROJECTS	REF NUMBER
IsiThebe	Not specified
Manda farm	2919/WD2
Nyoni	2410/04
Hlomendlini	3115_01F – REV 1
KwaMathonsi	Not specified
Masomonco	2537/WD1

Table 4: Housing Projects - Department of Human Settlements.

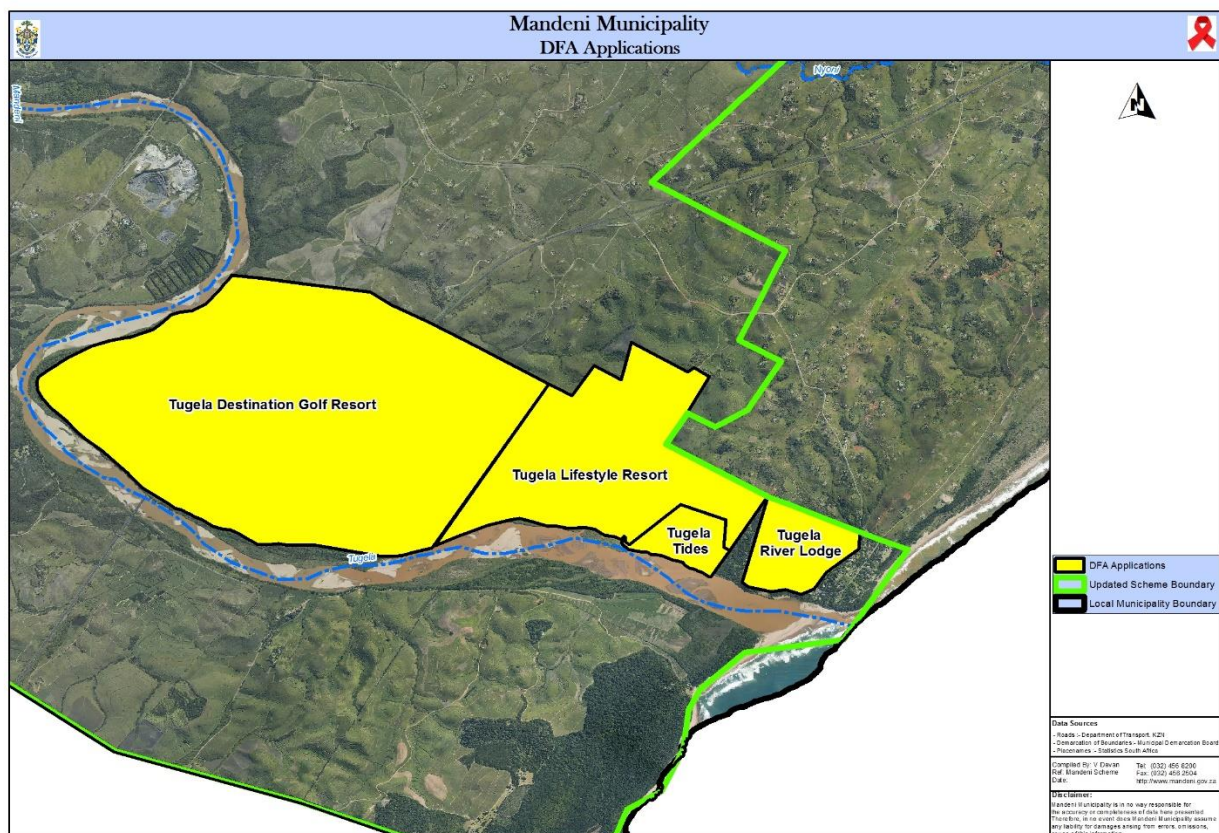


4.6 DEVELOPMENT FACILITATION ACT (DFA) APPROVALS

- 4.6.1 In exceptional circumstances and where an existing zoning as 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” The following table indicates that status of all DFA applications within the Municipal Jurisdiction. Detailed conditions are clarified in chapter 9.

No.	REF NUMBER	DEVELOPMENT	CONDITIONS
1.	2010/349	Tugela River Lodge	Withdrawn in 2012
2.	Not specified	Tugela Tides	Not approved
3.	Not specified	Tugela River North	Not approved
4.	2008/380	Thukela Destination Resort	Judgment dated 28 October 2010 signed by Chairman; Mr. RAF Swart
5.	2005/35	Hlomendlini Rural Housing.	Judgment dated 22 June 2006 signed by Chairman; Mr. RAF Swart

Table 5: Historic DFA Applications



Map 5: Historic DFA Applications

4.7 SPECIAL CONSENT APPLICATIONS

- i. Where in this scheme provision is made for the Municipality to grant special consent, any person wishing to apply to the Municipality for such consent shall make application as provided for in the Mandeni SPLUMA Bylaw.
- ii. Any application to the Municipality for its special consent must contain information as required by the Municipality and shall be accompanied by a report in motivation of the application together with such plans as may be required by the Municipality;

- iii. Any provision in this scheme empowering the Municipality to grant its consent shall include its power to refuse consent and to grant consent subject to any conditions which the Municipality may deem fit. Any consent granted by the Municipality shall be subject to termination by the Municipality as a result of any breach of a condition upon which such consent was granted which is not remedied within 30 days of a notice served by the Municipality upon the owner or occupier of the site concerned;
- iv. The Municipality when considering any application for its consent to the erection and use of a building or for the use of land, shall, in addition to any other factors which it must take into account, have regard to whether such use or building is likely to cause injury to the amenity of the area in which it is or will be situated including, without prejudice to the generality of the foregoing, increased traffic, parking difficulties or the creation of noise or to detrimentally affect the character of the area in which it is or will be situated; and
- v. If the rights obtained by virtue of the grant by the Municipality of its special consent to the erection and use of a building or for the use of an area not exercised within 18 months of the grant of such special consent or, the rights having been exercised, the use permitted thereunder is interrupted for a continuous period of 18 months, the special consent shall *ipso facto* lapse, unless any condition upon which such special consent was granted specifically provides otherwise in regard to the lapsing of such special consent.

4.8 REMOVAL OF INJURIOUS CONDITIONS

Where, in the opinion of the Municipality, the amenity, health, safety, order, convenience or general welfare of any use zone or reservation of land or any portion thereof, is injured by the condition of any fence, wall, garden or other structure or by the external appearance of any building or by the storage of anything or by the parking of any vehicle on a site, or for any other reason, the Municipality may serve a notice on the owner or occupier of the premises on which the injurious condition exists, requiring him/her within such period, not being less than 28 days from the date of service of the notice, to take such action as may be necessary to abate the injury. The said notice may specify the steps to be taken to abate the injury.

Any person upon which a notice is served in terms of this Clause shall have the right to appeal to the Executive Committee.

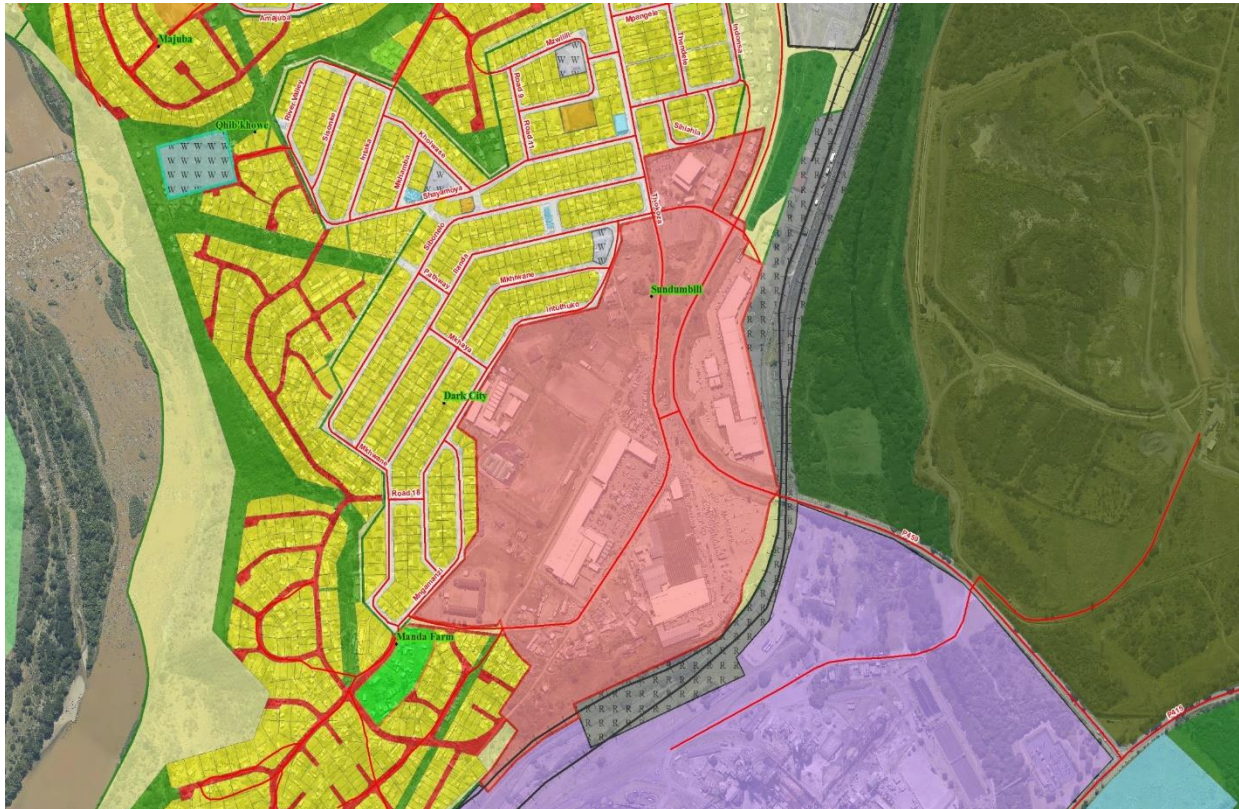
4.9 NON-CONFORMING EXISTING USES

Any existing building or existing use that does not conform to the land use scheme, but for which authority was obtained from council may be completed and continue to be used for the purpose of which it was designed, subject to all conditions stipulated by the municipality.

4.10 MANDENI URBAN REGENERATION PLAN

Through funding from Department of National Treasury, by means of the Neighbourhood Development Partnership Grant (NDPG), the Mandeni Municipality prioritised the development of the Mandeni Town Centre; formerly known as the Mandeni Urban Regeneration Strategy.

For purposes of Land Use Management, the study area has been delineated as a special zone and will be in accordance to the conditions of establishment upon when the SPLUMA application is approved. Particulars of the specified controls will be specified in the land use control tables.



Map 6: Urban Regeneration Plan

4.11 CORRIDOR DEVELOPMENTS

“Activity corridors and streets provide a structure along which high density mixed use development can be promoted” (City of Cape Town. Planning and Environment Directorate, 2002: 72). Intrinsically, various economic opportunities must be upheld to ensure the existence of the necessary threshold to sustain all operations.

The identified corridor is located approximately 3 - 5km from the Mandeni CBD and is situated between two prominent municipal nodes as identified in the Spatial Development Framework. In addition, the corridor provides the primary linkage between the CBD and the secondary/activity node which serves as a satellite centre to Sundumbili Township.

Through the years and as the definition of space has evolved the need and identification of corridors has risen. The crux and functionality of these linkages has been centred towards the efficient movement systems, the optimizations of space &

effective development controls, enhancement of local economic growth and promotion of social opportunities. Tertiary corridors are opportunity areas for the location of lower order facilities. In light of the above, it is paramount that this link be relooked and be identified as an activity corridor due to its characteristics and the impacts it ought to have within its vicinity.

4.12 TRANSNET PIPELINE

In respect of correspondence from Transnet, there is an underground pipeline that traverses the length of Mandeni municipal area, the pipeline transports methane gas from the Secunda Refinery to Durban. The width of the pipeline ranges from 150 millimetres to 508 millimetres and is buried at a depth of 1 metre, a servitude of 6 metres is required along the length of the pipeline.

At present, the pipeline route has been recorded by the municipality although a formal servitude is yet to be registered. The nature of the material transported via the pipeline warrants that there be no development within the 6 metre servitude, at present there is an issue of encroachment by mostly by human settlement. For that reason, the following conditions will be affected as part and parcel of the management overlays;

- a. Township conditions;
- b. Blasting conditions; and
- c. Underground conditions

5. BUILDING CONTROL

For better understanding, this section must be read together with the National Building Regulations and Standards Act No. 103 of 1977 (as amended).

Section 4 of the National Building Regulations and Standards Act No. 103 of 1977 reads as follows;

Approval by Local Authorities of Applications in Respect of Erection of Buildings

1. *No person shall without the prior approval in writing of the local authority in question, erect any building in respect of which plans and specifications are to be drawn and submitted in terms of this Act.*
2. *Any application for approval referred to in subsection (1) shall be in writing on a form made available for that purpose by the local authority in question.*
3. *Any application referred to in subsection (2) shall;*
4. *Contain the name and address of the applicant and, if the applicant is not the owner of the land on which the building in question is to be erected, of the owner of such land;*
5. *Be accompanied by such plans, specifications, documents and information as may be required by or under this Act, and by such particulars as may be required by the local authority in question for the carrying out of the objects and purposes of this Act.*
6. *Any person erecting any building in contravention of the provisions of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R500 for each day on which he was engaged in so erecting such building*

5.1 BUILDING LINE

- 5.1.1 All erven shall be subject to a building line as specified in the land use tables in Section six of this Land Use Scheme, beyond which no building may be erected or encroach. Where a building line is laid down, no building other than:
 - Fence
 - Garden
- 5.1.2 Notwithstanding the provisions of the above Clauses, in the case of swimming pools, the building line may be relaxed to 1 metre; provided that a pool is to be erected so that any portion of it is within 3 metres of a street boundary, the pool shall be screened to the satisfaction of the Municipality;
- 5.1.3 The Municipality may permit by Special Consent in any zone any building to be erected closer to any boundary than the distance specified in this Clause of on account of the siting of existing buildings or the shape, size and/or levels of the Municipality, render the development of the Erf unreasonably difficult. The Municipality shall have due regard to any possible detrimental effect on adjoining properties and may impose such conditions as it sees fit;
- 5.1.4 Notwithstanding the afore written provisions, the Municipality may exempt an applicant from applying for Special Consent if it is satisfied that no interference with the amenities of the neighbourhood, existing, or as contemplated by this

scheme, will result, provided that the written consent of the registered owner of each adjoining property and those across the street from the property, and such other properties as the Municipality may direct, has first been obtained. Where such written consent is not forthcoming, the applicant shall, in seeking the relaxations, be required to apply for the Municipality's Special Consent; and

- 5.1.5 Development along the National and Provincial roads shall comply with the building line standards and other regulations set down in the KwaZulu-Natal Roads Act, 2001 (No. 4 of 2001) and the National Roads Agency Limited.

5.2 SIDE AND REAR SPACES

- 5.2.1 All erven below 600m² in size shall be subject to 1, 5 metre side spaces and 2 metre rear space restriction and erven above 600m² and below 800m² shall be subject to 2 metre side spaces and 3 metre rear spaces. Thus no building or structure is permitted within the area reserved as side and rear space without the permission of the Municipality.

5.3 RELAXATION OF BUILDING LINES

- 5.3.1 The Municipality may approve the application for relaxations of building lines, if endorsed by the neighbouring property owners, consent letter and if proposed design will enhance and contribute to the vicinity of the area.

5.4 COVERAGE

- 5.4.1 All roofed or covered areas are included in coverage, except where the basement parking roof is level with the finished ground level.
- 5.4.2 The following are excluded Coverage calculations: an unroofed stoop, entrance steps and landing, open balconies, retractable awnings, cornices, chimneys, pergola, water pipes, drain pipes and minor decorations from the building wall, inclusive of roof overhangs up to 2 metres.

5.5 HEIGHT

- 5.5.1 The number of storeys, excluding basement storeys that may be contained in a building shall be determined by a designated Height Zone detailed in the Land Use development Table. Unless otherwise authorized by written consent of the Municipality.

5.6 FAR

- 5.6.1 In any Land Use Zone as set out in the Land Use table no building shall be erected which will exceed in floor area ratio and coverage, the maximum figures permitted in that zone, as reflected in the FAR columns of the Land Use Table.

5.6.2 In calculating the permissible floor area from the floor area ratio the following floor areas may be excluded:-

- a) carports, and any area used exclusively for parking of motor vehicles, including storage space in the area used for parking of motor vehicles;
- b) swimming pools, squash courts, netball courts, volley ball courts and tennis courts (and any other similar uses) where they are used for private use only;
- c) public arcades and malls in mixed use zones which are not used for retail purposes or for the display, sale and storage of goods;
- d) in the case of garages and service stations, the un-walled access ways and driveways covered by canopies; and
- e) Patios, decks and verandas.

5.7 PARKING REQUIREMENTS

LAND USE	NUMBER OF PARKING BAYS
Dwelling House	1 bay per dwelling
Dwelling Unit	1 bay per unit
Multiple Unit Development	1 covered bay per unit + 1 visitors bay per 2 dwelling units
Warehouse	1 bay per 100m ² of Floor Area
Place of Public Assembly	1 bay per 10 seats
Workshop, manufacturing	1 bay per 100m ² of Floor Area
Launderette	1 bay per 100m ² of Floor Area
Industrial Building	3 bays per 150m ² of Floor Area
Offices	4 bays per 100m ² of Gross Office Area
Clinics, Hospitals	1 bay per bed
Surgery/Medical Consulting	4 bays per 100m ² of Gross Office Area
Day Care Centre / Crèche	1 bay per classroom and a drop off zone to the satisfaction of the Municipality
Educational Building	1 bay per classroom + suitable pick up and drop off facilities to the satisfaction of the Municipality.
Public Office	1 bay for 25m ² of Gross Office Area
Shop	2 bays per 100m ² of Gross Shop Area
Bed and Breakfast	1 bay per room
Guest House / Hotel / Resorts	1 bay per room and 15 bays minimum for the general public
Residential Building (excluding an Hotel)	1 covered bay per dwelling unit + 1 visitors bay per 2 dwelling units
Conference facility	1 bay per 100m ² of Floor Area
Restaurant	1 bay per 40m ² of Floor Area
Tavern	1 parking bay per 100m ² excluding the loading area
Convenience shop	1 bay per 25m ² of Floor Area
Crisis Centre	1 bay per room
Home Business	1 bay per 25m ² of office area
Cemetery / Crematoria	Adequate parking to be provided to the satisfaction of the Municipality.
Caravan Park	1.5 bay per unit and a trailer bay facility
Municipal & Government	4 bays per 100m ² of Gross Office Area
Other Uses not specified	Parking to be provided to the satisfaction of the Municipality

Table 6: Parking Requirements

5.8 LOADING REQUIREMENTS

- 5.8.1 On any land or in any building for any purpose, other than residential shall be provided on the site a loading and unloading area with suitable access to the satisfaction of the municipality.

6. LAND USE ZONES

*The land use zones are a conglomeration of the existing Mandeni and Tugela Schemes respectively. In addition, new zones have been proposed in accordance to the KwaZulu Natal guidelines for the preparation of schemes. The following table articulates the above.

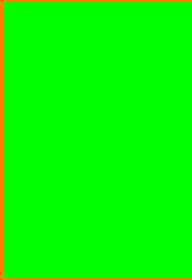
Mandeni Scheme.

Existing Zone	Proposed Zone	Symbology	RGB
Special Residential	Special Residential		Light Yellow R 265, G 255, B 153
Traditional Settlement	Traditional Settlement		Fill: Light Yellow R 255, G 255, B 153 Border: Green R 000, G 128, B 000
General Residential 1 (2000m)	Residential Only Medium Density		Light Orange R 255, G 192, B 000
General Residential 2 (1800m)			
Rural residential	Traditional Settlement		Fill: Light Yellow R 255, G 255, B 153 Border: Green R 000, G 128, B 000
Agriculture	Urban Agriculture		Light Olive Green R 000, G 238, B 000
Core Mixed Use	Core Mixed Use		Antwerp Blue R 000, G 064, B 128
General commercial	Medium Impact Mixed Use		Blue R 051, G 102, B 255
Limited Commercial	Low Impact Mixed Use		Blue R 127, G 230, B 255
Office	Office		Fill: Golden Yellow R 255, G 204, B 000 Border/Hatch: Process Blue R 020, G 129, B 188
Public Administration Offices	Municipal and Government		Peach Puff R 255, G 218, B 185
Hotel	Multi-Purpose Retail & Hotel		Fill: Process Blue R 020, G 129, B 188

			Border: Golden Yellow R 255, G 204, B 000
Institutional	Institution		Dark Orange R 255, G 102, B 000
Education	Education		Fill: Bright Green R 000, G 255, B 000 Border: Caramel R 255, G 128, B 000
Caravan park	Caravan park		Antique White R 250, G 235, B 215
Worship	Worship	W	Fill: Lavender R 230, G 230, B 250 Notation: 'W'
Service station	Petrol Filling Station	PFS	Fill: Royal Blue R 065, G 105, B 255 Notation: 'PFS'
Light Industry	Light Industry		Pale Lilac R 239, G 198, B 255
General industry	General industry		Lavender R 204, G 153, B 255
Extractive industry	Extractive industry		Grey Purple R 222, G 209, B 217
Private open space	Active Open Space		Chartreuse 2 R 118, G 238, B 000

Table 7: Mandeni Scheme Zones

Tugela Scheme.

Existing Zone	Proposed Zone	Symbology	RGB
Special Residential 1	Residential Only Detached		Acid Yellow R 255, G 255, B 000
Special Residential 2			
Special Residential 3			
Special Residential 4			
Hotel	Multi-Purpose Retail & Hotel		Fill: Process Blue R 020, G 129, B 188 Border: Golden Yellow R 255, G 204, B 000
Commercial (450m)	Low Impact Mixed Use		Blue R 127, G 230, B 255
Commercial (1800m)	Core Mixed Use		Antwerp Blue R 000, G 064, B 128
Administration	Municipal and Government		Peach Puff R 255, G 218, B 185
Education	Education		Fill: Bright Green R 000, G 255, B 000 Border: Caramel R 255, G 128, B 000
Garage and Service Station	Petrol Filling Station		Fill: Royal Blue R 065, G 105, B 255 Notation: 'PFS'
Worship	Worship		Fill: Lavender R 230, G 230, B 250 Notation: 'W'
Agriculture	Agriculture 1		Pale Green 2 R 144, G 238, B 144
	Agriculture 2		Dark Olive Green 4 R 162, G 205, B 090
Rural Residential	Traditional Settlement		Fill: Light Yellow R 255, G 255, B 153

			Border: Green R 000, G 128, B 000
River Conservation	Environmental Services		Verdigris R 036, G 093, B 019
Light Industry	Light Industry		Pale Lilac R 239, G 198, B 255
General industry	General industry		Lavender R 204, G 153, B 255
Extractive industry	Extractive industry		Grey Purple R 222, G 209, B 217
Private open space	Private open space		Chartreuse 2 R 118, G 238, B 000

Table 8: Tugela Scheme Zones

New Zones.

Proposed Zone	Colour	RGB
Health and Welfare		Fill: Misty Rose R 255, G 228, B 255 Border: Light Pink R 255, G 174, B 185
Cemetery	C	Fill: Light Green R 062, G 230, B 162 Notation: 'C'
Active Open Space		Chartreuse 2 R 118, G 238, B 000
Passive Open Space		Forest Green R 034, G 139, B 034
Nature Reserves		Forest Green R 000, G 210, B 095
Sea Shore		Fill: Orientale R 209, G 183, B 157 Border: Barley Beige R 176, G 112, B 080
Dam		Light Blue R 151, G 219, B 242
Public Parking Garage		Fill: Pale Blue R 191, G 191, B 191 Border: Blue 4 R 000, G 000, B 139
Small holdings		Yellowish Beige R 255, G 236, B 188
Rapid Urbanization Management Area		Fill: Dark Goldenrod R 184, G 134, B 011 Border: Brown R 153, G 051, B 000
Residential Only High Density		Light Brown R 204, G 102, B 000
Resort 2	RS	Fill: Wheat 2 R 238, G 216, B 174 Notation: 'RS'
Railways	R	Fill: Grey 40% R 150, G 150, B 150 Notation: 'R'
Bus and Taxi Rank		Fill: Steel Blue

		R 070, G 130, B 180 Border: Neutral Grey R 192, G 192, B 192
Public Parking		Fill: Salmon R 233, G 150, B 122 Border: Neutral Grey R 192, G 192, B 192
Utilities and Services	US	Fill: Toner Grey R 212, G 207, B 203 Border: Black R 000, G 000, B 000 Notation: 'US' Dark Red R 128, G 000, B 000
Existing Road		White R 255, G 255, B 255
Proposed New Road		Red R 255, G 000, B 000
Refuse Sites		Brown Green R 077, G 089, B 014
Waterworks	W	Light Blue Green R 161, G 217, B 214 Notation: 'W'
Sewerage Works	SW	Fill: Toner Grey R 212, G 207, B 203 Border: Black R 000, G 000, B 000 Notation: 'SW' Dark Red R 128, G 000, B 000
Special Zones		Fill: Red R 255, G 167, B 127 Red: Red R 255, G 000, B 000

Table 9: New proposed zones

6.1 AGRICULTURE

6.1.1 Agriculture 1

Proposed Colour													
Proposed Zone	Agriculture 1												
Statement of Intent	A zone intended to provide for land and buildings where the primary activity is extensive agricultural production of crops, plantations, mostly free-roaming livestock, poultry, etc. or products for the commercial market.												
PRIMARY USE	CONSENT USE	PROHIBITED	ERF		F	BULK FACTORS			BUILDING LINES			Parking	
			MIN	MAX		FAR	Coverage	Height	B/Line	Side	Rear		
Agriculture		Buildings and Land uses not included in columns	2ha		N/A	0.125	15%	3	7.5m	3m	3m	Refer to Clause 5.7	
Abattoir	Agricultural Industry												
Agricultural building													
Agricultural land													
Conservation													
Forestry													
Horticulture													
Community gardens													
Civic and Social													
	Educational Building												
	Institution												
	Recreational building												
	Private recreational building												
Mixed Use													
	Special Development												
	Shop												
Residential													
Dwelling House	Bed and Breakfast												
Home business	Medium Density Housing												
Transportation and Access													
Utility facility													
Industry													
	Light Industry												

Table 10: Agriculture 1

6.1.2 Agriculture 2

Proposed Colour													
Proposed Zone	Agriculture 2												
Statement of Intent	A zone where the land is used for low intensity agricultural practices in association with other uses and may include market gardening, wood er and land allocated under customary law												
PRIMARY USE	CONSENT USE	PROHIBITED	ERF		F	BULK FACTORS			BUILDING LINES			Parking	
			MIN	MAX		FAR	Coverage	Height	B/Line	Side	Rear		
Agriculture		Buildings and Land uses not included in columns	1ha		N/A	0.125	20%	2	7.5m	3m	3m	Refer to Clause 5.7	
Abattoir	Agricultural Industry												
Agricultural building													
Agricultural land													
Forestry													
Horticulture													
Community gardens													
Conservation													
Civic and Social													
	Educational Building												
	Institution												
	Recreational building												
	Private recreational building												
Mixed Use													
Arts and Craft workshop	Special Development												
	Shop												
Residential													
Dwelling House	Bed and Breakfast												
Home Business	Medium Density Housing												
Transportation and Access													
Utility facility													
Industry													
	Light Industry												

Table 11: Agriculture 2

6.1.3 Urban Agriculture

Proposed Colour													
Proposed Zone	Urban Agriculture												
Statement of Intent	A zone that provides for land located in urban areas for agricultural purposes, utilized for small scale agricultural production, market gardening, horticulture, aquaculture, the keeping of limited livestock and community gardens												
PRIMARY USE	CONSENT USE	PROHIBITED	ERF		F	BULK FACTORS			BUILDING LINES			Parking	
			MIN	MAX		FAR	Coverage	Height	B/Line	Side	Rear		
Agriculture		Buildings and Land uses not included in columns	1800		18	0.125	50%	2	7.5m	3m	3m	Refer to Clause 5.7	
Abattoir	Agricultural Industry												
Agricultural building													
Agricultural land													
Forestry													
Horticulture													
Community gardens													
Civic and Social													
	Educational Building												
	Institution												
	Recreational building												
	Private recreational building												
Mixed Use													
Arts and Craft workshop	Special Development												
Shop													
Residential													
Dwelling House	Bed and Breakfast												
Home Business	Medium Density Housing												
Transportation and Access													
Utility facility													

Table 12: Urban Agriculture

6.1.4 ADDITIONAL CONTROLS

- a. The use of land zoned for agricultural purposes and used for any land use other than “Agricultural Land” and “Agricultural Building” shall be ancillary to the agricultural use and shall not impact on or detract from the viability of the land to produce agricultural produce.
- b. The sub-division of land for uses other than agricultural production is subject to the Sub-division of Agricultural Land Act (Act No 70 of 1970). It requires approval from the National Department of Agriculture, Forestry and Fisheries (DAFF) copied to the provincial Department of Economic Development, Tourism and Environmental Affairs (EDTEA).
- c. All applications for change of land use are subject to the relevant requirements of the National Environmental Management Act (Act No, 62 of 2008) which requires a Scoping Report or EIA and an ROD from the relevant Department.
- d. Applications for development on land falling under the Ingonyama Trust also require power of attorney from the Ingonyama Trust Board and a letter of support from the applicable Traditional Leader/Council.
- e. The use of land for urban agriculture / community gardens is supported within the context that it will not degrade the quality of life of surrounding landowners, will not impact harmfully on public health and/or the natural environment and will contribute to the social and economic well-being of people.
- f. Developers are encouraged to consider alternative forms of energy, renewable sources of energy and building design paradigm that embraces energy efficiency objectives.

6.2 CIVIC AND SOCIAL

6.2.1 Education

Proposed Colour													
Proposed Zone	Education												
Statement of Intent	A zone that provides for a full range of educational facilities, including infants, pre-primary, primary, secondary, tertiary and adult education and training with associated buildings and recreational facilities.												
PRIMARY USE	CONSENT USE	PROHIBITED	ERF		F	BULK FACTORS			BUILDING LINES			Parking	
			MIN	MAX		FAR	Coverage	Height	B/Line	Side	Rear		
Agriculture		Buildings and Land uses not included in columns	1800m		N/A	1	50%	3	7.5m	3m	3m	Refer to Clause 5.7	
Community garden	Agricultural land												
Civic and Social													
Educational Building	Recreational building												
Crèche	Institution												
Municipal Purposes	Recreational building												
	Private recreational building												
Mixed Use													
Tuck Shop													
Residential													
Dwelling House													
Medium Density Housing													
Residential Building													

Table 13: Education

6.2.2 Health and Welfare

Proposed Colour													
Proposed Zone	Health and Welfare												
Statement of Intent	A zone that provides for the full range of public and private hospitals, medical centers, clinics, sanatoria, community care, welfare and social requirements, including pension pay points.												
PRIMARY USE	CONSENT USE	PROHIBITED	ERF		F	BULK FACTORS			BUILDING LINES			Parking	
			MIN	MAX		FAR	Coverage	Height	B/Line	Side	Rear		
Civic and Social		Buildings and Land uses not included in columns	1800m		18	2	50%	2	7.5m	3m	3m	Refer to Clause 5.7	
Hospital													
Clinic													
Community Hall													
Public Office													
Private recreation area													
Mixed Use													
Shop													
Restaurant													
Residential													
Dwelling House													
Residential Building			Medium Density Housing										

Table 14: Health and Welfare

6.2.3 Municipal and Government

Proposed Colour													
Proposed Zone	Municipal And Government												
Statement of Intent	This zone is intended for buildings erected and used for National, Provincial and Municipal administration and services, and includes an administrative office, municipal office, town hall, government office, court house, police station, public library, public art gallery, public museum, and buildings ordinarily ancillary thereto.												
PRIMARY USE	CONSENT USE	PROHIBITED	ERF		F	BULK FACTORS			BUILDING LINES			Parking	
			MIN	MAX		FAR	Coverage	Height	B/Line	Side	Rear		
Civic and Social		Buildings and Land uses not included in columns	1800m		18	2	75%	3	7.5m	3m	3m	Refer to Clause 5.7	
Municipal purposes	Crèche												
Institution													
Community Hall													
Public Office													
Educational Building													
Mixed Use													
	Shop												
	Arts and craft workshop												
	Restaurant												
Residential													
	Dwelling House												
	Medium Density Housing												
	Residential Building												

Table 15: Municipal and Government

6.2.5 Institution

Proposed Colour													
Proposed Zone	Institution												
Statement of Intent	This zone is intended for land and buildings for the accommodation and care of the aged, places of safety and orphanages												
PRIMARY USE	CONSENT USE	PROHIBITED	ERF		F	BULK FACTORS			BUILDING LINES			Parking	
			MIN	MAX		FAR	Coverage	Height	B/Line	Side	Rear		
Civic and Social		Buildings and Land uses not included in columns	1800m		18	2	70%	2	7.5m	1.5m	2m	Refer to Clause 5.7	
Institution	Agricultural building												
	Community garden												
	Educational building												
	Place of public assembly												
	Public office												
Mixed Use													
Arts and craft workshop	Shop												
	Restaurant												
Residential													
Dwelling House													
Residential Building													

Table 16: Institution

6.2.6 Worship

Proposed Colour	W												
Proposed Zone	Worship												
Statement of Intent	A zone that 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, but does not include a funeral parlor												
PRIMARY USE	CONSENT USE	PROHIBITED	ERF		F	BULK FACTORS			BUILDING LINES			Parking	
			MIN	MAX		FAR	Coverage	Height	B/Line	Side	Rear		
Civic and Social		Buildings and Land uses not included in columns	3600m		18	2	30%	2	7.5m	1.5m	3m	Refer to Clause 5.7	
Place of worship	Institution												
Place of public assembly													
Office													
Mixed Use													
Residential													
Dwelling House													
Residential building													

Table 17: Worship

6.2.7 Cemetery

Proposed Colour	C												
Proposed Zone	Cemetery												
Statement of Intent	A zone that is intended for public and private cemeteries, memorial parks, and funeral chapel. Considered through the Consent procedure.												
PRIMARY USE	CONSENT USE	PROHIBITED	ERF		F	BULK FACTORS			BUILDING LINES			Parking	
			MIN	MAX		FAR	Coverage	Height	B/Line	Side	Rear		
Civic and Social		Buildings and Land uses not included in columns	N/A		N/A	N/A	30%	1	7.5m	3m	3m	Refer to Clause 5.7	
Cemetery	Institution												
Crematoria													
Office													
Mixed Use													
Residential													
Residential building													

Table 18: Cemetery

6.2.8 ADDITIONAL CONTROLS

- a. Residential buildings and Medium density housing in the “Education” zone shall be restricted to staff and scholar accommodation.
- b. Shops within the “Education” zone will be restricted to the sale of goods to staff and scholars.
- c. Drop-off and pick up areas shall be located on-site and, where possible, shall not be located adjacent to a major arterial road to avoid traffic congestion and pedestrian and vehicular conflict.
- d. The site of a Place of Worship may include a building or buildings used as a Sunday school, administrative office, and/or other building/s used for purposes of religious and social matters.
- e. Cemeteries will require the formal approval from the provincial Department of Economic Development, Tourism and Environmental Affairs (EDTEA) in terms of environmental authorisation.
- f. Where an on-site crematorium is located within a cemetery, its construction, operation and management shall comply with the guidelines prescribed in the KwaZulu-Natal Cemeteries and Crematoria Act (No.12 of 1996) and any other applicable legislation.
- g. A dedicated site may be allocated within the cemetery for the temporary erection of marques for on-site funeral services.
- h. Prior to any building plans being submitted to the Municipality for any Health facility, including Hospitals, Clinics, Acute / Sub-Acute Facilities and the like where the public are to be treated for an illness, the building plans are to be submitted to the KZN Department of Health for approval.

6.3 ENVIRONMENTAL

6.3.1 Environmental Services

Proposed Colour													
Proposed Zone	Environmental Services (Conservation)												
Statement of Intent	A zone that provides part of the sustainable open space system which includes independent or linked open space areas, and permits only limited and specific developments.												
PRIMARY USE	CONSENT USE	PROHIBITED	ERF		F	BULK FACTORS			BUILDING LINES				
			MIN	MAX		FAR	Coverage	Height	B/Line	Side	Rear	Parking	
Environmental		Buildings and Land uses not included in columns	The sole discretion of council and the site development pan										The sole discretion of council and the site development pan
Conservation													
Utilities													
Agriculture													
			Agricultural land										
			Agricultural building										
			Agricultural Industry										

Table 19: Environmental Services

6.3.2 Active Open Space

Proposed Colour													
Proposed Zone	Active Open Space												
Statement of Intent	A zone that provides for sporting and recreational needs and permits a limited range of associated development and parking space.												
PRIMARY USE	CONSENT USE	PROHIBITED	ERF		F	BULK FACTORS			BUILDING LINES			Parking	
			MIN	MAX		FAR	Coverage	Height	B/Line	Side	Rear		
Civic and Social		Buildings and Land uses not included in columns	N/A		N/A	0.125	15%	1	7.5m	3m	3m	Refer to Clause 5.7	
Educational building	Agricultural Building												
Recreational building	Agricultural land												
	-												
Mixed Use													
	Shop												
	Arts and craft workshop												

Table 20: Active Open Space

6.3.2 Private Open Space

Proposed Colour													
Proposed Zone	Private Open Space												
Statement of Intent	This is a zone to control public or privately owned land used for sports and recreation which may restrict access to the general public, and permits a limited range of associated development, which may include ancillary facilities and buildings associated with the primary use of the land for private open space.												
PRIMARY USE	CONSENT USE	PROHIBITED	ERF		F	BULK FACTORS			BUILDING LINES				
			MIN	MAX		FAR	Coverage	Height	B/Line	Side	Rear	Parking	
Mixed Use		Buildings and Land uses not included in columns	N/A		N/A	0.125	15%	1	7.5m	3m	3m	Refer to Clause 5.7	
Private recreation area	Arts and craft workshop												
Recreational building	Shop												
Park													
Dwelling house													

Table 21: Private Open Space

6.3.3 Passive Open Space

Proposed Colour													
Proposed Zone	Passive Open Space												
Statement of Intent	A zone that provides for formal and informal parks with associated recreational facilities												
PRIMARY USE	CONSENT USE	PROHIBITED	ERF		F	BULK FACTORS			BUILDING LINES				
			MIN	MAX		FAR	Coverage	Height	B/Line	Side	Rear	Parking	
Civic and Social		Buildings and Land uses not included in columns	N/A		N/A	0.125	15%	1	7.5m	3m	3m	Refer to Clause 5.7	
Public open space	Educational building												
Park	Recreational building												
Mixed Use													
	Shop												
	Restaurant												

Table 22: Passive Open Space

6.3.4 Nature Reserves

Proposed Colour													
Proposed Zone	Nature Reserves												
Statement of Intent	A zone that is intended to demarcate formally managed public and private conservation areas, such as nature reserves and amenity reserves												
PRIMARY USE	CONSENT USE	PROHIBITED	ERF		F	BULK FACTORS			BUILDING LINES			Parking	
			MIN	MAX		FAR	Coverage	Height	B/Line	Side	Rear		
Environmental		Buildings and Land uses not included in columns	N/A		N/A	0.125	20%	2	7.5m	3m	3m	Refer to Clause 5.7	
Nature reserve													
Game reserve													
Conservation													
Civic and Social													
Educational building													
Recreational building													
Office													
Mixed Use													
Restaurant													
Shop													
Residential													
Dwelling house													
Lodge													

Table 23: Nature Reserves

6.3.5 Sea Shore

Proposed Colour													
Proposed Zone	Sea shore												
Statement of Intent	A zone that provides for the management and development of the land along the coast located within the low and high water mark, as defined in the Sea Shores Act, Act No. 21 of 1935 or its replacement, and with due regard to the requirements of the NEMA: Integrated Coastal Management Act, Act No. 24 of 2008.												
PRIMARY USE	CONSENT USE	PROHIBITED	ERF		F	BULK FACTORS			BUILDING LINES			Parking	
			MIN	MAX		FAR	Coverage	Height	B/Line	Side	Rear		
Environmental		Buildings and Land uses not included in columns	N/A										N/A
Conservation													
Public open space													
Civic and Social													
Educational building													
Recreational building													
Office													
Mixed Use													
Ablution building	Restaurant												
Life guard house	Shop												
Office													

Table 24: Sea Shore

6.3.6 Dam

Proposed Colour												
Proposed Zone	Dam											
Statement of Intent	A zone that provides for dams that are used for water supply and/or recreational purposes. Use of the water body requires permission from DWA.											
PRIMARY USE	CONSENT USE	PROHIBITED	ERF		F	BULK FACTORS			BUILDING LINES			
			MIN	MAX		FAR	Coverage	Height	B/Line	Side	Rear	Parking
Environmental		Buildings and Land uses not included in columns	N/A									N/A
Conservation												
Public open space												
Utilities												

Table 25: Dam

6.3.7 ADDITIONAL CONTROLS

- a. The erection of any building within an environmental sensitive areas shall be subject to environmental appraisal or EIA application as per the requirements of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (as amended) and the Environmental Impact Assessment (EIA) Regulations.
- b. Permissible Educational building in the “Active Open Space” and “Passive Open Space “ zone shall be restricted to environmental and conservation purposes.
- c. All recreational buildings within the “Passive Open Space” zone shall be restricted to the provision of Shelter, ablution facilities, services, braai and picnicking facilities and amenities recreational purposes.
- d. 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 of Agriculture, Forestry and Fisheries.
- e. Alien invasive species found within the property must be cleared at the expense of the property owner and an ongoing control of alien plants must be undertaken by the owner.
- f. Applications for development near rivers must comply with the requirements of the Water Act 1998 (Act No. 36 of 1998) which requires that consideration be given to the maximum level likely to be reached by flood eater every 100 years.
- g. No indigenous flora, fauna or any naturally occurring material may be disturbed or removed.
- h. The development and use of land located in the sea-shore area shall comply with the requirements of the NEMA: Integrated Coastal Management Act (Act No. 24 of 2008).
- i. The Coastal Management Plan must be aligned with the land use Scheme to ensure that sustainable development is undertaken along the sea-shore and thus all development applications have to be considered in terms of both plans.
- j. Additional conditions may be applied to applications that are located adjacent to sensitive estuarine or coastal areas identified in terms of the Coastal Management Plan or a Biodiversity Plan.

- k. For all coastal developments, a storm-water management plan must be drawn up and must be aligned with the existing storm-water management within the area. In addition, should the developer decide to have a storm-water attenuation area, such a proposal must be included in the layout plan for the approval by the Municipality. The proposed plan should consider fencing of attenuation area.
- l. As in accordance with Section 18 of Integrated Coastal Management Act, 2008, access to the coastal areas / beach is a responsibility of the local municipality within whose area of jurisdiction is situated and members of the public may use that access land to gain entry into the coastal public property. No access into the beach, from the private property, should be created without the consultation of the Mandeni Council to determine the need of such access.
- m. In relation to the Agro – Biodiversity zone, Buildings and infrastructure must not negatively impact on existing or potential local or surrounding agricultural activities, or on biodiversity, and must be placed on the lowest potential agricultural land on the property or on existing transformed areas. Additionally, discretionary use applications, including breaking virgin land for the purposes of infrastructure development, must align with both Agricultural and Biodiversity Management Overlays and will require detailed natural resource/agricultural and biodiversity assessments. Permission must be obtained from both DARD and Ezemvelo KZN Wildlife prior to being submitted to the municipality.
- n. No development shall be permitted within the 1:100 year flood line without the consent of the Council. The Council will make such a decision in consultation with the interested and affected parties.
- o. Developers are encouraged to consider alternative forms of energy, renewable sources of energy and building design paradigm that embraces energy efficiency objectives
- p. An application for the designation of conservation areas shall be undertaken in consultation with KwaZulu-Natal Ezemvelo-Wildlife and take due cognizance of the requirements of the NEMA Biodiversity Act (Act 10 of 2004) and the Provincial Biodiversity Framework Plan.

6.4 MIXED USE

6.4.1 Core Mixed Use

Proposed Colour										
Proposed Zone	Core Mixed Use									
Statement of Intent	This zone makes provision for the development and management of land in and around the central business district of Mandeni. 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.									
Primary Use	Consent Use	Prohibited	Front Space	Side Space	Rear Space	Min Erf Size	Height	Cov	FAR	Parking
Apartment building Commercial workshops Crèche Education Building Garage (Display and sale of vehicle) Guest house Hotel Launderette Office Parking garage Place of public amusement Place of public assembly Professional office Public office Restaurant Shop Wholesale warehouse	Funeral parlour Garage Institution Medium density housing Recreational building Petrol filling station Storage warehouse Veterinary clinic	Buildings and Land uses not included in columns	7.5m	3m	3m	1800m ²	5	80%	1	Refer to Clause 5.7

Table 26: Core Mixed Use

6.4.2 Medium Impact Mixed Use

Proposed Colour										
Proposed Zone	Medium Impact mixed use									
Statement of Intent	A zone that is intended to provide for the use of retail, entertainment, offices, residential, public facilities and related commercial uses at high intensities that comprise a Town Centre									
Primary Use	Consent Use	Prohibited	Front Space	Side Space	Rear Space	Min Erf Size	Height	Cov	FAR	Parking
Apartment building Commercial workshop Guest house Hotel Launderette Office building Parking garage Place of public amusement Professional office Public office Restaurant Shop Wholesale warehouse	Crèche Educational building Funeral parlour Garage Institution Medium density housing Place of public assembly Recreational building Retirement village Petrol filling station Storage warehouse Veterinary clinic Wholesale	Buildings and Land uses not included in columns	9m	3m	3m	450m²	3	60%	2	Refer to Clause 5.7

Table 27: Medium Impact Mixed Use

6.4.3 Low Impact Mixed Use

Proposed Colour										
Proposed Zone	Low Impact Mixed Use									
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.									
Primary Use	Consent Use	Prohibited	Front Space	Side Space	Rear Space	Min Erf Size	Height	Cov	FAR	Parking
Residential building Commercial workshop Launderette Office building Professional office Public office Restaurant Shop	Crèche Education building Funeral parlour Garage Guest house Hotel Institution Medium density housing Mobile home park Office building Place of public assembly Recreation building Retirement village Petrol filling station Storage warehouse Veterinary clinic Wholesale warehouse	Buildings and Land uses not included in columns	9m	3m	3m	450m²	2	40%	0.5	Refer to Clause 5.7

Table 28: Low Impact Mixed Use

6.4.4 Multipurpose Retail and Hotel

Proposed Colour										
Proposed Zone	Multi-Purpose Retail & Hotel									
Statement of Intent	A zone intended for a licensed hotel. Accommodation and public lounge and bar areas may be provided as well as other recreational facilities. The provision of parking is an important factor as is the noise generated from the public areas									
Primary Use	Consent Use	Prohibited	Front Space	Side Space	Rear Space	Min Erf Size	Height	Cov	FAR	Parking
Hotel Restaurant Shop Conference Facility Place of public amusement Recreational building Bed and Breakfast Guest House Private recreational area		Buildings and Land uses not included in columns	7.5m	3m	3m	1800m ²	5	50%	1	Refer to Clause 5.7

Table 29: Multipurpose Retail and Hotel

6.4.5 Office

Proposed Colour										
Proposed Zone	Office									
Statement of Intent	A zone that provides for office developments in suburban locations or adjacent to suburban shopping centres that must be compatible with adjacent residential development.									
Primary Use	Consent Use	Prohibited	Front Space	Side Space	Rear Space	Min Erf Size	Height	Cov	FAR	Parking
Office building Professional office Public office	Crèche Educational building Funeral parlour Garage Guest house Hotel Institution Medium density housing Mobile home park Office building Place of public assembly Recreational building Retirement village Petrol Filling station Storage warehouse Veterinary clinic Wholesale warehouse	Buildings and Land uses not included in columns	7.5m	3m	3m	450m ²	3	75%	0.75	Refer to Clause 5.7

Table 30: Office

6.4.6 Public Parking Garage

Proposed Colour										
Proposed Zone	Public parking garage									
Statement of Intent	A zone that reserves land for parking purposes. Certain commercial activities which do not impact upon the primary use of the land for parking may be permitted.									
Primary Use	Consent Use	Prohibited	Front Space	Side Space	Rear Space	Min Erf Size	Height	Cov	FAR	Parking
Car parking building Office Shop		Buildings and Land uses not included in columns	7.5m	3m	3m	1800m	3	60%	-	Refer to Clause 5.7

Table 31: Public Parking Garage

6.4.7 Petrol Filling Station

Proposed Colour	PFS									
Proposed Zone	Petrol Filling Station									
Statement of Intent	A zone that permits activities such as public garage, service station, and a restricted amount of space devoted to a convenience store which may include a bakery.									
Primary Use	Consent Use	Prohibited	Front Space	Side Space	Rear Space	Min Erf Size	Height	Cov	FAR	Parking
Petrol Filling Station Restaurant Shop Office		Buildings and Land uses not included in columns	7.5m	3m	3m	1800m ²	2	60%		Refer to Clause 5.7

Table 32: Petrol Filling Station

6.2.8 **ADDITIONAL CONTROLS**

- a. No additional controls are applicable to this zone at present.

6.5 INDUSTRY

6.5.1 Extractive Industry

Proposed Colour										
Proposed Zone	Extractive Industry/ Quarry & Mining									
Statement of Intent	A zone that comprises land used for the extraction of minerals or raw materials and associated business operations, including sand and stone, in compliance with a permit from the relevant authority. Adjacent land uses must be compatible with this use which typically has a high-impact on amenity. Additionally, this zone provides for the interim uses including but not limited to timber yards, outdoor storage, plant nurseries, etc, which do not impair the long-term ability to extract and process mineral resources.									
Primary Use	Consent Use	Prohibited	Front Space	Side Space	Rear Space	Min Erf Size	Height	Cov	FAR	Parking
Extractive industry Industrial building Office		Buildings and Land uses not included in columns	7.5m	3m	3m	1800m ²	2	20%	0.125	Refer to Clause 5.7

Table 33: Extractive Industry

6.5.3 General Industry

Proposed Colour										
Proposed Zone	General Industry									
Statement of Intent	A zone that permits manufacturing uses which are generally compatible with other manufacturing uses. As a cumulative industrial zone, it would permit a combination of light manufacturing uses found in other zones and more intensive manufacturing uses that would normally be considered incompatible with sensitive land uses. Warehousing of materials considered non-noxious or non-hazardous are permitted in buildings in this zone. Outdoor storage, as an ancillary use, may be permitted in the zone, subject to certain restrictions involving the amount of area permitted on a lot, setbacks, screening, and possibly the type of materials permitted to be stored outdoors, i.e. via a Consent procedure.									
Primary Use	Consent Use	Prohibited	Front Space	Side Space	Rear Space	Min Erf Size	Height	Cov	FAR	Parking
Commercial workshop General industry workshop Laundrette Light industrial building Service industrial building Storage warehouse	Educational building Garage Institution Office Parking garage Place of public amusement Place of public assembly Professional office Public office Recreational building Scrap yard Petrol Filling Station Shop Wholesale warehouse	Buildings and Land uses not included in columns	7.5m	3m	3m	900m ²	N/A	75%	2	Refer to Clause 5.7

Table 34: General Industry

6.5.4 Light Industry

Proposed Colour										
Proposed Zone	Light Industry									
Statement of Intent	A zone that permits manufacturing 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 manufacturing activities that usually do not involve significant vibration, noise, odour, or high volume of automobile and truck traffic. Warehousing of materials considered non-obnoxious or non-hazardous are permitted in buildings in this zone, with possible conditions. Outdoor storage, as an ancillary use, would be extremely limited if not outright prohibited. Office uses would be permitted with conditions in this zone, i.e. via a Consent procedure.									
Primary Use	Consent Use	Prohibited	Front Space	Side Space	Rear Space	Min Erf Size	Height	Cov	FAR	Parking
Commercial workshop General industry building Laundrette Light industrial building Service industrial building Storage warehouse	Agricultural building Agricultural industry Agricultural land Dwelling house Educational building Funeral parlour Garage Institution Office Parking garage Place of public amusement Place of public assembly Professional office Public office Recreational building Restaurant Restricted building Scrap yard Service station Shop Wholesale warehouse	Buildings and Land uses not included in columns	7.5m	3m	3m	900m²	N/A	75%	2	Refer to Clause 5.7

Table 35: Light Industry

6.5.5 ADDITIONAL CONTROLS

- a. All applications for quarrying and mining will be required to have the necessary approved permits issued from the Department of Minerals and Energy (DME) in terms of the Mineral and Petroleum Resources Development Act (No. 28 of 2002).
- b. Except where specific provision is made therefore in this Scheme and saving that the Council may approve of the erection and use of a single Dwelling Unit for the exclusive use of a caretaker, no other Dwelling Unit of any description whatsoever shall be erected or used or permitted to be erected or used on any Erf with an industrial zoning.

6.6 RESIDENTIAL

6.6.1 Special Residential 1

Proposed Colour										
Proposed Zone	Special Residential 1									
Statement of Intent	A zone that is intended to promote the development of primarily detached dwelling units, but does permit multi-family dwellings, and where a limited number of compatible ancillary uses which have a non-disruptive impact on a neighborhood amenity may be allowed.									
Primary Use	Consent Use	Prohibited	Front Space	Side Space	Rear Space	Min Erf Size	Height	Cov	FAR	Parking
Dwelling house Outbuilding	Home Business Medium density Housing Crèche Institution Recreational building Bed and Breakfast	Buildings and Land uses not included in columns	5m	1.5m	3m	1800m²	2	50%	0.50	Refer to clause 5.7

Table 36: Special Residential 1

6.6.2 Residential Only Detached

Proposed Colour												
Proposed Zone	Residential Only Detached											
Statement of Intent	A zone that is intended to promote the development of primarily detached dwelling units, but does permit multi-family dwellings, and where a limited number of compatible ancillary uses which have a non-disruptive impact on a neighbourhood amenity may be allowed.											
			ERF		F	BULK FACTORS			BUILDING LINES			
Primary Use	Consent Use	PROHIBITED	MIN	MAX		FAR	Coverage	Height	B/Line	Side	Rear	Parking
Dwelling house	Home Business	Buildings and Land uses not included in columns	<150			0.5	50%	2	4	1.5m	1.5m	
Outbuilding	Medium Density Housing		151	249	10m	0.5	50%	2	3	1.5m	1.5m	
			250	649	10m	0.5	50%	2	4	1.5m	1.5m	
			650	899	18m	0.35	45%	2	4.5	1.5m	2m	
			900	1799	18m	0.35	45%	2	5	2	3	

Table: Residential Only Detached

6.6.3 Residential Medium Impact

Proposed Colour										
Proposed Zone	Residential Medium Impact									
Statement of Intent	A zone that retains a high incidence of residential land uses with an increasing number of appropriate ancillary land uses to satisfy local demands and convenience, and excludes industrial and trade uses. The residential density may increase. This is essentially a buffer zone where change of use is permitted with preservation of the existing format. The provision of land for a variety of housing types, where the primary land use is residential and where a limited number of compatible ancillary uses which have a non-disruptive impact on a neighbourhood amenity may be allowed.									
Primary Use	Consent Use	Prohibited	Front Space	Side Space	Rear Space	Min Erf Size	Height	Cov	FAR	Parking
Bed and breakfast Dwelling house Medium density housing Residential building	Crèche Educational building Guest house Holiday Resort Hotel Institution Launderette Mobile home park Place of public assembly Recreational building Retirement village Veterinary clinic	Buildings and Land uses not included in columns	9m	4.5m	4.5m	2000m ²	N/A	75%	3	Refer to clause 5.7

Table 37: Residential Medium Impact

6.6.4 Residential Only High Density

Proposed Colour										
Proposed Zone	Residential Only High Density									
Statement of Intent	A zone that retains a high incidence of residential land uses with an increasing number of appropriate ancillary land uses to satisfy local demands and convenience, and excludes industrial and trade uses. The residential density may increase. This is essentially a buffer zone where change of use is permitted with preservation of the existing format. The provision of land for a variety of housing types, where the primary land use is residential and where a limited number of compatible ancillary uses which have a non-disruptive impact on a neighbourhood amenity may be allowed.									
Primary Use	Consent Use	Prohibited	Front Space	Side Space	Rear Space	Min Erf Size	Height	Cov	FAR	Parking
Bed and breakfast Dwelling house Medium density housing Residential building Recreational building	Crèche Educational building Guest house Holiday Resort Hotel Institution Launderette Mobile home park Place of public assembly Retirement village Veterinary clinic	Buildings and Land uses not included in columns	9m	4.5m	4.5m	2000m ²	N/A	75%	3	Refer to clause 5.7

Table 38: Residential Only High Density

6.6.5 Residential Only Medium Density

Proposed Colour										
Proposed Zone	Residential Only Medium Density									
Statement of Intent	A zone that is intended to promote the development of attached and detached dwelling units as part of a larger planned residential development.									
Primary Use	Consent Use	Prohibited	Front Space	Side Space	Rear Space	Min Erf Size	Height	Cov	FAR	Parking
Bed and breakfast Dwelling house Medium density housing Residential building	Crèche Educational building Guest house Holiday Resort Hotel Institution Laundrette Mobile home park Place of public assembly Recreational building Retirement village Veterinary clinic	Buildings and Land uses not included in columns	9m	4.5m	4.5m	1800m²	N/A	75%	3	Refer to clause 5.7

Table 39: Residential Only Medium Density

6.6.6 Small holdings

Proposed Colour										
Proposed Zone	Small holdings									
Statement of Intent	A zone that is intended to contain small holdings and that sets aside land for both low density housing and related urban scale agriculture.									
Primary Use	Consent Use	Prohibited	Front Space	Side Space	Rear Space	Min Erf Size	Height	Cov	FAR	Parking
Agricultural Building Agricultural land Dwelling House	Educational building Bed and Breakfast Chalet development Lodge Caravan Park Conference Facility	Buildings and Land uses not included in columns	9m	4.5m	4.5m	1ha	N/A	75%	3	Refer to clause 5.7

Table 40: Small Holdings

6.6.6 Traditional Settlement

Proposed Colour										
Proposed Zone	Traditional Settlement									
Statement of Intent	This zone is used to manage land and buildings where the primary land use is residential settlement on land that is communally held and/or under the jurisdiction of a Traditional Authority.									
Primary Use	Consent Use	Prohibited	Front Space	Side Space	Rear Space	Min Erf Size	Height	Cov	FAR	Parking
Umuzi Tuck Shop Home Based Business	Agricultural building Agricultural industry Agricultural Land Educational building Funeral parlour Restaurant Petrol Filling Station Shop	Buildings and Land uses not included in columns	7.5m	3m	3m	N/A	2	50%	0.125	Refer to clause 5.7

Table 41: Traditional Settlements

6.6.7 Rapid Urban Management Zone

Proposed Colour										
Proposed Zone	Rapid Urban Management Zone									
Statement of Intent	This zone is used to manage informal settlements adjacent to or near to formal urban areas. Usually identified for future upgrading									
Primary Use	Consent Use	Prohibited	Front Space	Side Space	Rear Space	Min Erf Size	Height	Cov	FAR	Parking
Agricultural building Agricultural Land Municipal Purposes Community garden Dwellings	Utilities facility	Buildings and Land uses not included in columns	7.5m	3m	3m	N/A	N/A	50%	0.5	Refer to clause 5.7

Table 42: Rapid Urban Management Zone

6.6.8 Caravan Park

Proposed Colour										
Current Zone	Caravan park									
Proposed Zone	Caravan Park									
Statement of Intent	A zone intended for the accommodation of caravans used primarily for holiday dwellings in conjunction with recreation, ablution and sanitary facilities, with or without communal kitchens, and other recreational facilities.									
Primary Use	Consent Use	Prohibited	Front Space	Side Space	Rear Space	Min Erf Size	Height	Cov	FAR	Parking
Caravan Dwelling house Launderette Recreational building Ablution facilities	Shop	Buildings and Land uses not included in columns	7.5m	3m	3m	1800m ²	2	20%	0.2	Refer to clause 5.7

Table 43: Caravan Park

6.6.9 Resort

Proposed Colour	RS												
Proposed Zone	Resort (Small Tourism)												
Statement of Intent	A zone for the purposes of tourism facilities such as Bed and Breakfasts, small scale chalet complexes, small hotels, camping and caravan facilities, cottage industries and art and craft outlets.												
			ERF		F	BULK FACTORS			BUILDING LINES				
Primary Use	Consent Use	PROHIBITED	MIN	MAX		FAR	Coverage	Height	B/Line	Side	Rear	Parking	
Dwelling	Place of public assembly	Buildings and Land uses not included in columns	1800m	2ha	10m	0.5	50%	2	3	1.5m	1.5m	Refer to clause 5.7	
Chalet development	Utilities facility												
Medium density housing	Recreational building												
Caravan Park													
Arts and craft workshop													
Bed and Breakfast													
Guest house													
Office													
Shop													
Hotels													

Table 44: Resort (Small Tourism)

6.6.10 **ADDITIONAL CONTROLS**

- a. No additional controls are applicable to this zone at present.

6.7TRANSPORTATION AND ACCESS

6.7.1 Railways

Proposed Colour	R											
Proposed Zone	Railways											
Statement of Intent	A zone that makes provision for railway routes, open areas for the storage and repairs of trains, stations and passenger facilities and warehouses for freight operations.											
PRIMARY USE	CONSENT USE	PROHIBITED	ERF		F	BULK FACTORS			BUILDING LINES			Parking
			MIN	MAX		FAR	Coverage	Height	B/Line	Side	Rear	
Agriculture		Buildings and Land uses not included in columns	N/A									Refer to Clause 5.7
Transport												
Railway Station												
Municipal Purpose												
Municipal purposes												

Table 45: Railways

6.7.2 Bus and Taxi Rank

Proposed Colour													
Proposed Zone	Bus and Taxi Rank												
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. May include rank manager's offices, ablutions and small retail facilities for the convenience of passengers.A zone that makes provision for railway routes, open areas for the storage and repairs of trains, stations and passenger facilities and warehouses for freight operations.												
PRIMARY USE	CONSENT USE	PROHIBITED	ERF		F	BULK FACTORS			BUILDING LINES			Parking	
			MIN	MAX		FAR	Coverage	Height	B/Line	Side	Rear		
Mixed Use		Buildings and Land uses not included in columns	1800		18	1	50%	1	7.5	2m	3m	Refer to Clause 5.7	
Bus and taxi facility													
Ablution facility													
Informal trade area													
Car wash													
Shop													
Office													
Civic and Social													
Municipal Purposes													

Table 46: Bus and Taxi Rank

6.7.3 Public Parking

Proposed Colour													
Proposed Zone	Public Parking												
Statement of Intent	A zone that reserves land for vehicular parking purposes. Certain commercial activities which do not impact upon the primary use of the land for parking may be permitted.												
PRIMARY USE	CONSENT USE	PROHIBITED	ERF		F	BULK FACTORS			BUILDING LINES				
			MIN	MAX		FAR	Coverage	Height	B/Line	Side	Rear	Parking	
Mixed Use		Buildings and Land uses not included in columns	N/A		-	1	70%	3	7.5	2m	3m	Refer to Clause 5.7	
Parking garage	Car wash area												
Office													

Table 47: Public Parking

6.7.5 Utilities and Services

Proposed Colour	US											
Proposed Zone	Utilities and services											
Statement of Intent	A zone that provides for the designation and management of land set aside for uses such as substations, waterworks, sewerage works and public utilities; sewerage pump stations. Underground pipes/services and overhead lines are usually contained within a services servitude over a parcel of land which is zoned for a specific use and is not given a separate or specific zone. The impact of these uses within servitudes is usually managed through the environmental impact assessment process.											
PRIMARY USE	CONSENT USE	PROHIBITED	ERF		F	BULK FACTORS			BUILDING LINES			Parking
			MIN	MAX		FAR	Coverage	Height	B/Line	Side	Rear	
Mixed Use		Buildings and Land uses not included in columns	Sole discretion of council									
Municipal purposes												
Utility facility												
Public road												

Table 48: Utilities and Services

6.7.6 Existing Road

Proposed Colour												
Proposed Zone	Existing Road											
Statement of Intent	A zone that makes provision for the protection of roads and road reserves for the free movement of vehicular and pedestrian transport.											
PRIMARY USE	CONSENT USE	PROHIBITED	ERF		F	BULK FACTORS			BUILDING LINES			Parking
			MIN	MAX		FAR	Coverage	Height	B/Line	Side	Rear	
Mixed Use		Buildings and Land uses not included in columns	N/A									N/A
Public Road	Informal Trade											
Utility Facility												

Table 49: Existing Road

6.7.7 Proposed New Road

Proposed Colour												
Proposed Zone	Proposed Road											
Statement of Intent	A zone that makes provision for the protection of roads and road reserves for the free movement of vehicular and pedestrian transport.											
PRIMARY USE	CONSENT USE	PROHIBITED	ERF		F	BULK FACTORS			BUILDING LINES			Parking
			MIN	MAX		FAR	Coverage	Height	B/Line	Side	Rear	
TRANSPORTATION AND ACCESS		Buildings and Land uses not included in columns	N/A									N/A
Public and private road	Informal trade											
Ablution area												
Utility facility												

Table 50: Proposed New Road

6.7.8 Refuse Sites

Proposed Colour													
Proposed Zone	Refuse Sites												
Statement of Intent	A zone that makes provision for refuse disposal works and infrastructure necessary for the municipality to dispose of or recycle solid waste.												
PRIMARY USE	CONSENT USE	PROHIBITED	ERF		F	BULK FACTORS			BUILDING LINES			Parking	
Mixed Use			MIN	MAX		FAR	Coverage	Height	B/Line	Side	Rear	Sole discretion of council	
			Sole discretion of council										
Recycle Plant/Transfer station													
Ablution facility													
Office													
Civic and Social													
Municipal Purposes													

Table 51: Refuse Sites

6.7.9 Waterworks

Proposed Colour	WW											
Proposed Zone	Waste water works											
Statement of Intent	A zone that makes provision for reservoirs, waterworks and infrastructure necessary for the municipality to deliver water.											
PRIMARY USE	CONSENT USE	PROHIBITED	ERF		F	BULK FACTORS			BUILDING LINES			Parking
			MIN	MAX		FAR	Coverage	Height	B/Line	Side	Rear	
Mixed Use		Buildings and Land uses not included in columns	N/A				20%	1	7.5	2m	3m	Refer to Clause 5.7
Recycle Plant/Transfer Station												
Ablution facility												
Office												

Table 52: Waterworks

6.7.10 Sewerage Works

Proposed Colour	SW											
Proposed Zone	Sewerage Works											
Statement of Intent	A zone that makes provision for sewerage treatment works and associated infrastructure necessary for the municipality to treat sewage.											
PRIMARY USE	CONSENT USE	PROHIBITED	ERF		F	BULK FACTORS			BUILDING LINES			
			MIN	MAX		FAR	Coverage	Height	B/Line	Side	Rear	Parking
		N/A	1800		18	1	20%	1	7.5	2m	3m	N/A

Table 53: Sewerage Works

7. GENERAL CONTROLS

7.1 SITE DEVELOPMENT PLANS

- 7.1.1 Council may from time-to-time for the purpose of the coordinated allocation of land use rights and restrictions as contemplated in this Land Use 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.
- 7.1.2 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 details of and programme for the provision of essential services including storm water, sewerage disposal, pollution control, electricity and solid waste disposal;
 - g traffic engineering details on the vehicular and pedestrian elements thereof, their implementation and management;
 - h details as to the project management ownership, mechanisms, control and monitoring through construction phases till project completion.

7.2 EXTERNAL APPEARANCE OF BUILDINGS

- 7.2.1 The character, design and external appearance of buildings, and boundary walls, including the material used in their construction, shall be subject to the approval of the Council, and no building may be erected without the approval of the Municipality.
- 7.2.2 In considering any application, it shall be the duty of the Municipality to ensure, wherever it is considered appropriate, that adequate provision is made for solar access, the use of solar or other alternative energy sources and energy and water efficiency measures, the preservation of indigenous flora, the planting or replacement of trees and the protection of water-courses, etc.

7.2.3 Any person intending to alter, extend or erect a building shall submit such drawing as required by the Municipality.

7.3 DEPOSITING OF WASTE MATERIAL

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

7.4 FLOODLINE AREAS

7.4.1 The Council may prohibit or restrict the erection or use of any building or the development or use of any land, where the site is situated below the 1 in 100 year flood line. Development of such site may further be subject to approval and/or restrictions in terms of the National Water Act (Act No. 36 of 1998) and its Regulations, as amended.

7.5 UNSERVICED AREAS

7.5.1 The Council may prohibit or restrict, whether wholly or partially and either indefinitely or for a period to be determined by the Council, the erection of any building or the development or use of any land in any undeveloped part or parts of the area of the Scheme pending the extension thereto of streets, sewer, water, electricity or other essential public services.

7.6 TRAFFIC GENERATING SITES

7.6.1 For new or proposed developments, Council may, at its sole discretion, request the submission of a Traffic Impact Assessment to determine the impact that a development may have on the existing and future road networks.

7.6.2 The outcomes of such assessment shall be implemented at the Developer's cost.

7.7 PROVISION OF PUBLIC FACILITIES

7.7.1 The Council may direct a developer to provide any public facilities it may deem necessary for the development as informed by:

- a. Engineering Standards
- b. Plans developed by the Municipality
- c. Provincial guidelines on Human Settlements and community facilities

7.8 PERMENANT CLOSURE OF STREETS AND PUBLIC PLACES

7.8.1 An applicant may apply to Council for the permanent closure of a public place or public street.

7.8.2 In respect of an application for the permanent closure of a public place, the Council may direct an applicant to:

- i) Undertake an assessment of the likely impact that such permanent closure may have on access to public places, i.e. an assessment of the “Guidelines for Human Settlement Planning and Design, published by the CSIR (the “Red Book” guidelines);
- ii) Direct an applicant to replace a public place and/or pay compensation to Council in order to develop existing open spaces and/or replace the public place.

7.9 WELLS AND BOREHOLES

7.9.1 No wells or boreholes shall be sunk on any land within the area of the Scheme, nor any subterranean water extracted therefrom without the prior approval of the Council.

7.10 ADVERTISING

7.10.1 Any person wishing to display an advertisement must first submit a written application to the Council for consideration and approval in terms of the Municipality’s Advertising Sign Bylaws.

8. ENVIRONMENTAL MANAGEMENT

8.1 ENVIRONMENTALLY SENSITIVE AREAS

- 8.1.1 The iLembe Environmental Management Framework (EMF) was developed as a planning tool in order to protect sensitive areas and to retain ecological functioning of an area. The Council may therefore prohibit or restrict the destruction of environmentally sensitive areas identified in terms of the aforementioned plan, whether such transformation is authorized by another sphere of government or not.

8.2 THE BIODIVERSITY SECTOR PLAN

- 8.2.1 The iLembe Biodiversity Sector Plan (BSP) is a precursor to a bioregional plan, developed by the Ezemvelo KZN Wildlife, which aims to provide information on the biodiversity priorities, by identifying the Critical Biodiversity Areas and Ecological Support Areas. Critical Biodiversity Areas, are those areas of natural or near-natural features, habitats or landscapes that include terrestrial, aquatic and marine areas. Ecological Support Areas, are those area required to support and sustain the ecological functioning of the critical biodiversity areas.

8.3 MARINE PROTECTED AREAS

- 8.3.1 The Tugela Marine Protected Area (MPA) has been proposed along the iLembe District coastline with an intention to protect the living marine resources and other areas of particular importance within the coastal waters. The Tugela Banks area contains unprotected pelagic and seabed habitats, such as Natal shelf muds and gravels and submarine canyons, warrant protection in this area which has complex sedimentary patterns. The area along the Tugela Banks is highly productive and serves a nursery area for many species and support a large commercial prawn fishery.

8.4 NEM: BIODIVERSITY ACT

- 8.4.1 NEM: Biodiversity Act provides for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act 1998. Section 76 (2) (a) All organs of state in all spheres of government must prepare an invasive Species monitoring, control and eradication plan for land under their control, as part of their environmental plans. Once the

Mandeni Alien invasive control plan is in existence, property owners will be held responsible for the alien invasive species occurring on their properties

8.5 COASTAL MANAGEMENT PLAN

8.5.1 The Mandeni Municipality has finalised the Municipal Coastal Management Programme (CMP) in order to achieve the objectives of the Integrated Coastal Management Act of promoting integrated management of coastal resources. Integrated Coastal Management refers to the management of a coastal area using an integrated and inclusive approach, taking cognisance of all aspects of the coastal zone, including geographical and political boundaries, in an attempt to achieve sustainable coastal development.

9. SPECIAL ZONES

9.1 GENERAL PROVISIONS

9.1.1 In exceptional circumstances and where an existing zonings 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”.

NO.	ERF NUMBER	REASON FOR SPECIAL ZONE	CONVERTED TO SPECIAL ZONES IN TERMS OF HISTORICAL SCHEMES.
1.	Mandeni Central Business District (CBD)	Non – completion of the SPLUMA application.	Mandeni Urban Regeneration study area.
2.	Portion 1 of the Farm Ayikindaba, Portion 5 (of 3) of the Farm Ayikindaba No 11678 and Portion 2 and Remainder of abortion 3 of Reserve No. 7a No. 15826.	Conditions stipulated in the DFA	DFA for Thukela Lifestyle Resort

Table 54: Special Zones

9.2 SPECIAL ZONE 1

9.2.1 Special Zone created for the jurisdiction of the Mandeni Urban Regeneration Strategy.

9.2.2 Conditions will be subject to the approval of the SPLUMA application, on or before the adoption of this Land Use Management Scheme.

9.3 SPECIAL ZONE 2

9.3.1 Special Zone created for the historical DFA application for Thukela Destination Golf Resort.

9.3.2 Conditions will be subjected to all DFA conditions as a result of the Tribunal that was held on the 27th June 2009.

PROPERTY DESCRIPTION	TITLE DEED	CONDITIONS TO BE SUSPENDED
Portion 5 (of 3) of the Farm Ayikindaba No.11678,	T37380/2001	Condition B2:- Subject to the special condition created in the said Deed of Transfer No.T2812/1943 and enforceable by Alfred Ivan Oliver, or his successors in title, that the said property shall be used for religious and educational purposes only.
Portion 2 of the Farm Reserve No.7A No.15826	T37193/1996	1. The owner of the land shall be bound to preserve and maintain the beacons by which it is defined. 2. No canteen or shop for sale of wine, spirits, beer or malt liquor of any kind shall at any time be kept on the land. Upon breach of this condition the State president may declare the land forfeited. 3. All roads and thorough fares existing on the land whether indicated in the diagram or not, shall remain free and uninterrupted unless they be closed or altered by the competent authority. 4. The State president may at any time make or permit to be made roads, railways, dams, aqueducts, drains, water furrows, and construct telegraph lines, on the land, and resume the whole or any portion or portions of the land, if required for public purposes, on payment for such an amount in respect of compensation to the Owner for the damage or loss so caused as may be mutually agreed upon, or filing such agreement, as may be determined by arbitration. 5. All rights to minerals of whatever nature and to any oil on or under the land shall be expressly reserved to the State together with the right of access to any mines and to any works undertaken for mining or prospecting purposes. The land shall be subject to such further rights as the public or the Government have or may hereafter have or be entitled to obtain under any law relating to the prospecting or mining for minerals or oil, and such rights shall not be in any way affected by the Deed of Grant. The rights shall be reserved to the State to occupy or to authorize the occupation of so much of the land and to use or to authorize the use of so much water on the land as may be required for the proper prospecting of mining of

PROPERTY DESCRIPTION	TITLE DEED	CONDITIONS TO BE SUSPENDED
		any minerals or oil, on the payment of such an amount in respect of compensation as may be mutually agreed upon, or failing such agreement, as may be determined by arbitration. 6. The State President may declare the land forfeit in the case of the conviction of the owner for treason.
Remainder of Portion 3 of the Farm . Reserve No.7A No.15826	T31014/1998	Conditions B1 to 86 1. The owner of the land shall be bound to preserve and maintain the beacons by which it is defined. 2. No canteen or shop for sale of wine, spirits, beer or malt liquor of any kind shall at any time be kept on the land. Upon breach of this condition the State president may declare the land forfeited. 3. All roads and thoroughfares existing on the land whether indicated in the diagram or not, shall remain free and uninterrupted unless they be closed or altered by the competent authority. 4. The State president may at any time make or permit to be made roads, railways, dams, aqueducts, drains, and water-furrows, and construct telegraph lines, on the land, and resume the whole or any portion or portions of the land, if required for public purposes, on payment of such an amount in respect of compensation to the Owner for the damage or loss so caused as may be mutually agreed upon, or filing such agreement, as may be determined by arbitration. 5. All rights to minerals of whatever nature and to any oil on or under the land shall be expressly reserved to the State together with the right of access to any mines and to any works undertaken for mining or prospecting purposes. The land shall be subject to such further rights as the public or the Government have or may hereafter have or be entitled to obtain under any law relating to the prospecting or mining for minerals or oil, and such rights shall not be in any way affected by the Deed of Grant. The rights shall be reserved to the State to occupy or to authorize the occupation of so much of the land and to use or to authorize the use of so much water on the land as may be required for the proper prospecting of mining of any minerals or oil, on the payment of such an amount in respect of compensation as may be mutually agreed upon, or failing such agreement, as may be determined by arbitration. 6. The State President may declare the land forfeit in the case of the conviction of the owner for treason.

LAND USE AND DENSITY CONTROLS

LAND USE ZONE	USES PERMITTED	FAR	COVERA GE %	HEIGHT	BUILDIN G LINE	SIDE/REAR SPACE	PARKING REQUIREMENTS	ADDITIONAL CONTROLS
Special Residential 4 (Yellow)	- Dwelling House	0.35	35	2 [See additional control 1]	5	Side space = 2m on one side only Rear Space = 2m	1 garage /covered parking space plus 1 uncovered/ open parking space per dwelling unit.	1. A third storey is permitted on sites where the slope is steeper or equal to 1:4, provided that the maximum height of pitch of roof shall not exceed 9m above the highest natural ground level at any point. 2. A kitchenette is permitted provided that it forms part of the private entertainment / braai area. 3. Outbuildings shall be limited to parking of vehicles with associated storage, garden equipment shed and staff quarters not exceeding 35m². Staff quarters shall be limited to one bedroom, a kitchenette and an open plan area. 4. In the case of swimming pools, the building line may be relaxed with the written authority of the HOA and the Mandeni Municipality to not less than 1 metre provided the pool is screened to the satisfaction of the HOA. 5. Buildings and development shall conform to the architectural guidelines and landscaping guidelines for Tugela Resort.
Special Residential Low Density (Light Yellow)	- Dwelling House - Extended Residential Building –	0.35	35	2 [See additional control 1]	5	2m on all sides	1 garage /covered parking space plus 1 uncovered/ open	1. A third storey is permitted on sites where the slope is steeper or equal to 1:4, provided that the maximum height of pitch of roof shall not

LAND USE ZONE	USES PERMITTED	FAR	COVERA GE %	HEIGHT	BUILDIN G LINE	SIDE/REAR SPACE	PARKING REQUIREMENTS	ADDITIONAL CONTROLS
	limited to 2 dwelling units - Second Self-contained dwelling house not exceeding total floor area = 100m ²						parking space per dwelling unit.	exceed 9m above the highest natural ground level at any point. 2. A kitchenette is permitted provided that it forms part of the private entertainment / braai area. 3. Outbuildings shall be limited to parking of vehicles with associated storage, a garden equipment shed and staff quarters not exceeding 35m². staff quarters shall be limited to one bedroom, a kitchenette and an open plan area. 4. In the case of swimming pools, the building line may be relaxed with the written authority of the HOA and the Mandeni Municipality to not less than 1 metre provided the pool is screened to the satisfaction of the HOA. 5. Minimum Lot size = 1500m². an Extended Residential Building shall not be permitted on sited that are smaller than or equal to 2700m². 6. Buildings and development shall conform to the architectural guidelines and landscaping guidelines for Tugela Resort
Special Residential 4 (Yellow)	- Dwelling House	0.5	50	2	4.5m provided that	Side space = 1.5m on one side only.	1 garage /covered parking space for	1. Outbuildings shall be limited to parking of vehicles with associated storage space.

LAND USE ZONE	USES PERMITTED	FAR	COVERA GE %	HEIGHT	BUILDIN G LINE	SIDE/REAR SPACE	PARKING REQUIREMENTS	ADDITIONAL CONTROLS
	- Medium Density Housing - Extended Residential Building to 2 dwelling units - Duet House - Maisonette - Semi-detached house				the building line may be relaxed to 0m for garage only	Rear space = 1.5m	every dwelling unit.	2. Buildings and development shall conform to the architectural guidelines and landscaping guidelines for Tugela Resort
Intermediate Residential (Light Brown) PUD sites	- Dwelling House - Medium Density Housing - Extended Residential Building - Duet House - Maisonette - Semi-detached house	N/A	40	2	5	2	1 garage /covered parking space plus 1 uncovered/ open parking space per dwelling unit.	1. Outbuildings shall be limited to parking of vehicles with associated storage space. 2. A third storey is permitted on sites where the slope is steeper or equal to 1:4, provided that the maximum height of pitch of roof shall not exceed 9m above the highest natural ground level at any point. 3. In the case of swimming pools, the building line may be relaxed with the written authority of the HOA and the Mandeni Municipality to not less than 1 metre provided the pool is screened to the satisfaction of the HOA. 4. Recreational buildings and a private club house which is associated with the main land use may be permitted.

LAND USE ZONE	USES PERMITTED	FAR	COVERA GE %	HEIGHT	BUILDIN G LINE	SIDE/REAR SPACE	PARKING REQUIREMENTS	ADDITIONAL CONTROLS
								5. Buildings and development shall conform to the architectural guidelines and landscaping guidelines for Tugela Resort. 6. The density controls and urban design controls as set out in the Town Planners Density by Design Report shall be adhered to.
General Residential (Orange)	- Dwelling House - Laundrette - Medium Density Housing - Residential Building (excluding Hotel)	N/A	40	3	5	4.5	1 garage /covered parking space plus 1 uncovered/ open parking space per dwelling unit.	1. Outbuildings shall be limited to parking of vehicles with associated storage space. 2. In the case of swimming pools, the building line may be relaxed with the written authority of the HOA and the Mandeni Municipality to not less than 1 metre provided the pool is screened to the satisfaction of the HOA. 3. Where the lot is used exclusively for medium density housing the density shall be limited to 30 dwelling units per hectare and the maximum coverage shall be 35%. 4. Recreational buildings and a private club house which is associated with the main land use may be permitted. 5. Buildings and development shall conform to the architectural

LAND USE ZONE	USES PERMITTED	FAR	COVERA GE %	HEIGHT	BUILDIN G LINE	SIDE/REAR SPACE	PARKING REQUIREMENTS	ADDITIONAL CONTROLS
								guidelines and landscaping guidelines for Tugela Resort. 6. The density controls and urban design controls as set out in the Town Planners Density by Design Report shall be adhered to.
Cultural Village (Yellow with EC/R)	- Chalet - Private Recreational Area - Place of Public Assembly - Rural Residential Building - Educational Building	N/A	25	1	7.5	4.5	1 parking space per chalet, room or rural residential building, plus a space for parking of 15 additional cars. 1 bus parking bay per 20 chalets, rooms or rural residential buildings. Loading and Off loading facilities to the satisfaction of the HOA Architectural Review Committee and the Municipality.	1. Buildings and development shall conform to the architectural guidelines and landscaping guidelines for Tugela Resort. 2. Recreational buildings and a private club house which is associated with the main land use may be permitted.
Hotel	- Dwelling House - Extended Residential Building - Educational Building - Office Building	N/A	40	3	9	4.5	For every residential building, 1 covered parking space for each dwelling unit is to be provided on	1. Provision is to be made for landscaping and maintenance of the grounds to the satisfaction of the Architectural Review Committee and the Mandeni Municipality. Not less than 25% of the site shall be set aside and

LAND USE ZONE	USES PERMITTED	FAR	COVERA GE %	HEIGHT	BUILDIN G LINE	SIDE/REAR SPACE	PARKING REQUIREMENTS	ADDITIONAL CONTROLS
	- Medium Density Housing - Place of Public Assembly - Place of Public Amusement - Recreational Building - Laundrette - Restaurant - Shop – restricted to shop as contemplated in Clause 4.9 of the Tugela Town Planning Scheme clauses - Residential Building - Conference Facilities limited to 200 seats						the Erf. Visitors parking at the rate of one car space for every two dwelling units shall be provided. For every building one car space for every bedroom, together with an area within which may be parked together a minimum of 15 cars. For every office there shall be provision of one car space for each 35m² or major portion thereof of gross office area. For every building intended for use as a theatre, cinema, assembly hall or place of public worship there shall be provision	maintained as a garden and play area which must be kept free of parking areas and driveways.

LAND USE ZONE	USES PERMITTED	FAR	COVERA GE %	HEIGHT	BUILDIN G LINE	SIDE/REAR SPACE	PARKING REQUIREMENTS	ADDITIONAL CONTROLS
							of one car space for every 4 seats. For every building or portion of a building intended for use as a hall without fixed seats there shall be provision of one car space for every 23m² or major portion thereof of floor area. For general parking requirements see clause 6.1 of the Tugela Mouth Planning Scheme Clauses. Loading and unloading facilities shall be provided in accordance with clause 6.2 of the Tugela Mouth Planning Scheme clauses.	
Hotel suites (Yellow with H)	- Dwelling House	N/A	50	2	7.5	4.5	For every dwelling unit/ hotel suite one	1. Recreational buildings and a private club house which is

LAND USE ZONE	USES PERMITTED	FAR	COVERA GE %	HEIGHT	BUILDIN G LINE	SIDE/REAR SPACE	PARKING REQUIREMENTS	ADDITIONAL CONTROLS
	- Extended Residential Building - Medium Density Housing - Residential Building - Private Recreational Area - Recreational Building						car space shall be provided.	associated with the main land use may be permitted.
Wellness Centre (Pink)	- Institution - Laundrette - Hospital - Medium Density Housing - Private Recreational Area - Recreational Building - Clinic - Educational Building	N/A	30	2	9	4.5	For every dwelling unit one car space shall be provided. For every hospital/ wellness clinic one car space shall be provided. Loading and unloading facilities shall be provided in accordance with clause 6.2 of the Tugela Mouth Planning Scheme clauses.	1. Outbuildings shall be limited to parking of vehicles with associated storage space. 2. Recreational buildings and a private club house which is associated with the main land use may be permitted. 3. Number of dwelling units shall be restricted to the number shown on plan No. Thuk01-06Rev 9.1 dated 14 June 2010. 4. A site specific EMP shall be prepared and approved by the authorities prior to any development commencing.

LAND USE ZONE	USES PERMITTED	FAR	COVERA GE %	HEIGHT	BUILDIN G LINE	SIDE/REAR SPACE	PARKING REQUIREMENTS	ADDITIONAL CONTROLS
							For general parking requirements see clause 6.1 of the Tugela Mouth Planning Scheme Clauses.	
Timeshare (H- T/S)	- Dwelling House - Medium Density Housing - Residential Building - Laundrette - Private Recreation Area - Recreation Building	N/A	30	2	9	4.5	Loading and unloading facilities shall be provided in accordance with clause 6.2 of the Tugela Mouth Planning Scheme clauses. For general parking requirements see clause 6.1 of the Tugela Mouth Planning Scheme Clauses. For every dwelling unit / timeshare suite one car space shall be provided, and facilities for storing trailers shall be provided at a ratio of 1	

LAND USE ZONE	USES PERMITTED	FAR	COVERA GE %	HEIGHT	BUILDIN G LINE	SIDE/REAR SPACE	PARKING REQUIREMENTS	ADDITIONAL CONTROLS
							storage bay for every 2 units.	
Sport Village & Golf Club House (Green with Dark Green Border)	- Private Recreation Area - Recreation Building - Place of Public amusement - Place of public assembly - Restaurant - Shop limited to 100m² - Conference facilities limited to 50 seats	N/A	20	2	7.5	4.5	For general parking requirements see clause 6.1 of the Tugela Mouth Planning Scheme Clauses. Loading and unloading facilities shall be provided in accordance with clause 6.2 of the Tugela Mouth Planning Scheme clauses.	
Limited Commercial	- Laundrette - Office Building - Restaurant - Shop - Clinic	0.4	40	2	5	2	For general parking requirements see clause 6.1 of the Tugela Mouth Planning Scheme Clauses. Loading and unloading facilities shall be provided in accordance with clause 6.2 of the	1. Outbuildings shall be limited to parking of vehicles with associated storage space.

LAND USE ZONE	USES PERMITTED	FAR	COVERA GE %	HEIGHT	BUILDIN G LINE	SIDE/REAR SPACE	PARKING REQUIREMENTS	ADDITIONAL CONTROLS
							Tugela Mouth Planning Scheme clauses.	
Entertainme nt Centre (Red)	- Crèche - Educational Building - Place of Public amusement - Place of public assembly - Private Recreation Area - Recreation Building - Shop limited to 100m² - Restaurant - Conference facility – 50 seats	0.4	40	2	7.5	2	For general parking requirements see clause 6.1 of the Tugela Mouth Planning Scheme Clauses. Loading and unloading facilities shall be provided in accordance with clause 6.2 of the Tugela Mouth Planning Scheme clauses.	
Wedding Chapel	- Dwelling House - Extended Residential Building - Place of pubic amusement	N/A	30	2	9	4.5	For general parking requirements see clause 6.1 of the Tugela Mouth Planning Scheme Clauses. Loading and unloading facilities shall be provided in accordance with clause 6.2 of the Tugela Mouth	

LAND USE ZONE	USES PERMITTED	FAR	COVERA GE %	HEIGHT	BUILDIN G LINE	SIDE/REAR SPACE	PARKING REQUIREMENTS	ADDITIONAL CONTROLS
							Planning Scheme clauses.	
Private Open Space (Light Green)	- Private Recreation Area - Recreation Building	N/A	N/A	1	10	10	As per recommendation s in the EMP in additional controls	Development shall be subject to approval of an EMP approved by the relevant authorities.
Conservatio n Area (Green)	- Club House - Ablution - Conservation Area	N/A	N/A	1	N/A	N/A	As per recommendation s in the EMP in additional controls	Development shall be subject to approval of an EMP approved by the relevant authorities.
Service and Maintenan ce (Grey Diagonal Hatch)	- Administration - Municipal - Services and Infrastructure - General Maintenance	N/A	N/A	N/A	N/A	N/A		Uses shall be permitted as shown on approved layout plan No. Thuk01-06Rev 9.1 dated 14 June 2010.
Nursery	- Agricultural Building - Agricultural Land - Shop limited to 200m² for uses incidental to a nursery	N/A	10	1	10	4.5	For general parking requirements see clause 6.1 of the Tugela Mouth Planning Scheme Clauses. Loading and unloading facilities shall be provided in accordance with clause 6.2 of the Tugela Mouth Planning Scheme clauses.	

LAND USE ZONE	USES PERMITTED	FAR	COVERA GE %	HEIGHT	BUILDIN G LINE	SIDE/REAR SPACE	PARKING REQUIREMENTS	ADDITIONAL CONTROLS
Private Roads	- Road	N/A	N/A	N/A	N/A	N/A	N/A	1. All roads shall be private roads 2. A Gatehouse may be erected within the road reserve.

EXPLANATORY NOTES:

HOA – Home Owners Association

Additional Land Use Definitions

Medium Density Housing: means a group of two or more attached and / or detached dwelling units, together with such outbuildings as are ancillary thereto, with each dwelling unit having direct access to common land, the whole development having been designed as a harmonious entity. Such development may include duplex flats, semi-detached houses, terrace houses, maisonettes or dwelling houses.

Duet House: means a building designed or constructed or adapted to contain self-contained dwelling units separated horizontally and with individual access.

10. LAND USE MANAGEMENT IN AREAS UNDER TRADITIONAL AUTHORITY

10.1 In general, most municipalities are not involved in the land allocation process with traditional council areas. However, the implication of SPLUMA requires municipalities to provide an effective role in spatial planning and land use management.

10.2 At the outset, interested and affected parties must conform to the processes on obtaining a lease as stipulated by ITB as follows;

“The client is allocated a site by a local Traditional Council and completes the Tenure Option Application form (ITB1 Form), after completion of this form the client must get a Traditional Consent form (ITB2 form) this form proves that the client has received the relevant consent from the concerned Traditional Council.

Both these forms are downloadable from our website and available in Traditional Councils. Both forms together with a copy of the applicant’s ID Document are submitted to Ingonyama Trust Board and packaged for approval subject to the following actions performed.

- A land survey is done and land cross referenced to existing database to ensure there are no duplications;*
- Terms and conditions of the lease are proposed and submitted with ITB1 & ITB2 forms for board approval. On approval client is notified of the details and the following actions are performed.*
- Lease document is presented to client with the terms such as, the Rental Amount, Duration of the Lease;*
- On agreement Client Deposits the rental amount to Ingonyama Trust Board Bank account. Signing of the Lease agreement takes place between representatives of Ingonyama Trust Board and the client.”*

10.3 Planning approval or consent shall be sourced subsequent to the lease agreement. However, “pre-application” meetings are encouraged prior to the lease agreement; to evaluate the probability of approval.

10.4 AmaKhosi shall remain as the custodians of land under traditional authority, however, land allocations must be done in accordance to the Mandeni Land Use Management Scheme.