

2022



MANDENI LAND USE MANAGEMENT SCHEME

**(Prepared in terms of the Spatial Planning And Land
Use Management Act, 16 of 2013)**

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1. GENERAL PROVISIONS

1.1. TITLE OF THE SCHEME

This scheme is to be known as the Mandeni Land Use Management Scheme (Mandeni LUMS).

This Land Use Management Scheme for the Mandeni Local Municipality is established in terms of the provisions as set out in the Spatial Planning and Land Use Management Act, Act 16 of 2013 (SPLUMA) and in conjunction with the Mandeni Spatial Planning and Land Use Management By-Law (2015).

This Scheme shall be known as the Mandeni Land Use Management Scheme.

The Scheme comprises of two components:

- A Scheme map.
- Accompanying Scheme Clauses.

The Scheme shall include a schedule of:

- a) Land use scheme amendments and consents applications and
- b) A schedule of consents granted in terms thereof.

1.2. RESPONSIBLE AUTHORITY

Mandeni Municipality shall be the only authority responsible for enforcing and carrying into effect the provisions of the Scheme.

The legal affect of this land use scheme is as outlined in Section 26 of SPLUMA (Act No.16 of 2013).

1.3. PURPOSE OF THE SCHEME

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 give effect to the development principles as contained in the Spatial Planning and Land Use Management Act (Act 16 of 2013)- spatial justice, spatial sustainability, efficiency, spatial resilience and good administration.

- d) To promote and implement the Vision and Strategies of the Integrated Development Plan in the realization of quality environments.
- e) To manage urban growth and development.
- f) 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.

1.4. EFFECTIVE DATE

The effective date of this Land Use Management Scheme is the _____.

The Scheme is binding on all persons and all organs of state in terms of Section 26 of the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013) read with the Mandeni Municipality Spatial Planning and Land Use Management By-laws, (as amended and/or prevailing).

1.5. AREA OF SCHEME AND SCHEME MAPS

The Mandeni Scheme applies to all land within the jurisdiction of the Mandeni Local Municipality as shown on the associated Scheme Map, ref_____.

1.6. MANAGEMENT OVERLAYS

The Scheme Map shall comprise of a series of zoning maps reflecting all the respective areas within the Municipal jurisdiction. This includes management overlays that provide additional guidelines of regulations pertaining to specific areas.

Additional and more detailed land use management, beyond that stipulated in the Scheme Regulations and Map/s is 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.

The Mandeni Scheme Map includes the following management overlays:

- 1) Dokodweni Local Area Plan.
- 2) iLembe Environmental Management Framework.
- 3) iLembe Bio-diversity Sector Plan.
- 4) Mandeni Urban Design Framework.
- 5) Mandeni Coastal Management Programme.
- 6) Tugela Mouth Local Area Plan.
- 7) Transnet Pipeline Conditions.

1.6.1. **Adoption, Replacement, Amendment of Management Overlay .**

The Municipality may adopt, replace, amend, or recommend any Management Overlay providing development directives. When the relevant National or Provincial department releases any new updates or information the Municipality must update its records accordingly to ensure alignment.

The Mandeni Municipality shall maintain a register of formally adopted/incorporated Management Overlays which will be maintained as an Annexure to the Land Use Scheme.

1.7. INSPECTION OF THE SCHEME

The Scheme (Regulations and Map) are public documents and open for inspection by the general public at any reasonable time at the municipal offices or on the municipal website.

A register of all applications and decisions on the Scheme Regulations and Maps shall be kept and shall be available for inspection by any person or persons at any reasonable time.

1.8. AMENDMENTS TO THE SCHEME

If the Mandeni Municipality desires to amend any of the provisions of the Scheme, the Municipality shall comply with the provisions as set out in the Spatial Planning Land Use Management Act (Act No.16 of 2013), read with the provisions of the Mandeni Municipality Spatial Planning and Land Use Management By-law or any subsequent replacement legislation.

2. GENERAL DEFINITIONS

AMENITY	Means a natural or created feature or aspect that enhances the aesthetic quality, visual appeal, or makes it more attractive or satisfying for a particular property, place or area.
APPLICANT	Means a n y registered owner of the land, whether a natural person or juristic body, or anybody duly authorized by such owner, who makes an application as provided in terms of the Spatial Planning and Land Use Management Act (Act 16 of 2013) read together with the Mandeni Municipality Spatial Planning and Land Use Management By-laws (Municipal Notice 120 of 2015).
AUTHORISED OFFICER	Means Municipal Planning Authorised Officer, an official who may consider and determine applications as contemplated in section 35(2) of the Spatial Planning and Land Use Management Act (Act 16 of 2013) and section 22 (1)(a) of the SPLUMA Bylaw, but also deciding to any consent application/s.

APPEAL AUTHORITY	Means the Municipal Planning Appeal Authority which is the Municipal 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 (including traditional authority area) and registered erven within the jurisdiction of the Mandeni Municipality as shown on the associated scheme maps.
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; or the ceiling level of such storey is below a level of one metre (1m) above finished ground level.
BUILDING	Means any structure with a roof and walls or construction 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 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 multi-unit housing development that 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 the Authorised Officer/Municipal Planning Tribunal after following the 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 proportion of an erf/lot that may be covered by the roofed area of all buildings, expressed as a percentage of the erf/lot area as defined. Thus 25% coverage means that buildings may cover only one quarter of the Erf/lot.
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 (or any superceding district municipality under which the local municipality may fall in terms of the Minicipal Demarcation Act (Act No 27 of 1998).
DEVELOPMENT	In relation to any land, means 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.
DEVELOPMENT CHARGE	Means a once-off charge determined by the Municipality in terms of a condition of approval of a land development application in order to cover the total cost to be incurred by the municipality towards the construction or erection of any infrastructure required for the provision of an external engineering service to the development to which the application relates.
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 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) Potable water; (d) Electricity; (e) Telecommunication; (f) Sewerage disposal; (g) Waste water disposal; and (h) Solid waste disposal
ENVIRONMENTAL IMPACT ASSESMENT (EIA)	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.
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 of this scheme 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 it was designed and lawfully used with the land use approval in terms of the Town Planning Scheme applicable to it, prior to the adoption of this scheme.
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 councilors 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 accommodation of mechanical ventilation, air-conditioning and effluent treatment plants accommodation of mechanical ventilation, air-conditioning and effluent treatment plants electricity transformer rooms, substations and meter rooms.
FLOOR AREA RATIO (F.A.R.)	Means the ratio that determines the permissible floor area of an erf expressed as a decimal.
FRONTAGE	The length of the boundary of a lot/erf that fronts onto 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 (Act No.8 of 1997)
GENERAL WASTE	Mean waste that does not pose an immediate hazard or threat to health or to the environment, and includes:- i.) domestic waste; ii.) building and demolition waste; iii.) business waste; and iv.) inert waste. (Reference National Environmental Management Waste Act (No. 59 of 2008).
GREEN HOUSE	As provided for under “Agricultural Land” means a structure with the sides primarily made of 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 AREA	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 building shall be calculated separately in respect of each portion of such a building.
HIGH WATER MARK	Means the highest line reached by coastal waters, but excluding any line reached as a result of: a) exceptional or abnormal floods or storms that occur no more than once in ten 40 years: or b) an estuary being closed to the sea. Reference Integrated National Environmental Management Coastal Management Act (No. 24 of 2008).
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 multi-unit housing development.
INGONYAMA TRUST BOARD (ITB)	Means the Public Entity reporting to the National Minister for Rural Development and Land Reform “the Minister” as Executive Authority. The Board is the Accounting Authority and derives its mandate from the KwaZulu-Natal Ingonyama Trust Act (Act 3 of 1994) as amended by the National Act 9 of 1997 read in conjunction with the Public Finance Management Act (Act 1 of 1999).
INDUNA	Means the headman/men who, in terms of African Customary Law, oversees izigodi
INKOSI	Means Traditional Leaders in charge of a particular Traditional Authority in terms of the Kwazulu Amakhosi and Iziphakanyiswa Act, 1990
INTEGRATED DEVELOPMENT PLAN (IDP)	Means a plan adopted in terms of Chapter 5 of the Municipal Systems Act (Act No 32 of 2000).
ISIGODI	Means a “traditional ward”.
LAND	Means any erf, stand or other portion of land registered or capable of being registered in a deeds registry, and may include a servitude right or lease.
LAND DEVELOPMENT	Means the 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 authorization 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 SPLUMA.
LIQUOR ACT	Means the Liquor Act, No. 27 of 1989, or any superceding Act.
LODGE	In the context that it 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 (or superceding department).
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 SPLUMA.
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 (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 who holds the lawful rights to the said land.
OUTBUILDING	Means a building ordinarily used in conjunction with a dwelling unit(s), and used for the garaging of private motor vehicles, storeroom, domestic's rooms, domestic 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. Minimum width of the panhandle to be 2.5 meters.
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 in a multi-unit 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.
SCHEME	Means a land use management tool used by the Municipality to manage the development which occurs within its area of jurisdiction. It comprises a set of maps and associated regulations which guide and manage land use practices.

SERVICES AGREEMENT	Means a written agreement that is concluded between the developer of land and Council, 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	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 DIAGRAM (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.
TRADITIONAL COUNCIL	Means a Council established in term of section 3 of the Traditional Leaders and Governance Act, 2003
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 multi-unit development, 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.. These may also include overlay zones (management overlays) which will apply in addition to the base zone of a property.

3. LAND USE DEFINITIONS

ABATTOIR	Means a facility registered in terms of the Meat Safety Act (Act No.40 of 2000) 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/showering and toilet facilities.
ACTION SPORTS BAR (BAR / PUB)	Means premises used for the sale of alcohol and/or food for consumption on the premises and may include live entertainment, or entertainment generated by television transmission, or by way of mechanical, electronic or electrical contrivance, instruments, apparatus or devices which are designed or used for the purpose of playing of any game or for the purpose of recreation or amusement, and the operation of which involves the payment of any valuable consideration, either by the insertion of a coin, token coin or disc therein or in an appliance attached thereto or in any other manner, or billiard saloon, or snooker room.
AGRICULTURAL OR FORESTRY BUILDING	<p>(a) A building or buildings on the same agricultural land that is used for the concentration of animals for the purpose of commercial production or sale –</p> <p>(i) that is 400m² or more in extent or that together are 400m² or more in extent; or</p> <p>(ii) that is 8 meters or more in height;</p> <p>(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 –</p> <p>(i) that is 400m² or more in extent or that together are 400m² or more in extent; or</p> <p>(ii) that is 8 meters or more in height; and</p>

	<p>(c) A building or buildings on the same land that is used for the storage of farm and forestry vehicles and implements–</p> <p>(i) that is 400m² or more in extent or that together are 400m² or more in extent; or</p> <p>(ii) that is 8 meters or more in height.</p>
AGRICULTURAL LAND	Means a r a b l e , m e a d o w o r p a s t u r e l a n d , m a r k e t g a r d e n s , p o u l t r y f a r m , n u r s e r y g a r d e n a n d m a y i n c l u d e a m o n g s t o t h e r s , a g r e e n h o u s e o r h y d r o p o n i c s , h o r t i c u l t u r e , p e r m a c u l t u r e , o r c h a r d s , a n d l a n d u s e d f o r t h e p u r p o s e o f b r e e d i n g , k e e p i n g o r s a l e o f d o m e s t i c a n i m a l s , p o u l t r y , b e e s o r a q u a t i c a n i m a l s , a n c i l l a r y r e s i d e n t i a l b u i l d i n g s a n d i n c l u d e s a n y b u i l d i n g s c o n n e c t e d t h e r e w i t h .
AGRICULTURAL INDUSTRY	Means a building used for the intensive production in any form whatsoever, or fish, poultry, game birds, livestock and allied products and includes any final processing of these commodities.
ANCILLARY BUILDING	A building ancillary to a dwelling house and comprising an inter-leading group of rooms, which shall not consist of more than one bedroom, a combined, lounge/dining area, a kitchen, a bathroom and toilet.
ARTS AND CRAFT WORKSHOP	<p>Means a building utilised as a workshop for the creation, manufacturing and displaying of arts and craft, and may include the selling of such goods.</p> <p>The manufacturing process is such that it should not be a nuisance to, or affects the amenity of the surrounding properties.</p>
APARTMENT BUILDING	<p>Means a building or portion of a building with two or more storeys, comprising of self-contained residential units, each having a separate entrance onto a corridor or walkway and forming part of one or more storeys.</p> <p>May be used interchangeably with the term “flats”.</p>
BASE TELECOMMUNICATION STATION (BTTS)	Any structure (including the base and fencing of said structure) designed and used for the accommodation of equipment used in the transmitting or receiving of electronic

	communications signals and includes a telecommunications mast.
BEACH AMENITY FACILITY	Means a premises designed to service the needs of the general public and/or residents, within or proximate to the beach, and may include a tearoom, restaurant / fast food outlet, small retail outlet restricted to the sale of beach apparel, toiletries, and photographic goods; public toilets storage, and hire facility for beach equipment and Municipal uses.
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. The primary use of the erf shall remain residential in nature.
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, back packers lodge, guesthouse 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.
BUFFER ZONE	Means a zone which supports and protects sensitive terrestrial and aquatic environmental areas by the creation of an intervening buffer or interface, which provides protection from adjacent intensive land uses and where development is limited to the primary function of preservation.

BUS AND TAXI RANK	<p>Means land, a building or part of a building used for the purpose of parking buses and taxis.</p> <p>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.</p>
CANTEEN	<p>Means a building or part thereof used for the preparation and serving of food and allied products, to staff which is ancillary to a business or organization.</p>
CAMPING SITE / CAMPISTE	<p>Means an outdoor area used for overnight stay in a shelter such as a tent, caravan or camper van/recreational vehicle.</p>
CARAVAN PARK	<p>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.</p> <ul style="list-style-type: none"> • A caravan park shall not include a site for the sale, display, storage or disposal of caravans.
CAR WASH	<p>Means a premises fitted with equipment for the purpose of washing motor vehicles for gain, and may include a calet service. This does not include informal carwash facilities on parking areas.</p>
CASINO	<p>An establishment, licensed in terms of the KwaZulu-Natal Gambling Act (No.7 of 2004) in which gambling, casino games, bingo and gaming machines are available to be played, but does not include premises in which:</p> <ul style="list-style-type: none"> • Only bingo is played • Only limited payout machines (less than 10) • Only limited payout machines and bingo are played.

CEMETERY	Means land or premises designated exclusively for the burial or depositing of human remains, it may include a crematorium and includes facilities for associated religious and administrative functions.
CHALET DEVELOPMENT	Means a dwelling unit used as holiday accomodation, 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	A primary health care facility providing medical or surgical services for sick or injured persons and may include emergency treatment, diagnostic services and an outpatient facility/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 and private meetings including, but not limited to - community centres; civic and private auditoriums; union halls; meeting halls for clubs and other membership organizations, etc. 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 wherein 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 motor 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.
CONSERVATION / CONSERVATION AREA	An area of land in which the preservation of indigenous fauna and flora, water courses, topographic, historic and scientific features are of primary importance.
CORRECTIONAL FACILITY	Means a building used for the confinement of detained persons. May be referred to as “jail” or “prison”.
CRECHE	A building, or portion of a building, used 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.
CREMATORIUM	Means a place for incinerating corpses in a furnace, and includes associated religious and administrative facilities such as a chapel and offices.
DAY CARE FACILITY	Means a building or portion of buildings, to be used for the care of no more than six or more infants and young children during the daytime.
DWELLING HOUSE	Means a self-contained inter leading group of rooms, including not more than one kitchen, designed for the occupation by a single household or family and may include outbuildings and domestic staff accommodation but excludes an ancillary unit/units.
EDUCATIONAL BUILDING	Means a building used as a crèche, 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.
ESTUARY	Means that part of a river or stream, partially or fully enclosed body of water, with a connection to the open sea

	or that is open to the sea permanently; or within which the seawater can be diluted with fresh water derived from land drainage.
EXTRACTIVE INDUSTRY	Means the process of extracting, mining, winning or quarrying of raw materials from the ground, including gravel, sand and stone.
FACTORY	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 area 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. May include mortuary in special circumstances with approval of the Municipality.
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 mannrer.
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.
HEALTH AND BEAUTY CLINIC	Premises used for cosmetic and holistic treatment for men and women.
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.
HEALTH STUDIO	Premises used for the physical development and fitness of individuals for reward or pleasure.
HOME BUSINESS	Means the operation of a single non-impacting occupational activity (excluding a tavern and gym). The area utilized shall not exceed 10% of the overall coverage; the predominant use shall remain residential by a bona fide residential occupant of that property, and the use 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. This facility may include a mortuary.
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 or more traditional dwelling unit – some may include a

	<p>mixture of traditional and urban type units - together with ancillary outbuildings and agricultural uses and structures such as gardens, stock enclosures and burial grounds. The primary use of the umuzi is residential.</p>
INDUSTRY - GENERAL / GENERAL INDUSTRIAL BUILDING	<p>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 motor garage or service station.</p>
INDUSTRY - LIGHT	<p>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:</p> <ul style="list-style-type: none"> 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. <p>Examples of "Light Industries" include panel beaters, enclosed spray painting booths with filtration systems, etc.</p>
INDUSTRY - NOXIOUS	<p>Means any industry or trade that by reason of fumes, gases, vapours, dust, smell, noise, vibration, or other causes, is deemed by the Municipality to be likely to become dangerous or harmful to the health, welfare, and amenity of the public.</p>
INDUSTRY - SERVICE	<p>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.</p>

INFORMAL TRADE AREA	Means an area within which any small-scale economic activity is permitted, with municipal approval, provided that each operator occupies a defined space, as delineated by the municipality. 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. The building, or portion thereof, shall be served exclusively by a communal kitchen.
INSTITUTION – ANIMAL WELFARE	Means premises primarily used for the protection, medical treatment and housing of animals on a short or medium term, including the buildings designed for the administration thereof and any land use considered to be ordinarily ancillary thereto, so as to ensure the sustainability of the primary use. May be referred to as a pound.
LANDFILL	Means a site which is also known as a tip, dump, rubbish dump or dumping ground and is used for the disposal of waste materials – usually by burial and in a way so as to reduce contamination of the surrounding land.
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 and may include conference facilities, restaurant, and curio shop.
MIXED USE	Provides for the development of a range of land uses in a complementary and integrated manner so as to create a compact urban form. Land use may include, but not limited to, retail and service industry, offices, public facilities or entertainment, restaurants and residential development.
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.
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 fueling of vehicles and includes facilities connected with these activities and includes the storage of fuel and lubricants, office, storeroom, workshop for motor vehicle repair, grease pit and machinery provided that panel beating may be included by consent.
MORTUARY	Means a building or part thereof where corpses are stored and exposed for identification and autopsies are performed but excludes a Funeral Parlor.
MUNICIPAL/GOVERNMENT PURPOSES	Means and includes the use of land and 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	Nature Reserve as per S23 of the Protected Areas Act, where the site has significant natural features or biodiversity, is of scientific, cultural, historical or archaeological interest; or is in need of long-term protection for the maintenance of its biodiversity or for the provision of environmental goods and services. Such a site may also enable the continuation of such traditional consumptive uses as are sustainable and or provide for nature-based recreation and tourism opportunities.
NIGHT CLUB	Premises wherein music is played and dancing occurs, and may include eventing, fashion shows and the selling of beverages and food for consumption within the premises.
OFFICE	Premises used for the administration of any business .
OFFICE - PUBLIC	Means an office building used for any Central, Provincial or Local Government purpose, and includes an administrative office, municipal office and town hall, government office, courthouse, police station, public library, public art gallery, public museum, and buildings ordinarily ancillary thereto.
PARK	Means a piece of land set aside for public use in or near a city or town which is used for ornamental and recreation and includes city squares, and areas maintained in its natural state with as part of an ecological or environmental system.
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 sell basic commodities such as flower, refreshments and newspaper sellers but shall not include salvage business or an 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; <ul style="list-style-type: none"> • 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.
PLACE OF WORSHIP	Land or buildings for a church, mosque, temple, chapel or other place for practicing a faith or religion and ancillary uses ordinarily associated thereto.
POLICE STATION	Means a building that houses the police force; includes holding cells but excludes correctional facility/jail.
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.
PRIVATE ROAD	A private road is a road owned and maintained by a private individual, organization, or company rather than by a government.
PUBLIC OPEN SPACE	Means an open area or reserve, which the public has the right to use and enjoy, including all ancillary facilities and buildings .
PUBLIC ROAD	Means any road or street under the jurisdiction of and maintained by Mandeni Municipality and the

	Provincial / National 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	An area of land, with or without buildings, upon which used materials are separated for processing for eventual reuse.
RECREATIONAL BUILDING	Means a building or portion of a building such as a clubhouse, gymnasium, squash court, pavilion, change rooms and any similar building used in conjunction with a sport. A clubhouse may include dining facilities and lounges.
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
RESORT (HOLIDAY RESORT)	Means a combination of holiday resort facilities, including a chalet development in association with a caravan park and a resort or public picnic place which may include inter alia hotels, conferencing, public entertainment areas, golfing, sport, water sports, wildlife, wellness centres, hydro's, spas, health resorts, cultural, historical, and gambling." service rooms, ablution and sanitary facilities as are ordinarily used therewith, all under the supervision of a resident supervisor or caretaker.
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.
SEMI-PUBLIC OPEN SPACE	Means a public open space that partially includes the civic spaces surrounding it (public gardens, fountains, seating area, canteen with small outdoor dining area).
SHOP	Means a building or a portion of a building / land used for any retail trade or business wherein the primary purpose is the selling of goods and appliances by retail and may include 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, motor garage, petrol filling station, milk depot, warehouse, restaurant, adult entertainment 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, jewelry, books, music, toys, sport equipment, camping equipment, cell phones, household appliances, décor and furniture and provision of services, including a bank, hairdresser, pharmacy, optometrist, launderette, pet

	shop, cinema, video-hire, internet café and workshop for the repair of shoes or cell phones. May include restaurants.
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, or portion of a building, that is used for the sale of alcoholic and non-alcoholic beverages to be consumed on the premises. Traditionally, the term was associated with a residential component in non-urban areas.
TAXI RANK	Means a building or land where three or more taxis load or unload passengers; and may include ancillary buildings such as toilets and informal trader stalls.
TRAIN STATION	Means a building or land operated by Transnet where trains load or unload passengers or goods.
TRANSFER STATION	See waste transfer centre.
TRUCK STOP	Means land or buildings used primarily as a stopover facility for commercial vehicles. A Truck Stop may include facilities for the maintenance or repair of commercial vehicles, the dispensing of motor fuel or other petroleum products directly into motor vehicles and the sale of accessories or equipment for trucks and similar commercial vehicles. A Truck Stop may also include overnight accommodation and restaurant facilities primarily for the use of truck crews.
TUCK SHOP/SPAZA SHOP	The sale of day-to-day convenience goods from a portion of a dwelling unit, associated outbuilding or where goods are generally sold through a window, door way or hatch and does not include a walk in shop where goods are on display.
UMUZI	See Homestead/Umuza above
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 utilize 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. May include a grooming parlor and a retail outlet restricted to the sale of veterinary and animal maintenance products.
WASTE TRANSFER CENTRE / TRANSFER STATION	An area of land, with or without buildings, licensed under relevant legislation, for the temporary deposit; consolidation; accumulation and storage of garden and domestic waste/refuse (and/or recycling), before final disposal in a landfill/incineration/recycling or hazardous waste facility. May include a recycle centre.
WETLAND/S	Means land which is transitional between terrestrial and aquatic systems where the water table is usually near the surface, or the land is periodically covered with shallow water and would support vegetation adapted to living in saturated soil. (National Water Act No. 36 of 1998)
WHOLESALE WAREHOUSE	Means a building used primarily for the storage and sale of goods on wholesale basis and excludes retail sales to the public.

4. THE USE AND DEVELOPMENT OF LAND

4.1. USE OF LAND

- 4.1.1. The types of buildings and land uses contemplated in this Scheme are defined in Section 3 of this scheme.
- 4.1.2. The extent and location of the various zones shall be as set out on the adopted Scheme Maps. Within each zone the defined buildings and land use activities contemplated are separated into three categories:
- i. Primary/Free entry uses: Land or buildings may be used with the written authority of the Municipality.
 - ii. Consent: Land or buildings may be used only with the Consent of the Municipality.
 - iii. Precluded/Prohibited: Those buildings and land uses which are expressly prohibited.
- 4.1.3. In considering any application, the Municipality, may impose whatever conditions it deems necessary provided that where the Municipality has imposed conditions in terms of (i) above, the applicant shall have a right of Appeal to the relevant Appeals Authority. ^[11]_{SEP}
- 4.1.4. In approving any application, the Municipality shall take into consideration the nature of the proposed use in relation to the character of the area and impose whatever conditions it considers necessary to protect the amenities of the neighbourhood, subject to the right of appeal as is contemplated in terms of the applicable planning legislation.
- 4.1.5. Any proposed use or development shall conform to the uses listed in these clauses for each zone.
- 4.1.6. In this regard attention is drawn to the offenses and penalties sections contemplated in terms of current applicable Planning legislation.
- 4.1.7. Any decision, order or authorization given by a Municipal Planning Tribunal in terms of the current applicable Planning legislation or any alternative Planning

and Development Appeal Tribunal set up in terms of an amendment or subsequent replacement legislation, shall be deemed to be a valid authority granted by the Municipality, and as such, shall be construed as being in accordance with the duly adopted provisions of the scheme.

- 4.1.8. 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 referred to as the "ITB").
- 4.1.9. No person shall bring onto any property in a residential zone, or cause to allow present thereon any heavy or extra heavy duty vehicles except for bona fide purposes of delivering or supplying goods or services to such premises. The keeping of not more than two (2) public motor vehicles or trade vehicles, not exceeding a gross mass of three (3) tons, may be allowed by obtaining a permit for overnight parking. The applicant will be required to submit a letter of motivation, the vehicle registration details and the street address where such vehicle will be parked overnight, for such above-mentioned permit.

4.2. APPLICATION

At any time, after the effective date, no person shall:

- 1) Erect new building, or alter or add to an existing building or carry out any other proposed work, or develop or use any land or;
- 2) Use any building or structure for any purpose different from the purpose for which it was being developed or used on such date or;
- 3) Use any building or structure erected after such date for a purpose or in a manner different from the purpose for which it was erected until such person has first applied in writing to the Municipality for authority to do so, in terms of the provisions of Section 33 of the Spatial Planning and Land Use Management Act (Act No. 16 of 2013) and Section 4 of the Spatial Planning and Land Use Management By-Laws (As amended and/or prevailing) and the Municipality has granted its written authority thereto with or without conditions, provided that:
 - a) Any approval granted by the Municipality shall remain valid for a period in accordance with the prevailing legislation; and
 - b) Where any building or work referred to in any such approval has not substantially commenced;

- I. within the said period or;
- II. where an appeal has been lodged, within a period as specified in accordance with the prevailing legislation from where the date of notification of the outcome of such appeal, or
- III. where there has been an interruption in the development of the building or land for a continuous period in accordance with the prevailing legislation the said Approval shall automatically be considered to have lapsed and building operations or use of land shall not be commenced or recommenced unless a new approval has first been applied for and obtained.

4.3. ENTRY AND INSPECTION

The Municipality shall be entitled, through its duly authorized officers, to enter into and upon any premises within its area of jurisdiction at any reasonable time for the purpose of carrying out any inspection necessary for the proper administration and enforcement of the provisions of the scheme. ^[L]_[SEP]

No person shall in any way hinder, obstruct or interfere with any duly authorized officer of the Municipality in the execution of their duties and functions in terms of this Scheme, nor shall any person cause or allow any hindrance, obstruction or interference with such officer.

4.4. CONTRAVENTION

Any person who erects, alters or extends any building, or uses such building, or develops or uses any land within the area of effect of the scheme which is in conflict with any provision of this scheme, or the terms and conditions of any approval granted therefore by the Municipality, and who does not comply with the provisions of any notice which the Municipality shall serve, shall be guilty of an offence and be liable for prosecution and recovery of any fines and infringement levies by the Municipality as contemplated in Sections 86 and 87 of the Spatial Planning and Land Use Management By-Laws (as amended and/or prevailing).

4.5. SERVING OF NOTICES

Where any person contravenes the provisions of this Scheme, or does not comply with the terms and conditions of any approval granted by the Municipality, it shall serve a notice and order upon such person, and take the necessary action in law where there is non-compliance therewith, as required in Sections 86 and 87 of the Spatial Planning and Land Use Management By-Laws (as amended and/or prevailing planning legislation).

4.6. SPECIAL CASE USES

4.6.1. **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 that 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 neighbourhood, 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 neighbourhood by the proposed use or development.

4.6.2. **Traditional Settlement Areas**

- I. Areas settled according to traditional settlement practices are zoned in term of the Traditional Authority Area Zones.
- 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,
 - Day care facility 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.

4.6.3. 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 land in such a zone must remain agriculture, and the only other uses permitted shall be those that are in the opinion of the Council, ancillary to the agricultural activities.
- II. No subdivision or change of land use of agricultural land will be permitted unless the Municipality is satisfied that the resulting subdivisions or change in land use are viable for agricultural purposes, and that such subdivision has been supported by the Department of Agriculture in terms of the Subdivision of Agricultural Land Act, Act 70 of 1970.
- 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.

4.6.4. Coastal Management Zone

- I. 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.
- II. This area consists of the following:

- a) The coastal public property area which consists of the seashore and coastal / tidal waters.
 - b) The coastal buffer zone which is 100m in width measured from the high water mark, and
 - c) The coastal access land, which allows public access to coastal public property through the coastal buffer zone.
- III. Development shall be permitted in accordance to the Coastal Management Programme, adopted in 2014.
- IV. 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.

4.6.5. Caravan Parks

The written authority of the Municipality for the establishment of a Caravan Park shall only be given if:

- i. Correct procedures are followed;
- ii. The design and layout are in accordance with the relevant Municipal bylaws (as amended from time to time); and
- iii. It is in line with the standards laid down in the code of practice for Caravan Parks.

4.6.6. Bed and Breakfast

The Municipality may authorize 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 multi-unit housing complex, or a residential building, shall not be permitted, and subject to the following:

- i. The Municipality may impose whatever conditions are necessary to protect the amenities of the neighbourhood.
- ii. The Municipality may call on the applicant to apply for consent;
- iii. The person running the Bed and Breakfast establishment shall reside in the dwelling house;
- iv. The written consent of the adjacent landowners has been obtained;
- v. Signage is in accordance with the advertising policy of council
- vi. The predominant use shall remain residential (to the satisfaction of the Council)

- vii. 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.

4.6.7. **Guest House**

Guesthouses are land uses where dwellings may be let by the owner for temporary accommodation purposes (maximum 10 bedrooms). 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:

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

4.6.8. **Home Business**

- I. 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.
- II. 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, within the residential zone. A home business 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 business shall comply with the following:

- a) The predominant use of the property shall remain residential;
- b) On-site parking loading facilities shall be provided to and in line with the parking requirements of this scheme;
- c) The Municipality may, if they require, request more parking to be provided;
- d) Operating hours shall be at the discretion of the Municipality;
- e) No shop or sale of items shall be done outside the site;
- f) No external advertising shall be permitted on the site except for one non illuminated sign on each road frontage, and each sign shall not exceed 0,20m².

- III. 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 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.
- IV. 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.
- V. Should it be subsequently found that there is, in fact an interference with the amenities of the neighbourhood the Council may impose further conditions or withdraw its authority at any time and call on the occupant to cease the activity forthwith.
- VI. Any authority or 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, is restored to its original state to the satisfaction of the Municipality.

4.6.9. **Taverns**

- I. Provided that in the case of a Tavern, the authority of the Municipality may only be given by consent via a full application process in terms of SPLUMA and Municipal Bylaw 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 neighbours 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) The owner/applicant shall reside on the premises;
 - f) Include guidelines from liquor authority.
 - g) 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;
 - h) The applicant shall conduct no other use on the site concerned other than that of a tavern, as approved by the Council
 - i) The area of the tavern shall not exceed 50m²;
 - j) Advertising/signage shall be done in accordance to the Mandeni Municipality's signage by-law.
 - k) All consumption of liquor shall be on the property;
 - l) The premises shall at all times be open to Council officials and SAPS for inspection purposes.
- II. 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 working days**) or rescind the authority granted without notification if the applicant fails to comply with any of the conditions.
- III. 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 that 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 neighbourhood, the Council may impose further

conditions or withdraw its authority at any time and call on the occupant to cease the activity forthwith.

4.6.10. **Tuck Shop**

- I. 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 utilized for such an occupation (including the storage of goods) not exceeding a gross floor area of 20m².
 - 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 consent;
 - c) The activity shall not interfere with the amenity of the neighbourhood.
 - d) No container to be used as the structure out of which the business will be operated, unless it has been aesthetically altered to the satisfaction of the Council.
- II. In considering any such application/s 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.
- III. 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.
- IV. Should it be subsequently found that there is, in fact an interference with the amenities of the neighbourhood the Council may impose further conditions or withdraw its authority at any time and call on the occupant to cease the activity forthwith.

4.6.11. **Medium Density Housing**

- I. 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.

II. 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 and other public facilities / uses
- vi. Any other information that 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 200m²
- ii. Private open space 30 m²/unit
- iii. Usable common open space 50 m²/unit
- iv. Utility areas 15 m² /unit
- v. Garage /carport 20 m² /unit

III. 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.

- IV. The medium width of the carriageway within medium density housing shall be 3 meters where the carriageway is one-way and 5 meters where the carriageway is two-way.
- V. 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.

4.6.12. Cluster / Row housing

- I. 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.
- II. Each unit shares two sidewalls with a neighbour though the back walls are open to the street and backyard.
- III. 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.

4.6.13. Intermediate Zone Residential

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.

4.6.14. The zoning of unregistered land parcels using symbols

An unregistered parcel of land, 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.

- a) Utilizing symbols;
- b) Digitizing through the existing building footprints.

4.6.15. Provincial Norms and Standards

Any development for which there are Provincial Norms and Standards, must be aligned with said standards. Current development standards include:

- Norms and Standards for Electronic Communication Facilities (Base Telecommunications Transmission Stations).
- Design of petrol filling stations
- Design of mobile homes

4.7. CONSENT APPLICATION

- I. Where, in this scheme, provision is made for the municipality to grant consent to any person wishing to apply to the Municipality for such consent, application shall be made in terms of the Mandeni SPLUMA bylaws.
- II. Any application to the Municipality for its 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.
- IV. 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.
- V. The Municipality, when considering any application, for its consent to the construction 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.
- VI. If obtained by virtue of the grant by the Municipality of its consent to the construction and use of a building or for the use of an area not exercised within 18 months of the grant of such consent or, the rights having been exercised, the use permitted thereunder is interrupted for a continuous period of 18 months. The consent shall ipso facto lapse, unless any condition upon which such consent was granted specifically provides otherwise in regard to the lapsing of such 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 whom a notice is served in terms of this Clause shall have the right to appeal to the Executive Committee.

5. BUILDING CONTROL

For better understanding, this section must be read together with the National Building 73012 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;
 - a. 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;
 - b. 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.

4. 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 R100 for each day on which he was engaged in so erecting such building.
5. As per this scheme's predecessor, this daily amount has been amended to R500 per day.

5.1. BUILDING LINE

- I. All erven shall be subject to a building line as specified in the land use tables in this Scheme, beyond which no building may be erected or encroach. Where a building line is laid down, there shall be no building other than a:
 - Fence
 - Garden
- II. 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.
- III. The Municipality may permit through consent application for a Residential zone/land use or a building to be relaxed/erected closer to any boundary but not less than one metre of the original boundary line. The Municipality shall have due regard to any possible detrimental effect on adjoining properties and may impose such conditions as it sees fit.
- IV. Notwithstanding the afore written provisions, the Municipality may exempt an applicant from applying for consent if it is satisfied that no interference with the amenities of the neighbourhood, existing, or as contemplated by this Scheme will 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.
- V. Where such written consent is not forthcoming, the applicant shall, in seeking the relaxations, be required to apply for the Municipality's Consent, may permit by 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 consent.

- VI. 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

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

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 amenity of the area and is not less than one (1) metre.

5.4. COVERAGE

- I. All roofed or covered areas are included in coverage, except where the basement parking roof is level with the finished ground level.
- II. 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

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. FLOOR AREA RATIO

- I. 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 columns of the Land Use Table.
- II. In calculating the permissible floor area from the floor area ratio the following floor areas may be excluded:-
 - carports, and any area used exclusively for parking of motor vehicles, including storage space in the area used for parking of motor vehicles;
 - 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;
 - public arcades and malls in mixed use zones which are not used for retail purposes or for the display, sale and storage of goods;
 - in the case of garages and service stations, the un-walled access ways and driveways covered by canopies; and
 - Patios, decks and verandas.

5.7. PARKING REQUIREMENTS

ZONE	Proposed	
Agriculture 1	At the discretion of the Department of Agriculture, forestry and Fisheries together with Mandeni Municipality.	
Agriculture 2	At the discretion of the Department of Agriculture, forestry and Fisheries together with Mandeni Municipality.	
Urban Agriculture	At the discretion of the Mandeni Municipality. Proposed 1 bay per 100m ² PFA for agriculture industry.	
Education	Nursery School / creche	1 bay / classroom and 1 bay / office plus on-site drop off facility to satisfaction of the Municipality
	Primary / Secondary School	2 bays / classroom or office plus on-site drop off facility to satisfaction of the Municipality.
	Tertiary Institutions - Colleges/ Universities/ Technikons, etc.	1 bay per 25m ² office or lecture hall / classroom floor area plus on-site drop off facility to the satisfaction of the Municipality
Health and Welfare	1 bay per bed plus 2/100m ² office plus 4/consulting room	
Hospital	1.5 bay / bed + 2 bays / 100m ² PFA office area + 6 bays / 100m ² PFA of consulting area.	
Hotel	1 car space for every bedroom 1 Bay for every 25% of restaurant space 2 bays for the owner/manager/occupier 15 bays minimum for the general public	
Municipal and Government	Municipal/government building and public office 5 per 100m ² plus 15 bays for visitor Community hall: 20 bays / 100m ² PFA (min.30 bays)	
Institution	3 parking bays per 50m ²	
Place of Worship	1 bay for every 15m ² of nett building area used by the congregation. Provided that the Municipality may grant its consent for the partial or total relaxation of the	

	parking requirement
Cemetery and Crematoria	2 Parking bays per 100m ²
Environmental Services	To the satisfaction of the Mandeni Municipality
Active Open Space	To the satisfaction of the Mandeni Municipality
Private Open Space	1 parking bay per 25m ² PFA
Passive Open Space	To the satisfaction of the Mandeni Municipality
Nature Reserves	To the satisfaction of the Mandeni Municipality
Sea Shore	To the satisfaction of the Mandeni Municipality
Dam	To the satisfaction of the Mandeni Municipality
River Reserve	To the satisfaction of the Mandeni Municipality
Core Mixed Use	4 bays / 100m ² PFA
Medium Impact Mixed Use	4 bays / 100m ² PFA
Low Impact Mixed Use	4 bays / 100m ² PFA
Multipurpose Retail and Hotel	2 bays / 3 rooms + 2 bays / 100m ² of office area + 10 bays / 100m ² PFA ancillary uses
Office	3 bay / 100m ² PFA
Private Parking	1 bays / 50m ² PFA plus adequate parking for office area at the discretion of the local municipality.
Public Parking Garage	1 bays / 50m ² PFA plus adequate parking for office area at the discretion of the local municipality
Petrol Filling Station.	1 car space per 50m ² of the PFA
Extractive Industry	1 bay / 100m ² PFA + 2 bays / 100m ² office area
General Industry	1 bay / 100m ² PFA (min 3 bays) + 2 bays / 100m ² PFA office area
Light Industry	1 bay / 100m ² PFA (min 3 bays) + 2 bays / 100m ² PFA office area
Special Residential 1: Detached	1 garage or covered space per dwelling unit. 1 garage or covered space per additional self-contained unit.
Residential Low Impact	1 garage or covered space per dwelling unit. 1 garage or covered space per additional self-contained unit.
Residential Medium Impact	1 parking bays or space per dwelling unit 1 parking bay or car space per 2 dwelling units for visitors
Residential Only Medium Density	2 Parking Bays per unit and 1 parking bay for a visitor per each unit.
Residential Only High Density	1.5 per unit and 1 visitors bay per 2 units
Small Holdings	1 parking facility dwelling unit
Caravan Park	1.5 parking bays per unit and a trailer bay facility
Resort (Small Tourism)	1 car space for every bedroom 1 Bay for every 25% of restaurant space 2 bays for the owner/manager/occupier 15 bays minimum for the general public
Railways	To the satisfaction of the Mandeni Municipality
Bus and Taxi Rank	To the satisfaction of the Mandeni Municipality.
Public Parking	2 bays / 100m ² PFA. Office area or at the discretion.
Utilities and Services	To the satisfaction of the Mandeni Municipality.

Landfill Sites	2 bays / 100m ² PFA. Office area or at the discretion
Waste Transfer Station	2 per 100m ² of the PFA.
Waterworks	2 bays / 100m ² PFA. Office area or at the discretion Proposed 2 bays
Sewerage Works	2 bays / 100m ² PFA. Office area or at the discretion
Existing Road	N/A
Proposed New Road	N/A
Private Roads	N/A
Special Zones	As per development application.
Traditional Authority Agriculture	To the satisfaction of the Mandeni Municipality
Traditional Authority Umuzi	N/A
Traditional Authority Environmental	N/A
Traditional Authority Rural Industry	1 bays / 100m ² PFA.
Traditional Authority Civic and Social	5 bays / 100m ² PFA.
Traditional Authority Utilities and Services	To the satisfaction of the Mandeni Municipality

5.8. LOADING REQUIREMENTS

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

Zone	Symbology	RGB
Agriculture 1		Pale Green 2 R 144, G 238, B 144
Agriculture 2		Dark Olive Green 4 R 162, G 205, B 090
Urban Agriculture		Light Olive Green R 000, G 238, B 000
Education		Bright Green R 000, G 255, B 000 Border: Caramel R 255, G 128, B 00
Health and Welfare		Misty Rose R 255, G 228, B 255 Border: Light Pink R 255, G 174, B 185
Hospital		Rose R 255, G 204, B 204
Municipal and Government		Peach Puff R 255, G 218, B 185
Institution		Dark Orange R 255, G 102, B 000
Place of Worship	w	Lavender R 230, G 230, B 250 Notation: 'W'
Cemetery and Crematoria	c	Light Green R 062, G 230, B 162 Notation: 'C'
Environmental Services		Verdigris R 036, G 093, B 019
Active Open Space		Chartreuse 2 R 118, G 238, B 000
Private open space		Light Green R 102, G 255, B 102
Passive Open Space		Green R 51, G 153, B 102
Nature Reserve		Forest Green R 034, G 139, B 034
Sea Shore		Oriente R 209, G 183, B 157 Border: Barley Beige R 176, G 112, B 080
Dam		Light Blue R 151, G 219, B 242
River Reserve		Turquoise R 51, G 204, B 255
Core Mixed Use		Antwerp Blue R 000, G 064, B 128
Medium Impact Mixed Use		Blue R 051, G 102, B 255
Low Impact Mixed Use		Blue R 127, G 230, B 255
Office		Golden Yellow R 255, G 204, B 000 Border: Process Blue R 020, G 129, B 188
Private Parking		Pale Blue R 191, G 191, B 191

		Border: Blue 4 R 000, G 000, B 139
Petrol Filling Station	PFS	Royal Blue R 065, G 105, B 255 Notation: 'PFS'
Extractive industry		Grey Purple R 222, G 209, B 217
General Industry		Lavender R 204, G 153, B 255
Light Industry		Pale Lilac R 239, G 198, B 255
Special Residential 1: Detached		Yellow R 265, G 255, B 153
Residential Low Impact		Light Yellow R 255, G 255, B 153
Residential Medium Impact		Light Orange R 255, G 192, B 000
Residential High Impact		Light Brown R 204, G 102, B 000
Residential Small Holdings		Yellowish Beige R 255, G 236, B 188
Caravan Park		Light Green R 221, G 242, B 202
Hotel	H	Light Orange R 255, G 153, B 102 Notation: 'H'
Resort		Light Orange R 255, G 153, B 102
Railways	R	Grey 40% R 150, G 150, B 150 Notation: 'R'
Bus and Taxi Rank		Steel Blue R 070, G 130, B 180 Border: Neutral Grey R 192, G 192, B 192
Public Parking		Salmon R 233, G 150, B 122 Border: Neutral Grey R 192, G 192, B 192
Utilities and Services	US	Toner Grey R 212, G 207, B 203 Notation: 'US' Dark Red R 128, G 000, B 000
Landfill Sites		Brown Green R 077, G 089, B 014
Waste Transfer Station		Dark Green R 125, G 145, B 23
Waterworks	W	Light Blue Green R 161, G 217, B 214 Notation: 'W'
Sewerage Works	SW	Tan R 212, G 207, B 203 Notation: 'SW'
Existing Road		Gray- 50% R 119, G 119, B 119
Proposed New Road		Red R 255, G 000, B 000
Private Road	P	Red R 255, G 80, B 80
Special Zone 2: Special Residential 4		Yellow R 244, G 238, B 0
Special Zone 2: Special Residential Low Density		Gold R 204, G 153, B 0

Special Zone 2: Special Residential 4		Gold R 255, G 04, B 000
Special Zone 2; Intermediate Residential (PUD sites)		Light Yellow R 255, G 228, b 143
Special Zone 2: General Residential		Light Yellow R 253, G 242 B 105
Special Zone 2: Cultural Village	EC/R	Yellow R 255, G 255, B 0 Notation: 'EC/R'
Special Zone 2: Hotel		Light Yellow R 255, G 255, B 153
Special Zone 2: Hotel Suites	H	Yellow R 255, G 255, B 0 Notation: 'H' Dark Red
Special Zone 2: Wellness Centre		Pink R 255, G 59, B 227
Special Zone 2: Timeshare	H-T/S	Lavender R 250, G 110, B 213 Notation: 'H-T/S'
Special Zone 2: Sport Village & Golf Club House		Green R 0, G 176, B 80 Dark Green Border
Special Zone 2: Limited Commercial		Aqua R 75, G 172, B 198
Special Zone 2: Entertainment Centre		Dark Purple R 95, G 73, B 122
Special Zone 2: Wedding Chapel		Brown R 152, G 72, B 6
Special Zone 2: Private Open Space		Olive Green R 155, G 187, B 89
Special Zone 2: Conservation Area		Light Green R 214, G 227, B 188
Special Zone 2: Private Road		Gray- 25% R 191, G 191, B 191
Special Zone 2; Service and Maintenance		Black R 0, G 0, B 0
Special Zone 2: Nursery		Lavender R 255, G 155, B 255
Traditional Authority Agriculture		Lime R 209, G 255, B 115 Border: R 0, G 77, B 168
Traditional Authority: Umuzi		Light Yellow R 255, G 255, B 115 Border: R 0, G 77, B 168
Traditional Authority: Environmental		Dark Green R 38, G 115, B 0 Border: R 0, G 77, B 168
Traditional Rural Industry		Pink R 255, G 0, B 197 Border: R 0, G 77, B 168
Traditional Civic and Social		Dark Red R 168, G 0, B 0
Traditional Utilities and Services		Gray- 80% R 168, G 0, B 0

7. DEVELOPMENT FACILITATION TABLE

7.1. AGRICULTURE

7.1.1. Agriculture 1

Colour						
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		Consent			Precluded	
Agricultural building Agricultural land Community gardens Conservation Dwelling House Forestry Home business Horticulture Utility facility		Abattoir Agricultural Industry Bed and Breakfast Educational Building InstitutionInstitution- animal welfarePrivate recreational building Recreational building			Buildings and land uses not included in the primary and special consent columns	
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
As per the requirement by SALA	0.125	15%	3	7.5m	N/A	N/A
Additional Comments						
I. 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. II. The sub-division and or change in land uses on agricultural land are subjected to the provisions of the Sub-division of Agricultural Land Act (Act No 70 of 1970) and therefore requires approval or comments from the Minister responsible for Agriculture copied to the provincial Department of Economic Development, Tourism and Environmental Affairs (EDTEA). III. Applications for development on land falling under the Ingonyama Trust Board also require power of attorney from the Ingonyama Trust Board and a letter of support from the applicable Traditional Leader/Council. IV. 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. V. Developers are encouraged to consider alternative forms of energy, renewable sources of energy and building design paradigm that embraces energy efficiency objectives.						

7.1.2. Agriculture 2

Colour						
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 lot and land allocated under customary law.				
Primary		Consent			Precluded	
Agricultural building Agricultural land Arts and Craft workshop Community gardens Conservation Dwelling House Forestry Horticulture Utility facility		Abattoir Agricultural Industry Educational Building Home Business Institution Institution- animal welfare Private recreational building Recreational building Shop			Buildings and land uses not included in the primary and special consent columns	
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
As per the requirement by SALA	0.125	20%	3	9m	N/A	N/A
Additional Comments						
<p>I. 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.</p> <p>II. The sub-division and or change in land uses on agricultural land are subjected to the provisions of the Sub-division of Agricultural Land Act (Act No 70 of 1970) and therefore requires approval or comments from the Minister responsible for Agriculture copied to the provincial Department of Economic Development, Tourism and Environmental Affairs (EDTEA).</p> <p>III. Applications for development on land falling under the Ingonyama Trust Board also require power of attorney from the Ingonyama Trust Board and a letter of support from the applicable Traditional Leader/Council.</p> <p>IV. 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.</p> <p>V. Developers are encouraged to consider alternative forms of energy, renewable sources of energy and building design paradigm that embraces energy efficiency objectives.</p>						

7.1.3. Urban Agriculture

Colour						
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		Consent			Precluded	
Arts and Craft workshop Agricultural building Agricultural land Community gardens Horticulture Utility facility		Agricultural IndustryInstitution- animal welfare Recreational building Special Development			Buildings and land uses not included in the primary and special consent columns	
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
1800	0.125	50%	2	7.5m	3m	3m
Additional Comments						
I. 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.						
II. Applications for development on land falling under the Ingonyama Trust Board also require power of attorney from the Ingonyama Trust Board and a letter of support from the applicable Traditional Leader/Council.						
III. 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.						
IV. Developers are encouraged to consider alternative forms of energy, renewable sources of energy and building design paradigm that embraces energy efficiency objectives.						

7.2. CIVIC AND SOCIAL

7.2.1. Education

Colour						
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		Consent			Precluded	
Community garden Crèche Dwelling House Educational Building Municipal Purposes Recreational building Residential Building Tuck Shop		<ul style="list-style-type: none">• Institution• Private recreation area• BTTS			Buildings and land uses not included in the primary and special consent columns	
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
1800m	1	50%	3	7.5m	4m	5m
Additional Comments						
<div>I. All educational facilities are subject to the requirements of the Department of Education.</div> <div>II. Residential buildings and Medium density housing in the “Education” zone shall be restricted to staff and scholar accommodation.</div> <div>III. Shops within the “Education” zone will be restricted to the sale of goods to staff and scholars.</div> <div>IV. 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.</div>						

7.2.2. Health and Welfare

Colour						
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		Consent			Precluded	
Clinic Dwelling House Hospital Institution Public Office Private recreation area Restricted building Shop		Medium density housing Residential Building Restaurant BTTS			Buildings and land uses not included in the primary and special consent columns	
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
1800m	2	60%	4	7.5m	3m	3m
Additional Comments						
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.						

7.2.3. Hospital

Colour						
Zone: Health and Welfare						
Statement of Intent			A zone that provides for public and private hospitals which provide a full range of which provide a full range of surgical, post-operative, general medical and bed care, medical centres, clinics that provide primary care services only.			
Primary		Consent			Precluded	
Clinic Dwelling House Hospital Institution Public Office Private recreation area Residential Building Restaurant Restricted building Shop		BTTS			Buildings and land uses not included in the primary and special consent columns	
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
N/A	2	70%	4	7.5m	4.5m	4.5m
Additional Comments						
I. Prior to any building plans being submitted to the Municipality for any Health facility, including Hospitals, Clinics, Acute/Sub- Acute facilities etc, the building plans are to be submitted to the KZN Department of Health for approval.						
II. Development controls may be relaxed at the sole discretion of the Municipality based on the site development plan.						
III. Height may be further restricted based on flanking zones.						

7.2.4. Municipal and Government

Colour						
Zone: Municipal And Government						
Statement of Intent	This zone is intended for buildings used for National, Provincial and Municipal administration and services, and includes , municipal office, town hall, government office, court house, police station, public library, public art gallery, public museum, and buildings ordinarily ancillary thereto.					
Primary	Consent	Precluded				
Active open space Community Hall Court house Educational Building Institution Passive open space Police Station Public art gallery Public library Public museum Public Office Taxi Rank Tuck Shop	Institution animal Welfare Arts and craft workshop BTTS Crèche Dwelling House Shop Medium Density Housing Residential Building Restricted building Vehicle Testing Station	Buildings and land uses not included in the primary and special consent columns				
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
1800m	2	80%	4	7.5m	3m	3m
Additional Comments						
None						

7.2.5. Institution

Colour						
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		Consent			Precluded	
Arts and craft workshop Community garden Dwelling House Institution Passive open space Private Recreation Residential Building		Active Open Space Agricultural building Educational building Place of public assembly Office Public office Restaurant Shop BTTS			Buildings and land uses not included in the primary and special consent columns	
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
1800m	2	70%	2	7.5m	1.5m	2m
Additional Comments						
I. Residential buildings and dwelling units shall be restricted to staff and scholar accommodation. II. Shops permitted by consent will be restricted to the sale of goods to staff and scholars. III. 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						

7.2.6. Place of Worship

Colour	w					
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 parlour.				
Primary		Consent			Precluded	
Dwelling House Office Place of worship Place of public assembly		BTTS Creche Institution Residential building			Buildings and land uses not included in the primary and special consent columns	
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
3600m	2	50%	2	7.5m	2m	3m
Additional Comments						
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.						

7.2.7. Cemetery and Crematoria

Colour		c				
Zone: Cemetery						
Statement of Intent		A zone that is intended for public and private cemeteries, memorial parks, creatorium and funeral chapel.				
Primary		Consent			Precluded	
Cemetery Crematoria Office Utilities		BTTS Funeral parlour			Buildings and land uses not included in the primary and special consent columns	
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
N/A	N/A	N/A	N/A	N/A	N/A	N/A
Additional Comments						
I. Cemeteries will require the formal approval from the provincial Department of Economic Development, Tourism and Environmental Affairs (EDTEA) in terms of environmental authorisation. II. 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. III. A dedicated site may be allocated within the cemetery for the temporary erection of marques for on-site funeral services						

7.3. ENVIRONMENTAL

7.3.1. Environmental Services:

Colour						
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		Consent			Precluded	
Conservation Utilities Urban Agriculture Public open space Recreational building Park		Agricultural land Agricultural building Educational Building			Buildings and land uses not included in the primary and special consent columns	
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
N/A	N/A	N/A	N/A	N/A	N/A	N/A
Additional Comments						
I.	The development controls are at the discretion of the Municipality.					
II.	Educational buildings to be limited to environmental education, conservation awareness and environmental research facilities.					
III.	The erection of any building within 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.					
IV.	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.					
V.	Alien invasive species found within the property must be cleared at the expense of the property owner and the owner must undertake an ongoing control of alien plants.					
VI.	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 water every 100 years.					
VII.	No indigenous flora, fauna or any naturally occurring material may be disturbed or removed.					
VIII.	Due consideration of the applicable prerequisites as per section 9.					

7.3.2. Active Open Space

Colour						
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		Consent			Precluded	
SportfieldsEducational building Park Recreational building		Urban Agriculture Community Gardens BTTS			Buildings and land uses not included in the primary and special consent columns	
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
N/A	0.125	15%	1	7.5m	3m	3m
Additional Comments						
I. 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. II. 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. III. Alien invasive species found within the property must be cleared at the expense of the property owner and the owner must undertake an ongoing control of alien plants. IV. No indigenous flora, fauna or any naturally occurring material may be disturbed or removed. V. Due consideration of the applicable prerequisites as per section 9.						

7.3.3. Private Open Space

Colour						
Zone: Private Open Space						
Statement of Intent		This is a zone to control 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		Consent			Precluded	
Dwelling house Park Private recreation area Recreational building		Arts and craft workshop Shop BTTS			Buildings and land uses not included in the primary and special consent columns	
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
N/A	0.125	15%	1	7.5m	3m	3m
Additional Comments						
I. 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. II. 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. III. Alien invasive species found within the property must be cleared at the expense of the property owner and the owner must undertake an ongoing control of alien plants. IV. 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 water every 100 years. V. No indigenous flora, fauna or any naturally occurring material may be disturbed or removed. VI. Due consideration of the applicable prerequisites as per section 9.						

7.3.4. Passive Open Space

Colour						
Zone: Passive Open Space						
Statement of Intent		A zone that provides for formal and informal parks with associated recreational facilities				
Primary		Consent			Precluded	
Park Public open space		Educational building Recreational building Shop BTSS			Buildings and land uses not included in the primary and special consent columns	
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
N/A	0.125	15%	1	7.5m	3m	3m
Additional Comments						
<p>I. 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.</p> <p>II. 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 of a recreational purposes.</p> <p>III. 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.</p> <p>IV. Alien invasive species found within the property must be cleared at the expense of the property owner and the owner must undertake an ongoing control of alien plants.</p> <p>V. 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 water every 100 years.</p> <p>VI. No indigenous flora, fauna or any naturally occurring material may be disturbed or removed.</p> <p>VII. 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).</p> <p>VII. 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.</p> <p>VIII. Due consideration of the applicable prerequisites as per section 9.</p>						

7.3.5. Nature Reserves

Colour						
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		Consent			Precluded	
Camping sites Chalet development Conference facility Conservation Dwelling unit Educational building Game reserve Lodge Nature reserve Office Residential building Recreational building Restaurant Shop		BTTS			Buildings and land uses not included in the primary and special consent columns	
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
N/A	0.125	20%	2	7.5m	3m	3m
Additional Comments						
I. All Primary Uses are subject to alignment with Protected Area Management Plan. II. Dwelling unit and residential building restricted to staff accommodation. III. The erection of any building within 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. IV. 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. V. Alien invasive species found within the property must be cleared at the expense of the property owner and the owner must undertake an ongoing control of alien plants. VI. 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 water every 100 years. VII. No indigenous flora, fauna or any naturally occurring material may be distributed or removed, unless such is being undertaken for operational management as provided for in the management plan. VIII. 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). IX. 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. X. 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. XI. 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. XII. Due consideration of the applicable prerequisites as per section 9.						

7.3.6. Sea Shore

Colour						
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		Consent			Precluded	
Ablution building Conservation Educational building Life guard house Office Public open space Recreational building		Restaurant Shop			Buildings and land uses not included in the primary and special consent columns	
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
N/A	N/A	N/A	N/A	N/A	N/A	N/A
Additional Comments						
I. 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. II. 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. III. Alien invasive species found within the property must be cleared at the expense of the property owner and the owner must undertake an ongoing control of alien plants. IV. 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 water every 100 years. V. No indigenous flora, fauna or any naturally occurring material may be disturbed or removed. VI. 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). VII. 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. VIII. 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. IX. 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. X. Due consideration of the applicable prerequisites as per section 9.						

7.3.7. Dam

Colour						
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		Consent			Precluded	
Conservation Public open space Semi-public open space Utilities					Buildings and land uses not included in the primary and special consent columns	
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
N/A	N/A	N/A	N/A	N/A	N/A	N/A
Additional Comments						
<p>I. 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.</p> <p>II. 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.</p> <p>III. 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.</p> <p>IV. Alien invasive species found within the property must be cleared at the expense of the property owner and the owner must undertake an ongoing control of alien plants.</p> <p>V. 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 water every 100 years.</p> <p>VI. No indigenous flora, fauna or any naturally occurring material may be disturbed or removed.</p> <p>VII. 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).</p> <p>VIII. 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.</p> <p>IX. 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.</p> <p>X. Due consideration of the applicable prerequisites as per section 9.</p>						

7.3.8. **River Reserve**

Colour						
Zone: River Reserve						
Statement of Intent		This land is reserved to protect the riverine or water courses in areas immediately adjacent to the above and to minimize pollution and erosion but may be used for passive recreation. All other uses are prohibited.				
Primary		Consent			Precluded	
Passive recreation					Buildings and land uses not included in the primary and special consent columns	
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
N/A	N/A	N/A	N/A	N/A	N/A	N/A
Additional Comments						
I. The removal of soil and stones not permitted without the authority of the Municipality.						
II. The Municipality shall be permitted to install underground services.						

7.4. MIXED USE

7.4.1. Core Mixed Use

Colour						
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		Consent			Precluded	
Apartment building Commercial workshops Crèche Education Building Motor Garage Guest house Hotel Launderette Office Parking garage Place of public amusement Place of public assembly Public office Restaurant Shop Wholesale warehouse		Bed and Breakfast BTTS Conference Facility Flats / Apartments Funeral parlour Guest House Hotel Institution Motor garage Petrol filling station Place of public amusement Private recreational area Recreational building Storage warehouse Veterinary clinic			Buildings and land uses not included in the primary and special consent columns	
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
1800m	1	80%	4	7.5m	3m	3m
Additional Comments						
I. Height restrictions can be amended per application.						
II. Office may include office buildings/office park development						

7.4.2. Medium Impact Mixed Use

Colour						
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		Consent			Precluded	
Apartment building Betting depot Commercial workshop Guest house Hotel Laundrette Office Parking garage Place of public amusement Public office Restaurant Shop Wholesale warehouse		BTTS Creche Educational building Funeral parlour Institution Medium Density housing Motor garage Place of public assembly Recreational building Retirement village Storage warehouse Veterinary clinic			Buildings and land uses not included in the primary and special consent columns	
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
450m	2	75%	3	9m	3m	3m
Additional Comments						
I. Office may include office buildings/office park development						

7.4.3. Low Impact Mixed Use

Colour						
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 motor garages, offices, trading, light and service industry and warehousing, civic and social, and residential uses so as to enable a special mix of development to occur.				
Primary		Consent			Precluded	
Residential building Commercial workshop Launderette Office Public office Restaurant Shop		BTTS Casino Crèche Betting depot Education building Funeral parlour Guest house Institution Mobile home park Motor garage Place of public assembly Recreation building Retirement village Storage warehouse Veterinary clinic Wholesale warehouse			Buildings and land uses not included in the primary and special consent columns	
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
450m	0.5	60%	3	9m	3m	3m
Additional Comments						
None						

7.4.4. Tuck Shop/ Spaza Shop

Colour						
Zone: Tuck Shop						
Statement of Intent	The sale of day-to-day convenience goods from a dwelling unit using a portion of the building, associated outbuilding where goods are generally sold through a window, door way or hatch and does not include a walk in shop where goods are on display.					
Primary		Consent			Precluded	
Shop Office		BTTS Residential dwelling unit			Buildings and land uses not included in the primary and special consent columns	
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
350m	0.5	50%	2	7m	3m	3m
Additional Comments						
1. Sell of alcohol is prohibited within the premises, 2. Loading or delivery space must be provided onsite the property.						

7.4.5. Office

Colour						
Zone: Office						
Statement of Intent		A zone that rprovides for office developments in suburban locations. Offices may/maynot be adjacent to suburban shopping centres. Uses must be compatible with adjaent residential development.				
Primary		Consent			Precluded	
Office Public office		BTTS Crèche Educational building Funeral parlour Institution Mobile home park Motor Garage Petrol Filling Station Place of public assembly Recreational building Storage warehouse Veterinary clinic			Buildings and land uses not included in the primary and special consent columns	
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
450m²	0.75	75%	4	7.5m	3m	3m
Additional Comments						
None						

7.4.6. Private Parking

Colour						
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	Consent	Precluded				
Parking garage / parkade Office Shop	BTTS Car wash	Buildings and land uses not included in the primary and special consent columns				
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
1200m	N/A	N/A	N/A	N/A	N/A	N/A
Additional Comments						
I. Development parameters at the discretion of the Municipality						

7.4.7. Petrol Filling Station

Colour	PFS					
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		Consent			Precluded	
Car wash Office Petrol Filling Station Shop		Motor garage Restaurant			Buildings and land uses not included in the primary and special consent columns	
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
1800m	N/A	60%	2	7.5m	4m	5m
Additional Comments						
I. Shop limited to convenience shop providing day-to-day commodities.						

7.5. INDUSTRY

7.5.1. Extractive Industry

Colour						
Zone: Extractive Industry/ Quarry & Mining						
Statement of Intent		A zone that comprises land used for the extraction of minerals or raw materials including sand and stone, and associated business operations, 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		Consent			Precluded	
Extractive industry Industrial building Office					Buildings and land uses not included in the primary and special consent columns	
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
1800m	0.125	20%	2	7.5m	3m	3m
Additional Comments						
I. 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).						
II. Where specific provision is made therefore in this Scheme and saving that the Council may approve of the construction and use of a single dwelling unit for the exclusive use of a caretaker, no other dwelling unit of any description whatsoever shall be permitted.						

7.5.2. General Industry

Colour						
Zone: General Industry						
Statement of Intent		A zone that permits compatible manufacturing. As an 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		Consent			Precluded	
Commercial workshop General industry workshop Laundrette Light industrial building Service industrial building Storage warehouse Public office Shop Office Wholesale warehouse Parking garage		BTTS Educational building Institution Motor garage Petrol Filling Station Place of public assembly Recreational building Scrap yard Wholesale warehouse			Buildings and land uses not included in the primary and special consent columns	
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
900m	2	75%	N/A	7.5m	4m	5m
Additional Comments						
Where specific provision is made in this scheme and saving that the Council may approve the development and use of a single dwelling unit for the exclusive use of a caretaker, no other dwelling unit of any description whatsoever shall be permitted.						

7.5.3. Light Industry

Colour						
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-noxious 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	Consent	Precluded				
Commercial workshop General industry building Launderette Light industrial building Office Scrapyard Service industrial building Storage warehouse Shop	Agricultural building Agricultural industry Agricultural land BTTS Dwelling house Educational building Funeral parlour Institution Motor Garage Parking garage Place of public amusement Place of public assembly Public Recreational building Restaurant Restricted building Scrap yard Service station Wholesale warehouse	Buildings and land uses not included in the primary and special consent columns				
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
900m	2	75%	N/A	7.5m	4m	5m
Additional Comments						
Where specific provision is made therefore in this Scheme and saving that the Council may approve of the development and use of a single dwelling unit for the exclusive use of a caretaker, no other dwelling unit of any description whatsoever shall be permitted.						

7.6. RESIDENTIAL

7.6.1. Special Residential 1: Detached

Colour							
Zone: Special Residential 1: Detached							
Statement of Intent			A zone that is intended to promote higher density residential development of primarily detached dwelling units on single lots/erven. Multi-family dwellings are not permitted. Limited number of compatible ancillary uses which do not have a negative impact on a neighbourhood amenity may be allowed.				
Primary			Consent			Precluded	
Dwelling Unit Outbuilding			BTTS Home business Guest House Bed and Breakfast			Buildings and land uses not included in the primary and special consent columns	
Development Parameters							
Minimum erf size	Maximum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
<150m²		0.50	50%	2	4m	1.5m	2m
151	249	0.50	50%	2	3m	1.5m	2m
250	649	0.50	50%	2	4m	1.5m	2m
650	899	0.35	45%	2	4.5m	2m	3m
900	1799	0.35	45%	2	5m	2m	3m
Additional Comments							
None							

7.6.2. Residential Low Impact

Colour						
Zone: Special Residential 1: Low Density						
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 do not have a negative impact on a neighbourhood amenity may be allowed.				
Primary		Consent			Precluded	
Dwelling Unit Outbuilding		Bed and Breakfast BTTS Crèche Guest House Home Business Institution			Buildings and land uses not included in the primary and special consent columns	
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
1800m²	0.50	50%	2	5m	1.5m	2m
Additional Comments						
None						

7.6.3. Residential Medium Impact

Colour						
Zone: Residential Medium Impact						
Statement of Intent		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		Consent			Precluded	
Bed and breakfast Dwelling unit Medium density housing Residential building		BTTS Crèche Educational building Guest house Institution Launderette Mobile home park Place of public assembly Recreational building Retirement village Veterinary clinic			Buildings and land uses not included in the primary and special consent columns	
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
1500m ²	3	75%	3	9m	4.5m	4.5m
Additional Comments						
I. Height restriction may be relaxed at the discretion of the Council subject to the proposed Site Development Plan.						

7.6.4. Residential Only Medium Density

Colour						
Zone: Residential Medium Impact						
Statement of Intent		The provision of land for a high 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		Consent			Precluded	
Dwelling unit Medium density housing Residential building		BTTS Crèche Educational building Laundrette Mobile home park Place of public assembly Restaurant			Buildings and land uses not included in the primary and special consent columns	
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
2000m²	3	70%	3	9m	4.5m	4.5m
Additional Comments						
I. Height restriction may be relaxed at the discretion of the Council subject to the proposed Site Development Plan.						

7.6.5. Residential High Impact

Colour						
Zone: Residential High Density						
Statement of Intent	A zone that is intended to promote the development of attached and detached dwelling units as part of township establishment or part of a larger planned residential development. 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. Uses must not disrupt nor impact on the residential amenity of the neighbourhood.					
Primary		Consent			Precluded	
Bed and breakfast Dwelling unit Medium density housing Residential building Recreational building		BTTS Crèche Educational building Guest house Institution Launderette Mobile home park Place of public assembly Recreational building Retirement village Veterinary clinic			Buildings and land uses not included in the primary and special consent columns	
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
2000m²	3	75%	N/A	9m	4.5m	4.5m
Additional Comments						
I. Height at the discretion of the Municipality.						

7.6.6. Residential Small Holdings

Colour						
Zone: Residential 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		Consent			Precluded	
Agricultural Building Agricultural land Dwelling House		BTTS Bed and Breakfast Caravan Park Chalet development Conference Facility Creche Day care centre Educational building Guest house Lodge Place of Worship			Buildings and land uses not included in the primary and special consent columns	
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
2ha	3	75%	N/A	9m	4.5m	4.5m
Additional Comments						
None						

7.6.7. **Caravan Park**

Colour						
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		Consent			Precluded	
Ablution facilities Camping site Dwelling unit Launderette Recreational building Shop Tuck Shop		BTTS Restaurant			Buildings and land uses not included in the primary and special consent columns	
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
1800m	0.2	20%	2	7.5m	3m	3m
Additional Comments						
I. Development parameters of land uses ancillary to the operation and maintenance of the caravan park itself, are at the discretion of the Municipality. This includes, but not limited to, shop and recreation buildings.						

7.6.8. **Hotel**

Colour		H					
Zone: Hotel							
Statement of Intent		A zone intended for holiday accommodation, including a liscensed hotel and includes a range of facilities associated with the hotel – such as conference centre, recreational facilities, public lounges, restuarant and bar areas, shop, public lounge, restaurant and bar areas and laundromat.					
Primary			Consent			Precluded	
Apartments / flats Conference facility Conservation area Dwelling unit Hotel Landry Office Place of public amusement Private recreation area Restaurant Shop			BTTS Caravan Park Camp site Casino Chalet development Parking garage Residential building			Buildings and land uses not included in the primary and special consent columns	
Development Parameters							
Minimum erf size	Maximum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
1800m	2ha	1	50%	5	3	3m	3m
Additional Comments							
I. Amendment of the development controls at the discretion of the municipality based on the propsed site development plan.							
II. Height to be no higher than the highest flanking zone without seeking consent.							

7.6.9. Resort

Colour							
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.					
Primary			Consent			Precluded	
Arts and craft workshop Bed and Breakfast Caravan Park Chalet development Dwelling unit Guest house Office Restaurant Shop			BTTS Place of public Assembly Recreational building Utilities facility			Buildings and land uses not included in the primary and special consent columns	
Development Parameters							
Minimum erf size	Maximum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
1800m	2ha	0.5	50%	2	3	1.5m	2m
Additional Comments							
None							

7.7. INFRASTRUCTURE AND SERVICE RESERVATIONS

7.7.1. Railways

Colour	R					
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		Consent			Precluded	
Railway Station Municipal purposes		BTTS			Buildings and land uses not included in the primary and special consent columns	
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
N/A	N/A	N/A	N/A	N/A	N/A	N/A
Additional Comments						
I.	Development parameters at the discretion of Transnet/PRASA (or other legal rail transport authority)					
II.	The servitudes are registered against each property title deed.					
III.	Pipelines are often laid in servitudes of 6m width (although may be constraints in urban areas by existing development).					
IV.	Encroachment into pipeline servitudes is an increasing problem.					

7.7.2. Bus and Taxi Rank

Colour						
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.					
Primary		Consent			Precluded	
Bus and taxi facility Ablution facility Informal trade area Office Municipal Purposes		BTTS Car wash Trading stores			Buildings and land uses not included in the primary and special consent columns	
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
1800m	1	75%	1	7.5m	2m	3m
Additional Comments						
None						

7.7.3. Public Parking

Colour						
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		Consent			Precluded	
Parking garage Office		BTTS Car wash			Buildings and Land uses not included in columns	
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
N/A	1	70%	3	7.5m	2m	3m
Additional Comments						
None						

7.7.4. Utilities and Service

Colour	US					
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, sewerage pump stations and public utilities. 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		Consent			Precluded	
Municipal and government Utility facility Public road		BTTS			Buildings and land uses not included in the primary and special consent columns	
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
N/A	N/A	N/A	N/A	N/A	N/A	N/A
Additional Comments						
All bulk factors are at the sole discretion of council						

7.7.5. Landfill Sites

Colour						
Zone: Landfill						
Statement of Intent		A zone that makes provision for refuse disposal works and infrastructure necessary for the municipality for final disposal of waste material.				
Primary		Consent			Precluded	
Ablution facility Municipal and government Office Recycle Plant/Transfer station		BTTS			Buildings and land uses not included in the primary and special consent columns	
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
N/A	N/A	N/A	N/A	N/A	N/A	N/A
Additional Comments						
I. Any application for the establishment of the landfill will need to prove that the facility is compliant with the requirements of the National Environmental Management: Waste Management Act (Act 59 of 2008).						
II. An application for a landfill will need to have an approved Environmental Impact Assessment approved by the Department of Agriculture, Forestry and Fisheries (DAFF).						
III. An application for a landfill will need to address itself to issues of noise, dust, the control of and safe storage and disposal of waste on site.						
IV. The application shall provide details regarding safety measures, fencing, notices, access control, and lighting to ensure that the potential dangers associated with the activity are minimised.						
V. The application shall include a strategy to address the monitoring and control of the operation to minimise amenity disturbance by way of dust, noise, pollution, heavy vehicles, hours of operation and any remedial programmes once the activity ceases.						
VI. A detailed post-production restoration plan will be required as to how the site shall be rehabilitated.						
VII. Prior to the approval of any development proposal, the norms and standard of any affected Municipal, Provincial and National entity must be complied with and written consent of compliance must be submitted.						
VIII. A Site Development Plan may be required on request by the municipality.						
IX. All bulk factors are determined at the sole discretion of council.						
X. A buffer of no less than 500m shall be maintained around all sites zoned as a landfill/refuse site.						

7.7.6. Waste Transfer Station

Colour						
Zone: Waste Transfer Station						
Statement of Intent		A zone that makes provision for temporary deposit; consolidation; accumulation and storage of garden and domestic waste/refuse and recycling material, before final disposal in a landfill/incineration/recycling or hazardous waste facility.				
Primary		Consent			Precluded	
Recycle Plant/Transfer station Ablution facility Office Municipal and government		BTTS Industry – general Industry - light			Buildings and land uses not included in the primary and special consent columns	
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
N/A	N/A	N/A	N/A	N/A	N/A	N/A
Additional Comments						
I. Any application for the establishment of the waste transfer station will need to prove that the facility is compliant with the requirements of the National Environmental Management: Waste Management Act (Act 59 of 2008).						
II. An application for a transfer station will need to have an approved Environmental Impact Assessment approved by the Department of Agriculture, Forestry and Fisheries (DAFF).						
III. An application will need to address itself to issues of noise, dust, the control of and safe storage and transfer of waste on site.						
IV. The application shall provide details regarding safety measures, fencing, notices, access control, and lighting to ensure that the potential dangers associated with the activity are minimised.						
V. The application shall include a strategy to address the monitoring and control of the operation to minimise amenity disturbance by way of dust, noise, pollution, heavy vehicles, hours of operation and any remedial programmes once the activity ceases.						
VI. A detailed post-production restoration plan will be required as to how the site shall be rehabilitated.						
VII. Prior to the approval of any development proposal, the norms and standard of any affected Municipal, Provincial and National entity must be complied with and written consent of compliance must be submitted.						
VIII. A Site Development Plan may be required on request by the municipality.						
IX. All bulk factors are determined at the sole discretion of council.						
X. Pending on the waste material on site, a buffer of 500m may be required at the discretion of the Municipality.						

7.7.7. Waterworks

Colour	W					
Zone: Waterworks						
Statement of Intent		A zone that makes provision for reservoirs, waterworks and infrastructure necessary for the municipality to deliver water.				
Primary			Consent		Precluded	
Municipal and government Water treatment infrastructure			BTTS		Buildings and land uses not included in the primary and special consent columns	
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
N/A	N/A	20%	1	7.5m	2m	3m
Additional Comments						
None						

7.7.8. Sewerage Works

Colour	SW					
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			Consent		Precluded	
Municipal and government Wastewater treatment infrastructure			BTTS		Buildings and land uses not included in the primary and special consent columns	
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
N/A	N/A	N/A	N/A	N/A	N/A	N/A
Additional Comments						
Development parameters at the discretion of the municipality.						

7.8. TRANSPORT AND ACCESS

7.8.1. Existing Roads

Colour						
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		Consent			Precluded	
Public and private road Utility Facility		Informal Trade			Buildings and land uses not included in the primary and special consent columns	
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
N/A	N/A	N/A	N/A	N/A	N/A	N/A
Additional Comments						
None						

7.8.2. Proposed Roads

Colour						
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		Consent			Precluded	
Public and private road Utility facility		Informal trade			Buildings and land uses not included in the primary and special consent columns	
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
N/A	N/A	N/A	N/A	N/A	N/A	N/A
Additional Comments						
None						

7.8.3. Private Roads

Colour		P				
Zone: Private 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 within a private development.				
Primary		Consent			Precluded	
Public and private road Utility facility					Buildings and land uses not included in the primary and special consent columns	
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
N/A	N/A	N/A	N/A	N/A	N/A	N/A
Additional Comments						
None						

7.9. SPECIAL ZONES

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

7.9.1. Special Zone 1

Special Zone created for the jurisdiction of the Mandeni Urban Regeneration Strategy. Conditions are subject to the approval of the SPLUMA application, on or before the adoption of this Land Use Management Scheme.

7.9.2. Special Zone 2

Special Zone created for the historical DFA application for Thukela Destination Golf Resort. Conditions will be subjected to all DFA conditions as a result of the Tribunal that was held on the 27th June 2009.

7.9.3. Special Zone 2: Special Residential 4

Colour						
Zone: Special Zone 2: Special Residential 4						
Statement of Intent		DFA : Special Zone 2: Special Residential 4				
Primary		Consent			Precluded	
Dwelling House		-			Buildings and land uses not included in the primary and special consent columns	
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
N/A	0.35	35	2 [See additional control 1]	5	2m on one side only	2
Additional Comments						
I. Parking requirement : 1 garage/ covered parking space Plus 1 uncovered open parking space per dwelling unit						
II. 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.						
III. A kitchenette is permitted provided that it forms part of the private entertainment / braai area.						
IV. Outbuildings shall be limited to parking of vehicles with associated storage, garden equipment shed and staff quarters not exceeding 35m ² . Staff quarters shall be limited to one bedroom, a kitchenette and an open plan area.						

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|-----|---|
| V. | 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. |
| VI. | Buildings and development shall conform to the architectural. |

7.9.4. Special Zone 2: Special Residential: Low Density

Colour						
Zone: Special Zone 2: Special Residential: Low Density						
Statement of Intent		DFA:: Special Zone 2: Special Residential: Low Density				
Primary		Consent			Precluded	
Dwelling House Extended Residential Building (limited to 2 dwelling units) Second Self-contained dwelling house (not exceeding total floor area= 100m ²)		-			Buildings and land uses not included in the primary and special consent columns	
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
1500m2 See notes	0.35	35	2 [See additional control 1]	5	2m on both sides	2
Additional Comments						
I. A Parking requirement : 1 garage/ covered parking space Plus 1 uncovered open parking space per dwelling unit II. 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. III. A kitchenette is permitted provided that it forms part of the private entertainment / braai area. IV. Outbuildings shall be limited to parking of vehicles with associated storage, garden equipment shed and staff quarters not exceeding 35m ² . Staff quarters shall be limited to one bedroom, a kitchenette and an open plan area. V. 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. VI. Minimum Lot size = 1500m ² . An Extended Residential Building shall not be permitted on sites that are smaller than or equal to 2700m ² . VII. Buildings and development shall conform to the architectural guidelines and landscaping						

7.9.5. Special Zone 2: Special Residential 4

Colour						
Zone: Special Zone 2: Special Residential 4						
Statement of Intent		DFA: Special Zone 2: Special Residential 4				
Primary		Consent			Precluded	
Dwelling House Medium Density Housing Extended Residential Building to 2 dwelling units Duet House Maisonette Semi-detached		-			Buildings and land uses not included in the primary and special consent columns	
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
	0.5	50	2	4.5m provided that the building line may be relaxed to 0m for garage only	= 1.5m	1.5
Additional Comments						
I. A Parking requirement : 1 garage/ covered parking space II. Outbuildings shall be limited to parking of vehicles with associated storage space. III. Buildings and development shall conform to the architectural guidelines and landscaping guidelines for Tugela Resort.						

7.9.6. **Special Zone 2: Intermediate Residential (PUD sites)**

Colour						
Zone: Special Zone 2: Intermediate Residential (PUD sites)						
Statement of Intent		DFA Special Zone 2: Intermediate Residential (PUD sites)				
Primary		Consent			Precluded	
Dwelling House Medium Density Housing Extended Residential Building Duet House Maisonette Semi- detached house		-			Buildings and land uses not included in the primary and special consent columns	
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
	N/A	40	2	5	2	1.5
Additional Comments						
I. A Parking requirement : 1 garage/ covered parking space Plus 1 uncovered/ open parking space per dwelling unit. II. Outbuildings shall be limited to parking of vehicles with associated storage space. III. 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. IV. 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 poll is screened to the satisfaction of the HOA. V. Recreational buildings and a private club house which is associated with the main land use may be permitted. VI. Buildings and development shall conform to the architectural guidelines and landscaping guidelines for Tugela Resort. VII. The density controls and urban design controls as set out in the Town Planners Density by Design Report shall be adhered to.						

7.9.7. Special Zone 2: General Residential

Colour						
Zone: Special Zone 2: General Residential						
Statement of Intent		DFA Special Zone 2: General Residential				
Primary		Consent			Precluded	
Dwelling House Laundrette Medium Density Housing Residential Building (excluding Hotel)		-			Buildings and land uses not included in the primary and special consent columns	
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
	N/A	40	3	5	4.5	4.5
Additional Comments						
I. A Parking requirement : 1 garage/ covered parking space Plus 1 uncovered/ open parking space per dwelling unit. II. Outbuildings shall be limited to parking of vehicles with associated storage space. 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 poll is screened to the satisfaction of the HOA. III. 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%. IV. Recreational buildings and a private club house which is associated with the main land use may be permitted. V. Buildings and development shall guidelines and landscaping guidelines for Tugela Resort. VI. The density controls and urban design controls as set out in the Town Planners Density by Design Report shall be adhered to. VII. The density controls and urban design controls as set out in the Town Planners Density by Design Report shall be adhered to.						

7.9.8. **Special Zone 2: Cultural Village**

Colour		EC/R				
Zone: Special Zone 2: Cultural Village						
Statement of Intent		DFA Special Zone 2: Cultural Village				
Primary		Consent			Precluded	
Chalet Private Recreational Area Place of Public Assembly Rural Residential Building Educational Building		-			Buildings and land uses not included in the primary and special consent columns	
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
	N/A	25	1	7.5	4.5	4.5
Additional Comments						
I.	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.					
II.	Buildings and development shall conform to the architectural guidelines and landscaping guidelines for Tugela Resort.					
III.	Recreational buildings and a private club house which is associated with the main land use may be permitted.					

7.15. Special Zone 2: Hotel

Colour						
Zone: Special Zone 2: Hotel						
Statement of Intent		DFA Special Zone 2: Hotel				
Primary		Consent			Precluded	
Dwelling House Extended Residential Building Educational Building Office 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)		-			Buildings and land uses not included in the primary and special consent columns	
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
	N/A	40	3	9	4.5	4.5
Additional Comments						
I.	For every residential building, 1 covered parking space for each dwelling unit is to be provided on the Erf. Visitors parking at the rate of one car space for every two dwelling units shall be provided.					
II.	For every building one car space for every bedroom, together with an area within which may be parked together a minimum of 15 cars.					
III.	For every office there shall be provision of one car space for each 35m ² or major portion thereof of gross office area.					
IV.	For every building intended for use as a theatre, cinema, assembly hall or place of public worship there shall be provision of one car space for every 4 seats.					
V.	For every building or portion of a					
VI.	Building intended for use as a hall without fixed seats there shall be provision of one car space for every 23m ² or major portion thereof of floor area.					
VII.	For general parking requirements see clause 6.1 of the Tugela Mouth Planning Scheme					
VIII.	Loading and unloading facilities shall be provided in accordance with clause 6.2 of the Tugela Mouth Planning Scheme					
IX.	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 maintained as a garden and play area which must be kept free of parking areas and driveways.					

7.9.9. Special Zone 2:Hotel Suites

Colour		H				
Zone: Special Zone 2:Hotel Suites						
Statement of Intent		DFA Special Zone 2: Hotel suites				
Primary		Consent			Precluded	
Dwelling House Extended Residential Building Medium Density Housing Residential Building Private Recreational Area Recreational Building		-			Buildings and land uses not included in the primary and special consent columns	
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
	N/A	50	2	7.5	4.5	4.5
Additional Comments						
I.	For every dwelling unit/ hotel suite one car space shall be provided.					
II.	Recreational buildings and a private club house which is associated with the main land use may be permitted					

7.9.10. Special Zone 2: Wellness Centre

Colour						
Zone: Special Zone 2: Wellness Centre						
Statement of Intent		DFA Special Zone 2: Wellness Centre				
Primary		Consent			Precluded	
Institution Laundrette Hospital Medium Density Housing Private Recreational Area Recreational Building Clinic Educational Building		-			Buildings and land uses not included in the primary and special consent columns	
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
	N/A	30	2	9	4.5	4.5
Additional Comments						
I. For every dwelling unit/ hotel suite one car space shall be provided. II. For every hospital/ wellness clinic one car space shall be provided. III. Loading and unloading facilities shall be provided in accordance with clause 6.2 of the Tugela Mouth Planning Scheme clauses. IV. For general parking requirements see clause 6.1 of the Tugela Mouth Planning Scheme Clauses. V. Outbuildings shall be limited to parking of vehicles with associated storage space. VI. Recreational buildings and a private club house which is associated with the main land use may be permitted. VII. Number of dwelling units shall be restricted to the number shown on plan No. Thuk01- 06Rev 9.1 dated 14 June 2010. VIII. A site specific EMP shall be prepared and approved by the authorities prior to any development commencing.						

7.9.11. **Special Zone 2: Timeshare**

Colour		H-T/S				
Zone: Special Zone 2: Timeshare						
Statement of Intent		DFA Special Zone 2: Timeshare				
Primary		Consent			Precluded	
Dwelling House Medium Density Housing Residential Building Laundrette Private Recreation Area Recreation Building		-			Buildings and land uses not included in the primary and special consent columns	
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
	N/A	30	2	9	4.5	4.5
Additional Comments						
I. Loading and unloading facilities shall be provided in accordance with clause 6.2 of the Tugela Mouth Planning Scheme clauses. II. For general parking requirements see clause 6.1 of the Tugela Mouth Planning Scheme Clauses. III. For every dwelling unit / timeshare suite one car space shall be provided, and facilities for storing trailers shall be provided at a storage bay for every 2 units.						

7.9.12. Special Zone 2: Sport Village & Golf Club House

Colour						
Zone: Special Zone 2: Sport Village & Golf Club House						
Statement of Intent		DFA Special Zone 2: Sport Village & Golf Club House				
Primary		Consent			Precluded	
Private Recreation Area Recreation Building Place of Public amusement Place of public assembly Restaurant Shop (limited to 100m ²) Conference facilities (limited to 50 seats)		-			Buildings and land uses not included in the primary and special consent columns	
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
	N/A	20	2	7.5	4.5	4.5
Additional Comments						
I.	For general parking requirements see clause 6.1 of the Tugela Mouth Planning Scheme Clauses.					
II.	Loading and unloading facilities shall be provided in accordance with clause 6.2 of the Tugela Mouth Planning Scheme clauses.					

7.9.13. Special Zone 2: Limited Commercial

Colour						
Zone: Special Zone 2: Limited Commercial						
Statement of Intent		DFA Special Zone 2: Limited Commercial				
Primary		Consent			Precluded	
Laundrette Office Restaurant Shop Clinic		-			Buildings and land uses not included in the primary and special consent columns	
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
	0.4	40	2	5	2	2
Additional Comments						
I. For general parking requirements see clause 6.1 of the Tugela Mouth Planning Scheme Clauses. II. Loading and unloading facilities shall be provided in accordance with clause 6.2 of Tugela Mouth Planning Scheme clauses. III. Outbuildings shall be limited to parking of vehicles with associated storage space.						

7.9.14. Special Zone 2: Entertainment Centre

Colour						
Zone: Special Zone 2: Entertainment Centre						
Statement of Intent		DFA Special Zone 2: Entertainment Centre				
Primary		Consent			Precluded	
Crèche Educational Building Place of Public amusement Place of public assembly Private Recreation Area Recreation Building Shop (limited to 100m ²) Restaurant Conference facility – 50 seats		-			Buildings and land uses not included in the primary and special consent columns	
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
	0.4	40	2	7.5	2	2
Additional Comments						
I. For general parking requirements see clause 6.1 of the Tugela Mouth Planning Scheme Clauses. II. Loading and unloading facilities shall be provided in accordance with clause 6.2 of the Tugela Mouth Planning Scheme clauses.						

7.9.15. **Special Zone 2: Wedding Chapel**

Colour						
Zone: Special Zone 2: Wedding Chapel						
Statement of Intent		DFA Special Zone 2: Wedding Chapel				
Primary		Consent			Precluded	
Dwelling House Extended Residential Building Place of pubic amusement		Shop			Buildings and land uses not included in the primary and special consent columns	
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
	N/A	30	2	9	4.5	4.5
Additional Comments						
I. For general parking requirements see clause 6.1 of the Tugela Mouth Planning Scheme Clauses. II. Loading and unloading facilities shall be provided in accordance with clause 6.2 of the Tugela Mouth Planning Scheme clauses.						

7.9.16. **Special Zone 2: Private Open Space**

Colour						
Zone: Special Zone 2: Private Open Space						
Statement of Intent		DFA Special Zone 2: Private Open Space				
Primary		Consent		Precluded		
Private Recreation Recreation building		-		Buildings and land uses not included in the primary and special consent columns		
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
	N/A	N/A	1	10	10	10
Additional Comments						
I. Parking as per recommendations in the EMP in additional controls Development shall be subject to approval of an EMP approved by the relevant authorities						

7.9.17. **Special Zone 2: Conservation Area**

Colour						
Zone: Special Zone 2: Conservation Area						
Statement of Intent		DFA Special Zone 2: Conservation Area				
Primary		Consent			Precluded	
Club House Ablution Conservation Area		-			Buildings and land uses not included in the primary and special consent columns	
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
	N/A	N/A	1	N/A	N/A	N/A
Additional Comments						
I. Parking as per recommendations in the EMP in additional controls Development shall be subject to approval of an EMP approved by the relevant authorities						

7.9.18. **Special Zone 2: Service and Maintenance**

Colour						
Zone: Special Zone 2: Service and Maintenance						
Statement of Intent		DFA Special Zone 2: Service and Maintenance				
Primary		Consent			Precluded	
Administration Municipal Services and Infrastructure General Maintenance		-			Buildings and land uses not included in the primary and special consent columns	
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
	N/A	N/A	1	N/A	N/A	N/A
Additional Comments						
i. Uses shall be permitted as shown on approved layout plan No. Thuk01-06Rev 9.1 dated 14 June 2010.						

7.9.19. Special Zone 2: Nursery

Colour						
Zone: Special Zone 2: Nursery						
Statement of Intent		DFA Special Zone 2 Nursery				
Primary		Consent			Precluded	
Agricultural Building Agricultural Land Shop (limited to 200m ² for uses incidental to a nursery)		-			Buildings and land uses not included in the primary and special consent columns	
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
	N/A	10	1	10	4.5	4.5
Additional Comments						
I. For general parking requirements see clause 6.1 of the Tugela Mouth Planning Scheme Clauses. II. Loading and unloading facilities shall be provided in accordance with clause 6.2 of the Tugela Mouth Planning Scheme clauses.						

7.9.20. **Special Zone 2: Private Roads**

Colour		P2				
Zone: Special Zone 2: Private Roads						
Statement of Intent		DFA Special Zone 2 Private Roads				
Primary		Consent			Precluded	
Private Road		-			Buildings and land uses not included in the primary and special consent columns	
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
	N/A	N/A	N/A	N/A	N/A	N/A
Additional Comments						
I. All roads shall be private roads II. A Gatehouse may be erected within the road reserve.						

7.9.21. **Special Zone 2: Explanatory Notes:**

- I. HOA – Home Owners Association
- II. Additional Land Use Definitions:
 - a. 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.
 - b. Duet House: means a building designed or constructed or adapted to contain self-contained dwelling units separated horizontally and with individual access..

7.10. TRADITIONAL AUTHORITY AREAS

7.10.1. Traditional Authority Agriculture

Colour						
Zone: Rural Agriculture						
Statement of Intent		To provide, preserve and/or use land or buildings for small-scale agricultural and ancillary activities in association with Homestead and other related uses in Traditional Council areas and may include, market gardening, grazing and production of small areas of sugar cane, poultry and livestock. Providing for activities that are in keeping with the rural character of the area.				
Primary		Consent			Precluded	
Agricultural Building Crèche Community Gardens Conservation area Day care facilities Dwelling House Forestry Home business Homestead/umuzi Horticulture Institution animal welfare Nature Reserve Private Building Private Recreational Area Tuck Shop Veterinary clinic		Abbatoir Agricultural Industry Arts and Craft Workshop Bed and Breakfast Facility Clinic Community hall Educational Building Factory Flea market Guest House Hospital Lodge Municipal/Government Place of Worship Public Office Residential Building Shop Tavern Undefined use			Buildings and land uses not included in the primary and special consent columns	
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
2ha Sub division is permissible with the consent of the Traditional Council	0.2	20%	2	7.5m	3m	2ha
Additional Comments						
I. BTTS shall mean Base Telecommunications Transmission Station II. Development dependent on the provision of adequate water, sewerage and waste water disposal to the satisfaction of the Council III. Shop limited to provide for the day-to-day needs of the local community IV. All applications are subject to the approval of any applicable national and provincial legislations such as water use licenses V. The sub-division or change of land uses other than agricultural production is subject to the Sub-division of Agricultural Land Act (No. 70 of 1970). VI. Parking requirements for the proposed development to be provided in terms of the parking requirements of the scheme for the proposed use, or to the satisfaction of the Director: Economic Development, Planning and Human Settlements VII. A Site Development Plan may be required on request by the municipality.						

7.10.2. Traditional Authority Umuzi

Colour						
Zone: Residential Umuzi						
Statement of Intent		To provide, preserve and manage the traditional residential settlements under the Management of the Traditional Councils and Administration of the area. This is primarily for housing including traditional homesteads (with ancillary buildings) and includes home-based economic activities and associated traditional land uses such as limited cropping and grazing. This zone provides for activities that are in keeping of the rural character of the areas.				
Primary		Consent			Precluded	
Agricultural Building Agriculture land Civic and social facilities Community Gardens Crèche Day care facilities Dwelling House Forestry Home business Horticulture Shop Tuck Shop		Arts and Craft Workshop Bed and Breakfast Facility Educational Building Place of Worship Tavern			Buildings and land uses not included in the primary and special consent columns	
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
600m ²	0.3	30%	N/A	N/A	N/A	600m ²
Additional Comments						
I. BTTS shall mean Base Telecommunications Transmission Station						
II. Traditional Councils can allocate residential sites and uses in terms of customary law with due regard for environmental considerations, space between buildings, adequate site size where on-site sewerage disposal is used and there is suitable access for vehicles and services.						
III. This land use zone includes Administration facilities for Traditional Authorities. All application are subject to the approval of any applicable national and provincial legislation such as NEMA and water use licenses.						
IV. The sub-division of land for Imizi located within the registered boundaries of Traditional Council is subject to the Ingonyama Trust and is not subject to the Sub-division of Agricultural Land Act (Act No 70 of 1970).						
V. Parking requirements for the proposed development to be provided in terms of the parking requirements of the scheme for the proposed use, or to the satisfaction of the Director: Economic Development, Planning and Human Settlements.						
VI. A Site Development Plan may be required on request by the municipality.						

7.10.3. Traditional Authority Environmental

Colour	
Zone: Traditional Environmental	
Statement of Intent	A zone that provides for, protects and maintains the natural environment, biodiversity assets, flora and fauna or any part thereof. Environmental services include conservation areas: nature reserves:

		public and private open spaces (both active and passive); and the beachfront and seashore as defined by NEMA: Integrated Coastal Management Act (No. 24 of 2008). These environmental services may form part of the sustainable open space system that includes independent or linked open space areas.				
		Only limited and specific low impact developments are permitted to support the primary function of preservation and low impact uses to support recreational facilities - where such use is permitted.				
Primary		Consent			Precluded	
Ablution facilities Conservation area Dwelling unit Life Guard Hut Nature Reserve Private Recreation area		Arts and Craft Workshop BTTS Dwelling unit Educational Building Flea market Horticulture Lodge Municipal/Government Residential Building Restaurant Shop Tuck shop Undefined use Waste transfer and recycling centre			Buildings and land uses not included in the primary and special consent columns	
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
Public and private open space						
N/A	0.15	15%	2	7,5m	3	N/A
Conservation and Nature Reserve						
N/A	N/A	10%	1	N/A	N/A	N/A
Seashore and Beach						
N/A	N/A	N/A	N/A	N/A	N/A	N/A
Additional Comments						
I.	BTTS shall mean Base Telecommunications Transmission Station.					
II.	Dwelling unit and residential building restricted to staff accommodation					
III.	Educational building limited to environmental education, conservation awareness, research facilities					
IV.	Municipal and government limited to uses necessary for the functioning of the primary use- environmental education, conservation awareness, and research facilities.					
V.	Shop limited to the sale of take away commodities refreshments, curios and commodities associated with tourism, recreation, environment and conservation.					
VI.	Ancillary buildings and uses are restricted to those complimentary and necessary functioning of the primary use with the primary aim of conservation of the natural environment. This includes maintenance building and office building.					
VII.	An outbuilding may be permitted on this Zone, provided it is used in conjunction with a dwelling unit(s), and includes a storeroom, laundry, and workroom. An outbuilding shall be restricted to a maximum floor area of 30 square meters					
VIII.	The erection of any building within conservation areas shall be subject to environmental appraisal or EIA application.					

IX.	In addition, any application located adjacent to / in the designated seashore area will have to take cognizance of the requirements of Coastal Management Programme of the area in terms of the NEMA: Integrated Coastal Management Act (No. 24 of 2008).
X.	The development and use of land located in the seashore area shall comply with the requirements of the NEMA: Integrated Coastal Management Act (No. 24 of 2008).
XI.	Land registered under the ownership of the municipality preserved as open space for the use and enjoyment of the public, to the requirements and satisfaction of the local authority.
XII.	Any land use and activities on municipal preserved land - such as flea markets or musical entertainment - require municipal permission which is at the sole discretion of council.
XIII.	The sub-division of land for uses other than agricultural production is subject to the Sub-division of Agricultural Land Act (No. 70 of 1970)
XIV.	Any work undertaken shall be done in accordance with a Site Development Plan as required on request by the municipality.
XV.	No indigenous flora, fauna or any naturally occurring material shall be disturbed or removed.
XVI.	No landscaping or planting of any vegetation shall be permitted, unless it is a requirement for the rehabilitation of the environment in terms of a management plan agreed with the Municipality.
XVII.	Except where picnic areas and footpaths through the vegetation have been specially demarcated, the public shall not be admitted in conservation areas.
XVIII.	Parking requirements for the proposed development to be provided in terms of the parking requirements of the scheme for the proposed use, or to the satisfaction of the Director: Economic Development, Planning and Human Settlements.
XIX.	Development parameters may be approved on the sole discretion of Council in accordance with an approved Site Development Plan.

7.10.4. Traditional Authority Rural Industry

Colour			
Zone: Traditional Rural Industry			
Statement of Intent	To provide, preserve or use land or buildings for a mix of industrial activities, business or commercial business or related activities in a manner that will not detract from the amenity or cause nuisance to other properties within the zone or to the general public. Commercial activities such as factory shop, wholesale and shops are permitted at the discretion of the Municipality. Zone may serve as an interface to high impact industrial areas or as independent entities. Extractive and noxious industrial activities are prohibited on this zone.		
Primary		Consent	Precluded
Arts and craft Workshop Agricultural Industry Commercial Workshop Conservation area Dwelling unit Industry - service Launderette Motor garage Office Public Office		Abattoir Agricultural Building Agricultural Industry Agricultural land Bus and Taxi rank BTTS Car Wash Educational Building Funeral parlour Industry - general	Buildings and land uses not included in the primary and special consent columns

Public open space Shop Tuck Shop Utilities and services Vehicle Testing Station		Industry light Institution Parking garage Petrol Filling Station Place of Entertainment Place of public assembly Private open space Scrapyard Truck Stop Restricted Building Undefined use Wholesale warehouse				
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
N/A At the discretion of the Traditional Council and approval of Local Authority	0.2	60%	3	7.5m	3m	N/A
Additional Comments						
<p>I. BTTS shall mean Base Telecommunications Transmission Station.</p> <p>II. Development subject to provision of adequate water, sewerage and waste water disposal to the satisfaction of the Council</p> <p>III. Shops and restaurants limited to provide for the day-to-day needs of the workers in the zone.</p> <p>IV. A Dwelling House may be permitted to accommodate a manager, caretaker or security personnel.</p> <p>V. All applications are subject to the approval of any applicable national and provincial legislation such as licenses in terms of minerals and water use</p> <p>VI. All applications need to comply with the requirements of the National Environmental Management Act, as applicable.</p> <p>VII. The sub-division of land for uses other than agricultural production is subject to the Sub-division of Agricultural Land Act (No. 70 of 1970).</p> <p>VIII. A Site Development Plan may be required on request by the municipality.</p> <p>IX. Parking requirements for the proposed development to be provided in terms of the parking requirements of the scheme for the proposed use, or to the satisfaction of the Director: Economic Development, Planning and Human Settlements</p> <p>X. All landscaping at the discretion of the Mandeni Municipality.</p>						

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| XI. | The municipality has the right to require details regarding safety measures, fencing, notices, access control, and lighting to ensure that the potential dangers associated with the activity are minimized |
| XII. | The municipality may request a strategy to address the monitoring and control of any operation to minimize amenity disturbance by way of dust, noise, pollution, heavy vehicles, hours of operation and any remedial programme should the activity cease |

7.10.5. **Traditional Authority Civic and Social**

Colour						
Zone: Traditional Civic and Social						
Statement of Intent		To provide, preserve land, use or buildings for: Municipal, provincial or local government use. This zone provides for the full range of educational, health, social and welfare facilities. Provision is made for Places of Worship of all denominations. A wide range of social and civic services to serve the community, to the discretion of the Mandeni Municipality, and in such a manner that the use does not affect the amenity of the traditional area.				
Primary		Consent		Precluded		
Apartment Building Boarding house Bus and Taxi rank Clinic Community hall Conservation area Crèche Day care facilities Dwelling House Educational Building Fire station Health facility Hospital Medium density housing Municipal/Government Place of Worship Police station Private Open Space Public Office Public Open Space Residential Building Tuck Shop		Agricultural Land BTTS1 Community garden Conference facility Community hall Horticulture Informal trade area Institution Mortuary Municipal/Government Place of Public Assembly Office Residential Building Restricted Building Shop Special Building Undefined use Utilities Facility		Buildings and land uses not included in the primary and special consent columns		
Development Parameters						
At the discretion of Council pending the proposed use.						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
10 000m ²	0.5	70%	3	7.5m	4.5m	4.5m
Additional Comments						
I. BTTS shall mean Base Telecommunications Transmission Station II. This includes Administration facilities for Traditional Authorities. III. Provided there is adequate water, sewerage and waste water disposal to the satisfaction of the Council.						

- IV. Prior to the approval of any development proposal, the norms and standard of any affected Municipal, Provincial and National entity must be complied with and written consent in terms of its policy/legislation must be submitted along with the development application for consideration - such as National Environmental Management Act (NEMA).
- V. The sub-division or change in land uses other than agricultural production is subject to the Sub-division of Agricultural Land Act (No. 70 of 1970).
- VI. All applications for change of land use are subject to the relevant requirements of the governing department – Health/Education/ Welfare or the likes.
- VII. No Place of Public Worship shall be established or used on a site except with the approval of the Council.
- VIII. Approval of an application for the establishment of a Place of Public Worship shall include measures to address noise control.
- IX. A Dwelling House may be permitted to accommodate a manager, foreman, caretaker or security personnel.
- X. An outbuilding may be permitted on this Zone, provided it is used in conjunction with a dwelling unit(s), and includes a storeroom, laundry, and workroom.
- XI. Parking requirements for the proposed development to be provided in terms of the parking requirements of the scheme for the proposed use, or to the satisfaction of the Director: Economic Development, Planning and Human Settlements.
- XII.** A Site Development Plan may be required on request by the municipality

Colour						
Zone: TA Utilities and Services						
Statement of Intent		To designate and manage land set aside for uses for infrastructure and ancillary buildings required for the functioning of private and public entities within the municipal jurisdiction. This includes, but is not limited to, substations, waterworks, reservoirs, filtration beds, sewerage works, refuse disposal works and ancillary and necessary infrastructure required for the provision of electrical, water and sanitation services to the municipal area. This zone also provides for all land uses related to the provision of transportation infrastructure and facilities, including parking, drop off and collection of passengers, by road, rail or air travel, by public and private services. This includes both above and below ground development.				
Primary		Consent			Precluded	
Ablution facilities Bus and Taxi Rank Electrical grid/substation Intermodal Facility Maintenance Building Pipelines - gas/fuel Rail infrastructure Railway Station Reservoir Road Infrastructure Office Waste water desalination plant Waste Transfer and/or Recycling center Waste water package plant		Alternative energy- for example, solar, wind turbines BTTS Municipal/Government Parking Garage Petrol Filling Station Police Station Undefined Use			Buildings and land uses not included in the primary and special consent columns	
Development Parameters						
Minimum erf size	F.A.R.	Coverage	Height	Building Line	Side Setback	Rear Setback
-	-	-	-	-	-	-
Additional Comments						
I. BTTS shall mean Base Telecommunications Transmission Station II. Office limited to site office. III. Development subject to the provision of adequate water, sewerage and waste water disposal to the satisfaction of the Council. IV. Prior to the approval of any development proposal, the norms and standard of any affected Municipal, Provincial and National entity must be complied with and written						

consent in terms of its policy/legislation must be submitted along with the development application for consideration - such as National Environmental Management Act (NEMA).

- V. An application for a refuse site or landfill will need to have an approved Environmental Impact Assessment approved by the Department of Agriculture, Forestry and Fisheries (DAFF).
- VI. The sub-division or change of land uses other than agricultural production is subject to the Sub-division of Agricultural Land Act (No. 70 of 1970).
- VII. Parking requirements for the proposed development to be provided in terms of the parking requirements of the scheme for the proposed use, or to the satisfaction of the Director: Economic Development, Planning and Human Settlements.
- VIII. A Site Development Plan may be required on request by the municipality.
- IX. The Site Development Plan shall have due consideration for any relevant regulations and any related legislation as may be laid down from time to time by the relevant Minister or any other responsible authority, for the proposed use.
- X. Other land uses and works ancillary to the function of the primary use are subject to agreement being reached on the permissible floor area ratio, coverage and height restrictions, the placing of buildings on the site, on-site parking requirements and/or any other related matters by way of a site development plan.
- XI. The application shall provide details regarding safety measures, fencing, notices, access control, and lighting to ensure that the potential dangers associated with the activity are minimized.
- XII. Where relevant, the application will need to address issues of noise, dust, the control of and safe storage and disposal of waste on site.
- XIII. All land uses specified in the table above are permitted in traditional areas at Council's sole discretion, and with the approval of the Traditional Authority

8. GENERAL CONTROLS

8.1. SITE DEVELOPMENT PLANS

- I. 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.
- II. 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.

8.2. EXTERNAL APPEARANCES OF BUILDINGS

- I. 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.
- II. 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.

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

8.3. DEPOSITING OF WASTE MATERIAL

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.

8.4. FLOODLINE AREAS

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.

8.5. UNSERVICED AREAS

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.

8.6. TRAFFIC GENERATING SITES

- I. 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.
- II. The outcomes of such assessment may be implemented at the Developer's cost.

8.7. PROVISION OF PUBLIC FACILITIES

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.

8.8. PERMANENT CLOSURE OF STREETS AND PUBLIC PLACES

- a) An applicant may apply to Council for the permanent closure of a public place or public street.
- b) In respect of an application for the permanent closure of a public place, the Council may direct an applicant to 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).
- c) In respect of an application for the permanent closure of a public place, the Council may 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.
- d) An application must be lodged by the responsible person to Mandeni Municipality not less than ten days before the intended event.

8.9. WELLS AND BOREHOLES

No wells or boreholes shall be sunk on any land within the area of the Scheme or municipal jurisdiction, nor any subterranean water extracted therefrom without the consent from Mandeni Local Municipality.

8.10. ADVERTISING

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.

9. ENVIRONMENTAL MANAGEMENT

9.1. ENVIRONMENTALLY SENSITIVE AREAS

- I. 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.
- II. Notwithstanding the provisions of this Scheme, the Municipality, shall at its discretion, request an applicant to provide an Environmental Screening Report for any development or land use activity on any site or portion thereof which it considers to be an environmentally sensitive area or in an area identified as being critical for biodiversity conservation.
- III. The Environmental Screening Report must be undertaken by a person that has the necessary knowledge and experience in environmental management, natural resources or ecology, and should include:
 - a. Information about the project including the spatial extent, timing, frequency and duration of the project;
 - b. The identification of relevant environmental legislation, regulations, policies and plans relevant to the proposed development and identify those activities that require licensing or authorisation before they can proceed;
 - c. An understanding of the ecological context based on existing ecological information, data gathering, literature searches, site visits and preliminary ecological surveys, and any baseline studies already carried out;
 - d. Identify project activities likely to cause damage, stress, disturbance or impact on ecosystems processes;
 - e. Identify the factors affecting the integrity of the relevant ecosystems and the conservation status of relevant habitats and species; and, ecological features likely to be significantly affected and therefore requiring further study;

- f. Identify other significant activities, e.g. access roads, associated with the project/proposal that could result in significant cumulative effects; and,
- g. Potential strategies to avoid and/or minimise any negative environmental impacts and the identification of opportunities for enhancing biodiversity and promoting Provincial biodiversity objectives

IV. Approval of any development is subject to the provisions of any affected National, Provincial, Local Legislation and associated regulations/by-laws. This includes, but not limited to the:

- a. National Environmental Management Act, 1998 (Act No. 107 of 1998) (as amended).
- b. Forestry Act 1998, (No.84 of 1998) as amended.
- c. 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.
- d. NEMA: Integrated Coastal Management Act (Act No. 24 of 2008).
- e. District and Local Management Plans. Management Plans include, but are not limited to:
 - i. The Bio-diversity sector plan
 - ii. Coastal Management Plan.

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

VI. An area may be considered environmental sensitive should it contain unique or threatened landscape or wildlife (flora and fauna) or historic value. Examples include natural water sources and associated wetlands; coastal areas; biodiversity areas; ecosystems; topography (such as upland ridges); high-agriculture potential; protected areas; conservation areas and nature reserves; air quality management areas, important bird areas; marine life etc.

9.2. THE BIODIVERSITY SECTOR PLAN

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.

Council may prohibit or restrict any development in a critical biodiversity or ecological support area.

9.3. MARINE PROTECTED AREAS

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.

Any land use development and management decision, relating to the coastal and estuarine areas, must align with this, or any subsequent management plans applicable to the area.

9.4. NATIONAL ENVIRONMENTAL MANAGEMENT BIODIVERSITY ACT

- I. 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).
- II. 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.

- III. 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.

9.5. COASTAL MANAGEMENT PLAN

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.

9.6. WETLANDS

Where an erf may have a wetland, the Municipality may require the owner / applicant to appoint an independent wetland specialist to delineate the extent of the wetland, establish appropriate buffers and, to indicate the delineation and buffers on the site plan submitted with the development application.

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

9.7. DEVELOPMENT BUFFERS

- I. A buffer of no less than 500m shall be maintained around all sites zoned as a landfill/refuse site.
- II. Such buffer may be applicable to a waste transfer / recycle centre depending on the proposed material to be accommodated on the site.
- III. The coastal buffer zone is 100m in width measured from the high water mark.
- IV. A 25-metre non-building buffer to the Environmental (Conservation) and Nature Reserve Zone may be instituted at the discretion of the Municipality, with the sole purposed of protecting the integrity of the area from the proposed development.
- v. Should the proposed development be considered high impact, this buffer may be increased.

- VI. In the absence of formally delineated buffer areas, consultation with the relevant national and provincial departments must take place.
- VII. Identified areas where a buffer is required include, but are not limited to:
 - a. Amatikulu Nature Reserve: For the protection of riparian vegetation to ensure water quality and quantity into the reserve. The protection of the estuarine function zone (EFZ) of Nyoni and Amatikulu in terms of vegetation cover (noted that sugarcane is already intruding into the EFZ). Protection of the contiguous habitat such as the dune vegetation and the estuarine vegetation. Low density rural development to protect sense of place. No afforestation adjacent to reserve to protect grassland from shading. Firebreak management would be necessary.
 - b. Meycol: To protect the riparian vegetation to ensure water quality and quantity into the reserve and for the protection of the estuarine function zone (EFZ) of the Uthukela estuary.
 - c. Harold Johnson: In order to protect the riparian vegetation to ensure water quality and quantity into the reserve. The protection of estuarine function zone (EFZ) of Uthukela estuary and the protection of contiguous habitat such as the natural forest areas and linked open space/ corridor areas.
 - d. Uthukela Banks Marine Protection Areas: Protection of riparian vegetation to ensure water quality and quantity into the reserve. The protection of the estuarine function zone (EFZ) of Uthukela estuary and the protection of adjacent coastal vegetation. A stormwater / effluent management plans for development adjacent to coastal areas may be required.
- VIII. Adjoining land uses may be limited to low-density ancillary land use types, such as low-intensity agriculture, low density and traditional residential and the kind of land uses related to daily employment and service needs.
- IX. All development in and adjacent to an environmental area shall be at the discretion of the Municipality, providing that the use shall honour the intent of the zone.

9.8. LAND USE MANAGEMENT IN AREAS UNDER TRADITIONAL AUTHORITY

- I. 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.

- II. 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.
- III. Forms are available on the Mandeni Local Municipality's website and from Traditional Councils.
- IV. Forms, together with the applicant's Identity Document are submitted to Ingonyama Trust Board and packaged for approval subject to the following actions performed.
- V. A land survey is done and land cross referenced to existing database to ensure there are no duplications;
- VI. Terms and conditions of the lease are proposed and submitted with ITB1 & ITB2 forms for board approval.
- VII. On approval client is notified of the details and the following actions are performed.
- VIII. Lease document is presented to client with the terms such as, the Rental Amount, Duration of the Lease;
- IX. 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 applicant.
- X. 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.

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.

Annexure 1

Register of Amendments to the Mandeni Land Use Management Scheme

APPLICATION REFERENCE NO.	FILE NO.	PROPEORTY DESCRIPTION	DETAILS OF AMENDMENT	DATE OF DECISIOn	REMARK

Annexure 2

Register of Development Applications Lodged with the Mandeni Municipality

APPLICATION REFERENCE NO.	FILE NO.	PROPERTY DESCRIPTION	DETAILS OF APPLICATION	DATE OF DECISION	REMARK

Annexure 3

Register of Management Overlays to the Scheme

REFERENCE NO.	FILE NO.	DETAILS OF OVERLAY	DATE OF DECISION	REMARK