

# RAY NKONYENI MUNICIPAL SCHEME



"The Game changer of South Coast Development"

The Municipal Manager  
Ray Nkonyeni Municipality  
P O Box 5  
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4240

Ray Nkonyeni Municipality



*"The Game changer of South Coast Development"*

**DATE OF ADOPTION**

**26 November 2019**

## Table of Contents

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<b>1</b>	<b>INTRODUCTION TO THE SCHEME</b>	<b>1</b>
1.1	Title of the Scheme	1
1.2	Area of the Scheme	1
1.3	Scheme Map	1
1.4	Effective Date	1
1.5	Responsible Authority	4
1.6	Intent of the Scheme	4
1.7	Purpose and Status of the Scheme	4
1.7.1	Purpose of the Scheme	4
1.7.2	Status of the Scheme	4
1.8	Main Components of the Scheme	5
1.9	Scheme Administration	5
1.9.1	Inspection of Scheme	5
1.9.2	Application of Scheme	5
1.9.3	Conflict of Laws	6
1.9.4	Entry and Inspection	7
1.9.5	Offences	7
1.10	Development Applications	8
1.11	Reservation of Land	8
1.11.1	Purpose of Land Reservations	8
1.11.2	Specific Purpose and Controls for Land Reservation Zones	9
1.11.3	Declaring or Closing of Streets	11
1.12	Special Zones and Special Case Areas	11
1.12.1	General Purpose and Standards	12
<b>2</b>	<b>SCHEME CONTROLS AND ZONES</b>	<b>13</b>
2.1	Land Use Zones and Codes	13
2.2	Land Use Zones and Development Controls	17
2.2.1	Residential Zones	17
2.2.2	Mixed Use Zones	42
2.2.3	Industrial Zones	59
2.2.4	Civic and Social Zones	64
2.2.5	Agriculture Zones	80
2.2.6	Environmental Service Zones	84
<b>3</b>	<b>GENERAL DEVELOPMENT CLAUSES</b>	<b>88</b>
3.1	BUILDING RESTRICTIONS AND THE USE OF LAND	88
3.1.1	ERECTION AND USE OF BUILDINGS AND USE OF LAND	88
3.1.2	NON CONFORMING EXISTING USE	88
3.1.3	SITING OF BUILDINGS, MASTS AND ACCESS POINTS AND THE CONSERVATION OF INDIGENOUS FLORA AND WATER COURSES	88
3.2	FLOOR AREA RATIO / COVERAGE (DENSITY)	89
3.2.1	FLOOR AREA RATIO (FAR)	89
3.2.2	COVERAGE	90
3.3	ERF AND SUBDIVISION CONTROLS	91
3.3.1	MINIMUM FRONTAGE REQUIREMENTS	92

3.4	<b>BUILDING LINES, SIDE AND REAR SPACES AND HEIGHT</b> .....	<b>92</b>
3.4.1	BUILDING LINES.....	92
3.4.2	SIDE SPACES AND REAR SPACES .....	93
3.4.3	HEIGHT .....	93
3.4.4	RELAXATION OF BUILDING LINES, SIDE AND REAR SPACES .....	93
3.4.5	BUILDING ENVELOPE .....	94
3.5	<b>MEDIUM DENSITY HOUSING, LIMITATION ON THE NUMBER OF DWELLING UNITS AND SELF CONTAINED DWELLING UNITS</b> .....	<b>94</b>
3.5.1	MEDIUM DENSITY HOUSING .....	94
3.5.2	LIMITATION ON THE NUMBER OF DWELLING UNITS .....	96
3.5.3	SELF CONTAINED DWELLING UNITS .....	97
3.6	<b>PARKING, LOADING AND SERVICE AREAS</b> .....	<b>98</b>
3.6.1	LOADING AND SERVICE AREAS .....	99
3.7	<b>GARAGES AND SERVICE STATIONS, CARAVAN PARKS, MOBILE HOME PARKS, HOLIDAY PARKS ...</b>	<b>100</b>
3.7.1	GARAGES AND SERVICE STATIONS .....	100
3.7.2	CARAVAN PARKS, MOBILE HOME PARKS.....	101
3.7.3	DESIGN AND LAYOUT OF A HOLIDAY PARK .....	101
3.8	<b>REMOVAL OF INJURIOUS CONDITIONS, EXTERNAL APPEARANCE OF BUILDINGS, ADVERTISING, EXEMPTIONS AND USES</b> .....	<b>101</b>
3.8.1	REMOVAL OF INJURIOUS CONDITIONS .....	101
3.8.2	EXTERNAL APPEARANCE OF BUILDINGS .....	101
3.8.3	ADVERTISING .....	102
3.8.4	EXEMPTIONS.....	102
3.9	<b>FLOOD LINES</b> .....	<b>102</b>
3.10	<b>GUIDELINES AND CONTROLS FOR ERVEN IN ENVIRONMENTAL PRIORITY/SPECIAL CASE AREAS ....</b>	<b>104</b>
3.10.1	CONTROLLED AREAS.....	105
3.11	<b>BED AND BREAKFASTS, LODGES, HOTELS, BOARDING HOUSES,.....</b>	<b>106</b>
3.11.1	BED AND BREAKFASTS.....	106
3.11.2	GUEST HOUSES.....	107
3.11.3	GUEST LODGES .....	107
3.11.4	BACK PACKERS.....	108
3.11.5	USE OF HOTELS FOR CERTAIN PURPOSES .....	108
3.12	<b>THE USE OF RESIDENTIAL PREMISES FOR OCCUPATIONS FOR GAIN.....</b>	<b>109</b>
3.12.1	HOME ACTIVITY .....	109
3.12.2	HOME BUSINESS .....	110
3.12.3	HOME PLANT NURSERIES .....	111
3.12.4	TAVERNS .....	111
3.12.5	TUCK SHOP AND SPAZA SHOP .....	113
3.12.6	TEA GARDEN .....	113
<b>4</b>	<b>DEFINITION OF TERMINOLOGY .....</b>	<b>116</b>
4.1	GENERAL DEFINITIONS.....	116
4.2	BUILDING AND LAND USE DEFINITIONS.....	124
<b>5</b>	<b>APPENDICES.....</b>	<b>136</b>
5.1	<b>Appendix 1: General</b> .....	<b>136</b>
5.1.1	Appendix 1A: Definition of Offensive Trades and Factories .....	136
5.1.2	Appendix 1B : Review of relevant International Conventions and Local Legislation.....	138
5.2	<b>Appendix 2: Scheme Diagrams.....</b>	<b>142</b>
5.2.1	coverage .....	142
5.2.2	FAR.....	143
5.2.3	Building Envelope .....	144
5.2.4	Basement.....	145

5.2.5	60° Light Angle.....	146
5.2.6	Parking 90° & 60°.....	147
5.2.7	Parking 45° & 30°.....	148
5.2.8	Gross Leasable Area and Net Leasable Area.....	149
5.2.9	Appendix 2A: Town and Regional Planning Commission Policies.....	150
<b>Appendix 2B: Port Shepstone Beachfront Area Additional Controls .....</b>		<b>158</b>
<b>5.3</b>	<b>Scheme Maps .....</b>	<b>160</b>

## LIST OF SCHEME MAPS

Scheme Map 1 : Hibberdene.....	160
Scheme Map 2 : Umzumbe, Melville and Pumula.....	1601
Scheme Map 3 : Sunwich Port, Anerley, South Port and Sea Park.....	1601
Scheme Map 4 : Umtentweni .....	1601
Scheme Map 5 : Port Shepstone.....	1601
Scheme Map 6 : Marburg, Port Shepstone, Merlewood, Bhoyibhoyi, Protea Park and White City.....	1601
Scheme Map 7 : Shelly Beach .....	1601
Scheme Map 8 : Uvongo .....	1601
Scheme Map 9 : Margate .....	1601
Scheme Map 10 : Ramsgate .....	1601
Scheme Map 11 : Southbroom.....	1601
Scheme Map 12 : Marina Beach, San Lameer and Trafalgar.....	1601
Scheme Map 13 : Palm Beach and Glenmore North .....	1601
Scheme Map 14 : Glenmore South and Leisure Bay.....	1601
Scheme Map 15 : Port Edward and Banners Rest.....	1601
Scheme Map 16 : Gamalake .....	1601

## LIST OF FIGURES

Figure 1 Port Shepstone Additional Controls .....	159
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## LIST OF TABLES

<b>Table 1: Scheme Maps .....</b>	<b>1</b>
Table 2 : Scheme Land Reservation Zones .....	9
Table 3 : Scheme Residential Zones and Codes .....	13
Table 4 : Scheme Mixed Use Zones and Codes .....	14
Table 5 : Scheme Industrial Zones and Codes .....	14
Table 6 : Scheme Civic and Social Zones and Codes .....	15
Table 7 : Scheme Agricultural Zones and Codes .....	15
Table 8 : Scheme Environmental Service Zones and Codes.....	15
Table 9 : Scheme Reservations and Codes .....	16
Table 10. Table 1 Repeated for Easy Reference .....	<b>Error! Bookmark not defined.</b>
Table 11: Requirements for the Provision of On-site Parking .....	98
Table 12: General Definitions .....	116
Table 13: Building and Land Use Definitions .....	124
Table 14: Trip Generation Rates .....	151

# SCHEME

## **1 INTRODUCTION TO THE SCHEME**

### **1.1 TITLE OF THE SCHEME**

- (1) This Scheme is known as the Ray Nkonyeni Scheme in the course of preparation, hereinafter referred to as the Scheme.

### **1.2 AREA OF THE SCHEME**

- (1) Means the area which lies within the inner edge of the Scheme Map as referred to in Clause 1.3.

### **1.3 SCHEME MAP**

- (1) The Scheme Map is the series of maps forming part of the Scheme and comprises Maps 1 – 16 as referred to in Table 1 below.

- (i) Map 1 : Hibberdene
- (ii) Map 2 : Umzumbe, Melville and Pumula
- (iii) Map 3 : Bendigo, Sunwich Port, Anerley, South Port and Sea Park
- (iv) Map 4 : Umtentweni
- (v) Map 5 : Port Shepstone
- (vi) Map 6 : Marburg, Port Shepstone, Merlewood, Bhoyibhoyi, Protea Park and White City
- (vii) Map 7 : Shelly Beach
- (viii) Map 8 : Uvongo
- (ix) Map 9 : Margate
- (x) Map 10 : Ramsgate
- (xi) Map 11 : Southbroom
- (xii) Map 12 : Marina Beach, San Lameer and Trafalgar
- (xiii) Map 13 : Palm Beach and Glenmore North
- (xiv) Map 14 : Glenmore South and Leisure Bay
- (xv) Map 15 : Port Edward and Banners Rest
- (xvi) Map 16 : Gamalake

**Table 1: Scheme Maps**

<b>SCHEME MAPS</b>	<b>PREVIOUS SCHEMES</b>
1 Hibberdene	Hibberdene
2 Umzumbe, Melville and Pumula	
3 Bendigo Sunwich Port, Anerley, South Port and Sea Park	
4 Umtentweni	Port Shepstone
5 Port Shepstone	
6 Marburg, Port Shepstone, Merlewood, Bhoyibhoyi, Protea Park and White City	
7 Shelly Beach	Margate
8 Uvongo	
9 Margate	
10 Ramsgate	
11 Southbroom	Mpenjati
12 Marina Beach, San Lameer and Trafalgar	
13 Palm Beach and Glenmore North	Umtamvuna
14 Glenmore South and Leisure Bay	
15 Port Edward and Banners Rest	
16 Gamalake	Gamalake

### **1.4 EFFECTIVE DATE**

The effective date of this Scheme is: **26 November 2019**

## PART 1 : INTRODUCTION TO THE SCHEME

Former Administrator's or the Minister's approval of the resolution of the Local Authority to prepare a scheme and is as follows:

Port Shepstone: For the areas shown in Figure 1 annexed to the end of these Town Planning Scheme Clauses:

Area 1 : 22 December 1953

Area 2 : 22 August 1967

Area 3 : 14 September 1971

Area 4 : 9 March 1982

Area 5 : 27 September 1983

Area 6 : 16 January 1986

Marburg: For the areas shown in Figure No. 2 are as follows:

Area 1 : 22 December 1953

Area 2 : 22 August 1967

Area 3 : 14 September 1971

Area 4 : 25 January 1977

Area 5 : 6 November 1978

Umtentweni: For the areas described in Proclamation Nos. 3 of 1945 and 19 of 1953, this is the 25 February 1963.

Bendigo: For the areas described in Proclamation Nos. 61 of 1967, 91 of 1967 and 129 of 1968, this is 2 February 1970.

Hibbedene: For the areas in Proclamation No. 33 of 1967, this is 25 May 1988.

For the areas described in Proclamation No.s 131/1969, 154/1969 and 75/1970, this is 7 November 1972.

For the area described in Proclamation No. 28/1961 this is 16 June 1966.

For the area described in Proclamation N. 234/1970 excluding Farm Lucas No. 2626 this is 25 July 1970.

The effective date for the reincorporation of Farm Lucas No. 262 into the scheme area is 5 April 1993.

For the area described in Proclamation No. 70 of 1970, this is 20 February 1974.



## PART 1 : INTRODUCTION TO THE SCHEME

- Shelly Beach** : For the area described in Proclamation No. 20 of 1947 this is 10 March 1965.
- Uvongo** : For the area described as the Remainder of Farm Speculation this is 5 March 1960.  
For the Remainder of the area within Uvongo this is 23 December 1958.
- Margate** : For the area described in Proclamation No. 90 of 1961 this is 21 July 1965  
For the area described in Proclamation No. 69 of 1985 this is 17 June 1986
- Ramsgate** : For the area covered by Proclamation No. 16 of 1949 generally known at the time of Proclamation as the township of Baven on Sea this is 8 June 1949  
  
For the area covered by Proclamation No. 35 of 1958 comprising land falling within the amalgamated townships of Baven on Sea and Ramsgate but excluding therefrom those areas covered by Proclamations No. 16 of 1949 and 19 of 1954 this is 15 July 1959.  
  
For the area covered by Proclamation No. 19 of 1954 comprising Sub 4 (Sub of 1) of the farm Breezie No. 6921 this is 20 March 1962.  
  
For the area covered by Proclamation No. 68 of 1966 comprising Lots 2, 3, 4, 5 and 6 all of A of the farm Waldheim No. 6922 with a certain abutting service road this is 28 August 1962  
  
For the area covered by Proclamation No. 137 of 1968 comprising the township known as Ramsgate South this is 7 October 1975.
- Southbroom** for the areas covered by Proclamation Nos 105 of 1952 and 24 of 1956 this is 23 September 1975
- Marina Beach** For the areas covered by Proclamation Nos 89 of 1960 and 70 of 1969 this is 3 February 1976
- San Lameer** this is 2 October 1991
- Trafalgar** this is 20 February 1974
- UMTAMVUNA** For the area described in Proclamation No. 115, 1971 this is 20 June 1969  
  
For the areas described in Proclamation No. 71 of 1970 (as amended by Proclamation No. 33 of 1974, Proclamation No. 147 of 1974, Proclamation No. 19 of 1967, Proclamation No. 32 of 1978, Proclamation No. 88 of 1978 and Proclamation No. 40 of 1983 (except Sub 11 of Lot 13 Umtamvuna No. 10064)) this is 6 January 1971.  
  
For the area described in Proclamation No. 64 of 1981 this is 21 August 1981.  
  
For the area described in Proclamation No. 29 of 1967, this is 20 February 1997.

### 1.5 RESPONSIBLE AUTHORITY

- (1) The Ray Nkonyeni Municipality referred to in this Scheme as the Municipality, will be the authority responsible for enforcing and carrying into effect the provisions of the Scheme.

### 1.6 INTENT OF THE SCHEME

- (1) The intention of the Scheme is to supersede and replace all previous Schemes as referred to in Table 1 hereof with the provisions of the scheme.
- (2) From the effective date, the Scheme will apply to those Scheme maps referred to in Table 1.

### 1.7 PURPOSE AND STATUS OF THE SCHEME

#### 1.7.1 PURPOSE OF THE SCHEME

- (1) The purpose of this Scheme is to promote the co-ordinated and harmonious development of the Ray Nkonyeni area in a way that will most effectively tend to promote health, safety, order, amenity convenience and general welfare, as well as efficiency and economy in the process of development, including the improvement of communications. The aim is to achieve a pattern and distribution of land uses which generally:
  - (i) Retain and enhance established residential neighbourhoods, commercial, agricultural, open space, recreational uses, community facilities and amenities.
  - (ii) Allow for additional mixed uses within designated areas.
  - (iii) Allow for higher residential density in select residential neighbourhoods.
  - (iv) Allow for the infill of areas at their prevailing scale and character.
  - (v) Provide a diversity of land use activity, scale and intensity, to cater for the needs of the community.
  - (vi) Maintain and enhance significant environmental assets and resources including ecosystem goods and services.
  - (vii) Accommodate expansion of development into vacant and underutilised land within environmental and infrastructure constraints, and in accordance with the Integrated Development Plan (IDP).
  - (viii) Establish the Ray Nkonyeni as a unique and distinctive place on the KwaZulu-Natal South Coast with a high quality of life and aesthetic, secure environment for residents and businesses.

#### 1.7.2 STATUS OF THE SCHEME

- 1) The Municipality adopts this Scheme in terms of Section 24 of the Spatial Planning and Land Use Management Act No.16 of 2013 read with the Municipal Planning and Land Use Management Bylaw of 2016, and with subsequent amendments thereto from time to time.
- 2) The status of the Scheme is determined in terms of Section 26 of the Spatial Planning and Land Use Management Act No. 16 of 2013 and its relationship with the Municipality's Integrated Development Plan, including the Municipal Spatial Development Framework and amendments thereto from time to time.
- 3) The Municipal approved 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 No. 16 of 2013 read with the

prevailing Municipal Planning and Land Use Management By-law of 2016, and with subsequent amendments thereto from time to time.

### 1.8 MAIN COMPONENTS OF THE SCHEME

- (1) The legal provisions of the Scheme comprise two main components which operate in tandem, namely:
  - (i) a Scheme map depicting the zone;
  - (ii) the Scheme clauses and text containing regulations and;
  - (iii) a register of all amendments to such land use scheme.
- (2) The Scheme map is prepared on a cadastral base that shows all registered subdivisions of land and existing roads. The nature and of each use zone and the reservation of all land for all public purposes is overlaid onto this map.
- (3) The Scheme map forms a dual purpose. Firstly, it enables identification of any erf or subdivision of land in terms of its physical relationship with its surroundings, including matters that might have a direct effect on the erf or subdivision such as street widening or the allocation of adjoining land for other purposes.
- (4) The second role of the Scheme map is a property zoning key for the application of the regulations.
- (5) In order to cater for future development potential within a zone, **Part 2** of the Scheme Clauses permit a degree of flexibility via 3 categories.
  - (i) Expressly permissible (i.e. a free entry right);
  - (ii) Expressly prohibited; and
  - (iii) Conditionally permitted by “consent” of the Municipality.

### 1.9 SCHEME ADMINISTRATION

#### 1.9.1 INSPECTION OF SCHEME

- (1) The Municipality must allow any person or people to inspect the Scheme at any reasonable time.
- (2) A register of all applications and decisions on the Scheme must be kept in accordance with the requirements of Chapter 5 Section 25 (2) (c) of SPLUMA and must be available for inspection by any person during week day work hours from 07:30 to 16:00.

#### 1.9.2 APPLICATION OF SCHEME

- (1) After the effective date of the adoption of the Scheme a person or people cannot erect a building or institute work which is not in conformity with the Scheme relating to the erection and use of buildings and use of land.
- (2) At any time after the effective date and until a person or people have first applied in writing to the Municipality for authority to do so and the Municipality has granted its written authority either with or without conditions, a person or people cannot:
  - (i) erect a new building, add to an existing building or carry out any other proposed work;
  - (ii) develop or use any land, or use any building or structure for any purpose different from the purpose for which it was being developed or used on the date;
  - (iii) use any building or structure erected after the date for purposes or in a manner different from

the purpose for which it was being erected;

- (3) A consent will lapse if:
  - (i) the development has not been substantially commenced within a period of 18 months from the date of the granting of such consent; or
  - (ii) any appeal has been lodged, the development has not been substantially commenced within 18 months from the date of notification of the outcome of the appeal; or
  - (iii) there has been an interruption in the use of land permitted in terms of the consent for a continuous period of 18 months
- (4) Any authority granted by the Municipality in terms of the SPLIUMA (unless otherwise stated in the planning and land use management Bylaw) will remain in force and is not subject to the 18 month period as contemplated in Clause 1.9.2 (3) above.
- (5) Regarding subdivisions and consolidations in terms of Chapter 4 Section 71 (3) of the Planning and Land Use Management Bylaw, the approval for the subdivision or consolidation of land will lapse if the applicant fails to submit to the Surveyor-General the plans, diagrams, and other documents that the Surveyor-General may require, within five years from the date of the approval of the subdivision or consolidation of the land, as contemplated in Section 71 (3) of the Bylaw.
- (6) Where application for the consent of the Municipality is required, it must be in writing and must give full particulars of the proposed development or use of land. The Municipality may call upon a person or people making such applications to:
  - (i) provide information as set out in the various Chapters of SPLUMA and the Planning and Land Use Management Bylaw in determining the merits of the application;
  - (ii) furnish any additional plans and information it requires, including details of the external appearance of buildings and proposed building materials;
  - (iv) to carry out the requirements of Clause 1.10.
- (7) Applications under the Scheme Regulations will be sufficient for the purpose of administering the Scheme. The Municipality may call upon a person or people making the application, for plans or other documentation it requires. The Municipality may call upon any building owner proposing to alter a building or put it to a new use to provide a fresh building survey of the property.

### 1.9.3 CONFLICT OF LAWS

- (1) Nothing in this Scheme will be construed as empowering the Municipality to permit the erection or the use of land which is in conflict with any conditions of title imposed in terms of the SPLUMA, the Planning and Land Use Management Bylaw and by the State under any other law.
- (2) Where in the areas covered by Traditional Settlement Master Plan (TSMP), should a development application be made for that use outside the scheme area, the application will be undertaken in terms of Section 46 read in conjunction with Schedule 3 of the Planning and Land Use Management Bylaw.
- (3) The owner of any erf which is to be developed and which is subject to a condition of title, which is in conflict with any provision of this Scheme, must make application to the Municipality for the alteration, or removal of such condition in terms of Chapter 4 Section 46 of the Planning and Land Use Management Bylaw. Once condoned by the Municipality, the approval letter will be submitted by the applicant to the registrar of deeds for amendment.
- (4) Any decision, order or authorization given by the Appeals Tribunal in terms of Chapter 6 Section 78 (4) of the Planning and Land Use Management Bylaw will be a valid authority granted by the Municipality and will be construed as being in accordance with the Scheme.
- (5) Conflict with Bylaws

Any Bylaw or Regulation made by the Council in terms of powers lawfully conferred upon it, which is in conflict with any of the provisions of the Scheme, shall in so far as such conflict is concerned, be of no effect.

### 1.9.4 ENTRY AND INSPECTION

- (1) The Municipality will be entitled, through its duly authorised officers, to enter into and upon any premises within the Municipal area at any reasonable time for the purpose of carrying out any inspection necessary for the proper administration and enforcement of the Scheme.
- (2) A person or people will not in any way hinder, obstruct or interfere with any duly authorised officer of the Municipality in the execution of their duties and functions in terms of this Scheme. A person or people will not cause or allow any hindrance or obstruction to, or interference with, any duly authorised officer.

### 1.9.5 OFFENCES

- (1) A person or people will be guilty of an offence and may be subject to the provisions regarding offences as set out in Chapter 7 Section 87 of the Planning and Land Use Management Bylaw who:
    - (a) uses land, subdivides land, consolidates land, establishes a township, notarially tying adjacent land or erect buildings on a land without municipal planning approval, if municipal planning approval is required in terms of this By-law;
    - (b) uses land, subdivides land, consolidates land, establishes a township, notarially tying adjacent land or erect buildings on land contrary to a provision of a land use scheme;
    - (c) uses land, subdivides land, consolidates land, establishes a township, notarially tying adjacent land or erect buildings on land contrary to a restrictive condition of title or servitude;
    - (d) uses land, subdivides land, consolidates land, establishes a township, notarially tying adjacent land or erect buildings on land contrary to a Municipality's Record of Decision for municipal planning approval as contemplated in section 54;
    - (e) fails to disclose that land is not registrable as contemplated in section 62;
    - (f) removes a site notice declaring that an activity on land is unlawful as contemplated in section 98;
    - (g) offers or pays a reward for –
      - (i) the written support of an organ of state in support of an application for municipal planning approval or a non-material amendment to Municipality's decision;
      - (ii) the written support of a Traditional Council for an application for municipal planning approval or a nonmaterial amendment to Municipality's decision; or
      - (iii) the approval or refusal of an application for mu (iii) the approval or refusal of an application for municipal planning approval or a non-material amendment to Municipality's decision;
    - (h) requests or accepts a reward for –
      - (i) the written support of an organ of state in support of an application for municipal planning approval or a non-material amendment to Municipality's decision;
      - (ii) the written support of a Traditional Council for an application for municipal planning approval or a nonmaterial amendment to Municipality's decision; or
      - (iii) the approval or refusal of an application for municipal planning approval or a non-material amendment to Municipality's decision,
- is guilty of an offence.

### 1.10 DEVELOPMENT APPLICATIONS

Any provision in this scheme empowering the Municipality to grant its approval will include its power of refusal and to grant approval subject to any conditions which the Municipality may deem fit. Any approval granted by the Municipality will be subject to termination by the Municipality as a result of any breach of a condition upon which the approval 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.

- (1) Development Application Forms are contained in separate documents obtainable from the Municipality.
- (2) Development Application procedures do not exempt the application from any of the applicable legislation or legislated authority that has interest in the development.
- (3) Any person, people or entity wishing to initiate a development or use for which the regulations require application to be made, is faced with a number of alternatives:
  - (i) Where the intended use is expressly permissible (a “Free Entry” right) there is no need for an application. It remains for the developer to prepare and submit the necessary building plans (which comply with the building regulations) to the Municipality and any other authority concerned.
  - (ii) Conditionally permitted uses may be permitted with the consent of the Municipality. Any consent application is to comply with the provisions contained in the Planning and Land Use Management Bylaw or any other subsequent legislation regulating the submission of consent applications and, in considering any consent application, the Municipality must have regard to the provisions of Schedule 8 of Planning and Land Use Management Bylaw.
  - (iii) Any Application submitted in terms of the Planning and Land Use Management Bylaw shall comply with the provisions of such Bylaw and schedules thereto.

### 1.11 RESERVATION OF LAND

#### 1.11.1 PURPOSE OF LAND RESERVATIONS

- (1) The areas of land shown on the Scheme Map and referred to in Clause 1.11 are reserved for the purposes indicated. They will not be used for any purpose which would conflict with the use for which they have been reserved except that any such land may continue to be used for the purpose for which it was lawfully used on the effective date, Any land which is reserved in favour of the Municipality is subject to the requirements of the applicable legislation.
- (2) Where reservation for purposes such as Public Open Space, Road, Local Government (Central or Provincial), Railway or Essential Services appear on any erf, no person or people will erect a building or execute any other work on the reserved land except with the consent of the Municipality after approval of the Organ of State concerned. Any existing land use or existing building may continue until such time as the Municipality has acquired and transferred ownership of the land in terms of the provisions of the relevant statutory law. In granting its consent under this clause, the Municipality will only permit uses that are of a temporary nature and it will specify a date on which the consent will expire.
  - (i) **Utility Facility** – The provision of all necessary land areas for roads and essential services required within the Municipality. The identification of existing and future infrastructural service corridors and areas required for the installation, maintenance and proper functioning

## PART 1 : INTRODUCTION TO THE SCHEME

thereof. Until required, these areas may be utilised on a temporary basis for specified activities and purposes, and are reflected as reservations. This includes water works, sewage disposal, refuse disposal, cemetery, public car parks, new roads and road widening, existing roads and the approximate position of new roads for the future, bus and taxi ranks, etc.

- (ii) **Public Open Space** – The purpose of this reserve is to provide for the continuation, maintenance and enhancement of existing public open space areas, parks and the development of new parks, passive recreation areas and an open space system.

Any works or development within this reservation, not subject to prior environmental authorisation, shall implement and apply to the Hibiscus Coast Environmental Management Program, amended from time to time or any other applicable legislation.

- (iii) **Special Areas subject to Periodic Flooding and/or having Special Environmental Conservations and requiring Conservation** – These special areas include the following:

**River Reserve; Amenity Reserve** (usually including the Admiralty Reserve); **Conservation Reserve** (usually publicly owned).

The purpose of these reserves and zones is to provide for the continuation, maintenance and expansion of public flood control facilities and areas as well as to accommodate dynamic coastal processes and natural coastal defences (vegetated dune cordon). Moreover, the purpose of these reserves and zones includes the conservation of the natural environment, the protection of the amenity, the prohibition of certain works and activities, including the restriction or limitation of access of and into such areas, reservations or zones. The details of these controls are more fully set out in Table 2.

- (iv) **Transport** – The provision of all necessary land areas for roads required within the Municipality. The identification of existing and future infrastructural service corridors and areas required for the installation, maintenance and proper functioning thereof. Until required, these areas may be utilised on a temporary basis for specified activities and purposes, and are reflected as reservations.
- (v) **Encroachments** – All wilful encroachments into any Reserved Land under the ownership or control of the Municipality or any other Government Department, Para-statal, and other Public/Government entity will be moved or demolished at the owners cost, the owner being from the land where the encroachment comes from. Should any person desire to encroach onto Reserved Land, permission must be sought and granted from the Municipality as well as any Department which may have a vested interest in the Reserved Land prior to encroachment. The level of application required will be determined by the Municipality. In granting its consent under this clause, the Municipality will only permit uses that are of a temporary nature and it will specify a date on which the consent will expire.

The Municipality is under no obligation to approve any proposed encroachment. Encroachment is not permitted in any Public Open Space, Conservation Zone, Amenity Reserve or River Reserve.

### 1.11.2 SPECIFIC PURPOSE AND CONTROLS FOR LAND RESERVATION ZONES

- (1) The specific purpose and controls for each of the Land Reservations is set out in Table 2 below.

**Table 2 : Scheme Land Reservation Zones**

Colour Notation	Use for which Land is Reserved	Additional Controls
Uncoloured	Existing Road Reserve	
Red	Proposed Roads and Widening of Existing Roads	Proposed reservation for New Roads as shown on the Scheme Map to become effective when development takes place/at dates to be determined.
Red Broken Line	Approximate Route of New	Final alignment to be determined when development takes

## PART 1 : INTRODUCTION TO THE SCHEME

	Roads	place at dates to be determined.
Pink	Public Car Park	<ol style="list-style-type: none"> <li>1. Acquisition or Development to be negotiated with erf owners to become effective at dates to be determined.</li> <li>2. Parking Garage permitted.</li> </ol>
Grey	Railway Reserve	Railway purposes and incidental uses permitted.
Green	Public Open Space	<ol style="list-style-type: none"> <li>1. This land is reserved as open space for the use and enjoyment of the Public, once such area is in Municipality ownership.</li> <li>2. Works as described in the Local Authorities Ordinance No. 25 of 1974, Sections 208 and 264, Sub-sections (14 - 20) and 27 are permitted and may include public parks and gardens, recreational grounds, zoological gardens and similar such uses.</li> <li>3. Attention is drawn to Clause 1.11.1</li> <li>4. Where there are indigenous botanical communities within an area reserved Public Open space, it will be the duty of the Municipality to take reasonable steps to protect these areas; they may be used by the public for passive recreation. No vegetation will be removed without the written authority of the Municipality and the written authority of the Department of Forestry and Fisheries (DAFF) if such vegetation is protected.</li> <li>5. Where there is a watercourse flowing through an area reserved Public Open Space, it will be the duty of the Municipality to protect the amenity of the watercourse and to minimise pollution and erosion.</li> <li>6. The removal of soil and stones is not permitted without the written authority of the Municipality.</li> <li>7. The Municipality will be permitted to install underground services but must rehabilitate any damage caused.</li> <li>8. The Municipality should maintain such public open space clear of invasive alien plant species.</li> </ol>
Green	Conservation	<ol style="list-style-type: none"> <li>1. This is a natural area of land within which the conservation of the scenic beauty, indigenous flora and fauna, water courses and other topographical features, places of the historic or scientific interest and the like is of primary importance. No indigenous flora and fauna or any naturally occurring material will be disturbed or removed.</li> <li>2. Except where picnic areas and footpaths through the vegetation have been specifically demarcated, the public will not be admitted.</li> <li>3. Any work of any kind which is undertaken will be done in accordance with a layout plan which will be a duly adopted provision of the scheme.</li> <li>4. Any work of any kind done must be undertaken in accordance with an approved Environmental Management Programme.</li> <li>5. Erven 1944 and 2009 Uvongo will not be subdivided and buildings thereon will be restricted to a herbarium, library, museum and one Single Family Dwelling.</li> <li>6. The building on Erven 970 and 971 Ramsgate will be restricted to an educational building, an office, a display</li> </ol>



## PART 1 : INTRODUCTION TO THE SCHEME

		<p>area with an open section, which is under cover, to be used as an education and display area in accordance with Drawing No M-4285-844-200 A and B prepared by Studio 88 Architects and drawing PBA-R972(1/1) – 2015/12/21 prepared Peter Brandsma dated 21/12/2015; and The said building will be in full compliance with the Environmental Authorization DC21/0039/07 signed on 5 March 2008.</p>
Blue Green	Amenity Reserve	<ol style="list-style-type: none"> <li>1. This land is reserved to protect the quality of the natural environment but may be used by the public for passive recreation.</li> <li>2. Subject to Control 3 below a shop (restricted to a maximum area of 150m<sup>2</sup> and the sale of non-alcoholic beverages, food, confectionary, tobacco and similar commodities), restaurant, car parking and public conveniences, private recreation area and recreational buildings are permitted and a Place of Public Amusement may be permitted by consent.</li> <li>3. The design and siting of any building, structure or land use will take into account any existing indigenous vegetation and no such vegetation will be removed without the authority of the Municipality and the written authority of the Department of Forestry and Fisheries (DAFF) if such vegetation is protected.</li> <li>4. All other uses are prohibited.</li> <li>5. If the area zoned amenity reserve is deemed to be Coastal Public Property then all provisions of the NEMA: Integrated Coastal Management Act in respect to Coastal Public Property will apply.</li> <li>6. The Municipality should maintain such reserve clear of invasive alien plant species</li> </ol>
Dark Green	River Reserve	<ol style="list-style-type: none"> <li>1. Reserve to protect the amenity of the water course and to minimise pollution and erosion.</li> <li>2. Removal of soil and stones and indigenous vegetation is not permitted without the authority of the Municipality.</li> <li>3. Municipality will be permitted to install underground services.</li> <li>4. Where the River Reserve is around an Estuary, the legislated estuarine functional area will be the 5m contour</li> <li>5. The Municipality should maintain such reserve clear of invasive alien plant species</li> </ol>

### 1.11.3 DECLARING OR CLOSING OF STREETS

- (1) All streets and roads shown in red on the Scheme Maps, and the widening of existing streets and roads shown in red on the Scheme Maps are to be new streets and roads, and will become effective at dates to be determined. All streets and roads shown in red hatch on the Scheme Maps are to be closed at dates to be determined.

### 1.12 SPECIAL ZONES AND SPECIAL CASE AREAS

The Special Zones and Special Case Areas of this Scheme are located in a separate Volume, namely **Volume 1 Special Zones and Special Case Areas**, to be read in conjunction with this Scheme.

### 1.12.1 GENERAL PURPOSE AND STANDARDS

#### **General Purpose**

The general purpose of this chapter is to allow for the identification and adoption of appropriate zones, and allow for the consideration and adoption of specific plans which recognise unique areas within the Municipal area necessitating special consideration and/or designation.

These Special Zones cover areas that have special needs that cannot be catered for in the conventional zones. Developments in these zones often involve environmentally sensitive elements.

Special Zones must not be utilised in a manner in which to circumvent or evade the intent of the Scheme.

#### **General Standards**

Any activity or structure undertaken, developed or located in a Special Zone shall be subject to the Council's prior approval and shall be:

- Clearly individual to the primary use or purpose of that zone;
- Sited in a manner sensitive to the existing natural environment and resources and constraints of the land in question;
- Subject to the demonstration of need and desirability in the public interest;
- Landscaped in a manner which complements both the immediate setting and the surrounding areas;
- Subject to demonstrating the need for exterior lighting, and if justified shall be approximately located, directed and shielded from surrounding properties and public-rights of way;
- Subject to a visual analysis relating the proposed development or activity to the likely impact on the public amenity in general and the neighbourhood's amenity and enhance the scenic character of the area; and
- Compatible and in harmony with surrounding development and land use designations.
- Compatible with the Municipality's Integrated Development Plan, including applicable sector plans and Spatial Development Framework.
- Additionally, as stated in the General Purpose, Special Zones cannot be utilised to evade the intent of the scheme, whereby it is utilised to add a use or uses to a zone that is not in keeping with the intent of the scheme or the nature of the area. In such cases application to rezone the erf or erven in question to the appropriate zone must be applied for. Approval will be at the discretion of the Municipality.
- Should the applicant, objector, or the Municipality be aggrieved at a refusal or approval of such application, an appeal procedure in terms of the Planning and Land Use Management Bylaw must be undertaken.

**2 SCHEME CONTROLS AND ZONES**

**2.1 LAND USE ZONES AND CODES**

(1) The Residential Zones and Codes for the Scheme are set out below:

**Table 3 : Scheme Residential Zones and Codes**

<b>CODE</b>	<b>NEW ZONE</b>	<b>CATEGORY</b>
RO1	Residential Only 1	Residential Only
RO2	Residential Only 2	
RO3	Residential Only 3	
RO4	Residential Only 4	
RO5	Residential Only 5	
RO6	Residential Only 6	
RM1	Residential Medium Impact 1	Residential Medium Impact
RM2	Residential Medium Impact 2	
RM3	Residential Medium Impact 3(Retirement Village)	
RH1	Residential High Impact 1	Residential High Impact
RH2	Residential High Impact 2	
RH3	Residential High Impact 3	
RH4	Residential High Impact 4	
RT1	Tourist Residential 1 (Caravan Park)	Tourist Residential
RT2	Tourist Residential 2 (Resort)	
RT3	Tourist Residential 3 (Guest Lodge)	
RT4	Tourist Residential 4 (Holiday Park)	
RT5	Tourist Residential 5 (Tourist Centre)	
RE	Residential Estate/ Smallholding	Residential Estate/ Smallholding

(2) Refer to Clause 2.2.1 for development controls for the above Residential Zones.

(3) The Mixed Use Zones and Codes for the Scheme are set out below:

**Table 4 : Scheme Mixed Use Zones and Codes**

<b>CODE</b>	<b>NEW ZONE</b>	<b>CATEGORY</b>
MC1	Core Mixed Use 1	Core Mixed Use
MC2	Core Mixed Use 2 (Public Garage)	
MC3	Core Mixed Use 3 (Car Park)	
MC4	Core Mixed Use 4	
ML1	Low Impact Mixed Use 1	Low Impact Mixed Use
ML2	Low Impact Mixed Use 2	
ML3	Low Impact Mixed Use 3	
ML4	Low Impact Mixed Use 4	
MM1	Medium Impact Mixed Use 1	Medium Impact Mixed Use
MM2	Medium Impact Mixed Use 2	
MM3	Medium Impact Mixed Use 3	
MO1	Suburban Office 1	Suburban Office
MO2	Suburban Office 2	

- (4) Refer to Clause 2.2.2 for development controls for the above Mixed Use Zones.
- (5) The Industrial Zones and Codes for the Scheme are set out below:

**Table 5 : Scheme Industrial Zones and Codes**

<b>CODE</b>	<b>NEW ZONE</b>	<b>CATEGORY</b>
IM	Medium Impact Industry	Medium Impact Industrial
IL1	Low Impact Industry 1	Low Impact Industrial
IL2	Low Impact Industry 2	
IQ	Quarrying and Mining	Quarrying and Mining

- (6) Refer to Clause 2.2.3 for development controls for the above Industrial Zones.
- (7) The Civic and Social Zones and Codes for the Scheme are set out below:

**Table 6 : Scheme Civic and Social Zones and Codes**

<b>CODE</b>	<b>NEW ZONE</b>	<b>CATEGORY</b>
CE	Education	Education
CI1	Institution 1	Institutions
CI2	Institution 2	
CW1	Worship 1	Worship
CW2	Worship 2	
CP	Public Buildings (Administration)	Public Buildings
C	Cemetery	Utility
URS	Refuse Site	
UWW	Water Works	
USW	Sewage Works & Sanitation	
ESS	Electrical Substations	
AP	Airport	
TR	Taxi Rank	
LH	Lighthouse	

- (8) Refer to Clause 2.2.4 for development controls for the above Civic and Social Zones.
- (9) The Agricultural Zones and Codes for the Scheme are set out below:

**Table 7 : Scheme Agricultural Zones and Codes**

<b>CODE</b>	<b>NEW ZONE</b>	<b>CATEGORY</b>
AG1	Agriculture 1	Agriculture
AG2	Agriculture 2	

- (10) Refer to Clause 2.2.5 for development controls for the above Agricultural Zones.
- (11) The Environmental Service Zones and Codes for the Scheme are set out below:

**Table 8 : Scheme Environmental Service Zones and Codes**

<b>CODE</b>	<b>NEW ZONE</b>	<b>CATEGORY</b>
ES1	Active Open Space 1	Active Open Space
ES2	Active Open Space 2 (Beach Front Recreation)	
ES3	Private Conservation	Conservation

- (12) Refer to Clause 2.2.6 for development controls for the above Environmental Service Zones.
- (13) The Land Reservations and Codes for the Scheme are set out below:

**Table 9 : Scheme Reservations and Codes**

<b>CODE</b>	<b>NEW ZONE</b>	<b>CATEGORY</b>
ER1	Amenity Reserve	Environmental Service/Open Space Reservation
ER2	Conservation	
ER3	Public Open Space	
ER4	River Reserve	
TR1	Existing Road Reserve	Transport Reservation (overlap with Utility Facility in definitions)
TR2	Proposed Roads and Widenings	
TR3	Approximate Route of Proposed Road	
TR4	Road Closure	
TR5	Pedestrian Way	
TR6	Railway	
UR1	Refuse Site	Utility Facility Reservation (overlap with Transport in definitions)
UR2	Sewage Disposal Works	
UR3	Water Works	
PR1	Public Car Park	Public Facility Reservation
PR2	Cemetery	

(14) Refer to Clause 1.11 for development controls for the above Land Reservations.

### 2.2 LAND USE ZONES AND DEVELOPMENT CONTROLS

#### 2.2.1 RESIDENTIAL ZONES

##### 2.2.1.1 General Purpose and Controls for Residential Zones

- (1) The **general purpose** of the Residential Zones is to:
  - (i) Provide a range of dwelling unit densities (i.e. low-density estate, single-family detached and attached, multi-family, and housing for special needs) which meet the diverse economic and social needs of the residents, and which are consistent with the Integrated Development Plan and appropriate standards of public health, safety, welfare and aesthetics;
  - (ii) Avoid the overloading of public services and infrastructure;
  - (iii) Retain the scale and character of existing residential neighbourhoods;
  - (iv) Facilitate the upgrading of informal residential neighbourhoods; and
  - (v) Protect the amenity and the integrity of the various residential neighbourhoods and zones from undesirable land uses and activities.
  
- (2) The **general controls** for the Residential Zones are as follows:
  - (i) Despite the maximum development standards specified for each Residential Zone, the level of development, including the number of dwelling units permitted, will take into account the existing level of services and the development will be restricted accordingly.
  - (ii) Reference will be made to the Environmental Management Plans prepared for the area, if they are available. Development within or adjacent to areas identified as significant vegetation types or as included in the Environmental Atlas and those activities identified in terms of the National Environmental Management Act as well as other specific environmental management acts, will be subject to Environmental Impact Assessment procedures as determined by those plans and environmental regulations.

##### 2.2.1.2 Specific Purpose and Controls for Residential Zones

- (1) The **specific purpose** of the Residential Zones are as follows:
  - (i) **Residential Only (RO) Zones** – These zones are intended to promote the development of detached dwelling units in a suburban setting, each unit being for occupation by a single family, and being individually located on erven or subdivisions.
  - (ii) **Residential Medium Impact (RM) Zones** – These zones are intended to promote the development of attached and detached dwelling units in a suburban setting developed as part of a planned residential development each unit being for occupation by a single family.
  - (iii) **Residential High Impact (RH) Zones** – These zones are intended to promote the development of multi-unit residential units, each dwelling unit being for occupation by a single family. Hotels and other uses are permitted.
  - (iv) **Tourist Residential (RT) Zone** – These zones are intended to promote the development of tourist associated residential development.
  
- (2) The **development controls** for each of the individual Residential Zones are set out below. These controls should be read in conjunction with Part 3 and 4 of the Clauses.

## PART 2: SCHEME CONTROLS AND ZONE TABLES

### 2.2.1.3 Specific Additional Controls in the Residential Zone

<b>THESE SPECIFIC CONTROLS MUST BE READ IN CONJUNCTION WITH THE RESIDENTIAL ONLY ZONES (RO)</b>	
<b>RESIDENTIAL ONLY 2 (RO2)</b>	
<b>Map 15</b>	Where the erf is used exclusively for Medium Density Housing purposes the minimum erf area will be 2000m <sup>2</sup> . The maximum permitted density will be 7 units per hectare. In respect of the 2 blocks in Port Edward bounded by Ramsey Avenue, Golf Course Road and Owen Ellis Drive the minimum erf area will be 2000m <sup>2</sup> and the maximum permitted density will be 10 units per hectare.
<b>Map 13</b>	The following Palm Beach erven 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, and 726 will be subject to a 13,5m building line
<b>Map 4</b>	<p>In the Residential Only 2 Zone, a density of 15 dwelling units per hectare in a medium density housing development will be permitted by consent. The Special consent application will be considered incomplete and will not be approved unless the following are provided:</p> <p>The owner or developer will ensure that sewerage of the erf is catered for either by connection to existing or new sewerage lines, soak-aways and septic tanks or package plant. A report and associated diagrams by a qualified professional or technical engineer or other associated profession attesting to the suitability of the method of sewerage disposal, and the number of units that can be catered for up to the maximum of 15 units per hectare must be provided and signed by the professional employed to do so. The articles of association, sectional title rules, or home owners association must have clear instructions and rules as to the responsibility of the maintenance of the septic tank and soak-away systems and package plant systems, with monies set aside for the maintenance thereof.</p> <p>Approval or condonation of the proposed development by the KZN Department of Economic Development, Tourism and Environmental Affairs must be provided.</p>
<b>RESIDENTIAL ONLY 3 (RO3)</b>	
<b>Map 13</b>	Erven 205 – 208 shops are permitted by consent
<b>Map 15</b>	Rem 926 – 929 Port Edward minimum erf size is 1 Hectare (928 was rezoned to IR)
<b>Map 12</b>	<p>Development will not take place further than 40 metres from the boundary of the erven fronting Effingham parade, these being erven 31, 32, 56, 57, 58 to 68</p> <p>Development will not take place further than 50 metres from the boundary of the erven fronting Effingham Parade being erven 33 to 55</p>
<b>Map 14</b> <b>EKUBO</b> <b>ECO</b> <b>ESTATE</b>	<p>The building line shall be relaxed as follows on the erven effected by the wetland buffer:</p> <ul style="list-style-type: none"> <li>- 3m building line: Erven 1367, 1426, 1434, 1435, 1450 – 1457, 1474 – 1476, 1573 – 1575,</li> <li>- 0m building line: Ervem 1449, 1465, 1556, 1563, 1564, 1568, 1569, 1576 – 1585.</li> </ul> <p>The development footprint shall not exceed 60% of the site area.            No erf shall be subdivided.            No two or more erven shall be consolidated.            Only indigenous vegetation will be allowed outside the development footprint.            No fences will be allowed along boundary lines of erven.            Maximum permissible height:</p> <ul style="list-style-type: none"> <li>- Single storey: 5,5m</li> </ul>



## PART 2: SCHEME CONTROLS AND ZONE TABLES

	<p>- Double storey: 8,5m Extent of second floor shall be a maximum of 50% of the ground floor. The maximum size of any dwelling house is restricted to 500m<sup>2</sup>. Such restriction may be increased only by consent from the Home-owner's Association.</p>
<b>RESIDENTIAL ONLY 4 (RO4)</b>	
<b>Map 3</b>	<p>Erven 367-388, 428-447 &amp; 476-543 Sea Park (Ukusa River Estate); the minimum lot size shall be 500m<sup>2</sup>, building line shall be 3m and side &amp; rear shall be 1.5m.</p> <p>Erven 389-427, 448-479 Sea Park (Ukusa River Estate) ; the minimum lot size shall be 700m<sup>2</sup>, building line 4.5m and side and rear shall be 2m</p>
<b>THESE SPECIFIC CONTROLS MUST BE READ IN CONJUNCTION WITH THE RESIDENTIAL MEDIUM IMPACT ZONE (RM)</b>	
<b>RESIDENTIAL MEDIUM IMPACT 1</b>	
<b>Map 12</b>	Erven 184 – 190; 211 – 214 and 344 – 346 Marina Beach (Map 12) may be smaller than 1800m <sup>2</sup> for medium density development
<b>Map 2</b>	In respect of the development proposal pertaining to the north western portion of Sub 8 (of 7) of erf 11 Umzumbe, the minimum erf area will be 5 ha and a maximum of 57 dwelling units may be permitted.
	In respect of the development proposal pertaining to Sub 9 (of 7) of erf 11 Umzumbe, the development of the erf is to be planned and developed as a comprehensive scheme, not exceeding 90 single family dwelling units together with such outbuildings as are ordinarily used therewith, the layout of which must be approved by the Municipality prior to commencement of development. Such layout plan will determine the position of all buildings; the position, width and standard of all roads and access ways; the position of all electrical, water and sewerage mains and the landscaping of the site, provided that the development may be implemented in stages with the approval of the Municipality and provided also that each phase is related one to the other.
	In respect of the development proposal for erf 180 Umzumbe the development of the erf is to be planned and developed as a comprehensive scheme, not exceeding 25 single family dwelling units together with such outbuildings as are ordinarily used therewith, the layout of which must be approved by the Municipality prior to commencement of development. Such layout plan will determine the position of all buildings; the position, width and standard of all roads and access ways; the position of all electrical, water and sewerage mains and the landscaping of the site; provided that the development may be implemented in stages with the approval of the Municipality and provided also that each phase is related one to the other.
	In respect of the development proposal on Rem of erf 178 Umzumbe the development of the erf is to be planned and developed as a comprehensive scheme, not exceeding 25 single family dwelling units together with such outbuildings as are ordinarily used therewith, the layout of which must be approved by the Municipality prior to commencement of development. Such layout plan will determine the position of all buildings; the position, width and standard of all roads and access ways; the position of all electrical, water and sewerage mains and the landscaping of the site; provided that the development may be implemented in stages with the approval of the Municipality and provided also that each phase is related one to the other.
<b>Map 14</b>	In respect of the development on the proposed to be consolidated erven 1004, 1005, 1006, 1007, 1008, 1010, 1011 and 1012 Leisure Bay and a portion of Snoek Road, being portion of erf 1000 Leisure Bay, the following additional controls will apply:

## PART 2: SCHEME CONTROLS AND ZONE TABLES

	<p>The FAR and Coverage will be limited to 0.25 and 20%.</p> <p>The purpose of this zoning is to achieve a balance between conservation and the sensitive development of the property, being a consolidation of erven 1004, 1005, 1006, 1007, 1008, 1010, 1011 and 1012 Leisure Bay</p> <p>Where the erf is used exclusively for medium density housing, not more than 13 dwelling units will be permitted to be developed on the consolidated property.</p> <p>The layout and design of the development will be in accordance with Plan No. 251.105 dated June 1995, provided that the Municipality may authorise minor departures there from.</p> <p>Accommodation for motor vehicles to be provided on the erven as per this scheme</p> <p>Subject to other provision of a sewage disposal system to the satisfaction of the Municipality.</p> <p>The development on the consolidated erf will adhere to the following guidelines and conditions, which will form part of any building related plan approval in respect of the property. The environmental management and landscaping plan will also be prepared and submitted as an integral part of the building plan application.</p> <ul style="list-style-type: none"><li>▪ Pedestrian movement, through the development, is via a boardwalk adjacent to the stream.</li><li>▪ Natural drainage lines are maintained, during and following development.</li><li>▪ Exotic, undesirable plants are removed from the development.</li><li>▪ The stream is not polluted or impeded.</li><li>▪ The dynamics of the wetland is maintained.</li><li>▪ Trees and other plants that are to be removed are clearly marked prior to the commencement of development.</li><li>▪ The Developer and Contractor enter into an environmental contract with the Municipality, binding the proponent to agreed mitigating measures and stipulated penalties, should the measures not be implemented.</li><li>▪ Included in the development proposals, will be an on-going integrated environmental management plan, including a detailed landscape plan.</li></ul>
	<p>In respect of the development proposal pertaining to erf 757 Glenmore, the following additional controls will apply:</p> <p>A 9m building line will be imposed along the south-eastern boundary of the erf.</p> <p>Any buildings developed within 18.29 m of the south-eastern boundary of the erf will be restricted to single storey structures.</p>
<b>THESE SPECIFIC CONTROLS MUST BE READ IN CONJUNCTION WITH THE RESIDENTIAL HIGH IMPACT ZONE (RH)</b>	
<b>RESIDENTIAL HIGH IMPACT 1 (RH1)</b>	

## PART 2: SCHEME CONTROLS AND ZONE TABLES

<b>Map 12</b>	Erven 137, 138 288. 289, 492 to 499, 671, 668, 669 Trafalgar may be smaller than 1800m <sup>2</sup> for medium density development
<b>RESIDENTIAL HIGH IMPACT 2 (RH2)</b>	
<b>Map 8</b>	Erf 1869 Uvongo is restricted to 12 units
<b>Map 9</b>	Erven 3303 Rem, 3308, 3309, 310, 3311, 3312, 3313, 3314 and 3294 Margate restricted to 2 storeys above the centre line of Homestead Road
	Erven 683, 684, 685, 3335, 3337 and 2900 Margate restricted to 2 storeys
<b>RESIDENTIAL HIGH IMPACT 3 (RH3)</b>	
<b>Map 9</b>	Erf 3252 Margate is restricted to 2 storeys
<b>Map 12</b>	Erf 4 will first have undergone Environmental Authorisation to satisfaction of Council in consultation with Ezemvelo Wildlife
<b>RESIDENTIAL HIGH IMPACT 4 (RH4)</b>	
<b>Map 9</b>	Erven 3371, 3370, 3369,3368, 3367/1, 3367/Rem, 3365, 3366 and 3364 Margate are all restricted in height to 2 storeys above the centre line of Rockview Road
<b>THESE SPECIFIC CONTROLS MUST BE READ IN CONJUNCTION WITH THE TOURIST RESIDENTIAL ZONE (RT)</b>	
<b>TOURIST RESIDENTIAL 2 (RT2)</b>	
<b>Map 1</b>	In respect of erf 705 Hibberdene, the Municipality may, by consent permit shops and offices up to a maximum gross floor area of 2500 m <sup>2</sup> .
<b>Map 15</b>	In respect of the development on Rem of the farm Eastview No. 7364, not more than 130 dwelling units will be permitted.
<b>Map 15</b>	In respect of the development on Erf 246 Banners Rest the residential component will be restricted to the Special consent uses granted on 7 February 2002, Resolution no PB113/02/02;
	No further development will be allowed other than a caravan park (number of stands are to be determined by the bylaws) and a restaurant with consent.
<b>TOURIST RESIDENTIAL 5 (RT5)</b>	
<b>Map 15</b>	Erven 341 – 343, 981-982 Port Edward 30 units per hectare are permitted
	Regarding the development on erf 190 Port Edward, the following additional controls shall apply:  The size of the shops within the commercial component of the proposed development should be limited to what is typical of commercial nodes within the tourist driven towns. No supermarkets or large national anchor tenants should be allowed;  The proposed development should consist of a mix of uses. No singular commercial component should be allowed. Multiple uses should contribute to

## PART 2: SCHEME CONTROLS AND ZONE TABLES

	<p>creating a tourism effect within the node;</p> <p>the commercial component should be limited to the ground floor only; and</p> <p>access for the commercial component will be from Owen Ellis Drive and from Harrow Avenue for the residential component</p>
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## PART 2: SCHEME CONTROLS AND ZONE TABLES

### Zone RO1: Residential Only 1

#### Statement of Intent for Zone RO1

This zone is intended to promote the development of detached dwelling units in a suburban setting, each unit being for occupation by a single family, and being individually located on erven or subdivisions, with a minimum erf size of 2700m<sup>2</sup>. Medium Density Housing is permitted through consent to a maximum net density of 4du/ha (net).

#### Development Control Standards

Minimum Erf Size	2 700m <sup>2</sup>
Minimum Erf Size for Detached/ Attached Multi-Units	5 400m <sup>2</sup>
Maximum Net Density	4du/ha
Minimum Erf Width/Frontage	30m
Depth to Frontage Ratio	3:1
Building Line for Single Detached	7.5m
Building Line for Attached or Multiple Units	7.5m
Rear Space for Single Detached	3m
Rear Space for Attached or Multiple Units	4.5m
Side Space for Single Detached	3m
Side Space for Attached or Multiple Units	4.5m
Floor Area Ratio	0.25
Coverage	25%
Maximum Height for Single Unit Detached/Attached Multi-Units	2 Storeys
Minimum Width of Access Way	3.5m

#### Legend for Land Use/Building Type Controls

Land Uses not listed in the Land Use/Building Type Controls table are prohibited.

<b>P</b>	Permitted Use
<b>C</b>	Permitted by consent
<b>C1</b>	Should prior written consent of the registered owner of each adjoining property, and other properties as the Municipality may direct, has first been obtained; full public participation may be waived.

#### Land Use/Building Type Controls

Bed and Breakfast	<b>C1</b>
Boarding House	<b>C</b>
Crèche	<b>C</b>
Dwelling House	<b>P</b>
Guest House	<b>C</b>
Home Activity	<b>C1</b>
Home Business	<b>C</b>
Home Plant Nursery	<b>C</b>
Medium Density Housing	<b>C</b>
Self contained dwelling unit	<b>C1</b>
Tea Garden	<b>C</b>
Telecommunication Mast	<b>C</b>

#### Additional Controls

Must be read in conjunction with 2.2.1.3

## PART 2: SCHEME CONTROLS AND ZONE TABLES

### Zone RO2 : Residential Only 2

#### Statement of Intent for Zone RO2

This zone is intended to promote the development of detached dwelling units in a suburban setting, each unit being for occupation by a single family, and being individually located on erven or subdivisions with a minimum erf size of 1800m<sup>2</sup>. Medium Density Housing is permitted through Consent to a maximum net density of 6du/ha.

#### Development Control Standards

Minimum Erf Size	1 800m <sup>2</sup>
Minimum Erf Size for Detached/ Attached Multi-Units	3 600m <sup>2</sup>
Maximum Net Density	6du/ha
Minimum Erf Width/Frontage	30m
Depth to Frontage Ratio	3:1
Building Line for Single Detached	7.5m
Building Line for Attached or Multiple Units	7.5m
Rear Space for Single Detached	3m
Rear Space for Attached or Multiple Units	4.5m
Side Space for Single Detached	3m
Side Space for Attached or Multiple Units	4.5m
Floor Area Ratio	0.30
Coverage	30%
Maximum Height for Single Unit Detached/Attached Multi-Units	2 Storeys
Minimum Width of Access Way	3.5m

#### Legend for Land Use/Building Type Controls

Land Uses not listed in the Land Use/Building Type Controls table are prohibited.

<b>P</b>	Permitted Use
<b>C</b>	Permitted by consent
<b>C1</b>	Should prior written consent of the registered owner of each adjoining property, and other properties as the Municipality may direct, has first been obtained; full public participation may be waived.

#### Land Use/Building Type Controls

Bed and Breakfast	<b>C1</b>
Boarding House	<b>C</b>
Crèche	<b>C</b>
Dwelling House	<b>P</b>
Guest House	<b>C</b>
Home Activity	<b>C1</b>
Home Business	<b>C</b>
Home Plant Nursery	<b>C</b>
Medium Density Housing	<b>C</b>
Self contained dwelling unit	<b>C1</b>
Tea Garden	<b>C</b>
Telecommunication Mast	<b>C</b>

#### Additional Controls

Must be read in conjunction with 2.2.1.3

#### Maps 13

Where a substantial proportion of any consolidated property is deemed to be undevelopable in terms of the definition of 'net developable area' the Municipality may permit the density to be increased in accordance with that set out in the Table below.

0-25%	16
25-50%	14
50-75%	12
75-90%	10
90-100%	8

#### Maps 1, 2 & 3

On erven greater than 2700m<sup>2</sup> the Municipality may authorize a maximum permissible density of 8 units per hectare, rounded off to the next whole number

## PART 2: SCHEME CONTROLS AND ZONE TABLES

### Zone RO3 : Residential Only 3

#### Statement of Intent for Zone RO3

This zone is intended to promote the development of detached dwelling units in a suburban setting, each unit being for occupation by a single family, and being individually located on erven or subdivisions, with a minimum erf size of 900m<sup>2</sup>.

#### Development Control Standards

Minimum Erf Size	900m <sup>2</sup>
Maximum Net Density	N/A
Minimum Erf Width/Frontage	18m
Depth to Frontage Ratio	3:1
Building Line for Single Detached	7.5m
Rear Space for Single Detached	3m
Side Space for Single Detached	3m
Floor Area Ratio	0.30
Coverage	30%
Maximum Height for Single Unit Detached	2 Storeys
Minimum Width of Access Way	3.5m

#### Legend for Land Use/Building Type Controls

Land Uses not listed in the Land Use/Building Type Controls table are prohibited.

<b>P</b>	Permitted Use
<b>C</b>	Permitted by consent
<b>C1</b>	Should prior written consent of the registered owner of each adjoining property, and other properties as the Municipality may direct, has first been obtained; full public participation may be waived.

#### Land Use/Building Type Controls

Bed and Breakfast	<b>C1</b>
Boarding House	<b>C</b>
Crèche	<b>C</b>
Dwelling House	<b>P</b>
Guest House	<b>C</b>
Home Activity	<b>C1</b>
Home Business	<b>C</b>
Home Plant Nursery	<b>C</b>
Self contained dwelling unit	<b>C1</b>
Telecommunication Mast	<b>C</b>

#### Additional Controls

Must be read in conjunction with 2.2.1.3

## PART 2: SCHEME CONTROLS AND ZONE TABLES

### Zone RO4 : Residential Only 4

#### Statement of Intent for Zone RO4

This zone is intended to promote the development of detached dwelling units in a suburban setting, each unit being for occupation by a single family, and being individually located on erven or subdivisions, with a minimum erf size of 900m<sup>2</sup> or 700m<sup>2</sup> if the erf is connected to municipal sewerage reticulation. The minimum erf size in Controlled Areas is 2000m<sup>2</sup>. Medium Density Housing is permitted through consent to a maximum net density of 15du/ha.

#### Development Control Standards

Minimum Erf Size	900m <sup>2</sup> *
Minimum Erf Size for Detached/ Attached Multi-Units	1 800m <sup>2</sup>
Maximum Net Density	15du/ha
Minimum Erf Width/Frontage	16m
Depth to Frontage Ratio	3:1
Building Line for Single Detached	7.5m
Building Line for Attached or Multiple Units	7.5m
Rear Space for Single Detached	2m
Rear Space for Attached or Multiple Units	4.5m
Side Space for Single Detached	2m
Side Space for Attached or Multiple Units	4.5m
Floor Area Ratio	0.50
Coverage	50%
Maximum Height for Single Unit Detached/Attached Multi-Units	2 Storeys
Minimum Width of Access Way	3.5m

#### Legend for Land Use/Building Type Controls

Land Uses not listed in the Land Use/Building Type Controls table are prohibited.

<b>P</b>	Permitted Use
<b>C</b>	Permitted by consent
<b>C1</b>	Should prior written consent of the registered owner of each adjoining property, and other properties as the Municipality may direct, has first been obtained; full public participation may be waived.

#### Land Use/Building Type Controls

Bed and Breakfast	<b>C1</b>
Boarding House	<b>C</b>
Crèche	<b>C</b>
Dwelling House	<b>P</b>
Guest House	<b>C</b>
Home Activity	<b>C1</b>
Home Business	<b>C</b>
Home Plant Nursery	<b>C</b>
Medium Density Housing	<b>C</b>
Self contained dwelling unit	<b>C1</b>
Telecommunication Mast	<b>C</b>
Tuck Shop	<b>C</b>

### Additional Controls

Must be read in conjunction with 2.2.1.3

The conversion of a unit in a medium density housing complex and a residential building in to bed and breakfast, guest house, guest lodge, boarding house and backpackers will not be permitted

\* 700m<sup>2</sup> if sewered, 2000m<sup>2</sup> in a Controlled Area.

#### Maps 4, 5 & 6

The Building Lines for single detached will be 4.5m

#### Maps 7, 8, 9 & 10

The minimum erf size for attached or multiple units will be 1500m<sup>2</sup>

The minimum erf size will be 750m<sup>2</sup> and 700m<sup>2</sup> if sewered.

The Building line for single detached will be 5m

Medium Density Housing is C1



## PART 2: SCHEME CONTROLS AND ZONE TABLES

### Zone RO5 : Residential Only 5

#### Statement of Intent for Zone RO5

This zone is intended to promote the development of detached dwelling units in a suburban setting, each unit being for occupation by a single family, and being individually located on erven or subdivisions, with a minimum erf size of 350m<sup>2</sup>.

#### Development Control Standards

Minimum Erf Size	350m <sup>2</sup>
Minimum Erf Size for Detached/ Attached Multi-Units	N/A
Maximum Net Density	N/A
Minimum Erf Width/Frontage	7m
Depth to Frontage Ratio	3:1
Building Line for Single Detached	3m
Building Line for Attached or Multiple Units	N/A
Rear Space for Single Detached	1.5m
Rear Space for Attached or Multiple Units	N/A
Side Space for Single Detached	1.0m
Side Space for Attached or Multiple Units	N/A
Floor Area Ratio	0.60
Coverage	60%
Maximum Height for Single Unit Detached/Attached Multi-Units	2 Storeys
Minimum Width of Access Way	3.5m

#### Legend for Land Use/Building Type Controls

Land Uses not listed in the Land Use/Building Type Controls table are prohibited.

<b>P</b>	Permitted Use
<b>C</b>	Permitted by consent
<b>C1</b>	Should prior written consent of the registered owner of each adjoining property, and other properties as the Municipality may direct, has first been obtained; full public participation may be waived.

#### Land Use/Building Type Controls

Bed and Breakfast	<b>C1</b>
Boarding House	<b>C</b>
Crèche	<b>C</b>
Dwelling House	<b>P</b>
Home Activity	<b>C1</b>
Home Business	<b>C</b>
Home Plant Nursery	<b>C</b>
Self contained dwelling unit	<b>C1</b>
Telecommunication Mast	<b>C</b>
Tuck Shop	<b>C</b>

#### Additional Controls

Must be read in conjunction with 2.2.1.3

## PART 2: SCHEME CONTROLS AND ZONE TABLES

### Zone RO6 : Residential Only 6

#### Statement of Intent for Zone RO6

This zone is intended to promote the development of detached dwelling units in a suburban setting, each unit being for occupation by a single family, and being individually located on erven or subdivisions, with a minimum erf size of 200m<sup>2</sup>.

#### Development Control Standards

Minimum Erf Size	200m <sup>2</sup>
Minimum Erf Size for Detached/ Attached Multi-Units	N/A
Maximum Net Density	N/A
Minimum Erf Width/Frontage	7m
Depth to Frontage Ratio	3:1
Building Line for Single Detached	3m
Building Line for Attached or Multiple Units	N/A
Rear Space for Single Detached	1.5m
Rear Space for Attached or Multiple Units	N/A
Side Space for Single Detached	1m
Side Space for Attached or Multiple Units	N/A
Floor Area Ratio	0.60
Coverage	60%
Maximum Height for Single Unit Detached/Attached Multi-Units	2 Storeys
Minimum Width of Access Way	3.5m

#### Legend for Land Use/Building Type Controls

Land Uses not listed in the Land Use/Building Type Controls table are prohibited.

<b>P</b>	Permitted Use
<b>C</b>	Permitted by consent
<b>C1</b>	Should prior written consent of the registered owner of each adjoining property, and other properties as the Municipality may direct, has first been obtained; full public participation may be waived.

#### Land Use/Building Type Controls

Bed and Breakfast	<b>C1</b>
Boarding House	<b>C</b>
Crèche	<b>C</b>
Dwelling House	<b>P</b>
Home Activity	<b>C1</b>
Home Business	<b>C</b>
Home Plant Nursery	<b>C</b>
Self contained dwelling unit	<b>C1</b>
Telecommunication Mast	<b>C</b>
Tuck Shop	<b>C</b>

#### Additional controls

Must be read in conjunction with 2.2.1.3

## PART 2: SCHEME CONTROLS AND ZONE TABLES

### Zone RM1 : Residential Medium Impact 1

#### Statement of Intent for Zone RM1

This zone is intended to promote the development of attached and detached dwelling units in a suburban setting developed as part of a planned residential development each unit being for occupation by a single family. Minimum erf size per development is 1800m<sup>2</sup>, with a maximum net density of 20du/ha.

#### Development Control Standards

Minimum Erf Size	1 800m <sup>2</sup>
Minimum Erf Size for Detached/ Attached Multi-Units	1 800m <sup>2</sup>
Maximum Net Density	20du/ha
Minimum Erf Width/Frontage	30m
Depth to Frontage Ratio	3:1
Building Line for Single Detached	7.5m
Building Line for Attached or Multiple Units	7.5m
Rear Space for Single Detached	4.5m
Rear Space for Attached or Multiple Units	4.5m
Side Space for Single Detached	4.5m
Side Space for Attached or Multiple Units	4.5m
Floor Area Ratio	U.R.
Coverage	35%
Maximum Height for Single Unit Detached/Attached Multi-Units	2 Storeys
Minimum Width of Access Way	6m

#### Legend for Land Use/Building Type Controls

Land Uses not listed in the Land Use/Building Type Controls table are prohibited.

<b>P</b>	Permitted Use
<b>C</b>	Permitted by consent
<b>C1</b>	Should prior written consent of the registered owner of each adjoining property, and other properties as the Municipality may direct, has first been obtained; full public participation may be waived.
<b>C2</b>	Shop (sale of day to day commodities) and/restaurant of not more than 100m <sup>2</sup> each may be permitted where the development comprises more than 50 dwelling units

#### Land Use/Building Type Controls

Back Packers	<b>C</b>
Bed and Breakfast	<b>C1</b>
Boarding House	<b>C</b>
Crèche	<b>C</b>
Dwelling House	<b>P</b>
Guest House	<b>C</b>
Guest Lodge	<b>C</b>
Home Activity	<b>C1</b>
Home Business	<b>C</b>
Maintenance Building	<b>P</b>
Medium Density Housing	<b>P</b>
Residential Building	<b>P</b>
Restaurant	<b>C2</b>
Shop	<b>C2</b>
Telecommunication Mast	<b>C</b>

#### Additional Controls

Must be read in conjunction with 2.2.1.3

The conversion of a unit in a medium density housing complex and a residential building in to bed and breakfast, guest house, guest lodge, boarding house and backpackers will not be permitted

## PART 2: SCHEME CONTROLS AND ZONE TABLES

### Zone RM2 : Residential Medium Impact 2

#### Statement of Intent for Zone RM2

This zone is intended to promote the development of attached and detached dwelling units in a suburban setting developed as part of a planned residential development each unit being for occupation by a single family. Minimum erf size per development is 1800m<sup>2</sup>, with a maximum net density of 25du/ha.

#### Development Control Standards

Minimum Erf Size	1 800m <sup>2</sup>
Minimum Erf Size for Detached/ Attached Multi-Units	1 800m <sup>2</sup>
Maximum Net Density	25du/ha
Minimum Erf Width/Frontage	30m
Depth to Frontage Ratio	3:1
Building Line for Single Detached	7.5m
Building Line for Attached or Multiple Units	7.5m
Rear Space for Single Detached	4.5m
Rear Space for Attached or Multiple Units	4.5m
Side Space for Single Detached	4.5m
Side Space for Attached or Multiple Units	4.5m
Floor Area Ratio	U.R.
Coverage	50%
Maximum Height for Single Unit Detached/Attached Multi-Units	2 Storeys
Minimum Width of Access Way	6m

#### Legend for Land Use/Building Type Controls

Land Uses not listed in the Land Use/Building Type Controls table are prohibited.

<b>P</b>	Permitted Use
<b>C</b>	Permitted by consent
<b>C1</b>	Should prior written consent of the registered owner of each adjoining property, and other properties as the Municipality may direct, has first been obtained; full public participation may be waived.
<b>C2</b>	Shop (sale of day to day commodities) and/restaurant of not more than 100m <sup>2</sup> each may be permitted where the development comprises more than 50 dwelling units

#### Land Use/Building Type Controls

Back Packers	<b>C</b>
Bed and Breakfast	<b>C1</b>
Boarding House	<b>C</b>
Crèche	<b>C</b>
Dwelling House	<b>P</b>
Guest House	<b>C</b>
Guest Lodge	<b>C</b>
Home Activity	<b>C1</b>
Home Business	<b>C</b>
Maintenance Building	<b>P</b>
Medium Density Housing	<b>P</b>
Residential Building	<b>P</b>
Restaurant	<b>C2</b>
Shop	<b>C2</b>
Telecommunication Mast	<b>C</b>

#### Additional Controls

Must be read in conjunction with 2.2.1.3

The conversion of a unit in a medium density housing complex and a residential building in to bed and breakfast, guest house, guest lodge, boarding house and backpackers will not be permitted

## PART 2: SCHEME CONTROLS AND ZONE TABLES

### Zone RM3 : Residential Medium Impact 3 (Retirement Village)

#### Statement of Intent for Zone RM3

This zone is intended to promote the development of small multi-unit residential units as part of a planned retirement village development. The minimum erf size is 1ha, with a maximum net density of 20du/ha.

#### Development Control Standards

Minimum Erf Size	1ha
Minimum Erf Size for Detached/ Attached Multi-Units	1ha
Maximum Net Density	20du/ha
Minimum Erf Width/Frontage	30m
Depth to Frontage Ratio	3:1
Building Line for Single Detached	7.5m
Building Line for Attached or Multiple Units	7.5m
Rear Space for Single Detached	4.5m
Rear Space for Attached or Multiple Units	4.5m
Side Space for Single Detached	4.5m
Side Space for Attached or Multiple Units	4.5m
Floor Area Ratio	0.35
Coverage	35%
Maximum Height for Single Unit Detached/Attached Multi-Units	2 Storeys
Minimum Width of Access Way	6m

#### Legend for Land Use/Building Type Controls

Land Uses not listed in the Land Use/Building Type Controls table are prohibited.

<b>P</b>	Permitted Use
<b>C</b>	Permitted by Special consent
<b>C1</b>	Should prior written consent of the registered owner of each adjoining property, and other properties as the Municipality may direct, has first been obtained; full public participation may be waived.
<b>C2</b>	Shop (sale of day to day commodities) and/restaurant of not more than 100m <sup>2</sup> each may be permitted where the development comprises more than 50 dwelling units
<b>C3</b>	Restricted to 1 bed and breakfast/guesthouse for the retirement village/estate

#### Land Use/Building Type Controls

Bed and Breakfast	<b>C3</b>
Crèche	<b>C</b>
Dwelling House	<b>P</b>
Guest House	<b>C3</b>
Guest Lodge	<b>C</b>
Home Activity	<b>C1</b>
Home Business	<b>C</b>
Institution	<b>P</b>
Launderette	<b>P</b>
Maintenance Building	<b>P</b>
Medium Density Housing	<b>P</b>
Private Recreational Area	<b>P</b>
Place of Public Assembly	<b>P</b>
Place of Worship	<b>C</b>

Recreational Building	<b>P</b>
Residential Building	<b>P</b>
Restaurant	<b>C2</b>
Retirement Village	<b>P</b>
Shop	<b>C2</b>
Telecommunication Mast	<b>C</b>

#### Additional Controls

Must be read in conjunction with 2.2.1.3

#### Maps 1, 2 & 3

In the Hibberdene Scheme Area there will be no specific density requirement, subject to approval of a layout plan by the Municipality and Clause 2.2.1.2.(2)

## PART 2: SCHEME CONTROLS AND ZONE TABLES

### Zone RH1 : Residential High Impact 1

#### Statement of Intent for Zone RH1

This zone is intended to promote the development of multi-unit residential units, each dwelling unit being for occupation by a single family. Hotels and other uses are permitted. Density of Residential Buildings controlled by an FAR of 0.40 and a minimum erf size of 1800m<sup>2</sup>.

#### Development Control Standards

Minimum Erf Size	1 800m <sup>2</sup>
Minimum Erf Size for Detached/Attached Multi-Units	1 800m <sup>2</sup>
Maximum Net Density	25du/ha
Minimum Erf Width/Frontage	23m
Depth to Frontage Ratio	3 : 1
Building Line for Single Detached	7.5m
Building Line for Attached or Multiple Units	7.5m
Rear Space for Single Detached	4.5m
Rear Space for Attached or Multiple Units	4.5m
Side Space for Single Detached	4.5m
Side Space for Attached or Multiple Units	4.5m
Floor Area Ratio	0.40
Coverage	30%
Maximum Height for Single Unit Detached/Attached Multi-Units	2 Storeys
Minimum Width of Access Way	6m

#### Legend for Land Use/Building Type Controls

Land Uses not listed in the Land Use/Building Type Controls table are prohibited.

<b>P</b>	Permitted Use
<b>C</b>	Permitted by consent
<b>C1</b>	Should prior written consent of the registered owner of each adjoining property, and other properties as the Municipality may direct, has first been obtained; full public participation may be waived.
<b>C2</b>	Shop (sale of day to day commodities) and/restaurant of not more than 100m <sup>2</sup> each may be permitted where the development comprises more than 50 dwelling units

#### Land Use/Building Type Controls

Bed and Breakfast	<b>P</b>
Boarding House	<b>P</b>
Conference centre	<b>C</b>
Crèche	<b>C</b>
Dwelling House	<b>P</b>
Guest House	<b>P</b>
Guest Lodge	<b>P</b>
Health and Beauty Spa	<b>C</b>
Home Activity	<b>C1</b>
Home Business	<b>C</b>
Hotel	<b>P</b>
Launderette	<b>C</b>
Maintenance Building	<b>P</b>
Medium Density Housing	<b>P</b>
Residential Building	<b>P</b>
Restaurant	<b>C2</b>

Shop	<b>C2</b>
Telecommunication Mast	<b>C</b>

#### Additional Controls

Must be read in conjunction with 2.2.1.3

The conversion of a unit in a medium density housing complex and a residential building in to bed and breakfast, guest house, guest lodge, boarding house and backpackers will not be permitted

#### Hibberdene (Maps 1, 2 & 3)

At the Municipality's discretion hotels will be permitted to increase their coverage by 10%

## PART 2: SCHEME CONTROLS AND ZONE TABLES

### Zone RH2 : Residential High Impact 2

#### Statement of Intent for Zone RH2

This zone is intended to promote the development of multi-unit residential units, each dwelling unit being for occupation by a single family. Hotels and other uses are permitted. Density of Residential Buildings controlled by an FAR of 0.50 and a minimum erf size of 1800m<sup>2</sup>.

#### Development Control Standards

Minimum Erf Size	1 800m <sup>2</sup>
Minimum Erf Size for Detached/Attached Multi-Units	1 800m <sup>2</sup>
Maximum Net Density	30du/ha
Minimum Erf Width/Frontage	23m
Depth to Frontage Ratio	3:1
Building Line for Single Detached	7.5m
Building Line for Attached or Multiple Units	7.5m
Rear Space for Single Detached	4.5m
Rear Space for Attached or Multiple Units	4.5m*
Side Space for Single Detached	4.5m
Side Space for Attached or Multiple Units	4.5m*
Floor Area Ratio	0.50
Coverage	50%
Maximum Height for Single Unit Detached/Attached Multi-Units	2 Storeys
Minimum Width of Access Way	6m

#### Legend for Land Use/Building Type Controls

Land Uses not listed in the Land Use/Building Type Controls table are prohibited.

<b>P</b>	Permitted Use
<b>C</b>	Permitted by consent
<b>C1</b>	Should prior written consent of the registered owner of each adjoining property, and other properties as the Municipality may direct, has first been obtained; full public participation may be waived.
<b>C2</b>	Shop (sale of day to day commodities) and/restaurant of not more than 100m <sup>2</sup> each may be permitted where the development comprises more than 50 dwelling units

Land Use/Building Type Controls	
Bed and Breakfast	<b>P</b>
Boarding House	<b>P</b>
Conference centre	<b>C</b>
Crèche	<b>C</b>
Dwelling House	<b>P</b>
Guest House	<b>P</b>
Guest Lodge	<b>P</b>
Health and Beauty Spa	<b>C</b>
Home Activity	<b>C1</b>
Home Business	<b>C</b>
Hotel	<b>P</b>
Launderette	<b>C</b>
Maintenance Building	<b>P</b>
Medium Density Housing	<b>P</b>
Residential Building	<b>P</b>

Restaurant	<b>C2</b>
Shop	<b>C2</b>
Telecommunication Mast	<b>C</b>

#### Additional Controls

Must be read in conjunction with 2.2.1.3

\* 4.5m or 1.5 m per storey, whichever is greater

#### Maps 1, 2 & 3

A Height of 3 storeys may be permitted by consent

Maximum Net Density: 35 du/ha, subject to approval of a layout plan by the Municipality and Clause 2.2.1.2.(2)

Floor Area Ratio: 0.75 subject to approval of a layout plan by the Municipality and Clause 2.2.1.2.(2)

#### Maps 4, 5 & 6

A Height of 4 storeys is permitted

Maximum Net Density: no specific density requirement, subject to approval of a layout plan by the Municipality and Clause 2.2.1.2.(2)

#### Maps 7, 8, 9 & 10

A height of 3 storeys is permitted

## PART 2: SCHEME CONTROLS AND ZONE TABLES

### Zone RH3 : Residential High Impact 3

#### Statement of Intent for Zone RH3

This zone is intended to promote the development of multi-unit residential units, each dwelling unit being for occupation by a single family. Hotels and other uses are permitted. Density of Residential Buildings controlled by an FAR of 0.75 and a minimum erf size of 1800m<sup>2</sup>.

#### Development Control Standards

Minimum Erf Size	1 800m <sup>2</sup>
Minimum Erf Size for Detached/Attached Multi-Units	1 800m <sup>2</sup>
Maximum Net Density	35du/ha
Minimum Erf Width/Frontage	23m
Depth to Frontage Ratio	3:1
Building Line for Single Detached	7.5m
Building Line for Attached or Multiple Units	7.5m
Rear Space for Single Detached	4.5m
Rear Space for Attached or Multiple Units	4.5m*
Side Space for Single Detached	4.5m
Side Space for Attached or Multiple Units	4.5m*
Floor Area Ratio	0.75
Coverage	50%
Maximum Height for Single Unit Detached/Attached Multi-Units	3 Storeys
Minimum Width of Access Way	6m

#### Legend for Land Use/Building Type Controls

Land Uses not listed in the Land Use/Building Type Controls table are prohibited.

<b>P</b>	Permitted Use
<b>C</b>	Permitted by consent
<b>C1</b>	Should prior written consent of the registered owner of each adjoining property, and other properties as the Municipality may direct, has first been obtained; full public participation may be waived.
<b>C2</b>	Shop (sale of day to day commodities) and/restaurant of not more than 100m <sup>2</sup> each may be permitted where the development comprises more than 50 dwelling units

Land Use/Building Type Controls	
Bed and Breakfast	<b>P</b>
Boarding House	<b>P</b>
Conference centre	<b>C</b>
Crèche	<b>C</b>
Dwelling House	<b>P</b>
Guest House	<b>P</b>
Guest Lodge	<b>P</b>
Health and Beauty Spa	<b>C</b>
Home Activity	<b>C1</b>
Home Business	<b>C</b>
Hotel	<b>P</b>
Launderette	<b>C</b>
Maintenance Building	<b>P</b>
Medium Density Housing	<b>P</b>
Residential Building	<b>P</b>

Restaurant	<b>C2</b>
Shop	<b>C2</b>
Telecommunication Mast	<b>C</b>

#### Additional Controls

Must be read in conjunction with 2.2.1.3

\* 4.5m or 1.5 m per storey, whichever is greater

#### Maps 4, 5 & 6

A Height of 6 storeys permitted

coverage will be 75% and there will be no specific density requirement, subject to approval of a layout plan by the Municipality and Clause 2.2.1.2.(2)

#### Map 5

Minimum Erf size will 1000m<sup>2</sup>

#### Maps 9

A Height of 6 storeys permitted



## PART 2: SCHEME CONTROLS AND ZONE TABLES

### Zone RH4 : Residential High Impact 4

#### Statement of Intent for Zone RH4

This zone is intended to promote the development of multi-unit residential units, each dwelling unit being for occupation by a single family. Hotels and other uses are permitted. Density of Residential Buildings controlled by an FAR of 1.00 and a minimum erf size of 1800m<sup>2</sup>.

#### Development Control Standards

Minimum Erf Size	1 800m <sup>2</sup>
Minimum Erf Size for Detached/ Attached Multi-Units	1 800m <sup>2</sup>
Maximum Net Density	35du/ha
Minimum Erf Width/Frontage	23m
Depth to Frontage Ratio	3:1
Building Line for Single Detached	7.5m
Building Line for Attached or Multiple Units	7.5m
Rear Space for Single Detached	4.5m
Rear Space for Attached or Multiple Units	4.5m*
Side Space for Single Detached	4.5m
Side Space for Attached or Multiple Units	4.5m*
Floor Area Ratio	1.00
Coverage	50%
Maximum Height for Single Unit Detached/Attached Multi-Units	3 Storeys
Minimum Width of Access Way	6m

#### Legend for Land Use/Building Type Controls

Land Uses not listed in the Land Use/Building Type Controls table are prohibited.

<b>P</b>	Permitted Use
<b>C</b>	Permitted by consent
<b>C1</b>	Should prior written consent of the registered owner of each adjoining property, and other properties as the Municipality may direct, has first been obtained; full public participation may be waived.
<b>C2</b>	Shop (sale of day to day commodities) and/restaurant of not more than 100m <sup>2</sup> each may be permitted where the development comprises more than 50 dwelling units

#### Land Use/Building Type Controls

Bed and Breakfast	<b>P</b>
Boarding House	<b>P</b>
Conference centre	<b>C</b>
Crèche	<b>C</b>
Dwelling House	<b>P</b>
Guest House	<b>P</b>
Guest Lodge	<b>P</b>
Health and Beauty Spa	<b>C</b>
Home Activity	<b>C1</b>
Home Business	<b>C</b>
Hotel	<b>P</b>
Launderette	<b>C</b>
Maintenance Building	<b>P</b>
Medium Density Housing	<b>P</b>
Residential Building	<b>P</b>

Restaurant	<b>C2</b>
Shop	<b>C2</b>
Telecommunication Mast	<b>C</b>

#### Additional controls

Must be read in conjunction with 2.2.1.3

\*4.5m or 1.5 m per storey, whichever is greater

#### Map 9

A Height of 6 storeys is permitted

## PART 2: SCHEME CONTROLS AND ZONE TABLES

### Zone RT1 : Tourist Residential 1 (Caravan Park)

#### Statement of Intent for Zone RT1

An area of land provided with adequate ablution and sanitary facilities with or without a communal kitchen, arranged for the accommodation of caravans which are used primarily for temporary holiday dwellings in conjunction with recreation and other resort facilities. The minimum erf size for such a development is 1ha.

#### Additional Controls

\*In accordance with the S.A.B.S. Publication (092/1971 as amended).

Must be read in conjunction with 2.2.1.3

#### Maps 13, 14 & 15

The Floor Area Ratio will be 0.5 and Coverage will be 50%

#### Development Control Standards

Minimum Erf Size	1ha
Minimum Erf Size for Detached/Attached Multi-Units	1ha
Maximum Net Density	*
Minimum Erf Width/Frontage	18m
Depth to Frontage Ratio	3:1
Building Line for Single Detached	7.5m
Building Line for Attached or Multiple Units	N/A
Rear Space for Single Detached	4.5m
Rear Space for Attached or Multiple Units	N/A
Side Space for Single Detached	4.5m
Side Space for Attached or Multiple Units	N/A
Floor Area Ratio	0.20
Coverage	25%
Maximum Height for Single Unit Detached/Attached Multi-Units	2 Storeys
Minimum Width of Access Way	6m

#### Legend for Land Use/Building Type Controls

Land Uses not listed in the Land Use/Building Type Controls table are prohibited.

<b>P</b>	Permitted Use
<b>C</b>	Permitted by consent
<b>C1</b>	Should prior written consent of the registered owner of each adjoining property, and other properties as the Municipality may direct, has first been obtained; full public participation may be waived.
<b>C2</b>	Shop (sale of day to day commodities) and/restaurant of not more than 100m <sup>2</sup> each may be permitted where the development comprises more than 50 caravans
<b>C4</b>	Staff/caretaker accommodation only

#### Land Use/Building Type Controls

Back Packers	<b>C</b>
Bed and Breakfast	<b>C1</b>
Boarding House	<b>C</b>
Caravan Park	<b>P</b>
Crèche	<b>C</b>
Dwelling House	<b>P</b>
Home Activity	<b>C1</b>
Home Business	<b>C</b>
Holiday Park	<b>C</b>
Launderette	<b>C</b>
Maintenance Building	<b>P</b>
Medium Density Housing	<b>C4</b>
Restaurant	<b>C2</b>
Shop	<b>C2</b>
Telecommunication Mast	<b>C</b>

## PART 2: SCHEME CONTROLS AND ZONE TABLES

### Zone RT2 : Tourist Residential 2 (Resort)

#### Statement of Intent for Zone RT2

This zone is intended to promote the development of tourist associated residential units in conjunction with recreation and other resort facilities. The minimum erf size for each development is 1ha. Density is determined in terms of an EIA.

#### Development Control Standards

Minimum Erf Size	1ha
Minimum Erf Size for Detached/ Attached Multi-Units	1ha
Maximum Net Density	Subject to EIA
Minimum Erf Width/Frontage	18m
Depth to Frontage Ratio	3 :1
Building Line for Single Detached	7.5m
Building Line for Attached or Multiple Units	7.5m
Rear Space for Single Detached	4.5m
Rear Space for Attached or Multiple Units	4.5m
Side Space for Single Detached	4.5m
Side Space for Attached or Multiple Units	4.5m
Floor Area Ratio	0.30
Coverage	35%
Maximum Height for Single Unit Detached/Attached Multi-Units	2 Storeys
Minimum Width of Access Way	6m

#### Legend for Land Use/Building Type Controls

Land Uses not listed in the Land Use/Building Type Controls table are prohibited.

<b>P</b>	Permitted Use
<b>C</b>	Permitted by consent
<b>C1</b>	Should prior written consent of the registered owner of each adjoining property, and other properties as the Municipality may direct, has first been obtained; full public participation may be waived.
<b>C2</b>	Shop (sale of day to day commodities) and/restaurant of not more than 100m <sup>2</sup> each may be permitted where the development comprises more than 50 units

#### Land Use/Building Type Controls

Back Packers	<b>C</b>
Bed and Breakfast	<b>C1</b>
Boarding House	<b>C</b>
Caravan Park	<b>P</b>
Conference Centre	<b>C</b>
Crèche	<b>C</b>
Dwelling House	<b>P</b>
Home Activity	<b>C1</b>
Home Business	<b>C</b>
Holiday Park	<b>C</b>
Launderette	<b>C</b>
Maintenance Building	<b>P</b>
Medium Density Housing	<b>C</b>
Mobile home park	<b>C</b>
Private Recreational Area	<b>C</b>

Recreational Building	<b>C</b>
Residential Building	<b>C</b>
Restaurant	<b>C2</b>
Shop	<b>C2</b>
Telecommunication Mast	<b>C</b>

#### Additional Controls

The conversion of a unit in a medium density housing complex and a residential building in to bed and breakfast, guest house, guest lodge, boarding house and backpackers will not be permitted

Must be read in conjunction with 2.2.1.3

#### Maps 1, 2 & 3

Hotels can be increased to 3 storeys by Special consent

Maximum Net Density: 30 units per hectare, subject to approval of a layout plan by the Municipality and Clause 2.2.1.2.(2)

#### Maps 13, 14 & 15

Maximum Net Density: 15 units per hectare, subject to approval of a layout plan by the Municipality and Clause 2.2.1.2.(2)

## PART 2: SCHEME CONTROLS AND ZONE TABLES

### Zone RT3 : Tourist Residential 3 (Guest Lodge)

#### Statement of Intent for Zone RT3

This zone is intended to promote the development of Guest Lodges. The minimum erf size is 1500m<sup>2</sup>.

Must be read in conjunction with 2.2.1.3

#### Development Control Standards

Minimum Erf Size	1 500m <sup>2</sup>
Minimum Erf Size for Detached/ Attached Multi-Units	N/A
Maximum Net Density	N/A
Minimum Erf Width/Frontage	18m
Depth to Frontage Ratio	3:1
Building Line for Single Detached	7.5m
Building Line for Attached or Multiple Units	N/A
Rear Space for Single Detached	4.5m
Rear Space for Attached or Multiple Units	N/A
Side Space for Single Detached	4.5m
Side Space for Attached or Multiple Units	N/A
Floor Area Ratio	0.35
Coverage	35%
Maximum Height for Single Unit Detached/Attached Multi-Units	2 Storeys
Minimum Width of Access Way	6m

#### Legend for Land Use/Building Type Controls

Land Uses not listed in the Land Use/Building Type Controls table are prohibited.

<b>P</b>	Permitted Use
<b>C</b>	Permitted by consent
<b>C1</b>	Should prior written consent of the registered owner of each adjoining property, and other properties as the Municipality may direct, has first been obtained; full public participation may be waived.
<b>C2</b>	Shop (sale of day to day commodities) and/restaurant of not more than 100m <sup>2</sup> each may be permitted where the development comprises more than 50 units
<b>C4</b>	Staff/caretaker accommodation only

#### Land Use/Building Type Controls

Back Packers	<b>C</b>
Bed and Breakfast	<b>C1</b>
Boarding House	<b>C</b>
Caravan Park	<b>P</b>
Conference Centre	<b>C</b>
Crèche	<b>C</b>
Dwelling House	<b>P</b>
Guest house	<b>P</b>
Guest lodge	<b>P</b>
Home Activity	<b>C1</b>
Home Business	<b>C</b>
Holiday Park	<b>C</b>
Launderette	<b>C</b>
Maintenance Building	<b>P</b>
Medium Density Housing	<b>C4</b>
Mobile home park	<b>C</b>
Private Recreational Area	<b>C</b>
Recreational Building	<b>C</b>

Residential Building	<b>C</b>
Restaurant	<b>C2</b>
Shop	<b>C2</b>
Telecommunication Mast	<b>C</b>

#### Additional controls

The conversion of a unit in a medium density housing complex and a residential building in to bed and breakfast, guest house, guest lodge, boarding house and backpackers will not be permitted

Must be read in conjunction with 2.2.1.3

## PART 2: SCHEME CONTROLS AND ZONE TABLES

### Zone RT4 : Tourist Residential 4 (Holiday Park)

#### Statement of Intent for Zone RT4

This zone permits the development of a Holiday Park. The minimum erf size is 1ha.

#### Development Control Standards

Minimum Erf Size	1ha
Minimum Erf Size for Detached/ Attached Multi-Units	1ha
Maximum Net Density	*
Minimum Erf Width/Frontage	18m
Depth to Frontage Ratio	3:1
Building Line for Single Detached	7.5m
Building Line for Attached or Multiple Units	7.5m
Rear Space for Single Detached	4.5m
Rear Space for Attached or Multiple Units	4.5m
Side Space for Single Detached	4.5m
Side Space for Attached or Multiple Units	4.5m
Floor Area Ratio	0.10
Coverage	10%
Maximum Height for Single Unit Detached/Attached Multi-Units	2 Storeys
Minimum Width of Access Way	6m

#### Legend for Land Use/Building Type Controls

Land Uses not listed in the Land Use/Building Type Controls table are prohibited.

<b>P</b>	Permitted Use
<b>C</b>	Permitted by consent
<b>C1</b>	Should prior written consent of the registered owner of each adjoining property, and other properties as the Municipality may direct, has first been obtained; full public participation may be waived.
<b>C2</b>	Shop (sale of day to day commodities) and/restaurant of not more than 100m <sup>2</sup> each may be permitted where the development comprises more than 50 units
<b>C4</b>	Staff/caretaker accommodation only

#### Land Use/Building Type Controls

Back Packers	<b>C</b>
Bed and Breakfast	<b>C1</b>
Boarding House	<b>C</b>
Caravan Park	<b>P</b>
Conference Centre	<b>C</b>
Crèche	<b>C</b>
Dwelling House	<b>P</b>
Home Activity	<b>C1</b>
Home Business	<b>C</b>
Holiday Park	<b>P</b>
Launderette	<b>C</b>
Maintenance Building	<b>P</b>
Medium Density Housing	<b>C4</b>
Private Recreational Area	<b>C</b>
Recreational Building	<b>C</b>
Residential Building	<b>C</b>

Restaurant	<b>C2</b>
Shop	<b>C2</b>
Telecommunication Mast	<b>C</b>

#### Additional Controls

\* In accordance with Standard Bylaws relating to Holiday Parks as promulgated in August 1987, as amended.

Must be read in conjunction with 2.2.1.3

#### Maps 1, 2 & 3

Floor Area Ratio: 0.5

Coverage: 25%

Maximum Net Density: 30 du/ha, subject to approval of a layout plan by the Municipality and Clause 2.2.1.2.(2)

## PART 2: SCHEME CONTROLS AND ZONE TABLES

### Zone RT5 : Tourist Residential 5 (Tourist Centre)

#### Statement of Intent for Zone RT5

This zone is positioned in Port Edward and is intended to promote development of tourist associated residential units, and permits shops on ground floor.

Must be read in conjunction with 2.2.1.3

#### Development Control Standards

Minimum Erf Size	1 800m <sup>2</sup>
Minimum Erf Size for Detached/ Attached Multi-Units	1 800m <sup>2</sup>
Maximum Net Density	20du/ha
Minimum Erf Width/Frontage	18m
Depth to Frontage Ratio	3:1
Building Line for Single Detached	7.5m
Building Line for Attached or Multiple Units	7.5m
Rear Space for Single Detached	2m
Rear Space for Attached or Multiple Units	2m
Side Space for Single Detached	2m
Side Space for Attached or Multiple Units	2m
Floor Area Ratio	0.50
Coverage	50%
Maximum Height for Single Unit Detached/Attached Multi-Units	2 Storeys
Minimum Width of Access Way	6m

#### Legend for Land Use/Building Type Controls

Land Uses not listed in the Land Use/Building Type Controls table are prohibited.

<b>P</b>	Permitted Use
<b>C</b>	Permitted by consent
<b>C1</b>	Should prior written consent of the registered owner of each adjoining property, and other properties as the Municipality may direct, has first been obtained; full public participation may be waived.
<b>P1</b>	Restricted to ground floor only

#### Land Use/Building Type Controls

Back Packers	<b>C</b>
Bed and Breakfast	<b>P</b>
Boarding House	<b>P</b>
Conference Centre	<b>C</b>
Dwelling House	<b>P</b>
Guest house	<b>P</b>
Guest lodge	<b>P</b>
Home Activity	<b>C1</b>
Home Business	<b>C</b>
Hotel	<b>P</b>
Launderette	<b>P</b>
Maintenance Building	<b>P</b>
Medium Density Housing	<b>P</b>
Private Recreational Area	<b>C</b>
Public office	<b>P</b>
Professional office	<b>P</b>
Recreational Building	<b>C</b>
Residential Building	<b>P</b>
Restaurant	<b>P</b>

Shop	<b>P1</b>
Telecommunication Mast	<b>C</b>

#### Additional Controls

The conversion of a unit in a medium density housing complex and a residential building in to bed and breakfast, guest house, guest lodge, boarding house and backpackers will not be permitted

Must be read in conjunction with 2.2.1.3

## PART 2: SCHEME CONTROLS AND ZONE TABLES

### Zone RE : Small Holding/Residential Estate

#### Statement of Intent for Zone RE

A residential estate and small holding zone sets aside land for housing and related urban-scale agriculture where the number and magnitude of ancillary land use types are limited to provide for local every day employment and service needs. The minimum erf size is 2ha.

#### Development Control Standards

Minimum Erf Size	2ha*
Minimum Erf Size for Detached/Attached Multi-Units	1ha
Maximum Net Density	2du/ha
Minimum Erf Width/Frontage	18m
Depth to Frontage Ratio	3:1
Building Line for Single Detached	7.5m
Building Line for Attached or Multiple Units	7.5m
Rear Space for Single Detached	3m
Rear Space for Attached or Multiple Units	4.5m
Side Space for Single Detached	3m
Side Space for Attached or Multiple Units	4.5m
Floor Area Ratio	0.15
Coverage	15%
Maximum Height for Single Unit Detached/Attached Multi-Units	2 Storeys
Minimum Width of Access Way	3.5m

#### Legend for Land Use/Building Type Controls

Land Uses not listed in the Land Use/Building Type Controls table are prohibited.

<b>P</b>	Permitted Use
<b>C</b>	Permitted by consent
<b>C1</b>	Should prior written consent of the registered owner of each adjoining property, and other properties as the Municipality may direct, has first been obtained; full public participation may be waived.

#### Land Use/Building Type Controls

Agricultural Building	<b>P</b>
Agricultural Industry	<b>C</b>
Agricultural land	<b>P</b>
Back Packers	<b>C</b>
Bed and Breakfast	<b>C1</b>
Boarding House	<b>C</b>
Conference Centre	<b>C</b>
Creche	<b>C</b>
Dwelling House	<b>P</b>
Home Activity	<b>C1</b>
Home Business	<b>C</b>
Hotel	<b>P</b>
Maintenance Building	<b>P</b>
Medium Density Housing	<b>C</b>
Telecommunication Mast	<b>C</b>

#### Additional Controls

\* Subject to the stability of the soil and the topography of the area, and adequate access to services minimum erf size may be reduced to 4000m<sup>2</sup> in the Residential Estate and Smallholding Zone

Must be read in conjunction with 2.2.1.3

### 2.2.2 MIXED USE ZONES

#### 2.2.2.1 General Purpose and Controls for Mixed Use Zones

- (1) The Mixed Use Zones are intended to provide for a number of land uses in a single zone in a manner consistent with the Integrated Development Plan.
- (2) The **general controls** for the Mixed Use Zones are as follows:
  - (i) Despite the maximum development standards specified for each Mixed Use Zone, the level of development, including the number of dwelling units permitted, will take into account the existing level of services and the development will be restricted accordingly.
  - (ii) Reference will be made to Strategic Environmental Assessments, Environmental Management Frameworks or the Environmental Management Programs prepared for the area, if they are available. Development within or adjacent to areas identified as significant vegetation types or as included in the Environmental Atlas and those changes of land use identified in terms of the National Environmental Management Act will be subject to Environmental Impact Assessment procedures as determined by those plans and environmental regulations.

#### 2.2.2.2 Specific Purpose and Controls for Mixed Use Zones

- (1) The **specific purpose** of the Mixed Use Zones are as follows:
  - (i) **Core Mixed Use (MC) Zones** – Zones which define and set aside land for the development of the major activity focus or foci of urban areas with the fullest possible range of development.
  - (ii) **Medium Impact Mixed Use (MM) Zones** – Zones which sets aside land along major transport and communications corridors for the full range of retail, offices, service and light industrial, residential and community facilities and excluding noxious and general industry.
  - (iii) **Low Impact Mixed Use (ML) Zones** – These zones are intended to provide for the continued use, expansion and new development of small scale, low intensity neighbourhood level business uses.
  - (iv) **Suburban Office (MO) Zones** – These zones provide for office development as the primary developmental focus in suburban and peripheral locations, adjacent to shopping centres or a mixed-use core, or as independent zones.
- (2) The **development controls** for each of the individual Mixed Use Zones are set out below. These controls should be read in conjunction with Part 3 of the Clauses.



**2.2.2.3 Specific Additional Controls for the Mixed Use Zones**

<b>THESE SPECIFIC CONTROLS MUST BE READ IN CONJUNCTION WITH THE LOW IMPACT MIXED USE ZONE (ML)</b>	
<b>LOW IMPACT MIXED USE 1 (ML1)</b>	
<b>Map 1</b>	In respect of Rem of erf 91 Newton Wolds No. 6371, the Municipality may permit a light industrial building limited to labour intensive textile manufacturing
<b>Map 9</b>	Erf 536/6 Margate FAR restricted to 0.24 and Coverage restricted to 24%
<b>Map 10</b>	Erf 2422 Ramsgate – Multi Dwellings; office building and public building are not permitted; a shop restricted to selling goods solely for use or consumption by passing vehicular traffic or motorists is permitted.
<b>Map 14</b>	<p>In respect of Erf 1309 Leisure Bay, the following additional controls will apply:</p> <p>A service station will be freely permitted use and warehouse will be a consent use.</p> <p>The gross floor area of any warehouse use will not exceed 1500m<sup>2</sup>.</p> <p>Access arrangements will be to the satisfaction of the Municipality.</p> <p>In the case of parking provision for shops there will be provided 6 car spaces for each 100m<sup>2</sup> or major portion thereof of the gross shop area.</p> <p>Loading and off-loading facilities, and the access points thereto, are to be arranged in such a way as to avoid conflict with other vehicular movement on the site.</p> <p>No buildings will be erected closer than 7.5m from the 2 side boundaries of Rem. of Erf 1309 Leisure Bay.</p> <p>The proposed development will be screened off from the adjoining Special Residential sites along the southwestern boundary of Rem of erf 1309 to the satisfaction of the Municipality.</p> <p>A Shop as defined being freely permitted, including a shop permitting the sale of alcoholic beverages commonly referred to as a bottle store</p>
<b>Map 14</b>	In respect of Erven 526, 531, 532, 546- 550, 729, 730, 731 and 776 all of Glenmore, the Municipality may, by special consent, permit Service Industry
<b>THESE SPECIFIC CONTROLS MUST BE READ IN CONJUNCTION WITH THE MEDIUM IMPACT MIXED USE ZONE (MM)</b>	
<b>MEDIUM IMPACT MIXED USE 1 (MM1)</b>	
<b>Map 1</b>	The Municipality may in respect of Erf 1016 Hibberdene permit a maximum permissible height of 5 storeys in respect of the residential component only
<b>Map 15</b>	In respect of Rem of Erf 967 Port Edward, a Service Station will be deemed to be a freely permitted right

## PART 2: SCHEME CONTROLS AND ZONE TABLES

<b>THESE SPECIFIC CONTROLS MUST BE READ IN CONJUNCTION WITH THE SUBURBAN OFFICE USE ZONE (MO)</b>	
<b>SUBURBAN OFFICE 1 (MO1)</b>	
<b>Map 5 or 6</b>	depending on where the erf is located, erf 217 Port Shepstone is restricted to a height of 2 storeys.
	depending on where the erf is located, erf 549 Port Shepstone be restricted to four storeys" (parking plus three storeys);
<b>SUBURBAN OFFICE 2 (MO2)</b>	
<b>Map 8</b>	In respect of Erf 402 Uvongo; the minimum erf size shall be 810m <sup>2</sup> .
<b>PRIVATE ADMINISTRATION (PA)</b>	
<b>Map 6</b>	Erven 2 & 95 Broadview Estate are zoned access control building.  The minimum lot size for Erven 2 & 95 Broadview Estate will be 127m <sup>2</sup>

## PART 2: SCHEME CONTROLS AND ZONE TABLES

### Zone MC1 : Core Mixed Use 1

#### Statement of Intent for Zone MC1

This zone is intended to provide for the continued use, enhancement and new development of retail, personal service, entertainment, office and related commercial use reinforcing the existing commercial centre of Port Shepstone.

#### Additional Controls

Must be read in conjunction with 2.2.2.3

#### Development Control Standards

Minimum Erf Size for a Composite Building	1 000m <sup>2</sup>
Minimum Erf Size Exclusive	450m <sup>2</sup>
Minimum Erf Width/Frontage	7.5m
Depth to Frontage Ratio	3:1
Building Line	0m
Rear Space	3m
Side Space	0m
Floor Area Ratio	4.00
Coverage	100%
Maximum Height	U.R.
Other	N/A

#### Legend for Land Use/Building Type Controls

Land Uses not listed in the Land Use/Building Type Controls table are prohibited.

<b>P</b>	Permitted Use
<b>C</b>	Permitted by consent
<b>P2</b>	Above Ground Floor only

#### Land Use/Building Type Controls

Bed and Breakfast	<b>P2</b>
Boarding House	<b>P2</b>
Car Wash	<b>C</b>
Casino	<b>C</b>
Commercial Workshop	<b>P</b>
Conference centre	<b>C</b>
Crèche	<b>C</b>
Funeral Parlour	<b>C</b>
Garage	<b>P</b>
Guest House	<b>P2</b>
Guest Lodge	<b>P</b>
Health and Beauty Spa	<b>P</b>
Hotel	<b>P</b>
Launderette	<b>P</b>
Light Industrial Building	<b>C</b>
Parking Garage	<b>P</b>
Place of Public Amusement	<b>C</b>
Place of Public Assembly	<b>C</b>
Place of Worship	<b>C</b>
Professional Office	<b>P</b>
Public Office	<b>P</b>
Recreational Building	<b>C</b>
Residential Building	<b>P2</b>
Restaurant	<b>P</b>
Service Industrial Building	<b>P</b>
Service Station	<b>P</b>
Shop	<b>P</b>
Storage Warehouse	<b>C</b>
Telecommunication Mast	<b>C</b>
Veterinary Clinic	<b>C</b>
Wholesale Warehouse	<b>C</b>

## PART 2: SCHEME CONTROLS AND ZONE TABLES

### Zone MC2 : Core Mixed Use 2 (Public Garage)

#### Statement of Intent for Zone MC2

This zone is intended to provide for the continued use, enhancement and new development of Public Garages where vehicle servicing, repair, storage, display, sale, spray painting, fuelling or washing and cleaning of vehicles occurs. Activities included within this zone include the storage and sale of fuel, lubricants, motor spares and accessories, and grease-pits. The minimum erf size for such a development is 450m<sup>2</sup>.

#### Development Control Standards

Minimum Erf Size for a Composite Building	N/A
Minimum Erf Size Exclusive	450m <sup>2</sup>
Minimum Erf Width/Frontage	7.5m
Depth to Frontage Ratio	3:1
Building Line	0m
Rear Space	3m
Side Space	0m
Floor Area Ratio	2.00
Coverage	75%
Maximum Height	U.R
Other	N/A

#### Legend for Land Use/Building Type Controls

Land Uses not listed in the Land Use/Building Type Controls table are prohibited.

<b>P</b>	Permitted Use
<b>C</b>	Permitted by consent
<b>P3</b>	Restricted to 100m <sup>2</sup> only

#### Land Use/Building Type Controls

Car wash	<b>P</b>
Garage	<b>P</b>
Launderette	<b>C</b>
Light Industrial Building	<b>C</b>
Parking Garage	<b>P</b>
Professional Office	<b>P</b>
Public Office	<b>C</b>
Restaurant	<b>C</b>
Service Industrial Building	<b>C</b>
Service Station	<b>P</b>
Shop	<b>P3</b>
Telecommunication Mast	<b>C</b>
Veterinary Clinic	<b>C</b>

#### Additional Control

Must be read in conjunction with 2.2.2.3

## PART 2: SCHEME CONTROLS AND ZONE TABLES

### Zone MC3 : Core Mixed Use 3 (Car Park)

#### Statement of Intent for Zone MC3

This zone is intended to provide for the continued use, enhancement and new development of public car parks.

#### Development Control Standards

Minimum Erf Size for a Composite Building	N/A
Minimum Erf Size Exclusive	N/A
Minimum Erf Width/Frontage	7.5m
Depth to Frontage Ratio	3:1
Building Line	0m
Rear Space	3m
Side Space	0m
Floor Area Ratio	4.00
Coverage	100%
Maximum Height	U.R
Other	N/A

#### Legend for Land Use/Building Type Controls

Land Uses not listed in the Land Use/Building Type Controls table are prohibited.

<b>P</b>	Permitted Use
<b>C</b>	Permitted by consent
<b>P3</b>	Restricted to 100m <sup>2</sup> only

#### Land Use/Building Type Controls

Car wash	<b>P</b>
Garage	<b>C</b>
Launderette	<b>C</b>
Parking Garage	<b>P</b>
Professional Office	<b>P</b>
Public Office	<b>C</b>
Restaurant	<b>C</b>
Service Station	<b>P</b>
Shop	<b>P3</b>
Telecommunication Mast	<b>C</b>
Veterinary Clinic	<b>C</b>

#### Additional Control

Must be read in conjunction with 2.2.2.3

## PART 2: SCHEME CONTROLS AND ZONE TABLES

### Zone MC4 : Core Mixed Use 4

#### Statement of Intent for Zone MC4

This zone is intended to provide for the continued use, enhancement and new development of retail, personal service, entertainment, office and related commercial use reinforcing the existing commercial centres within Margate, and Ramsgate.

#### Development Control Standards

Minimum Erf Size for a Composite Building	1 800m <sup>2</sup>
Minimum Erf Size Exclusive	450m <sup>2</sup>
Minimum Erf Width/Frontage	7.5m
Depth to Frontage Ratio	3:1
Building Line	0m
Rear Space	2.5m
Side Space	2.5m
Floor Area Ratio	1.50
Coverage	80%
Maximum Height	3 Storeys*
Other	FAR: 0.5 Res Comp.* Height 6 Storeys in Margate CBD

\* Development will be subject to Clause 2.2.2.1(2).

#### Legend for Land Use/Building Type Controls

Land Uses not listed in the Land Use/Building Type Controls table are prohibited.

<b>P</b>	Permitted Use
<b>C</b>	Permitted by consent
<b>C1</b>	Should prior written consent of the registered owner of each adjoining property, and other properties as the Municipality may direct, has first been obtained; full public participation may be waived.
<b>P2</b>	Above Ground Floor only

#### Land Use/Building Type Controls

Back Packers	<b>C</b>
Bed and Breakfast	<b>C1</b>
Boarding House	<b>C</b>
Car wash	<b>C</b>
Casino	<b>C</b>
Commercial Workshop	<b>P</b>
Funeral Parlour	<b>C</b>
Guest House	<b>C1</b>
Guest Lodge	<b>P2</b>
Health and Beauty Spa	<b>P</b>
Hotel	<b>P2</b>
Launderette	<b>P</b>
Parking Garage	<b>P</b>
Private Recreation area	<b>C</b>
Place of Public Amusement	<b>C</b>
Place of Worship	<b>C</b>
Professional Office	<b>P</b>
Public Office	<b>P</b>
Recreational Building	<b>C</b>
Residential Building	<b>P2</b>
Restaurant	<b>P</b>
Service Station	<b>C</b>
Shop	<b>P</b>
Storage Warehouse	<b>C</b>

Telecommunication Mast	<b>C</b>
Veterinary Clinic	<b>C</b>
Wholesale Warehouse	<b>C</b>

#### Additional Controls

Must be read in conjunction with 2.2.2.3

#### Maps 7, 8, 9 & 10

A residential Building is permitted on the Ground Floor by Consent

## PART 2: SCHEME CONTROLS AND ZONE TABLES

### Zone MM1 : Medium Impact Mixed Use 1

#### Statement of Intent for Zone MM1

This zone permits activities including, amongst others, commercial workshops, laundrettes, office and public office buildings, places of public amusement, restaurants, shops and warehouses. The minimum erf sizes within this zone are 450m<sup>2</sup>, but 1000m<sup>2</sup> where limited residential development is permitted above ground floor, with a height of up to 3 storeys.

#### Development Control Standards

Minimum Erf Size for a Composite Building	1 000m <sup>2</sup>
Minimum Erf Size Exclusive	450m <sup>2</sup>
Minimum Erf Width/Frontage	7.5m
Depth to Frontage Ratio	3:1
Building Line	0m
Rear Space	3m
Side Space	0m
Floor Area Ratio	1.25
Coverage	80%
Maximum Height	3 Storeys

#### Legend for Land Use/Building Type Controls

Land Uses not listed in the Land Use/Building Type Controls table are prohibited.

<b>P</b>	Permitted Use
<b>C</b>	Permitted by consent
<b>P2</b>	Above Ground Floor only

#### Land Use/Building Type Controls

Bed and Breakfast	<b>P2</b>
Boarding House	<b>P2</b>
Car wash	<b>C</b>
Casino	<b>C</b>
Conference centre	<b>C</b>
Commercial Workshop	<b>P</b>
Crèche	<b>C</b>
Funeral Parlour	<b>C</b>
Guest House	<b>P2</b>
Guest Lodge	<b>P2</b>
Health and Beauty Spa	<b>P</b>
Hotel	<b>P2</b>
Launderette	<b>P</b>
Parking Garage	<b>P</b>
Place of Public Amusement	<b>C</b>
Place of Public Assembly	<b>C</b>
Place of Worship	<b>C</b>
Private Recreation Area	<b>C</b>
Professional Office	<b>P</b>
Public Office	<b>P</b>
Recreational Building	<b>C</b>
Residential Building	<b>P2</b>
Restaurant	<b>P</b>
Service Industrial Building	<b>C</b>
Service Station	<b>C</b>
Shop	<b>P</b>
Storage Warehouse	<b>C</b>
Telecommunication Mast	<b>C</b>
Veterinary Clinic	<b>C</b>
Wholesale Warehouse	<b>C</b>

#### Additional Controls

Must be read in conjunction with 2.2.2.3

#### Maps 7, 8, 9 & 10

A residential Building is permitted on the Ground Floor by Consent

#### Maps 1, 2 & 3

Where the only residential component is the caretakers/owners flat, the maximum coverage of 80% will continue to apply

#### Maps 13, 14 & 15

Where the only residential component is the caretakers/owners flat, the maximum coverage of 80% will continue to apply

Maximum Net Density: 30du/ha

Where a residential use is included in a composite building, the FAR for such residential use will not exceed 0.35 and the total coverage for all buildings will not exceed 50%

## PART 2: SCHEME CONTROLS AND ZONE TABLES

### Zone MM2 : Medium Impact Mixed Use 2

#### Statement of Intent for Zone MM2

This zone is restricted to the periphery of Margate CBD where a greater residential component and a height of 6 storeys are permitted.

#### Development Control Standards

Minimum Erf Size for a Composite Building	1 800m <sup>2</sup>
Minimum Erf Size Exclusive	NA
Minimum Erf Width/Frontage	21m
Depth to Frontage Ratio	3:1
Building Line	5m
Rear Space	2.5m
Side Space	2.5m
Floor Area Ratio	1.25
Coverage	70%
Maximum Height	6 Storeys
Other	FAR: 0.75 Res Comp. Zone Restricted to Periphery of Margate CBD

#### Legend for Land Use/Building Type Controls

Land Uses not listed in the Land Use/Building Type Controls table are prohibited.

<b>P</b>	Permitted Use
<b>C</b>	Permitted by Consent
<b>C1</b>	Should prior written consent of the registered owner of each adjoining property, and other properties as the Municipality may direct, has first been obtained; full public participation may be waived.
<b>P8</b>	Permitted on Ground Floor except on Marine Drive frontage

#### Land Use/Building Type Controls

Back Packers	<b>C</b>
Bed and Breakfast	<b>C1</b>
Boarding House	<b>C</b>
Car wash	<b>C</b>
Casino	<b>C</b>
Conference centre	<b>C</b>
Commercial Workshop	<b>P</b>
Health and Beauty Spa	<b>P</b>
Launderette	<b>P</b>
Parking Garage	<b>P</b>
Place of Public Amusement	<b>C</b>
Private Recreation Area	<b>C</b>
Professional Office	<b>P</b>
Public Office	<b>P</b>
Recreational Building	<b>C</b>
Residential Building	<b>P8</b>
Restaurant	<b>P</b>
Shop	<b>P</b>
Storage Warehouse	<b>P</b>
Telecommunication Mast	<b>C</b>

#### Additional Controls

Must be read in conjunction with 2.2.2.3



## PART 2: SCHEME CONTROLS AND ZONE TABLES

### Zone MM3 : Medium Impact Mixed Use 3

#### Statement of Intent for Zone MM3

This zone permits activities including, amongst others, shops (that are restricted in terms of scale), a public garage, service station, restaurants, vending machines, automatic tellers, and electronic games machines.

#### Additional Control

Must be read in conjunction with 2.2.2.3

#### Margate (Maps 7, 8, 9 & 10)

Building Line: 5m

Rear Space: 2.5m

#### Development Control Standards

Minimum Erf Size for a Composite Building	N/A
Minimum Erf Size Exclusive	1 800m <sup>2</sup>
Minimum Erf Width/Frontage	15m
Depth to Frontage Ratio	3.1
Building Line	7.5m
Rear Space	3m
Side Space	0m
Floor Area Ratio	0.40
Coverage	60%
Maximum Height	2 Storeys
Other	See Clause 5.2.9.1 in Appendix 2A

#### Legend for Land Use/Building Type Controls

Land Uses not listed in the Land Use/Building Type Controls table are prohibited.

<b>P</b>	Permitted Use
<b>C</b>	Permitted by consent
<b>P3</b>	Restricted to 100m <sup>2</sup> only

#### Land Use/Building Type Controls

Car wash	<b>C</b>
Casino	<b>C</b>
Conference centre	<b>C</b>
Garage	<b>C</b>
Health and Beauty Spa	<b>P</b>
Launderette	<b>C</b>
Parking Garage	<b>P</b>
Place of Worship	<b>C</b>
Private Recreation Area	<b>C</b>
Professional Office	<b>P</b>
Public Office	<b>C</b>
Recreational Building	<b>C</b>
Restaurant	<b>C</b>
Service Industrial Building	<b>C</b>
Service Station	<b>P</b>
Shop	<b>P3</b>
Telecommunication Mast	<b>C</b>
Veterinary Clinic	<b>C</b>

## PART 2: SCHEME CONTROLS AND ZONE TABLES

### Zone ML1 : Low Impact Mixed Use 1

#### Statement of Intent for Zone ML1

This zone permits the development of low order shopping centres.

#### Development Control Standards

Minimum Erf Size for a Composite Building	900m <sup>2</sup>
Minimum Erf Size Exclusive	450m <sup>2</sup>
Minimum Erf Width/Frontage	7.5m
Depth to Frontage Ratio	3:1
Building Line	4.5m
Rear Space	2m
Side Space	2m
Floor Area Ratio	0.50
Coverage	50%
Maximum Height	2 Storeys
Other	Max No. Dwelling Units/Ha 15*

#### Legend for Land Use/Building Type Controls

Land Uses not listed in the Land Use/Building Type Controls table are prohibited.

<b>P</b>	Permitted Use
<b>C</b>	Permitted by consent
<b>C1</b>	Should prior written consent of the registered owner of each adjoining property, and other properties as the Municipality may direct, has first been obtained; full public participation may be waived.
<b>P2</b>	Above Ground Floor only

Land Use/Building Type Controls	
Back Packers	<b>C</b>
Bed and Breakfast	<b>P2</b>
Boarding House	<b>P2</b>
Car wash	<b>C</b>
Casino	<b>C</b>
Conference centre	<b>C</b>
Commercial Workshop	<b>P</b>
Crèche	<b>C</b>
Dwelling House	<b>P</b>
Guest House	<b>C</b>
Guest Lodge	<b>P2</b>
Health and Beauty Spa	<b>P</b>
Home Activity	<b>C1</b>
Home Business	<b>C</b>
Hotel	<b>P2</b>
Launderette	<b>P</b>
Parking Garage	<b>P</b>
Place of Public Amusement	<b>C</b>
Place of Public Assembly	<b>C</b>
Place of Worship	<b>C</b>
Private Recreation Area	<b>C</b>
Professional Office	<b>P</b>
Public Office	<b>P</b>
Recreational Building	<b>C</b>
Residential Building	<b>P2</b>
Restaurant	<b>P</b>
Service Station	<b>C</b>
Shop	<b>P</b>
Storage Warehouse	<b>C</b>

Telecommunication Mast	<b>C</b>
Veterinary Clinic	<b>C</b>
Wholesale Warehouse	<b>C</b>

#### Additional Controls

Development will be subject to Clause 2.2.2.1(2).  
Must be read in conjunction with 2.2.2.3

#### Maps 11 & 12

Where a residential use is included in a composite building, not more than 2 dwelling units will be erected on the upper floor for every complete 900m of erf area

A storage Warehouse is freely permitted

#### Maps 4, 5 & 6

Residential Units are permitted on the ground floor with consent

#### Map 7

Erf 2035 Shelly Beach shall be restricted to 1 storey.

## PART 2: SCHEME CONTROLS AND ZONE TABLES

### Zone ML2 : Low Impact Mixed Use 2

#### Statement of Intent for Zone ML2

This zone is characterised by low impact compatible mixed uses largely of a residential nature and permits activities like dwelling houses, guest houses and small scale economic activities. Minimum erf sizes within this zone are 900m<sup>2</sup>.

#### Development Control Standards

Minimum Erf Size for a Composite Building	900m <sup>2</sup>
Minimum Erf Size Exclusive	900m <sup>2</sup>
Minimum Erf Width/Frontage	15m
Depth to Frontage Ratio	3:1
Building Line	4.5m
Rear Space	2m
Side Space	2m
Floor Area Ratio	0.50
Coverage	50%
Maximum Height	2 Storeys
Other	Max No. Dwelling Units/Ha 15*

#### Legend for Land Use/Building Type Controls

Land Uses not listed in the Land Use/Building Type Controls table are prohibited.

<b>P</b>	Permitted Use
<b>C</b>	Permitted by consent
<b>C1</b>	Should prior written consent of the registered owner of each adjoining property, and other properties as the Municipality may direct, has first been obtained; full public participation may be waived.
<b>P2</b>	Above Ground Floor only

#### Land Use/Building Type Controls

Back Packers	<b>C</b>
Bed and Breakfast	<b>P2</b>
Boarding House	<b>C</b>
Car wash	<b>C</b>
Casino	<b>C</b>
Conference centre	<b>C</b>
Commercial Workshop	<b>C</b>
Crèche	<b>C</b>
Dwelling House	<b>P</b>
Guest House	<b>P</b>
Health and Beauty Spa	<b>P</b>
Home Activity	<b>C1</b>
Home Business	<b>C</b>
Launderette	<b>C</b>
Medium Density Housing	<b>C</b>
Place of Public Amusement	<b>C</b>
Place of Public Assembly	<b>C</b>
Place of Worship	<b>C</b>
Private Recreation Area	<b>C</b>
Professional Office	<b>C</b>
Public Office	<b>C</b>
Recreational Building	<b>C</b>
Residential Building	<b>C</b>
Restaurant	<b>C</b>
Shop	<b>C</b>
Telecommunication Mast	<b>C</b>

Veterinary Clinic	<b>C</b>
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#### Additional Controls

Development will be subject to Clause 2.2.2.1(2).  
Must be read in conjunction with 2.2.2.3

## PART 2: SCHEME CONTROLS AND ZONE TABLES

### Zone ML3 : Low Impact Mixed Use 3

#### Statement of Intent for Zone ML3

This zone permits a Dwelling House, and small scale economic activities.

#### Development Control Standards

Minimum Erf Size for a Composite Building	N/A
Minimum Erf Size Exclusive	250m <sup>2</sup>
Minimum Erf Width/Frontage	7m
Depth to Frontage Ratio	3:1
Building Line	3m
Rear Space	1.5m
Side Space	1m
Floor Area Ratio	0.50
Coverage	50%
Maximum Height	2 Storeys
Other	N/A

#### Legend for Land Use/Building Type Controls

Land Uses not listed in the Land Use/Building Type Controls table are prohibited.

<b>P</b>	Permitted Use
<b>C</b>	Permitted by Special consent
<b>C1</b>	Should prior written consent of the registered owner of each adjoining property, and other properties as the Municipality may direct, has first been obtained; full public participation may be waived.
<b>P2</b>	Above Ground Floor only

#### Land Use/Building Type Controls

Back Packers	<b>C</b>
Bed and Breakfast	<b>P2</b>
Boarding House	<b>C</b>
Car wash	<b>C</b>
Casino	<b>C</b>
Conference centre	<b>C</b>
Commercial Workshop	<b>C</b>
Crèche	<b>C</b>
Dwelling House	<b>P</b>
Guest House	<b>C</b>
Health and Beauty Spa	<b>P</b>
Home Activity	<b>C1</b>
Home Business	<b>C</b>
Launderette	<b>C</b>
Place of Public Amusement	<b>C</b>
Place of Public Assembly	<b>C</b>
Place of Worship	<b>C</b>
Private Recreation Area	<b>C</b>
Professional Office	<b>P</b>
Public Office	<b>C</b>
Recreational Building	<b>C</b>
Residential Building	<b>C</b>
Restaurant	<b>C</b>
Shop	<b>C</b>
Telecommunication Mast	<b>C</b>
Veterinary Clinic	<b>C</b>

#### Additional Controls

Must be read in conjunction with 2.2.2.3

## PART 2: SCHEME CONTROLS AND ZONE TABLES

### Zone ML4 : Low Impact Mixed Use 4

#### Statement of Intent for Zone ML4

This zone permits wholesale commercial development.

#### Development Control Standards

Minimum Erf Size for a Composite Building	N/A
Minimum Erf Size Exclusive	3 600m <sup>2</sup>
Minimum Erf Width/Frontage	18m
Depth to Frontage Ratio	3:1
Building Line	7.5m
Rear Space	2m
Side Space	2m
Floor Area Ratio	0.30
Coverage	30%
Maximum Height	2 Storeys
Other	N/A

#### Legend for Land Use/Building Type Controls

Land Uses not listed in the Land Use/Building Type Controls table are prohibited.

<b>P</b>	Permitted Use
<b>C</b>	Permitted by consent
<b>C1</b>	Should prior written consent of the registered owner of each adjoining property, and other properties as the Municipality may direct, has first been obtained; full public participation may be waived.
<b>P4</b>	Floor area restricted to 10% of the erf area

#### Land Use/Building Type Controls

Agricultural Building	<b>C</b>
Agricultural Land	<b>C</b>
Car wash	<b>C</b>
Casino	<b>C</b>
Conference centre	<b>C</b>
Commercial Workshop	<b>P</b>
Crèche	<b>C</b>
Dwelling House	<b>P</b>
Health and Beauty Spa	<b>P</b>
Home Activity	<b>C1</b>
Home Business	<b>C</b>
Launderette	<b>C</b>
Private Recreation Area	<b>C</b>
Professional Office	<b>P</b>
Public Office	<b>C</b>
Recreational Building	<b>C</b>
Residential Building	<b>C</b>
Restaurant	<b>C</b>
Shop	<b>C</b>
Telecommunication Mast	<b>C</b>
Veterinary Clinic	<b>C</b>

#### Additional Controls

Must be read in conjunction with 2.2.2.3

## PART 2: SCHEME CONTROLS AND ZONE TABLES

### Zone MO1 : Suburban Office 1

#### Statement of Intent for Zone MO1

This zone permits a high level of office development.

#### Development Control Standards

Minimum Erf Size for a Composite Building	1 000m <sup>2</sup>
Minimum Erf Size Exclusive	450m <sup>2</sup>
Minimum Erf Width/Frontage	7.5m
Depth to Frontage Ratio	3:1
Building Line	0m
Rear Space	3m
Side Space	0m
Floor Area Ratio	1.50
Coverage	75%
Maximum Height	U.R
Other	N/A

#### Legend for Land Use/Building Type Controls

Land Uses not listed in the Land Use/Building Type Controls table are prohibited.

<b>P</b>	Permitted Use
<b>C</b>	Permitted by consent
<b>C1</b>	Should prior written consent of the registered owner of each adjoining property, and other properties as the Municipality may direct, has first been obtained; full public participation may be waived.
<b>P2</b>	Above Ground Floor only

#### Land Use/Building Type Controls

Bed and Breakfast	<b>C</b>
Boarding House	<b>C</b>
Conference centre	<b>C</b>
Crèche	<b>C</b>
Dwelling House	<b>P</b>
Guest House	<b>C</b>
Home Activity	<b>C1</b>
Home Business	<b>C</b>
Parking Garage	<b>C</b>
Place of Public Assembly	<b>C</b>
Place of Worship	<b>C</b>
Professional Office	<b>P</b>
Public Office	<b>P</b>
Recreational Building	<b>C</b>
Residential Building	<b>P2</b>
Restaurant	<b>C</b>
Telecommunication Mast	<b>C</b>
Veterinary Clinic	<b>C</b>

#### Additional Controls

Must be read in conjunction with 2.2.2.3

## PART 2: SCHEME CONTROLS AND ZONE TABLES

### Zone MO2 : Suburban Office 2

#### Statement of Intent for Zone MO2

These occur as independent zones in suburban settings permitting a low level of office development.

#### Development Control Standards

Minimum Erf Size for a Composite Building	1 000m <sup>2</sup>
Minimum Erf Size Exclusive	750m <sup>2</sup>
Minimum Erf Width/Frontage	15m
Depth to Frontage Ratio	3:1
Building Line	7.5m
Rear Space	2m
Side Space	2m
Floor Area Ratio	0.50
Coverage	50%
Maximum Height	2 Storeys
Other	N/A

#### Legend for Land Use/Building Type Controls

Land Uses not listed in the Land Use/Building Type Controls table are prohibited.

<b>P</b>	Permitted Use
<b>C</b>	Permitted by consent
<b>C1</b>	Should prior written consent of the registered owner of each adjoining property, and other properties as the Municipality may direct, has first been obtained; full public participation may be waived.
<b>P2</b>	Above Ground Floor only
<b>P9</b>	Restricted to 50m <sup>2</sup>

#### Land Use/Building Type Controls

Dwelling House	<b>P</b>
Home Activity	<b>C1</b>
Home Business	<b>C</b>
Parking Garage	<b>C</b>
Place of Public Assembly	<b>C</b>
Professional Office	<b>P</b>
Public Office	<b>C</b>
Residential Building	<b>P2</b>
Shop	<b>P9</b>
Telecommunication Mast	<b>C</b>
Veterinary Clinic	<b>C</b>

#### Additional Controls

Must be read in conjunction with 2.2.2.3

#### Maps 7, 8, 9 & 10

Minimum Erf Size for a composite building is 750m

#### Maps 13, 14 & 15

Restaurant is permitted by consent

## PART 2: SCHEME CONTROLS AND ZONE TABLES

### Zone PA : Private Administration

#### Statement of Intent for Zone PA

These occur as zones within estate developments and are used strictly for the purposes of office administration for the estate.

#### Development Control Standards

Minimum Erf Size	400m <sup>2</sup>
Minimum Erf Width/Frontage	7m
Depth to Frontage Ratio	3:1
Building Line	3m
Rear Space	1m
Side Space	1m
Floor Area Ratio	0.50
Coverage	50%
Maximum Height	1 Storey

#### Legend for Land Use/Building Type Controls

Land Uses not listed in the Land Use/Building Type Controls table are prohibited.

P	Permitted Use
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#### Land Use/Building Type Controls

Office	P
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#### Additional controls

- Office to be used only for the purposes of the estate



### 2.2.3 INDUSTRIAL ZONES

#### 2.2.3.1 General Purpose and Controls for Industrial Zones

- (1) The **general purpose** of the Industrial Zones is to:
  - (i) Provide appropriately located industrial areas to accommodate enterprises engaged in the activities defined in Clause 6.1.1 Appendix 1A of this scheme;
  - (ii) Avoid the overloading of public services and infrastructure;
  - (iii) Promote the consolidation of industrial uses into comprehensively planned industrial parks;
  - (iv) Promote a mix of industrial uses that provides the Municipal area with a sound, diverse industrial base;
  - (v) Promote high standards of site planning and landscape design for industrial developments within the Municipal area;
  - (vi) Ensure compatibility with adjacent land uses.
- (2) The **general controls** for the Industrial Zones are as follows:
  - (i) Despite the maximum development standards specified for each Industrial Zone, the level of development, including the number of dwelling units permitted, will take into account the existing level of services and the development will be restricted accordingly.
  - (ii) Reference will be made to the Environmental Management Frameworks and Environmental Management Programs prepared for the area if they are available. Development within or adjacent to areas identified as sensitive, as having significant vegetation types or as included in the Environmental Atlas or Strategic Environmental Assessment and those changes of land use identified in terms of the National Environmental Management Act and its Specific Environmental Management Acts will be subject to Environmental Impact Assessment procedures as determined by those plans and environmental regulations.

#### 2.2.3.2 Specific Purpose and Controls for Industrial Zones

- (1) The specific purpose of the Industrial Zones are as follows:
  - (i) **Medium Impact Industry (IM) Zone** – A zone to contain a mix of industrial and related land uses and activities with lesser potential environmental impacts and excludes heavy and noxious industries.
  - (ii) **Low Impact Industry (IL) Zones** – This zone defines opportunities to interface low impact industries in relation to residential areas to facilitate local economic development and employment opportunities and can also be used as a buffer or interface with other industrial zones. This zone will accommodate a mix of light and service industry and warehousing.
  - (iii) **Quarrying and Mining (IQ) Zone** – This zone comprises land for the extraction of minerals or materials, including sand and stone, in compliance with a permit from Department of Mineral Resources and Environmental Authorisation from the relevant competent authority either Provincial or National. It will include the monitoring and control of the operation to minimise amenity disturbance by way of dust, noise (including blasting), heavy vehicles, hours of operation and any remedial programmes once the activity ceases.
- (2) The **development controls** for each of the individual Industrial Zones are set out below. These controls should be read in conjunction with Part 3 of the Clauses.

## PART 2: SCHEME CONTROLS AND ZONE TABLES

### Zone IM : Medium Impact Industry

#### Statement of Intent for Zone IM

A zone to contain a mix of industrial and related land uses and activities with lesser environmental impacts and excludes heavy and noxious industries. The minimum erf size within this zone is 1000m<sup>2</sup>.

#### Development Control Standards

Minimum Erf Size for a Composite Building	N/A
Minimum Erf Size Exclusive	1 000m <sup>2</sup>
Minimum Erf Width/Frontage	18m
Depth to Frontage Ratio	3:1
Building Line	4.5m
Rear Space	0m
Side Space	0m
Floor Area Ratio	2.00
Coverage	75%
Maximum Height	U.R
Other	Access Way: 9m

#### Legend for Land Use/Building Type Controls

Land Uses not listed in the Land Use/Building Type Controls table are prohibited.

<b>P</b>	Permitted Use
<b>C</b>	Permitted by consent
<b>C5</b>	As per Clause 5.2.9.3
<b>P5</b>	For use by Manager/Caretaker

Land Use/Building Type Controls	
Agricultural Building	C
Agricultural Industry	C
Agricultural Land	C
Car Wash	P
Conference Centre	C
Crèche	C
Dwelling House	P5
Extractive Industry	C
Funeral Parlour	C
Garage	P
General Industrial Building	P
Launderette	C
Light Industrial Building	P
Parking Garage	C
Professional Office	P
Public Office	C
Restaurant	C
Scrap Yard	C
Service Industrial Building	P
Service Station	C
Shop	C5
Storage Warehouse	P
Telecommunication Mast	C
Wholesale Warehouse	P

## PART 2: SCHEME CONTROLS AND ZONE TABLES

### Zone IL1 : Low Impact Industry 1

#### Statement of Intent for Zone IL1

These are located in the Port Shepstone/Marburg Industrial Area and permit a higher level of development. The minimum erf size within this zone is 1000m<sup>2</sup>.

#### Development Control Standards

Minimum Erf Size for a Composite Building	N/A
Minimum Erf Size Exclusive	1 000m <sup>2</sup>
Minimum Erf Width/Frontage	18m
Depth to Frontage Ratio	3:1
Building Line	4.5m
Rear Space	0m
Side Space	0m
Floor Area Ratio	2.00
Coverage	75%
Maximum Height	U.R.
Other	Access Way: 9m

#### Legend for Land Use/Building Type Controls

Land Uses not listed in the Land Use/Building Type Controls table are prohibited.

<b>P</b>	Permitted Use
<b>C</b>	Permitted by consent
<b>C5</b>	As per Clause 5.2.9.3
<b>P5</b>	For use by Manager/Caretaker

#### Land Use/Building Type Controls

Agricultural Building	<b>C</b>
Agricultural Industry	<b>C</b>
Agricultural Land	<b>C</b>
Car wash	<b>P</b>
Conference Centre	<b>C</b>
Crèche	<b>C</b>
Dwelling House	<b>P5</b>
Extractive Industry	<b>C</b>
Funeral Parlour	<b>C</b>
Garage	<b>P</b>
Launderette	<b>C</b>
Light Industrial Building	<b>P</b>
Parking Garage	<b>C</b>
Place of Public Assembly	<b>C</b>
Professional Office	<b>P</b>
Public Office	<b>C</b>
Restaurant	<b>C</b>
Scrap Yard	<b>C</b>
Service Industrial Building	<b>P</b>
Service Station	<b>C</b>
Shop	<b>C5</b>
Storage Warehouse	<b>P</b>
Telecommunication Mast	<b>C</b>
Wholesale Warehouse	<b>P</b>

## PART 2: SCHEME CONTROLS AND ZONE TABLES

### Zone IL2 : Low Impact Industry 2

#### Statement of Intent for Zone IL2

This zone permits a limited level of Light and Service Industries. The minimum erf size within this zone is 900m<sup>2</sup>.

#### Development Control Standards

Minimum Erf Size for a Composite Building	N/A
Minimum Erf Size Exclusive	900m <sup>2</sup>
Minimum Erf Width/Frontage	18m
Depth to Frontage Ratio	3:1
Building Line	4.5m
Rear Space	2m
Side Space	0m
Floor Area Ratio	0.50
Coverage	50%
Maximum Height	2 Storeys
Other	Access Way: 9m

#### Legend for Land Use/Building Type Controls

Land Uses not listed in the Land Use/Building Type Controls table are prohibited.

<b>P</b>	Permitted Use
<b>C</b>	Permitted by consent
<b>C5</b>	As per Clause 5.2.9.3
<b>P5</b>	For use by Manager/Caretaker

Land Use/Building Type Controls	
Agricultural Building	<b>C</b>
Agricultural Industry	<b>C</b>
Agricultural Land	<b>C</b>
Car Wash	<b>P</b>
Conference Centre	<b>C</b>
Crèche	<b>C</b>
Dwelling House	<b>P5</b>
Extractive Industry	<b>C</b>
Funeral Parlour	<b>C</b>
Garage	<b>P</b>
Launderette	<b>C</b>
Light Industrial Building	<b>P</b>
Parking Garage	<b>C</b>
Place of Public Assembly	<b>C</b>
Professional Office	<b>P</b>
Public Office	<b>C</b>
Restaurant	<b>C</b>
Service Industrial Building	<b>P</b>
Service Station	<b>C</b>
Shop	<b>C5</b>
Storage Warehouse	<b>P</b>
Telecommunication Mast	<b>C</b>
Wholesale Warehouse	<b>P</b>

## PART 2: SCHEME CONTROLS AND ZONE TABLES

### Zone IQ : Quarrying and Mining

#### Statement of Intent for Zone IQ

This zone comprises land for the extraction of minerals or materials, including sand and stone, in compliance with a permit from DAEA. It will include the monitoring and control of the operation to minimise amenity disturbance by way of dust, noise (including blasting), heavy vehicles, hours of operation and any remedial programmes once the activity ceases.

#### Development Control Standards

Minimum Erf Size for a Composite Building	N/A
Minimum Erf Size Exclusive	N/A
Minimum Erf Width/Frontage	18m
Depth to Frontage Ratio	N/A
Building Line	4.5m
Rear Space	2m
Side Space	2m
Floor Area Ratio	0.10
Coverage	10%
Maximum Height	2 Storeys
Other	Access Way: 9m

#### Legend for Land Use/Building Type Controls

Land Uses not listed in the Land Use/Building Type Controls table are prohibited.

<b>P</b>	Permitted Use
<b>C</b>	Permitted by consent
<b>C1</b>	Should prior written consent of the registered owner of each adjoining property, and other properties as the Municipality may direct, has first been obtained; full public participation may be waived.
<b>P5</b>	For use by Manager/Caretaker

#### Land Use/Building Type Controls

Agricultural Building	<b>C1</b>
Agricultural Industry	<b>C</b>
Agricultural Land	<b>C</b>
Car Wash	<b>P</b>
Dwelling House	<b>P5</b>
Extractive Industry	<b>P</b>
General Industrial Building	<b>C</b>
Light Industrial Building	<b>C</b>
Parking Garage	<b>C</b>
Professional Office	<b>P</b>
Service Industrial Building	<b>P</b>
Telecommunication Mast	<b>C</b>

#### Additional Controls

##### Hibberdene (Maps 1, 2 & 3)

There will be no specific density requirement, subject to approval of a layout plan by the Municipality and Clause 2.2.3.1.(2)

### 2.2.4 CIVIC AND SOCIAL ZONES

#### 2.2.4.1 General Purpose and Controls for Civic and Social Zones

- (1) The **general purpose** of the Civic and Social Zones is to:
  - (i) Provide appropriate areas for civic and social facilities, and public offices for public administration or government functions, including education, health, pension offices, museums, libraries, community halls, prisons, juvenile facilities, cemeteries and crematoria;
  - (ii) Provide for uses and buildings associated with public and private service providers.
- (2) The **general controls** for the Civic and Social Zones are as follows:
  - (i) Despite the maximum development standards specified for each Civic and Social Zone, the level of development, including the number of dwelling units permitted, will take into account the existing level of services and the development will be restricted accordingly.
  - (ii) Reference will be made to Strategic Environmental Assessments, Environmental Management Frameworks or the Environmental Management Programs prepared for the area, if they are available. Development within or adjacent to areas identified as significant vegetation types or as included in the Environmental Atlas and those changes of land use identified in terms of the National Environmental Management Act will be subject to Environmental Impact Assessment procedures as determined by those plans and environmental regulations.

#### 2.2.4.2 Specific Purpose and Controls for Civic and Social Zones

- (1) The **specific purpose** of the Civic and Social Zones are as follows:
  - (i) **Education (CE) Zones** – A zone which allows for the development of all educational facilities.
  - (ii) **Institutions (CI) and Worship (CW) Zones** – A zone which provides for the full range of hospital, clinic, community care, welfare and social requirements.
  - (iii) **Public Buildings (CP) Zone** – A zone which provides for municipal institutions and public facilities related to infrastructure and services.
  - (iv) **Utility Facility (Reservation)** – The provision of all necessary land areas for roads and essential services required within the Municipality. The identification of existing and future infrastructural service corridors and areas required for the installation, maintenance and proper functioning thereof. Until required, these areas may be utilised on a temporary basis for specified activities and purposes, and are reflected as reservations. This includes water works, sewage disposal, refuse disposal, cemetery, public car parks, new roads and road widening, existing roads and the approximate position of new roads for the future, bus and taxi ranks, etc.
- (2) The development controls for each of the individual Utility Zones is set out below. These controls should be read in conjunction with Part 3 of the Clauses.



## PART 2: SCHEME CONTROLS AND ZONE TABLES

### Zone CE : Education

#### Statement of Intent for Zone CE

This means a building privately used for, amongst others, a university, school, college, technical institute, academy, research laboratory, lecture hall, library, art gallery, museum, gymnasium, and includes ancillary residential buildings and other ancillary buildings. No limits are placed on the minimum erf size.

#### Development Control Standards

Minimum Erf Size	N/A
Minimum Erf Width	18m
Depth to Frontage Ratio	3:1
Building Line	4.5m
Rear Space	3m
Side Space	2m
Floor Area Ratio	1.00
Coverage	50%
Maximum Height	3 Storeys

#### Legend for Land Use/Building Type Controls

Land Uses not listed in the Land Use/Building Type Controls table are prohibited.

<b>P</b>	Permitted Use
<b>C</b>	Permitted by consent
<b>C1</b>	Should prior written consent of the registered owner of each adjoining property, and other properties as the Municipality may direct, has first been obtained; full public participation may be waived.
<b>C4</b>	For Staff/Caretaker only
<b>P6</b>	Restricted to serve staff and pupils only

#### Land Use/Building Type Controls

Agricultural Building	<b>C</b>
Agricultural Land	<b>C</b>
Boarding House	<b>C</b>
Crèche	<b>P</b>
Dwelling House	<b>P</b>
Educational Building	<b>P</b>
Guest House	<b>C</b>
Home Activity	<b>C1</b>
Home Business	<b>C</b>
Institution	<b>C</b>
Medium Density Housing	<b>C4</b>
Parking Garage	<b>C</b>
Place of Public Assembly	<b>C</b>
Place of Worship	<b>C</b>
Private Recreation Area	<b>C</b>
Public Office	<b>C</b>
Recreational Building	<b>C</b>
Residential Building	<b>P</b>
Shop	<b>P6</b>
Telecommunication Mast	<b>C</b>



## PART 2: SCHEME CONTROLS AND ZONE TABLES

### Zone CI1 : Institution 1

#### Statement of Intent for Zone CI1

This means a zone to accommodate buildings used as a hospital, nursing home, sanatorium, clinic, convalescent home, orphanage, old age home or other building used as a public or private institution except those associated with being 'Restricted Buildings' (i.e. buildings used as a clinic or hospital for infectious diseases, jail, mental home or hospital, or reformatory).

#### Development Control Standards

Minimum Erf Size	1 000m <sup>2</sup>
Minimum Erf Width	18m
Depth to Frontage Ratio	3:1
Building Line	4.5m
Rear Space	3m
Side Space	2m
Floor Area Ratio	0.50
Coverage	50%
Maximum Height	2 Storeys

#### Legend for Land Use/Building Type Controls

Land Uses not listed in the Land Use/Building Type Controls table are prohibited.

<b>P</b>	Permitted Use
<b>C</b>	Permitted by consent
<b>C1</b>	Should prior written consent of the registered owner of each adjoining property, and other properties as the Municipality may direct, has first been obtained; full public participation may be waived.
<b>C5</b>	Shop restricted to 100m <sup>2</sup>
<b>C4</b>	For Staff/Caretaker only

#### Land Use/Building Type Controls

Agricultural Building	<b>C</b>
Agricultural Land	<b>C</b>
Bed and Breakfast	<b>C</b>
Boarding House	<b>C</b>
Crèche	<b>C</b>
Dwelling House	<b>P</b>
Educational Building	<b>C</b>
Home Activity	<b>C1</b>
Home Business	<b>C</b>
Institution	<b>P</b>
Launderette	<b>C</b>
Place of Public Assembly	<b>P</b>
Place of Worship	<b>P</b>
Private Recreation Area	<b>C</b>
Public Office	<b>C</b>
Recreational Building	<b>C</b>
Residential Building	<b>C4</b>
Retirement Village	<b>P</b>
Shop	<b>C5</b>
Telecommunication Mast	<b>C</b>
Veterinary Clinic	<b>P</b>

## PART 2: SCHEME CONTROLS AND ZONE TABLES

### Zone CI2 : Institution 2

#### Statement of Intent for Zone CI2

This zone permits institutional uses on a large scale with a minimum erf size of 2ha.

#### Development Control Standards

Minimum Erf Size	2ha
Minimum Erf Width	18m
Depth to Frontage Ratio	3:1
Building Line	7.5m
Rear Space	3m
Side Space	2m
Floor Area Ratio	0.50
Coverage	35%
Maximum Height	3 Storeys

#### Legend for Land Use/Building Type Controls

Land Uses not listed in the Land Use/Building Type Controls table are prohibited.

<b>P</b>	Permitted Use
<b>C</b>	Permitted by consent
<b>C1</b>	Should prior written consent of the registered owner of each adjoining property, and other properties as the Municipality may direct, has first been obtained; full public participation may be waived.

#### Land Use/Building Type Controls

Agricultural Building	<b>C</b>
Agricultural Land	<b>C</b>
Bed and Breakfast	<b>C</b>
Boarding House	<b>C</b>
Dwelling House	<b>P</b>
Guest House	<b>C</b>
Home Activity	<b>C1</b>
Home Business	<b>C</b>
Institution	<b>P</b>
Place of Public Assembly	<b>P</b>
Place of Worship	<b>P</b>
Private Recreation Area	<b>C</b>
Recreational Building	<b>P</b>
Residential Building	<b>P</b>
Retirement Village	<b>P</b>
Telecommunication Mast	<b>C</b>

## PART 2: SCHEME CONTROLS AND ZONE TABLES

### Zone CW1 : Worship 1

#### Statement of Intent for Zone CW1

A building including associated land and uses, used for social meetings, gatherings, religious purposes, or indoor recreation, but does not include a place of public amusement. Minimum erf sizes within this zone are limited to 1000m<sup>2</sup>, and coverage of up to 75%.

#### Development Control Standards

Minimum Erf Size	1 000m <sup>2</sup>
Minimum Erf Width	18m
Depth to Frontage Ratio	3:1
Building Line	4.5m
Rear Space	4.5m
Side Space	4.5m
Floor Area Ratio	1.50
Coverage	75%
Maximum Height	U/R

#### Legend for Land Use/Building Type Controls

Land Uses not listed in the Land Use/Building Type Controls table are prohibited.

<b>P</b>	Permitted Use
<b>C</b>	Permitted by consent
<b>C1</b>	Should prior written consent of the registered owner of each adjoining property, and other properties as the Municipality may direct, has first been obtained; full public participation may be waived.
<b>C6</b>	Shop restricted to 100m <sup>2</sup> and restricted to the sale of books, curio and CD's.

#### Land Use/Building Type Controls

Agricultural Building	<b>C</b>
Agricultural Land	<b>C</b>
Bed and Breakfast	<b>C</b>
Boarding House	<b>C</b>
Crèche	<b>C</b>
Dwelling House	<b>P</b>
Educational Building	<b>C</b>
Home Activity	<b>C1</b>
Home Business	<b>C</b>
Institution	<b>P</b>
Place of Public Assembly	<b>P</b>
Place of Worship	<b>P</b>
Private Recreation Area	<b>C</b>
Public Office	<b>C</b>
Recreational Building	<b>C</b>
Residential Building	<b>C</b>
Shop	<b>C6</b>
Telecommunication Mast	<b>C</b>

## PART 2: SCHEME CONTROLS AND ZONE TABLES

### Zone CW2 : Worship 2

#### Statement of Intent for Zone CW2

A building including associated land and uses, used for social meetings, gatherings, religious purposes, or indoor recreation, but does not include a place of public amusement. Minimum erf sizes within this zone are limited to 1000m<sup>2</sup>, and coverage of up to 30%.

#### Development Control Standards

Minimum Erf Size	1 000m <sup>2</sup>
Minimum Erf Width	18m
Depth to Frontage Ratio	3:1
Building Line	4.5m
Rear Space	4.5m
Side Space	4.5m
Floor Area Ratio	0.50
Coverage	30%
Maximum Height	2 Storeys (except for spires)

#### Legend for Land Use/Building Type Controls

Land Uses not listed in the Land Use/Building Type Controls table are prohibited.

<b>P</b>	Permitted Use
<b>C</b>	Permitted by consent
<b>C1</b>	Should prior written consent of the registered owner of each adjoining property, and other properties as the Municipality may direct, has first been obtained; full public participation may be waived.
<b>C6</b>	Shop restricted to 100m <sup>2</sup> and restricted to the sale of books, curio and CD's.

#### Land Use/Building Type Controls

Agricultural Building	<b>C</b>
Agricultural Land	<b>C</b>
Bed and Breakfast	<b>C</b>
Boarding House	<b>C</b>
Crèche	<b>C</b>
Dwelling House	<b>P</b>
Educational Building	<b>C</b>
Home Activity	<b>C1</b>
Home Business	<b>C</b>
Institution	<b>P</b>
Place of Public Assembly	<b>P</b>
Place of Worship	<b>P</b>
Private Recreation Area	<b>C</b>
Professional Office	<b>C</b>
Public Office	<b>C</b>
Recreational Building	<b>C</b>
Residential Building	<b>C</b>
Shop	<b>C6</b>
Telecommunication Mast	<b>C</b>

#### Additional Controls

##### Port Shepstone

Maximum Height: U/R

## PART 2: SCHEME CONTROLS AND ZONE TABLES

### Zone CP : Public Buildings (Administration)

#### Statement of Intent for Zone CP

Buildings and works incidental to the use of the land for Central, Provincial or Municipal Government purposes permitted. The purpose of these reservations is to provide for the continuation of existing development of local, Provincial and central government administrative purposes such as police, fire, libraries, Municipality offices and workshops, social services, etc.

#### Development Control Standards

Minimum Erf Size	No controls specified
Minimum Erf Width	No controls specified
Depth to Frontage Ratio	No controls specified
Building Line	No controls specified
Rear Space	No controls specified
Side Space	No controls specified
Floor Area Ratio	No controls specified
Coverage	No controls specified
Maximum Height	No controls specified
Other	No controls specified

#### Legend for Land Use/Building Type Controls

Land Uses not listed in the Land Use/Building Type Controls table are prohibited.

<b>P</b>	Permitted Use
<b>C</b>	Permitted by consent
<b>C1</b>	Should prior written consent of the registered owner of each adjoining property, and other properties as the Municipality may direct, has first been obtained; full public participation may be waived.
<b>C4</b>	For Staff/Caretaker only
<b>P7</b>	Restricted to Municipal or Government vehicles

#### Land Use/Building Type Controls

Agricultural Building	<b>C</b>
Agricultural Land	<b>C</b>
Crèche	<b>C</b>
Dwelling House	<b>P</b>
Educational Building	<b>C</b>
Garage	<b>P7</b>
Home Activity	<b>C1</b>
Home Business	<b>C</b>
Institution	<b>P</b>
Medium Density Housing	<b>C4</b>
Place of Public Assembly	<b>P</b>
Place of Worship	<b>P</b>
Private Recreation Area	<b>C</b>
Public Office	<b>P</b>
Recreational Building	<b>C</b>
Residential Building	<b>C4</b>
Telecommunication Mast	<b>C</b>
Veterinary Clinic	<b>C</b>

## PART 2: SCHEME CONTROLS AND ZONE TABLES

### Zone C : Cemetery

#### Statement of Intent for Zone C

The reservation of cemetery sites provided for in a zone which permits the use of land and buildings for the purposes of burial and interment or cremation for all religious denominations and includes on site places for prayer, shrines, crematoria, funeral chapels and gardens of remembrance.

#### Development Control Standards

Minimum Erf Size	2ha
Minimum Erf Width	18m
Depth to Frontage Ratio	3:1
Building Line	7.5m
Rear Space	2m
Side Space	2m
Floor Area Ratio	0.125
Coverage	12.5%
Maximum Height	2 Storeys
Other	Access way: 6m

#### Legend for Land Use/Building Type Controls

Land Uses not listed in the Land Use/Building Type Controls table are prohibited.

<b>P</b>	Permitted Use
<b>C</b>	Permitted by Consent

#### Land Use/Building Type Controls

Cemetery	<b>P</b>
Chapel	<b>P</b>
Crematorium	<b>P</b>
Place of Public Assembly	<b>P</b>
Shop	<b>C</b>
Telecommunication Mast	<b>C</b>

#### Additional Controls

Shop restricted to the sale of items directly related to funerals and burial purposes

## PART 2: SCHEME CONTROLS AND ZONE TABLES

### Zone URS : Refuse Site

#### Statement of Intent for Zone URS

This zone makes provision for refuse disposal works and infrastructure necessary for the Municipality to dispose of or recycle waste materials. Land uses not listed in A & B are prohibited

#### Development Control Standards

Minimum Erf Size	No controls specified
Minimum Erf Width	No controls specified
Depth to Frontage Ratio	No controls specified
Building Line	No controls specified
Rear Space	No controls specified
Side Space	No controls specified
Floor Area Ratio	No controls specified
Coverage	No controls specified
Maximum Height	No controls specified
Other	No controls specified

#### Legend for Land Use/Building Type Controls

**Land Uses not listed in the Land Use/Building Type Controls table are prohibited.**

<b>P</b>	Permitted Use
<b>C</b>	Permitted by Consent

#### Land Use/Building Type Controls

Public Office	<b>P</b>
Land Fill Site	<b>P</b>
Waste Disposal Facility (Medical & Abattoir waste)	<b>P</b>
Waste Facility General (Non Toxic Household & Garden)	<b>P</b>
Waste Recycling Plant	<b>P</b>
Telecommunication Mast	<b>C</b>

#### Additional Controls

Office Restricted to the on-site operations

All refuse and landfill sites must have an Environmental Impact Assessment approved by the Department of Agriculture, Forestry, and Fisheries (DAFF).

## PART 2: SCHEME CONTROLS AND ZONE TABLES

### Zone UWW: Water Works

#### Statement of Intent for Zone UWW

This zone makes provision for the establishment and maintenance of reservoirs, water works, and purification plants including pipelines, conduits, reticulation, and distribution pumping stations and other infrastructure necessary for the Municipality to deliver water throughout the Municipality for domestic and industrial use.

#### Development Control Standards

Minimum Erf Size	No controls specified
Minimum Erf Width	No controls specified
Depth to Frontage Ratio	No controls specified
Building Line	No controls specified
Rear Space	No controls specified
Side Space	No controls specified
Floor Area Ratio	No controls specified
Coverage	No controls specified
Maximum Height	No controls specified
Other	No controls specified

#### Legend for Land Use/Building Type Controls

Land Uses not listed in the Land Use/Building Type Controls table are prohibited.

<b>P</b>	Permitted Use
<b>C</b>	Permitted by Consent

#### Land Use/Building Type Controls

Office	<b>P</b>
Waste Water Package Plant	<b>P</b>
Water Desalination Plant	<b>P</b>
Telecommunication Mast	<b>C</b>

#### Additional Controls

Office Restricted to the on-site operations



## PART 2: SCHEME CONTROLS AND ZONE TABLES

### Zone USW: Sewage Works & Sanitation

#### Statement of Intent for Zone USW

The intent of this zone is to make provision for sanitation and sewerage treatment works in rural, peri-urban, and urban areas. Basic to the intent is to promote child safe and eco-friendly rural/ peri-urban and urban-based systems. This includes pumping stations, pipelines, filtration beds, farm-based systems, and associated infrastructure necessary for the Municipality to ensure the safe treatment and decontaminate domestic, medical, and industrial sewage.

#### Development Control Standards

Minimum Erf Size	No controls specified
Minimum Erf Width	No controls specified
Depth to Frontage Ratio	No controls specified
Building Line	No controls specified
Rear Space	No controls specified
Side Space	No controls specified
Floor Area Ratio	No controls specified
Coverage	No controls specified
Maximum Height	No controls specified
Other	No controls specified

#### Legend for Land Use/Building Type Controls

Land Uses not listed in the Land Use/Building Type Controls table are prohibited.

<b>P</b>	Permitted Use
<b>C</b>	Permitted by consent

#### Land Use/Building Type Controls

Site Office	<b>P</b>
Waste Water Package Plant	<b>P</b>
Water Desalination Plant	<b>P</b>
Telecommunication mast	<b>C</b>

#### Additional Controls

Office Restricted to the on-site operations

## PART 2: SCHEME CONTROLS AND ZONE TABLES

### Zone ESS : Electrical Substations

#### Statement of Intent for Zone ESS

This zone makes provision for the infrastructure and ancillary service buildings, which forms part of an electrical generation system for the transmission and distribution of power after conversion of the voltages for commercial, domestic, and industrial use.

#### Development Control Standards

Minimum Erf Size	600m <sup>2</sup>
Minimum Erf Width	N/A
Depth to Frontage Ratio	3:1
Building Line	5m
Rear Space	5m
Side Space	5m
Floor Area Ratio	N/A
Coverage	60%
Maximum Height	1
Other	No controls specified

#### Legend for Land Use/Building Type Controls

Land Uses not listed in the Land Use/Building Type Controls table are prohibited.

<b>P</b>	Permitted Use
<b>C</b>	Permitted by consent

#### Land Use/Building Type Controls

Electricity Grid	<b>P</b>
Photovoltaic Power Station	<b>P</b>
Solar Farm	<b>P</b>
Wind Farm	<b>P</b>
Substation	<b>P</b>
Maintenance Building	<b>P</b>
Telecommunication mast	<b>C</b>

## PART 2: SCHEME CONTROLS AND ZONE TABLES

### Zone AP : Airport

#### Statement of Intent for Zone AP

A zone where aircraft can land and take-off, usually equipped with hangars, facilities for refuelling and repair, and various facilities for passengers and cargo.

#### Development Control Standards

Minimum Erf Size	4HA
Minimum Erf Width/Frontage	10m
Depth to Frontage Ratio	3:1
Building Line	10m
Rear Space	7.5m
Side Space	7.5m
Floor Area Ratio	0.2
Coverage	20%
Maximum Height	2

#### Legend for Land Use/Building Type Controls

Land Uses not listed in the Land Use/Building Type Controls table are prohibited.

<b>P</b>	Permitted Use
<b>C</b>	Permitted by Consent

#### Land Use/Building Type Controls

Airport	<b>P</b>
Airstrip	<b>P</b>
Landing Strip	<b>P</b>
Aircraft Hanger	<b>P</b>
Aviation Charter	<b>P</b>
Car Hire Facilities	<b>P</b>
Conference Centre	<b>P</b>
Fire Fighting	<b>P</b>
Fueling	<b>P</b>
Hotel	<b>P</b>
Maintenance Building	<b>P</b>
Office	<b>P</b>
Restaurant	<b>P</b>
Shop	<b>P</b>
Warehouse	<b>C</b>
Telecommunication Mast	<b>C</b>

#### Additional Controls

Fueling restricted to the use of the Airport

## PART 2: SCHEME CONTROLS AND ZONE TABLES

### Zone TR : Taxi Rank

#### Statement of Intent for Zone TR

A zone that makes provision for the drop off and collection of rural and urban-based passengers by mini bus taxis, includes parking, and ancillary services.

#### Development Control Standards

Minimum Erf Size	1800m <sup>2</sup>
Minimum Erf Width/Frontage	21m
Depth to Frontage Ratio	3:1
Building Line	7.5m
Rear Space	3m
Side Space	3m
Floor Area Ratio	0.50
Coverage	50%
Maximum Height	2

#### Legend for Land Use/Building Type Controls

Land Uses not listed in the Land Use/Building Type Controls table are prohibited.

<b>P</b>	Permitted Use
<b>C</b>	Permitted by Consent

#### Land Use4 /Building Type Controls

Taxi /Mini Bus Facilities	<b>P</b>
Car Wash	<b>P</b>
Launderette	<b>P</b>
Public Office	<b>P</b>
Parking Garage	<b>P</b>
Restaurant	<b>P</b>
Shop	<b>P</b>
Telecommunication Mast	<b>C</b>

## PART 2: SCHEME CONTROLS AND ZONE TABLES

### Zone LH: Lighthouse

#### Statement of Intent for Zone LH

This zone is intended for use of a light house and ancillary uses.

#### Development Control Standards

Minimum Erf Size	No controls specified
Minimum Erf Width	No controls specified
Depth to Frontage Ratio	No controls specified
Building Line	No controls specified
Rear Space	No controls specified
Side Space	No controls specified
Floor Area Ratio	No controls specified
Coverage	No controls specified
Maximum Height	No controls specified

#### Legend for Land Use/Building Type Controls

Land Uses not listed in the Land Use/Building Type Controls table are prohibited.

<b>P5</b>	For use by Manager/Caretaker
<b>C</b>	Permitted by Consent

#### Land Use/Building Type Controls

Coffee shop	<b>C</b>
Bed and Breakfast	<b>C</b>
Dwelling house	<b>P5</b>
Lighthouse	<b>P</b>
Service Room	<b>P</b>

**2.2.5 AGRICULTURE ZONES**

**2.2.5.1 General Purpose and Controls for Agricultural Zones**

- (1) The purpose of the Agriculture Zones is to provide for agricultural land uses and to insure that this development occurs in a manner which protects the area’s natural and topographic character and identity, environmental sensitivities, aesthetic qualities, and the public health, safety, and general welfare. This protection is obtained by insuring that development does not create soil erosion, silting of lower slopes, land slide damage, flooding problems, and severe cutting or scarring, since any proposed non-agricultural use or development and certain agriculturally related activities will be subject to prior assessment.
- (2) The land that has historically been subjected to the provision of the Subdivision of Agricultural Land Act Number 70 of 1970 will not be excluded from the provisions of this legislation even after the Scheme has been adopted

**2.2.5.2 Specific Purpose and Controls for Agricultural Zones**

- (1) The development controls for each of the individual Agriculture Zones is set out below. These controls should be read in conjunction with Part 3 of the Clauses.

**2.2.5.3 Specific Additional Controls**

<b>THESE SPECIFIC CONTROLS MUST BE READ IN CONJUNCTION WITH THE AGRICULTURE USE ZONE (AG)</b>	
<b>AGRICULTURE 1 (AG 1)</b>	
<b>Maps 13, 14 &amp; 15</b>	<p>The Municipality may, by consent, authorise one additional dwelling for each hectare of agricultural zoned property, excluding the main dwelling house and any additional self contained dwelling unit which may be permitted in terms of the Scheme, up to a maximum of 3 additional units, the maximum permissible floor area of each such additional dwelling unit will not exceed 100m<sup>2</sup>.</p> <p>Any such authorisation will be subject to sewage disposal being able to be provided to the satisfaction of the Municipality, and to an evaluation of the likely impact of such dwelling unit/s and the siting thereof, on the amenities of the neighbourhood. The Municipality may exempt an applicant from applying for Special consent if the written consent of the registered owner of each adjoining property, and such others as the Municipality may direct, has first been obtained,</p>
<b>AGRICULTURE 2 (AG 2)</b>	
<b>Map 2</b>	In respect of Rem of Erf 90 Umzumbe, the Municipality may by Special Consent permit a Light Industrial building.
<b>Map 12</b>	Erf 70 Trafalgar, the wetland and natural vegetation adjacent to the Yengele Forest will remain undisturbed. Any development proposed near this area will be subject to an Environmental Impact Assessment.
<b>Map 15</b>	In respect of Erf 183 Banners Rest, the Municipality may, by consent permit a general industrial building restricted to the repair of motor vehicles.
<b>Maps 13, 14 &amp; 15</b>	<p>Municipality may by consent, authorise one additional dwelling for each hectare of agricultural zoned property, excluding the main dwelling house and any additional self contained dwelling unit which may be permitted of the Scheme, up to a maximum of 3 additional units, the maximum permissible floor area of each such additional dwelling unit will not exceed 100m<sup>2</sup>.</p> <p>Any such authorisation will be subject to sewage disposal being able to be</p>

## PART 2: SCHEME CONTROLS AND ZONE TABLES

	<p>provided to the satisfaction of the Municipality, and to an evaluation of the likely impact of such dwelling unit/s and the siting thereof, on the amenities of the neighbourhood. The Municipality may exempt an applicant from applying for Special consent if the written consent of the registered owner of each adjoining property, and such others as the Municipality may direct, has first been obtained</p>
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## PART 2: SCHEME CONTROLS AND ZONE TABLES

### Zone AG1 : Agriculture 1

#### Statement of Intent for Zone AG1

To permit the continued agricultural usage of land in, or adjacent to, urban areas. The minimum erf size is 4ha

#### Development Control Standards

Minimum Erf Size	4ha
Minimum Erf Width	18m
Depth to Frontage Ratio	3:1
Building Line	7.5m
Rear Space	3m
Side Space	2m
Floor Area Ratio	0.125
Coverage	12.5%
Maximum Height	2 Storeys
Other	Access way: 6m

#### Legend for Land Use/Building Type Controls

Land Uses not listed in the Land Use/Building Type Controls table are prohibited.

<b>P</b>	Permitted Use
<b>C</b>	Permitted by consent
<b>C1</b>	Should prior written consent of the registered owner of each adjoining property, and other properties as the Municipality may direct, has first been obtained; full public participation may be waived.

#### Land Use/Building Type Controls

Agricultural Building	<b>P</b>
Agricultural Industry	<b>C</b>
Agricultural Land	<b>P</b>
Back Packers	<b>C</b>
Bed and Breakfast	<b>C1</b>
Boarding House	<b>C</b>
Conference centre	<b>C</b>
Crèche	<b>C</b>
Dwelling House	<b>P</b>
Farmworkers Accommodation	<b>C</b>
Guest House	<b>C</b>
Guest Lodge	<b>C</b>
Home Activity	<b>C1</b>
Home Business	<b>C</b>
Place of Public Assembly	<b>C</b>
Place of Worship	<b>C</b>
Private Recreation Area	<b>C</b>
Recreational Building	<b>C</b>
Self contained dwelling unit	<b>C1</b>
Telecommunication Mast	<b>C</b>
Veterinary Clinic	<b>C</b>

#### Additional Controls

Must be read in conjunction with 2.2.5.3

#### Maps 13, 14 & 15

Sale of Produce or Livestock is only permitted by consent



## PART 2: SCHEME CONTROLS AND ZONE TABLES

### Zone AG2 : Agriculture 2

coverage will not exceed 30m<sup>2</sup>

#### Statement of Intent for Zone AG2

Areas of low-impact, generally small-scale agricultural activity in, or adjacent to urban areas. The minimum erf size is 2ha.

#### Development Control Standards

Minimum Erf Size	2ha
Minimum Erf Width	18m
Depth to Frontage Ratio	3:1
Building Line	7.5m
Rear Space	3m
Side Space	2m
Floor Area Ratio	0.125
Coverage	12.5%
Maximum Height	2 Storeys
Other	Access way: 6m

#### Legend for Land Use/Building Type Controls

Land Uses not listed in the Land Use/Building Type Controls table are prohibited.

<b>P</b>	Permitted Use
<b>C</b>	Permitted by consent
<b>C1</b>	Should prior written consent of the registered owner of each adjoining property, and other properties as the Municipality may direct, has first been obtained; full public participation may be waived.

#### Land Use/Building Type Controls

Agricultural Building	<b>P</b>
Agricultural Industry	<b>C</b>
Agricultural Land	<b>P</b>
Back Packers	<b>C</b>
Bed and Breakfast	<b>C1</b>
Boarding House	<b>C</b>
Conference centre	<b>C</b>
Crèche	<b>C</b>
Dwelling House	<b>P</b>
Farmworkers Accommodation	<b>C</b>
Guest House	<b>C</b>
Guest Lodge	<b>C</b>
Home Activity	<b>C1</b>
Home Business	<b>C</b>
Place of Public Assembly	<b>C</b>
Private Recreation Area	<b>C</b>
Recreational Building	<b>C</b>
Self contained dwelling unit	<b>C1</b>
Telecommunication Mast	<b>C</b>
Veterinary Clinic	<b>C</b>

#### Additional Controls

Must be read in conjunction with 2.2.5.3

#### Maps 13, 14 & 15

Sale of Produce or Livestock is only permitted by consent

#### Maps 7, 8, 9 & 10

A shop is permitted with consent and is restricted to the sale of self-produced farm produce, floor area and

### 2.2.6 ENVIRONMENTAL SERVICE ZONES

#### 2.2.6.1 General Purpose of Environmental Service Zones

- (1) The **general purpose** of the Environmental Service Zones is to:
- (i) Protect, conserve and manage natural resources;
  - (ii) Provide for the continuation and expansion of existing public facilities and services;
  - (iii) Protect areas designated for public outdoor recreation;
  - (iv) Protect public health, safety and property, particularly in areas subject to periodic flooding, soil instability or other natural risks;
  - (v) Ensure that the land required for the necessary services infrastructure is set aside.

#### 2.2.6.2 Specific Purpose and Controls for Environmental Service Zones

- (1) The Environmental Service Zones are as follows:
- (i) **Active Open Space (ES1 and ES2)** – Refer to specific development controls for Zone ES1 and ES2.
  - (ii) **Private Conservation (ES3)** Refer to specific development controls for Zone ES3.
  - (iii) **Public Open Space (Reservation)** Refer to Public Open Space Reservation under Clause 1.11.
  - (iv) **Special Areas subject to Periodic Flooding and/or having Special Environmental Conservations and requiring Conservation (Reservation)** – Refer to River Reserve, Amenity Reserve and Conservation Reserve under Clause 1.11.
- (2) The development controls for each of the individual Environmental Service Zones is set out below. These controls should be read in conjunction with Part 3 of the Clauses.

#### 2.2.6.3 Specific Additional Controls for the Environmental Service Use Zones

<b>THESE SPECIFIC ADDITIONAL CONTROLS MUST BE READ IN CONJUNCTION WITH THE ENVIRONMENTAL SERVICE USE ZONE (ES)</b>	
<b>ENVIRONMENTAL SERVICE 1 (ES1)</b>	
<b>Map 12</b>	Erf 2 Trafalgar a shop not exceeding 150m <sup>2</sup> may be permitted
<b>Map 5</b>	Erven 931, 932, 979, 980 and 1047 Port Shepstone a dwelling house is permitted

## PART 2: SCHEME CONTROLS AND ZONE TABLES

### Zone ES1 : Active Open Space 1 (Private Open Space)

#### Statement of Intent for Zone ES1

This zone provides part of the sustainable open space system which includes independent or linked open space areas and green lung areas of the urban environment for sporting and recreational needs and associated activities of the local and visiting public and may include areas of passive open space where appropriate. These areas are to be developed and maintained for a range of active pursuits.

#### Development Control Standards

Minimum Erf Size	N/A
Minimum Erf Width	N/A
Depth to Frontage Ratio	N/A
Building Line	4.5m
Rear Space	2m
Side Space	2m
Floor Area Ratio	0.15
Coverage	15%
Maximum Height	2 Storeys

#### Legend for Land Use/Building Type Controls

Land Uses not listed in the Land Use/Building Type Controls table are prohibited.

**C** Permitted by consent

#### Land Use/Building Type Controls

Agricultural Building	<b>C</b>
Agricultural Land	<b>C</b>
Place of Public Amusement	<b>C</b>
Place of Public Assembly	<b>C</b>
Place of Worship	<b>C</b>
Private Recreation Area	<b>C</b>
Recreational Building	<b>C</b>
Restaurant	<b>C</b>
Telecommunication Mast	<b>C</b>

#### Additional controls

Must be read in conjunction with 2.2.6.3

## PART 2: SCHEME CONTROLS AND ZONE TABLES

### Zone ES2 : Active Open Space 2 (Beach Front Recreation)

#### Statement of Intent for Zone ES2

Provision of land adjacent to the beach front for public recreational purposes where small scale shops, tourist related buildings and educational buildings are permitted.

#### Development Control Standards

Minimum Erf Size	NA
Minimum Erf Width	NA
Depth to Frontage Ratio	NA
Building Line	4.5m
Rear Space	3m
Side Space	2m
Floor Area Ratio	NA
Coverage	NA
Maximum Height	NA
Other	NA

#### Legend for Land Use/Building Type Controls

Land Uses not listed in the Land Use/Building Type Controls table are prohibited.

<b>P</b>	Permitted Use
<b>C</b>	Permitted by consent

#### Land Use/Building Type Controls

Place of Public Amusement	<b>C</b>
Place of Public Assembly	<b>C</b>
Private Recreation Area	<b>C</b>
Recreational Building	<b>C</b>
Restaurant	<b>C</b>
Shop	<b>P</b>
Telecommunication Mast	<b>C</b>

#### Additional controls

Must be read in conjunction with 2.2.6.3

## PART 2: RAY NKONYENI SCHEME CONTROLS AND ZONES

### Zone ES3 : Private Conservation

#### Statement of Intent for Zone ES3

The primary purpose of this zone is to afford protection to areas in private ownership which are deemed to be of conservation significance.

See Special Area Zones, Special Area Zone 15.1 (Special Case Area 1, point 5.1 and Special Case Area 2, point 5.1), for further information.

#### Development Control Standards

Minimum Erf Size	N/A
Minimum Erf Width	N/A
Depth to Frontage Ratio	N/A
Building Line	7.5m
Rear Space	2m
Side Space	2m
Floor Area Ratio	0.10
Coverage	10%
Maximum Height	1 Storey

#### Legend for Land Use/Building Type Controls

Land Uses not listed in the Land Use/Building Type Controls table are prohibited.

<b>P</b>	Permitted Use
<b>C</b>	Permitted by consent
<b>C1</b>	If neighbours' consent obtained, Special consent may be waived
<b>C5</b>	Shop restricted to 100m <sup>2</sup>
<b>C7</b>	Restricted to education of a conservation nature

#### Land Use/Building Type Controls

Agricultural Land	<b>C</b>
Back Packers	<b>C</b>
Bed and Breakfast	<b>C1</b>
Crèche	<b>C</b>
Educational Building	<b>C7</b>
Guest House	<b>C</b>
Guest Lodge	<b>C</b>
Private Recreation Area	<b>C</b>
Recreational Building	<b>C</b>
Restaurant	<b>C</b>
Shop	<b>C5</b>
Telecommunication Mast	<b>C</b>

#### Additional controls

Must be read in conjunction with 2.2.6.3

### 3 GENERAL DEVELOPMENT CLAUSES

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#### 3.1 BUILDING RESTRICTIONS AND THE USE OF LAND

- (1) The Types of Building and Land Uses will be as defined in **Table 13: Building and Land Use Definitions**. The location of the various zones will be as set out on the Scheme Map.

##### 3.1.1 ERECTION AND USE OF BUILDINGS AND USE OF LAND

- (1) Clause 2.2 (Land Use Zones and Development Controls) lists those uses in the various reservations and zones which are: Permitted (P) or subject to the Consent of the Municipality. Uses not listed as Permitted (P) or permitted by consent(C) are prohibited.

P = Buildings may be erected and used or land may be used subject to the approval of building/development plans by the Municipality, where appropriate.

C = Buildings may be erected and used or land may be used only with the consent of the Municipality.

- (2) Application forms are obtainable from the Municipality.

##### 3.1.2 NON CONFORMING EXISTING USE

- (1) Any existing building or existing use which is not in conformity with the scheme, but for which authority was obtained from the Municipality prior to the date of adoption, may be completed and continue to be used for the purpose for which it was designed, subject to compliance with any conditions which may have been imposed by the Municipality, in addition:
  - (i) Any such non-conforming existing building may be increased on the erf by an amount not greater than 12.5% of its total floor area, at the date of adoption.
  - (ii) Any alteration or addition or change of use which in the opinion of the Municipality alters the character of an existing building or use of land, will automatically remove such building or land from the category of "existing building" or "existing use".

##### 3.1.3 SITING OF BUILDINGS, MASTS AND ACCESS POINTS AND THE CONSERVATION OF INDIGENOUS FLORA AND WATER COURSES

- (1) No erf will be cleared of any vegetation without the authority of the Municipality and any other applicable legislation where necessary. No indigenous vegetation will be disturbed or removed from any erf without the authority of the Municipality and any other applicable legislation where necessary.
- (2) In considering any application for development in terms of the Spatial Planning and Land Use Management Act No.16 of 2013 read with the Municipal Planning and Land Use Management Bylaw of 2016, it will be the duty of the Municipality to ensure wherever it is considered appropriate, that adequate provision is made for the conservation of indigenous flora, the planting or replacement of trees and the protection of water-courses and other sensitive areas, by means of conditions qualifying the approval of the development. This clause does not replace any of the legislation governing the removal or translocation of flora and fauna as stated in Clause.
- (3) The siting of any building intended to be erected or the development or use of any land will be subject to the approval of the Municipality. A person or people intending to erect a building or building's, develop or use land will submit to the Municipality for approval a site development plan

## PART 3: GENERAL DEVELOPMENT CLAUSES

accurately depicting the physical characteristics of the site before commencement of such erections, development or use. This site plan will include the location of:

- (i) all natural features, for example, water courses,
  - (ii) include all vegetation,
  - (iii) existing and proposed buildings,
  - (iv) structures and services,
  - (v) street front, side and rear space building lines,
  - (vi) rights-of-way and servitudes;
  - (vii) In the case of the siting of masts, include those used for cellular phone transmission, the consent of the Municipality will be required.
- (4) In respect of any application to develop an erf, the Municipality must determine the position and number of vehicular or pedestrian points of access and may, if it deems fit, prohibit pedestrian or vehicular access across any boundary or boundaries and require that a suitable fence or wall be erected to prevent such access to ensure a single ingress and egress point.

### 3.2 FLOOR AREA RATIO / COVERAGE (DENSITY)

- (1) In any zone as set out under Clause 2.2 of this scheme, no building will be erected which will exceed in floor area ratio, coverage and height of the maximum figures permitted for that zone. If a portion of an erf is set aside as Conservation, the floor area ratio and coverage controls will be applicable to the erf as a whole unless the area set aside for conservation is more than 30%, then the floor area ratio and coverage will apply to that area that remains of the whole erf.

#### 3.2.1 FLOOR AREA RATIO (FAR)

***Refer to Appendix 2; Diagram 5.2.2 Floor Area Ratio***

It is expressed as a decimal. A FAR of 0.5 means that a floor area equivalent to 50% of the site area can be built. A FAR of 1.00 means that a floor area equivalent to 100% of the site area can be built.

- (2) In the Mixed Use zones where land has been donated for a Central Parking Court, the FAR will be calculated on the gross erf area and the coverage on the net erf area.
- (3) In calculating the permissible floor area from the FAR, the following floor areas may be excluded:
- (i) any area used exclusively for the parking of motor vehicles, except as provided in Clause 3.6 (5) Parking;
  - (ii) private garages and carports, swimming pools, squash courts and tennis courts
  - (iii) covered public arcades and malls in commercial zones which are not used for retail purposes or for the display, sale or storage of goods;
  - (iv) in the case of garages and service stations, the un-walled access ways and driveways covered by canopies;
  - (v) roofed veranda's and balconies with at least one open side may be excluded at the discretion of the Municipality. Where an owner or occupant encloses a balcony, which causes the FAR to be exceeded, the owner will be required to demolish a side of the balcony at their cost. The owner may face prosecution.
  - (vi) electricity transformer rooms not exceeding 10<sup>m<sup>2</sup></sup>
  - (vii) Electricity transformer rooms, fire escapes and storerooms that form part of a basement
  - (viii) Common property areas which are solely used to provide the occupants with access to more than one dwelling unit, such as access galleries, common lift shafts, external corridors, external and internal staircases and arcades will not be included in the FAR

## PART 3: GENERAL DEVELOPMENT CLAUSES

- (ix) Where any of the excluded items in 3.2.1 (3) (viii) provide access for the exclusive use of one resident, they will be included in the FAR
- (x) In considering an application for the development or use of land or for the erection of or addition to a building which is to be carried out upon a erf which is subject to a servitude or right of way in favour of the public which has been donated to the Municipality, and the Municipality may permit the Coverage and/or FAR to be calculated on the gross area of the erf.
- (xi) In the Residential Only zones the combined floor area of Outbuildings and any Self-Contained Dwelling Unit may not exceed fifty percent (50%) of the floor area of the dwelling house.
- a) In calculating the size of dwelling house, for the purpose of determining the permitted size of the outbuildings and self-contained dwelling unit, the dwelling house would be calculated from exterior wall thickness but would not include any roofed verandas patios or pergolas.
- b) In calculating the size of the outbuilding and self-contained dwelling unit, the outbuilding and self-contained dwelling unit will be calculated from exterior wall thickness but would not include any roofed verandas patios or pergolas or carport attached to the outbuilding and self-contained dwelling unit.
- c) The Municipality may, by consent, permit the combined size of the outbuilding and self-contained dwelling unit to exceed 50% of the floor area of the dwelling house if the applicant can demonstrate that the larger size is required to satisfy the legitimate needs of the residents. The outbuilding and self-contained dwelling unit must however remain ancillary to the dwelling house and cannot exceed the size of the dwelling house.
- d) In considering any application under this sub-clause the Municipality will have regard to any possible detrimental effect on adjoining properties, the road, the neighbourhood as a whole, the location of the proposed structures in relation to the property boundaries and existing or proposed buildings on site. The dwelling house shall be erected and completed simultaneously with or before the erection of the outbuilding and self-contained dwelling unit.
- e) 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. However, prior written consent of the registered owner of each affected property, and other properties the Municipality may direct, including properties directly across the street, has first been obtained.
- f) Where written consent is not forthcoming, the applicant will be required to apply for the Municipality's consent which would include the full public participation.
- g) Notwithstanding the above:
- the floor area of the self-contained dwelling unit may not exceed 80m<sup>2</sup>;
  - domestic workers' accommodation (including a bathroom and kitchenette, but excluding a kitchen) may not exceed 25m<sup>2</sup>, should the size be exceeded the domestic workers' accommodation will be classified as a self-contained dwelling unit;
  - an entertainment area is permitted provided that it consists of a single room with an ablution facility.

### 3.2.2 COVERAGE

#### *Refer to Diagram 5.2.1 Appendix 2*

- (i) Coverage will include all roofed areas up to exterior wall thickness but exclude the roof eaves up to 700mm. It includes covered verandas, patios, balcony's, decks and so forth whose roof extends beyond 700mm. Where the eave or covered veranda, patio or balcony's extend beyond 700mm, the whole portion of that eave or covering will be included in the coverage. It



## PART 3: GENERAL DEVELOPMENT CLAUSES

further includes verandas, patios, balcony's and decks raised 900mm above the natural ground level.

- (ii) Swimming pools and tennis courts are not included in coverage.
- (iii) Roofed areas are any material that is permeable and impermeable to rain, including thatch, hard plastic or fiberglass sheeting shade cloth and soft plastic sheeting like that used for agricultural tunnels is not considered hard roof material and the like.
- (iv) The coverage of a site shows how much of the site can be covered by a building or buildings and is expressed as a percentage. Therefore coverage of 50% means that half the site can be covered by building. If a site is 1000m<sup>2</sup>, and coverage is 50%, then 500m<sup>2</sup> of building can be constructed on the site.

### 3.3 ERF AND SUBDIVISION CONTROLS

- (1) The minimum sizes of erven and subdivisions are depicted under Clause 2.2 for each Land Use Zone, except where any erf or subdivision was in existence prior to the date of adoption of this Scheme.
- (2) Unless special circumstances exist, the depth of an erf in relation to the frontage should not exceed the ratio of 3 to 1 in proportion. An erf of irregular shape should be capable of containing within its boundaries a rectangle not exceeding the ratio 3 to 1 in proportion, having an area of 75% of the minimum prescribed area.
- (3) The Municipality may increase the minimum erf sizes specified in these clauses where, in the Municipality's opinion, the method used for the disposal of sewage warrants such an increase.
- (4) Where the land is excessively steep, the Municipality will require a geotechnical report prior to approval of a sub-division or subdivisions. Vehicular access to each erf and the disposal of sewage will be to the satisfaction of the Municipality.
- (5) If an existing erf in the Residential Only zones has been reduced in area by the expropriation or alienation of land for road widening or construction purposes and for open space purposes, the Municipality may allow the erection of a dwelling house on the erf as long as the erf has not been reduced in area to less than 200 m<sup>2</sup> and that arrangements for the disposal of sewage have been made to the satisfaction of the Municipality.
- (6) The following will apply with respect to subdivision by double parcellation (pan-handles):
  - (i) All access strips on erven used for Residential Only Dwellings will not be less than 3.5m wide at any point.
  - (ii) In the Case of Residential Medium Impact and Residential High Impact, the access strip must be no less than 6m in width. The Council may require that in any case where by virtue of the shape of the subdivision, slope of the land, or other matter, an access strip of greater width.
  - (iii) Generally access strips will not exceed 70m in length save with the consent of the Municipality and adjacent surrounding neighbours and neighbours across the road from the entrance to the subdivision. Should neighbourhood consent not be forthcoming, the owner of the subdivision, or any person nominated by them can apply for the Municipality's consent.
  - (iv) No more than two access strips will abut one another.
  - (v) Generally, buildings and other structures on a double parcellation site will not be erected or established within a distance less than the Rear Space applicable to that subdivision, The Municipality may relax that distance if the written consent of the owner of the adjoining Site concerned is first obtained by the applicant. If the written consent of the Owner of the

## PART 3: GENERAL DEVELOPMENT CLAUSES

adjoining Site concerned cannot be obtained, the consent of the Municipality will be sought for such relaxation.

- (vi) The subdivision created by “double parcellation” shall be of sufficient area to contain within its boundaries a figure having an area (excluding the access strip) and mean width (excluding the access strip) not less than that required for normal subdivision within the relevant density zone.

### 3.3.1 MINIMUM FRONTAGE REQUIREMENTS

- (1) Except where otherwise stated in this clause, the minimum frontage for all erven will be as depicted under Clause 2.2 for each Land Use Zone and the width of the access way for a "hatchet-shaped (also known as a pan handle)" erf will be a minimum of 3.5m throughout its length which length will not exceed 70m except where special circumstances exist.
- (2) If a subdivision is of irregular shape, occurs in a cul-de-sac or similar type of planning device, the frontage on the street may, with the authority of the Municipality be less than that depicted under Clause 2.2 for each Land Use Zone as long as the proportion of the erf is in conformity with the ratio provision set out in Clause 3.3 (2) and provided also that the frontage on the street is not less than 4m.
- (3) If an erf falls within a Special Case Area 1 or 2 or any other identified environmental priority area, any proposed subdivision will take into account the position of the areas worthy of conservation. The Municipality will recommend any conservation orientated conditions it considers appropriate when it comments on the subdivision as required. In assisting with this decision the Municipality can request that an appropriate layout protecting these environmental areas be provided in conjunction with an environmental report and layout produced by a Specialist Environmental Assessment Practitioner which must be condoned or approved by the Department of Economic Development Tourism and Environmental Affairs.

## 3.4 BUILDING LINES, SIDE AND REAR SPACES AND HEIGHT

### 3.4.1 BUILDING LINES

- (1) The building lines of erven and subdivisions in the various reservations and zones are contained under Clause 2.2 for each Land Use Zone. A building line is measured from the edge of the road reserve that is adjacent to the erf in question as seen in diagram 5.2.3 in Appendix 2.
- (2) If a building line is laid down, no building other than boundary walls, fences, pergolas or architectural and garden features will be erected between the building line and the street line.
- (3) If the erf is a “hatchet” shaped erf also known as a “pan-handle” the Building Line for that erf will be the same distance as the rear space for that zone.
- (4) If a new road or road widening is required, the building line is to be set back so as to take into consideration any such new road or widening. Any proposed widening or proposed road that is promulgated before any building is constructed, will require the building line be set back as per the Land Use Zone in question regardless of when the widening or proposed road is to be constructed Any building constructed before the new road or road widening is proposed, and which encroaches into the building line can remain.
- (5) If Mixed Use Zone buildings are set back to conform to a building line, no goods, merchandise, wares, vehicles or other obstruction will be placed, deposited, kept or displayed on the area between the erf boundary and the front building line. However, the Council may permit the parking of vehicles or an open-air café or restaurant in accordance with a plan approved by Council on the

## PART 3: GENERAL DEVELOPMENT CLAUSES

area between the erf boundary and the building line where Mixed Use Zone buildings are set back to conform to a building line. This prohibition will not apply to the placing or depositing of goods, merchandise or wares in the course of transporting these goods into or out of such Mixed Use Zone buildings.

- (6) If Industrial Zone buildings are set back to conform to a building line, no goods, merchandise, wares, vehicles or other obstruction will be placed, deposited, kept or displayed on the area between the erf boundary and the front building line except for the placing or depositing of goods in the course of transporting these goods into or out of the Industrial Zone building.
- (7) No parking bays as required in terms of the scheme will be permitted between the erf boundary and the building line unless access to the parking is from within the property.
- (8) For the purpose of this clause, no street or pedestrian way will be reckoned to have a lesser width than 4.5m and where a street or pedestrian way is of lesser width, the building line will be drawn as though the street or pedestrian way is 4.5m wide.

### 3.4.2 SIDE SPACES AND REAR SPACES

Side and Rear spaces of erven and subdivisions in the various reservations and zones are contained under Clause 2.2 for each Land Use Zone.

- (1) Roof eaves may overhang a side or rear pace by 700mm. Diagram 5.2.3 in Appendix 2 indicates where the side and rear spaces are located.
- (2) No obstacles or parking bays as required in terms of the scheme will be permitted between the erf boundary and the side and rear spaces if a property abuts a residential site.

### 3.4.3 HEIGHT

- (1) In this Scheme, the height of any building will not exceed the height stipulated in its particular zone unless otherwise stated or where an additional control caters for increased height in certain areas of the Scheme.
- (2) Subject to the provisions of sub-clauses 3.4.3 (2) (i) and 3.4.3 (2) (ii) below, no part of any building will project above a line drawn at a 60 degree angle to the horizontal towards the erf on which the building stands or is intended to stand from the street boundary or pedestrian way or reservation boundary, which is opposite the street boundary or pedestrian way boundary of the erf concerned. This line being aligned at right angles to the street boundary or pedestrian way boundary of the erf concerned. In the case of properties/erven with a height limit of two storeys, the 60° Light Angle will not apply. See diagram 5.2.5 Appendix 2
  - (i) For the purpose of this clause, no street or pedestrian way will be reckoned to have a lesser width than 4.5m and where a street or pedestrian way is of lesser width, the building line will be drawn as though the street or pedestrian way is 4.5m wide.
  - (ii) If a building or structure occupies a site at the corner of two intersecting streets of unequal widths, that part of the building extending for a distance of 15m back from the corner into the narrower street is regarded, as fronting on a street equal in width to the wider street.

### 3.4.4 RELAXATION OF BUILDING LINES, SIDE AND REAR SPACES

- (1) The Municipality, by consent, may relax the building line and side and rear spaces if it is satisfied that, on account of the levels of the erf or adjoining land or the proximity of buildings already in front of the building line or any other special circumstances, compliance with the building line would seriously hamper the development of the erf.
- (2) The Municipality may, by consent, relax the building line if in its opinion the architectural effect will

## PART 3: GENERAL DEVELOPMENT CLAUSES

enhance the appearance of the street and contribute to public amenity.

- (3) In the cases of swimming pools and tennis courts, the building line may be relaxed by consent of the Municipality to no less than 1m; provided that where a tennis court is to be constructed, any portion of it that is within 4.5m of a road boundary will be screened to the satisfaction of the Municipality.
- (4) In the case of the erven adjoining the Provincial Main Road or National Road, the building line will be determined by the Provincial Roads Authority or the South African National Roads Authority Limited and may not be relaxed by the Municipality without the consent of such authority.
- (5) In the case of the Mixed Use Zones (commercial) or the Industrial Zones, the side space may be relaxed by consent of the Municipality except where it is necessary to provide access to the rear of the building or where such buildings adjoin erven zoned for residential purposes.
- (6) The Municipality may, by consent, permit in any zone any building to be erected closer to any boundary than the distances specified if on account of the siting of existing buildings or the shape, size or levels of the erf, the enforcement of this clause will, in the opinion of the Municipality, render the development of the erf unreasonably difficult. In considering any application under this sub-clause the Municipality will have regard to any possible detrimental effect on adjoining properties and the need for any sewer and drainage servitudes.
- (7) Despite the provisions of clause 3.4.4 (1, 2, 3, 6 & 7) 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. However, prior written consent of the registered owner of each affected property, and other properties the Municipality may direct, including properties directly across the street, has first been obtained. Where written consent is not forthcoming, the applicant will be required to apply for the Municipality's consent which would include the full public participation.
- (8) The approval of any relaxation in terms of these clauses will:
  - (i) apply only for the distance of the building line affected by the development proposed in a specific application and will not apply for the full length of any building line unless so specified,
  - (ii) apply only to buildings or development specified by the Municipality in the approval of an application for a relaxation of a building line, and will be valid only for as long as the building for which the approval is granted, exists.

### 3.4.5 BUILDING ENVELOPE

The building envelope is the area that remains on a site excluding the building line, side spaces and rear space areas. Diagram 5.2.3 in Appendix 2 shows the envelope. This is the area where a building can be constructed. Should the building cross the side space, rear space or building line, consent by the neighbours and the Municipality will have to be sought.

## 3.5 MEDIUM DENSITY HOUSING, LIMITATION ON THE NUMBER OF DWELLING UNITS AND SELF CONTAINED DWELLING UNITS

### 3.5.1 MEDIUM DENSITY HOUSING

- (1) Any person wishing to develop a site for Medium Density Housing will submit to the Municipality for its approval:

## PART 3: GENERAL DEVELOPMENT CLAUSES

- (i) A layout plan or plans showing:
    - (a) the position, dimensions and materials to be used in the construction of all roads, drive-ways, parking areas, squares and pedestrian access ways, if any;
    - (b) the boundaries of all dwelling unit curtilages, private open areas and common open spaces;
    - (c) the position, nature, extent and levels of all proposed and existing buildings on the site and adjoining sites;
    - (d) the proposed landscaping of the site;
    - (e) the proposed public open space;
    - (f) the proposed common open spaces;
    - (g) the position and nature of recreation facilities, if any;
    - (h) the position and extent of all utility areas;
    - (i) the position and nature of the proposed means of a water supply sewage disposal and the discharge of storm water;
    - (j) the existing contours, natural vegetation and other topographical features of the site.
  - (ii) A set of sketch drawings prepared by a person registered with the architecture and drafting profession (SACAP) at a scale of 1:100 or 1:200, showing the plans, sections and elevation of each type of structure within the proposed development including particulars of the materials and colours to be used for the exterior wall finishes and roof or roofs; together with both front and rear elevations of each typical group of dwelling units.
  - (iii) Any other documents which the Municipality may reasonably require.
- (2) The following minimum areas per dwelling unit will apply to a Medium Density Housing site:
- (a) Private Open Area - 30 m<sup>2</sup>
  - (b) Usable Common Open Space - 50 m<sup>2</sup>
  - (c) Utility Area - 15 m<sup>2</sup>
- (i) In the Special Case Area 1 and 2 environmentally sensitive areas or other identified environmentally sensitive area, the required amount of usable common open space may be reduced at the discretion of the Municipality in order to conserve as much natural vegetation as possible.
  - (ii) The minimum floor area of a garage or carport will be 18m<sup>2</sup>.
  - (iii) The minimum area of a dwelling unit curtilage will be 200m<sup>2</sup>.
  - (iv) 1 visitors parking per 2 dwelling units is required.
- (3) The following requirements will apply in respect of roads serving Medium Density Housing:
- (i) Where in the opinion of the Municipality a road within a Medium Density Housing Site should serve the public, the Municipality may require the road to be registered as a public road, provided that for the purpose of bulk and coverage calculation, the area of the public road will be included in the gross site area.
  - (ii) The minimum width of a road carriageway within a Medium Density Housing site will be 3m where the carriageway is one-way and 5m where the carriageway is two-way.
  - (iii) Situated at the end of every cul-de-sac, provision of a turning space will be provided to the satisfaction of the Municipality.
- (4) In the event of the different dwelling unit curtilages being transferred in freehold or registered leasehold title, the Municipality will require that:

## PART 3: GENERAL DEVELOPMENT CLAUSES

- (i) the common property will be owned exclusively by the freehold or registered leasehold owners of the dwelling units in co-ownership; and no co-owners will be entitled to require the partition of the common land according to the proportion of his or her share;
  - (ii) A Home Owners' Association will be established. The Association will administer and maintain the common property, control the external appearance of buildings within the Medium Density Housing site and deal with any other matter pertaining to the Medium Density Housing site which is of common interest to its members. The affairs of the Association will be regulated by a Memorandum of Agreement. Articles of Association will be submitted to the Municipality. The Home Owners Association will be replaced by the Body Corporate if units in a development are sold by sectional title.
  - (iii) no dwelling unit curtilage within the Medium Density Housing site will be transferred or separately registered before the whole Medium Density Housing site has been developed to the satisfaction of the Municipality unless 3.5.1 (4) (iv) applies.
  - (iv) no dwelling unit curtilage within any portion of the Medium Density Housing site specified by the Municipality, will be transferred or separately registered before the specified portion of the Medium Density Housing site within the curtilage is situated, has been developed to the satisfaction of the Municipality.
- (5) The following requirements will apply in respect of densities for Medium Density Housing:
- (i) Despite anything to the contrary in these clauses, and where the number of units have not been specified, the maximum permissible density in respect of any Medium Density Housing Development will be determined by dividing the erf area by the minimum erf size applicable to that zone and rounding off the permissible number of units to the next (not closest) whole number. For example if the number of units is 9.25, the number will be rounded up to 10, not down to 9.
  - (ii) Where the undevelopable parts of the property equate to 30% or less of the whole erf, the full number of dwellings permitted per that zones calculated requirements are permissible unless other factors preclude this full compliment. Where the undevelopable parts of the property equates to more than 30% of the whole erf, the "Net Developable Area" will apply, and the permissible number of units permitted per that zone will be calculated utilising the Net Developable Area as seen in the definition in table 13, Building and Land Use.
  - (iii) Outbuildings ancillary to the use of the Medium Density site are permitted. Self contained residential units whether attached or detached are not permitted.
  - (iv) All land within a medium density housing site with a slope steeper than 1:3 or situated in Special Case Area or any other identified environmentally sensitive area or Priority 1 Environmental Area, will be excluded from the total area of the property. However, the Municipality may, at its discretion, permit a greater number of units where it is deemed desirable because of other site characteristics (this number of units not being greater than the density permitted by the zone of that erf). Additionally, where it can be shown by a professional engineers report and diagrams that slopes steeper than 1:3 can be built upon and access to the development sites on this slope are achievable and do not endanger the users of the site or the general population and can conform to the terms of the Department of Transports standards access requirements, the Municipality may at its discretion approve of the building or development on slopes steeper than 1:3.

### 3.5.2 LIMITATION ON THE NUMBER OF DWELLING UNITS

- (1) Despite Clause 3.5.2 (4) only one Dwelling House will be erected on any erf. If the erf is at least double the specified erf size, one additional Dwelling House may be erected for each completed minimum erf size on the erf, provided the applicant has submitted to the Municipality and received approval for a drawing prepared by a Professional Land Surveyor or Town Planner showing that

## PART 3: GENERAL DEVELOPMENT CLAUSES

the land on which the additional dwelling house will stand is capable of being subdivided so that the subdivision will conform to the provisions of the Scheme; and provided that the applicant furnishes the Municipality with an undertaking that any land required under the scheme for road construction or road widening purposes will be transferred to the Municipality at dates to be determined by the Municipality. Alternatively, if the erf cannot be subdivided by virtue of the location of the second dwelling, or by virtue of the land shape, but is double the specified erf size; the property can be registered as a sectional title scheme as and when necessary.

- (2) Despite Clause 3.5.2 (1) above, the Municipality may permit the erection of a self contained dwelling unit on any Residential Only or Agricultural erf, subject to the requirements of Clause 3.5.3. A self contained dwelling unit will not be permitted if an additional dwelling house as per clause 3.5.2 has been erected.
- (3) The Municipality may permit the erection of a self contained dwelling unit on any Residential Only or Agricultural subdivision, provided that subdivision is a registered erf and will be subject to the requirements of Clause 3.5.3.
- (4) If three or more dwellings are proposed on an erf, it must be established whether Medium Density Housing is permitted, and if necessary, submission of the consent Application procedure. Where three or more dwellings are permitted on a Medium Density site, an access way not less than 6m is required.
- (5) Self contained residential units will not be permitted on a Medium Density Site.

### 3.5.3 SELF CONTAINED DWELLING UNITS

- (9) Despite Clause 3.5.2, the Municipality may permit the erection of a self contained Dwelling Unit on any **Residential Only** erf. If it is proposed to erect a self contained dwelling unit the applicant must obtain the prior written consent of the registered owner of each adjoining property, and other property owners the Municipality may direct. Where written consent is not forthcoming, the applicant will be required to apply for the Municipality's consent which would include full public participation.
- (1) For the purpose of this clause, a self contained Dwelling Unit will mean a dwelling unit subject to the following conditions:
  - (i) It will be ancillary to the main dwelling unit, and the main dwelling unit will remain the primary use;
  - (ii) only one self contained dwelling unit will be permitted per erf;
  - (iii) it may be attached or detached to the main dwelling house;
  - (iv) it may not be sectionalised as a separate section, unless the erf in question is twice the minimum erf size required for that zone, whereupon it will become a second dwelling and no further self contained dwelling units may be built on that erf;
  - (v) if it is deemed necessary by the Municipality, a professional engineer or approved competent person must be appointed by the applicant to certify that the sewer system or soil conditions or both, are suitable for the establishment of an Self Contained Dwelling Unit;
  - (vi) it will be a condition of approval in terms of this Clause that:
    - (a) arrangements for the disposal of sewerage will be made to the satisfaction of the Municipality or the District Municipality as the case may be;
    - (b) the approval may specify a maximum number of persons by whom the Self Contained Dwelling unit may be occupied.

## PART 3: GENERAL DEVELOPMENT CLAUSES

- (vii) a Self Contained Dwelling Unit will be as defined in Table 13: Building and Land Use Definitions.

### 3.6 PARKING, LOADING AND SERVICE AREAS

- (1) Any person intending to erect, alter or extend a building or develop or use any erf, will provide loading and parking accommodation within the boundaries of the erf and will submit proposals in accordance with the following requirements (and the notes that follow Table 10) to the satisfaction of the Municipality.

**Table 10: Requirements for the Provision of On-site Parking**

Use		Number of Parking Spaces	Comment
<b>Unless otherwise stated all parking is per 100m<sup>2</sup> GLA</b>			
1.1	Dwelling Units 1-3 Bedrooms 4+ Bedrooms	1 garage or covered parking space per Unit 1.5 garage or covered parking space per Unit	Plus 0.5 Spaces per Unit for Visitors
1.2	#Hotels, Guest Houses, Guest Lodges, Bed and Breakfasts, Boarding House	1 Space per Suite or Room	
2.2	General/Specialised Offices	2.5 Spaces	
2.3	Banks	4 Spaces	
2.4	Medical Offices	5 Spaces	
2.5	Veterinary Clinic	5 Spaces	
3.1	Shopping Centres Neighbourhood (<5000m) Community (5000m – 15000m) Regional (>15 000m)	6 Spaces 6 Spaces 5 Spaces	
3.2	Single Shops/Businesses	6 Spaces	
3.3	Restaurants/Bars	1 Space per 4 Seats	
3.4	Health and Beauty Spa	6 Spaces	
4.1	Hospitals and Clinics including frail care facilities	1 Space per Bed 1 per medical and administration office	
5.1	All factories, General/Heavy Industrial Buildings, Light Industrial Buildings, Service Industrial Buildings, Storage Yards	1 Space	
6.1	Garage/Service Station/Motor Workshop	2.5 spaces	
7.1	Place of Worship	1 Space per 4 seat	
8.1	Education	1 Space per Classroom and office	(+Sufficient on/off loading area for Learners)
8.3	University	0.4 per student	

**Notes:**

- GLA = Gross Leasable Floor Area.**
- # Where there is a public bar or restaurant or a conference facility at a hotel, that is used for people in addition to the guests at the hotel, then the parking requirement for that facility is 1 bay per 4 seats in addition to the parking provided for the hotel.**
- A number of the standards have been taken from the National Transport Commission, Department of Transport, Land Transport Directorate (Planning Division): Parking Standards (Second Edition) November 1985. (Conference Centres have been added). Amendments to these Parking Standards have been made in consultation with the Interested and Affected parties and the Hibiscus Municipality.**
- Areas refer to gross leasable area unless otherwise specified and the number of bays to be rounded up to the nearest whole number.**

- (2) When a building or property contains a number of different uses, the parking allocation per use will apply.



- (3) Parking Bay Sizes. Diagrams relating to these dimensions are shown in Appendix 2, diagrams 5.2.6 and 5.2.7. These diagrams show dual carriage way examples.

Car parking spaces or parking accommodation means the following:

- (i) A parking bay at least 5m x 2.5m, for 90° parking, i.e., the parking bay is perpendicular to the kerb. An isle width or reversing area of 7.5m must be provided for either two-way traffic or one way traffic. See Diagram 5.2.6. Appendix 2
  - (ii) A parking bay at least 5.6m x 2.9m, for 60° parking where the width of the bay is 2.5m. An isle width or reversing area of 5.4m must be provided for two-way traffic and be at least 4.4m for one way traffic. See Diagram 5.2.6 Appendix 2.
  - (iii) A parking bay at least 4.9m x 3.5m for 45° parking where the width of the bay is 2.5m. An isle width or reversing area must be 5.2m for two-way traffic and 4.2m for one way traffic. See Diagram 5.2.7. Appendix 2.
  - (iv) A parking bay at least 4.7m x 5.0m, for 30° parking where the width of the bay is 2.5m. An isle width or reversing area of 5.2m must be provided for two-way traffic and be at least 4.2m for one way traffic. See Diagram 5.2.7. Appendix 2.
  - (v) as shown in “Road Markings SARTSM – VOL 2 June 1999” Parking bays are to be clearly marked on the erf or arranged as a garage or parking shelter, together with adequate maneuvering space and access arranged to the satisfaction of the Municipality.
- (4) Application may be made for Municipality consent to approve the provision of parking accommodation which is less than that specified. When considering an application for the reduction of the parking, a report by a Traffic Engineer will be submitted to the Municipality with regard to the following:
- (i) accessibility of the site by private or public transport;
  - (ii) availability of off-street parking in the vicinity of the site;
  - (iii) the number of staff members and customers related to the use of the land or the building on the site;
  - (iv) the socio-economic structure and density of the population which the development serves;
  - (v) the size and nature of the proposed development on the site and the size of vehicles likely to be used in connection with the activity conducted on the site;
  - (vi) the likelihood of reduction in parking provision causing injury to the amenity of the area in which it is or will be situated including, increased traffic and parking difficulties.
- (5) In any building, the area set aside for the parking or garaging of vehicles exceeds the minimum requirements by more than 50%, any such excess in area will be taken into account when calculating the permitted floor area for the building.

### 3.6.1 LOADING AND SERVICE AREAS

- (1) For every building or portion of a building designed for, or capable of separate occupation as a shop, office, industrial building, warehouse, residential flats or hotel, there will be provided on the erf a boarding or disembarking or loading or unloading area with suitable access to the satisfaction of the Municipality.
- (2) For every building or portion of a building intended for use as a Garage or service Station there will be provided 1 suitable located car space for every 40m<sup>2</sup> or major portion thereof of floor area plus a

## PART 3: GENERAL DEVELOPMENT CLAUSES

loading and unloading area for bulk tankers to the satisfaction of the Municipality.

- (3) For every industrial building there will be provided on the erf, sufficient accommodation for parked cars to the satisfaction of the Municipality and parking with adequate turning space for every commercial vehicle used for the benefit of the industry.
- (4) If in any building the area set aside for loading and service areas exceeds the minimum requirements by more than 50%, any excess in area will be taken into account when calculating the permitted floor area for the building.
- (5) For any use or development not specified elsewhere in this Clause, loading accommodation will be provided to the satisfaction of the Municipality.

### **3.7 GARAGES AND SERVICE STATIONS, CARAVAN PARKS, MOBILE HOME PARKS, HOLIDAY PARKS**

#### **3.7.1 GARAGES AND SERVICE STATIONS**

- (1) The layout of a Garage or Service Station including the siting of pumps, buildings and of vehicular access or egress will be to the satisfaction of the Municipality.
- (2) No Garage or Service Station will have direct vehicular access to an existing or proposed major traffic arterial.
- (3) The following prerequisites and conditions will be observed whenever it is proposed to erect a new Garage or Service Station, or to extend an existing Garage or Service Station.
  - (i) No vehicular entrance to or exit from a Garage or Service Station will be within 150m of a freeway interchange, 60m from an intersection with a road which in the opinion of the Municipality is a major road or 20m from an intersection with any road.
  - (ii) The frontage of a Garage or Service Station erf will not be less than 36m in length.
  - (iii) Dwarf walls or other permanent structures will be erected on the street frontage of the site so as to confine the movement of vehicles into or out of the Garage or Service Station to authorised access points.
  - (iv) No Garage or Service Station will be established upon any erf unless it has adequate depth to enable all activities to be carried on clear of the street.
  - (v) Filler points for underground tanks will be sited to make it possible for tanker vehicles to stand wholly within the curtilage of the erf when recharging the tanks and for these vehicles to enter and leave the erf in a forward direction.
  - (vi) Pump islands must be a distance of 5m or more away from any boundary of the erf and all traffic routes within the forecourt will have a minimum width of 5m.
  - (vii) A Garage or Service Station will be designed so that traffic entering and leaving the erf will not adversely affect the movement of pedestrians or vehicles on any heavily trafficked public street or place.
  - (viii) Parking accommodation for motor vehicles to be provided on the erf in accordance with Clause 3.6.
  - (ix) The Municipality may relax any of the above conditions (i) - (viii) in respect of any application for a Garage which, in the opinion of the Municipality, is not a traffic generator in terms of Clause 5.2.9.1 in Appendix 2A.

## **PART 3: GENERAL DEVELOPMENT CLAUSES**

- (4) In granting its permission for the establishment of a Garage or Service Station, the Municipality must take cognisance of the standards set out in Clause 5.2.9.1 in Appendix 2A.

### **3.7.2 CARAVAN PARKS, MOBILE HOME PARKS**

- (1) Despite all other legislation and bylaws required for the development of a Caravan Park or Mobile Home Park, the design and layout of a Caravan Park or Mobile Home Park will be in accordance with the standards laid down in the code of practice for Caravan Parks or Mobile Park Homes published by the South African Bureau of Standards, (Publications S.A.B.S. 092/1971 and 1122/1976 as amended from time to time).

### **3.7.3 DESIGN AND LAYOUT OF A HOLIDAY PARK**

Despite all other legislation required for the development of a Holiday Park, The design and layout of a Holiday Park will be in accordance with the standards laid down in the Standard Bylaws relating to Holiday Parks as promulgated in August 1987 and as amended from time to time.

## **3.8 REMOVAL OF INJURIOUS CONDITIONS, EXTERNAL APPEARANCE OF BUILDINGS, ADVERTISING, EXEMPTIONS AND USES**

### **3.8.1 REMOVAL OF INJURIOUS CONDITIONS**

- (1) In the opinion of the Municipality, if 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. The notice will require the person or persons within a period, from the date of service of the notice, to take action as may be necessary to abate the injury. The notice may specify the steps to be taken to reduce or remove the injury. The notice period in which to reduce or remove the injury must be not less than 21 calendar days from the date of service.
- (2) No commercial vehicles or vehicles not generally associated with a dwelling house will be permitted in any residential zone, this include, but is not limited to trucks, busses, commercial fishing boasts, tractors, graders and TLB's

### **3.8.2 EXTERNAL APPEARANCE OF BUILDINGS**

- (1) No building may be erected without the approval of the Municipality.
- (2) The character, design and external appearance of buildings, including the material used in their construction, will be subject to the approval of the Municipality.
- (3) In considering any application, the Municipality will have regard to the character of the locality in which the proposed building is to be erected and will take into account whether or not the building will be injurious to the amenities of the locality by reason of its external appearance or the materials to be used, or the siting of the building in relation to buildings of the adjoining erf and/or Amenity or Conservation Reserve.

## PART 3: GENERAL DEVELOPMENT CLAUSES

- (4) Any person intending to alter, extend or erect a building will submit drawings to the Municipality, with whatever indications the Municipality may require, showing the external appearance of the proposed building together with a description of the material to be used.
- (5) Plans and particulars will be submitted to the Municipality in terms of the National Building Regulations Standards Act No. 103 of 1977 as amended from time to time in conjunction with the SANS 10400 Standards as amended from time to time.

### 3.8.3 ADVERTISING

- (1) Under the home business, home activity, home nursery, tavern, tuck-shop and tea garden uses, the sign may be A2 in size or less. This clause does not apply to casual advertisements for entertainment, property for sale, auctions to be held on the premises or meetings as long as they are not, in the opinion of the Municipality, unduly ostentatious.

### 3.8.4 EXEMPTIONS

- (1) The Scheme will not prohibit or restrict the **letting of part of a dwelling house**; except that, in the Residential Only zones no part of any dwelling house:
  - (i) will be let as a separate dwelling unit;
  - (ii) nor will the outbuildings of any dwelling unit be let as a separate dwelling unit,
  - (iii) nor will any additional freestanding building which may be erected for use in conjunction with the dwelling house be let as a separate dwelling unit, unless the dwelling unit complies with Clause 3.5.3;

In the Residential High Impact zones, Residential Medium Impact Zones and Mixed Use Zones, no part of any dwelling unit:

- (i) will be let as a separate tenement,
- (ii) nor will any additional freestanding building which may be erected for the use in conjunction with any dwelling unit be let as a separate tenement;
- (iii) nor will any outbuilding be let as a separate tenement.

## 3.9 FLOOD LINES

- (1) In an urban area within the Coastal Management Zone no construction will take place within a 100m of the high water mark. In the case of rural areas, no construction will take place within a 1000m of the high water mark. Any exemptions to this setback will have to be applied for through the Department of Economic Development, Tourism and Environmental Affairs and the Department of Water and Sanitation and must be obtained prior to construction of any kind. In addition, written approval/condonement is to be obtained from any other department having legislated responsibility, mandate or jurisdiction pertaining to the proposed construction. The approval must accompany the building plans or other application documents and be submitted to the Municipality.
- (2) Within the Estuarine Functional Zone, no building will take place below the 1:100 year flood line. The 5m contour is used as a proxy to determine this line. Any exemptions to this setback will have to be applied for through the Department of Economic Development, Tourism and Environmental Affairs and the Department of Water and Sanitation and must be obtained prior to construction of any kind. In addition, written approval/condonement is to be obtained from any other department having legislated responsibility, mandate or jurisdiction pertaining to the proposed construction the approval must accompany the building plans or other application documents and be submitted to the Municipality.
- (3) Outside of the Coastal Management Zones and the Estuarine Functional Zones, no building will be erected on any land which in the opinion of the Municipality is below a flood line which, in respect

## PART 3: GENERAL DEVELOPMENT CLAUSES

of any watercourse is a line indicating the maximum level likely to be reached on an average every fifty years by water on the land in question. The Professional Engineer or Hydrologist compiling the flood-line study will be required to define the critical characteristic of the flood waters, namely, the flood level, flood water velocity, time of concentration, and the duration of flooding. The Engineer will be required to comment on the risk of the critical flood water characteristic. In addition, the Engineer will be required to indicate the 1:100 year flood level event.

- (4) In the case of the flood line indicating the maximum level likely to be reached on an average of twenty years, minor buildings not utilised for human habitation, such as pump houses, gazebos, minor boat houses and the like may be permitted at the discretion of the Municipality. In the case of the twenty year flood line, approval/condonement from the Department of Economic Development, Tourism and Environmental Affairs and the Department of Water and Sanitation must be obtained prior to construction of any minor building. In addition, written approval/condonement is to be obtained from any other department having legislated responsibility, mandate or jurisdiction pertaining to the proposed construction.
- (5) It must also be noted that the while no construction may occur below the 1:100 flood lines, cognisance must be taken of the setback limit under the prevailing legislation. This setback will be determined by a suitably qualified professional who will take professional responsibility and liability for such setback.
- (6) Where an erf may be subject to a 1:20 or greater flood line, the Municipality will require the owner to indicate the flood line as defined in Clause 3.10 (3) above on a site plan or building plan and to supply a supporting certificate signed by a professional engineer or other such suitably qualified profession who will take professional responsibility and liability for the diagram and calculations. The certificate will include the identification of the critical characteristics of flood waters as referred to in clause 3.10. The Municipality must provide compelling evidence that the erf is subject to a 1:20 or greater flood line in the form of previously recorded expert opinion, flood lines on neighbouring ground or erven, witness to flood waters on the erf in question. Where the Municipality cannot provide compelling evidence, but remains concerned that the erf in question may be subject to 1:20 or greater flooding, then the owner of that erf may provide a statement by a Professional Engineer or Hydrologist that the erf in question is not subject to a 1:20 or greater flood line.
- (7) No structure will be constructed or erected below the flood line as defined in these clauses without the written authority of the Municipality and the Department of Economic Development, Tourism and Environmental Affairs and the Department of Water and Sanitation.
- (8) Despite any other provisions contained in these clauses, the Municipality may, under exceptional circumstances, permit a building or structure to be erected below the flood line as defined in Clause (3) above as long as the following documentation is submitted in respect of any such application:
  - (i) motivation relating to the nature of the exceptional circumstances;
  - (ii) an environmental report or application wherein the impact of the proposed building or structure is evaluated and condoned or approved by the Department of Economic Development, Tourism and Environmental Affairs, the Department of Water Affairs and Sanitation and any other department having legislated authority in the matter. A certificate signed by a professional engineer confirming that such building or structure will be clear of the appropriate flood level and / or that it will not impede the flow of water so as to be likely to cause erosion or create mechanisms of structural instability for the structure itself, for other man made structures or natural features, which exceed the capacity of these structures or features to withstand.

### 3.10 GUIDELINES AND CONTROLS FOR ERVEN IN ENVIRONMENTAL PRIORITY/SPECIAL CASE AREAS

(Special Case Area Maps/Plans are available at the Municipality for inspection and must be referenced to when any development is proposed in these areas) The controls and schedules for Special Case Area 1 and Special Case Area 2 are contained in Volume 1, Special Zones and Special Case Areas.

- (1) Special Case Areas are shown on the scheme map by way of a green diagonal hatch.
- (2) When an erf has more than one priority rating applied to it, the erf will be considered to have multiple ratings and any development on that erf must bear in mind the ratings applicable to it. Should any developer or owner seek to develop the erf, condonation or approval must be sought from the Department of Economic Development, Tourism and Environmental Affairs, which may or may not be given, or may be given with conditions.
- (3) When building plans are submitted to the Municipality for approval in the Special Case Area and any other identified environmentally sensitive 1 and 2 environmental priority areas, an environmental basic assessment or environmental impact report with accompanying program or programs will also be submitted showing:
  - (i) the position and types of vegetation occurring on the erf;
  - (ii) the position of proposed building(s);
  - (iii) the extent of vegetation to be conserved;
  - (iv) the extent of vegetation to be cleared, in line with the permit obtained (where necessary) from Department of Agriculture Forestry and Fisheries;
  - (v) any excavations;
  - (vi) a phasing programme which will be designed to create the least damage to the indigenous vegetation of the erf including the fencing of areas to be conserved and building of an access road to which all vehicles will be restricted. Where the erf does not have access to sewerage and waster water infrastructure, a program showing how waste water and sewerage will be dealt with.
- (4) Earthmoving equipment will be prohibited in erven falling into Special Case Areas and any other identified environmentally sensitive area or 1 and 2 environmental priority areas until the environmental assessment plan or program as required in Clause 3.10 (3) above has been approved and the vegetation to be conserved has been demarcated by means of a fence or other acceptable measure to the satisfaction of the Municipality and the environmental program.
- (5) In areas that have been demarcated for conservation, only nature related recreation and education uses will be permitted at the discretion of the Municipality and any other Government Department who has legislated authority in the matter. These will include uses such as bird watching, walking and canoeing and the like.
- (6) The indigenous vegetation in these areas will not be disturbed or removed without the authority of the Municipality and any other Government Department that has legislated authority in the matter.
- (7) Paths may be allowed at the discretion of the Municipality. Before the paths are constructed, the written authority of the Municipality and the Department of Economic Development, Tourism and Environmental Affairs and KZN Ezemvelo Wildlife must be obtained. These paths will be clearly defined with fences or board walks especially in dune areas to minimise damage to fragile vegetation and consequent wind erosion. Raised walkways should be used to protect marsh vegetation.

## PART 3: GENERAL DEVELOPMENT CLAUSES

- (8) No invasive plant species will be introduced into areas set aside for conservation or private open space. Invasive plants occurring in these areas should be eradicated to the satisfaction of the Municipality and with the Municipality's and any other Government Department who has legislated authority in the matter, prior approval for such eradication.
- (9) Properties contiguous with the Amenity Reserve must not be obstructive or obtrusive and preferably screened and setback from the beach. Individual access to the beach must be avoided and consolidated access encouraged. Dune vegetation must not be removed or cut down to allow for a view.
- (10) No encroachment into Amenity Reserve coastal public property will be tolerated. No gardening in the dune area will be permitted.
- (11) As far as possible, medium density housing developments must be clustered to maximise land available for conservation purposes.
- (12) Reference should be made to the report dated July 1986 entitled "Southbroom": Guidelines Pertaining to the Natural Environment" where further guidelines are given.
- (13) An "EIA/EMP task team" will be established at the outset of any Environmental Impact Assessment process in respect of any property which is zoned as a Special Case Area Zone. The purpose of this is to provide input into the process of refining the manner in which any property, so zoned, will be developed, and includes the evolving of site specific controls, and the formulation of a site development plan, to guide the future development and use of such property. This takes into account both environmental and land use management issues. This team will oversee the preparation of any Environmental Management Programs required for any property. Membership will include representatives of the following organisations:
  - (i) Landowner;
  - (ii) Municipality;
  - (iii) KZN Ezemvelo Wildlife; and
  - (iv) KZN Department of Economic Development, Tourism and Environmental Affairs.

### 3.10.1 CONTROLLED AREAS

1. Controlled areas are shown on the scheme map by way of a black cross hatch.
2. Within controlled areas:
  - (i) A person or people will not develop any land, or excavate or level any site, or remove any natural vegetation or ground cover from, or erect any structure of any nature whatsoever or carry out any work upon such site without having obtained the prior approval of the Municipality or any other department with legislated interest in terms of this sub-clause.
  - (ii) No approval will be given unless the Municipality is satisfied after due examination, and subject to conditions it may specify, that any development, erection or other work referred to in paragraph (i) can be carried out without danger to the site, any adjoining site or any buildings thereon. On erven 17 - 36 Oslo Beach no development will be allowed unless access to the satisfaction of the Municipality and the Executive Director of Roads can be provided.
  - (iii) For the purposes of any examination referred to in paragraph (ii), the applicant will, where required by the Municipality, submit plans and reports as the Municipality may require. The Municipality may call for:
    - (a) Engineering drawings to a suitable scale showing how the driveway and proposed buildings will be constructed on the erf including earthworks, foundations and retaining walls;

## PART 3: GENERAL DEVELOPMENT CLAUSES

- (b) Detailed soil and drainage (storm water and sewer) plans;
  - (c) A plan identifying areas on the erf that are unstable or unsuitable for building purposes that are to remain undisturbed.
  - (d) The proposed re-vegetation of the disturbed portions of the site following completion of earthworks in order to stabilise the site as soon as possible.
- (iv) The implementation of the abovementioned plans will be carried out under the supervision of a suitably qualified person who would be required to approve (by signature) such plans.
- (v) The conditions referred to in 3.10.1 (2) (ii) may be to:
- (a) restrict the form or nature of the building or structure;
  - (b) limit the size and / or shape of the building or structure;
  - (c) prescribe the form of foundations for the building or structure;
  - (d) prescribe or restrict the materials of which the building or structure is to be constructed;
  - (e) determine the siting of any building or structure and of any soak pits or other drainage works;
  - (f) prohibit or control any excavation on the site, the construction of any roadways, paths and other garden features;
  - (g) prohibit or control the removal of any natural vegetation;
  - (h) control any other aspects which the Council considers necessary.
- (vi) Despite anything contained in this sub-clause the Council will not be liable for any loss or damage which may occur to any building, structure of any property whether within a controlled area or otherwise arising out of any action by the Council in terms of this sub-clause.

### 3.11 BED AND BREAKFASTS, LODGES, HOTELS, BOARDING HOUSES,

- (1) Where the uses in 3.11 (i.e. 3.11.1 – 3.11.5) below are not expressly permissible in terms of land use zones and development controls in Clause 2.2 the application for these uses will by neighbours consent where that is permissible in Clause 2.2, and consent, where it is applicable in Clause 2.2. Where neighbours consent is not forthcoming, the application will be by consent.

#### 3.11.1 BED AND BREAKFASTS

- (1) The Municipality may permit a dwelling unit for use as a Bed and Breakfast establishment as defined in Table 13: Building and Land Use Definitions. In Residential High Impact and Residential Medium Impact zones, the conversion of a unit in a Medium Density Housing complex, or a Residential Medium Impact Building, will not be permitted.
- (2) The following conditions must be met:
- (i) the person running the Bed and Breakfast establishment will reside on the property, whether in the dwelling house or a self contained residential unit or other dwelling unit;
  - (ii) the prior written consent of the registered owner of each adjoining property and any other properties the Municipality may direct must first be obtained, if the Municipality is satisfied that no interference will result with the amenities of the neighbourhood, existing, or as contemplated by this Scheme (if the written consent is not obtained the applicant full be subject to the full public participation process);
  - (iii) a sign no larger than an A2 sheet may be affixed to the premises;



## PART 3: GENERAL DEVELOPMENT CLAUSES

- (iv) the accommodation for motor vehicles can be provided on the erf to the satisfaction of the Head of Department Development Planning Services;
- (v) the Municipality may impose whatever conditions are necessary to protect the amenities of the neighbourhood including the following : circumstances for the operation of and activity; number of formal parking bays required; hours of operation; control of signage, etc.
- (vi) If it is subsequently found that there is 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.
- (vii) The successful applicant will register their establishment with a Community Tourism Organisation

### 3.11.2 GUEST HOUSES

- (1) The Municipality may by permit the conversion of a dwelling unit for use as a Guest House as defined in Table 13: Building and Land Use Definitions. In the Residential Medium Impact and Residential High Impact zones, the conversion of a unit in a Medium Density Housing complex, or a Residential Building, will not be permitted.
- (2) The following conditions must be met:
  - (i) the person running the Guest House establishment will reside on the property, whether in the dwelling house itself or a self contained residential unit or other dwelling unit.
  - (ii) that the building will have the general appearance of a single dwelling house;
  - (iii) that a sewage disposal system is provided to the satisfaction of the Municipality;
  - (iv) the accommodation for motor vehicles can be provided on the erf to the satisfaction of the Head of Department Development Planning Services;
  - (v) that the owners undertake to maintain standards in accordance with the requirements of any controlling body for such establishments;
  - (vi) that the kitchen is to be inspected by the Health Inspector on a regular basis;
  - (vii) that the Municipality may impose whatever other conditions it considers necessary to protect the amenities of the neighbourhood,
  - (viii) if it is subsequently found that there is an interference with the amenities of the neighbourhood, it may impose further conditions or call on the occupants to cease the use.
  - (ix) The successful applicant will register their establishment with a Community Tourism Organisation

### 3.11.3 GUEST LODGES

- (1) The Municipality may by permit the conversion of a dwelling unit, or the construction of a building for use as a Guest Lodge as defined in Table 13: Building and Land Use Definitions. In the Residential Medium Impact and Residential High Impact zones, the conversion of a unit in a Medium Density Housing complex, or a Residential Building, will not be permitted.
- (2) The following conditions must be met:
  - (i) that the building will have the general appearance of a single dwelling house;
  - (ii) that a sewage disposal system is provided to the satisfaction of the Municipality;
  - (iii) that accommodation for motor vehicles can be provided on the erf to the satisfaction of the Head of Department Development Planning Services;

## PART 3: GENERAL DEVELOPMENT CLAUSES

- (iv) that the owners undertake to maintain standards in accordance with the requirements of any controlling body for such establishments;
- (v) that the kitchen is to be inspected by the Health Inspector on a regular basis;
- (vi) that the Municipality may impose whatever other conditions it considers necessary to protect the amenities of the neighbourhood;
- (vii) if it is subsequently found that there is an interference with the amenities of the neighbourhood, it may impose further conditions or call on the occupants to cease the use,
- (viii) the successful applicant will register their establishment with a Community Tourism Organisation.

### 3.11.3.1 Boarding House and Student Accommodation

- (1) The Municipality may permit a dwelling unit for use as a Boarding House or Student Accommodation establishment as defined in Table 13: Building and Land Use Definitions. In Residential High Impact and Residential Medium Impact zones, the conversion of a unit in a Medium Density Housing complex, or a Residential Medium Impact Building, will not be permitted.
- (2) The following conditions must be met:
  - (i) a sign no larger than an A2 sheet may be affixed to the premises;
  - (ii) the accommodation for motor vehicles can be provided on the erf to the satisfaction of the Head of Department Development Planning Services;
  - (iii) the Municipality may impose whatever conditions are necessary to protect the amenities of the neighbourhood including the following : who will operate the activity; circumstances for the operation of and activity; control of signage, etc.
  - (iv) if it is subsequently found that there is an interference with the amenities of the neighbourhood, the Municipality may impose further conditions or call on the occupant to cease the use.

### 3.11.4 BACK PACKERS

- (1) The Municipality may permit a Back Packers as defined in Table 13: Building and Land Use Definitions. In the Residential High Impact and Residential Medium Impact zones, the conversion of a unit in a Medium Density Housing complex, or a Residential Medium Impact Building, will not be permitted.
- (2) The following conditions must be met:
  - (i) the person running the Back Packers establishment will reside on the property, whether in the dwelling house or a self contained residential unit or other dwelling unit;
  - (ii) a sign no larger than an A2 sheet may be affixed to the premises;
  - (iii) that accommodation for motor vehicles can be provided on the erf to the satisfaction of the Head of Department Development Planning Services;
  - (iv) the Municipality may impose whatever conditions are necessary to protect the amenities of the neighbourhood; including the following: maximum size; who will operate any activity; circumstances for the operation of and activity; maximum number of employees; hours of operation, maximum number of rooms to be let; maximum number of guests; whether the owner is required to be resident on the property; control of signage, etc.
  - (v) If it is subsequently found that there is an interference with the amenities of the neighbourhood, the Municipality may impose further conditions or call on the occupant to cease the use.
  - (vi) The successful applicant will register their establishment with a Community Tourism Organisation

### 3.11.5 USE OF HOTELS FOR CERTAIN PURPOSES

## PART 3: GENERAL DEVELOPMENT CLAUSES

- (1) The Municipality may permit shops or activities, such as:
  - Hairdressing salons,
  - Bookshops or newsagents,
  - Florists,
  - Curio shops,
  - Theatre booking agents,
  - Bank agents,
  - Travel agents, and
  - Vending machines to be established for the convenience of hotel guests:
  - (i) in any hotel graded by the Hotel Board as a five-star, four-star or three-star hotel in terms of the Hotels Act, 1965, as amended, or which, according to the nature of the establishment and service provided therein, and its situation, is in the opinion of the Municipality, likely to be graded as such;
  - (ii) by Special consent in any hotel other than those referred to here above;
  - (iii) no external advertising of any shop or activity will be permitted, and access thereto will be gained only from within the hotel.
- (2) The Municipality may, by consent and when it is of the opinion, that there will be no interference with the amenities of the neighbourhood, authorise, the establishment of a bottle store (off-sales department) in any hotel premises.
- (3) Conference centres ancillary to the use of the hotel must provide parking in accordance with the Parking Table (Table 11) and this parking provision will be separate to the use of the hotel. Should the hotel require a reduction in the parking requirements, provision of a Traffic Impact Statement or Traffic Impact Assessment will be provided by a Professional Engineer indicating the level of reduction allowed. Should no reduction be allowed, the hotel will have to abide by the findings of the Traffic Impact Statement or Assessment.

### 3.12 THE USE OF RESIDENTIAL PREMISES FOR OCCUPATIONS FOR GAIN

This includes taverns, tea gardens and tuck shops, home activities, home businesses and home plant nurseries.

#### 3.12.1 HOME ACTIVITY

In the case of a Home Activity:

- (i) the permission of the Municipality has been applied for and obtained;
- (ii) the activity will be subordinate to the residential use;
- (iii) the permission will be limited to the Owner of the property, who will reside thereon, however the Municipality may in exceptional circumstances, permit the activity to be conducted by a person other than the Owner, if it is satisfied that the primary use of the Dwelling Unit as a residence will not be prejudiced;
- (iv) the activity will not involve work on motor vehicles;
- (v) the activity shall not generate any traffic more than that of a dwelling house.
- (viii) it involves any activity or work between the hours of 9:00pm and 6:00am, except with the specific approval of the Municipality;
- (ix) The area of the building/s where the business is conducted will not occupy a floor area greater than 5% of the total site area subject to this not being in excess of 20m<sup>2</sup>
- (x) no goods will be displayed or stored in public view;

## PART 3: GENERAL DEVELOPMENT CLAUSES

- (xi) no exhibition on the property of any notice or sign will be submitted nor shall the quoting of the residential address in any advertisement of the activity be permitted.
- (xi) In considering any application the Municipality will take into consideration the nature of the occupation in relation to the character of the area and will impose whatever conditions it considers necessary to protect the amenities of the neighbourhood. Any occupation which in the opinion of the Municipality has a potential for causing pollution, hazardous situations and degradation of the residential environment, will not be permitted.
- (xii) If it is subsequently found that there is an interference with the amenities of the neighbourhood, the Municipality may impose further conditions or withdraw its authority at any time and call on the occupant to cease the activity forthwith.

### 3.12.2 HOME BUSINESS

In the case of a Home Business:

- (i) the permission of the Municipality has been applied for and obtained;
- (ii) the activity will be subordinate to the residential use;
- (iii) the permission will be limited to the Owner of the property, who will reside thereon, however the Municipality may in exceptional circumstances, permit the activity to be conducted by a person other than the Owner, if it is satisfied that the primary use of the Dwelling Unit as a residence will not be prejudiced;
- (iv) the activity will not involve work on motor vehicles;
- (v) the activity involves the regular parking of more than three motor vehicles used in conjunction with the business on the site at any one time and which do not exceed one metric ton carrying capacity. The parking of which is to be located to the rear of the Dwelling Unit, where possible;
- (vi) adequate on-site parking bay must be provided on site to the satisfaction of the Head of Department Development Planning Services;
- (vii) it involves the engagement of no more than 3 other people in the relevant occupation on the site, either as a partner or employee.
- (viii) it involves any activity or work between the hours of 9:00pm and 6:00am, except with the specific approval of the Municipality;
- (ix) The area of the building/s where the business is conducted will not occupy a floor area greater than 10% of the total site area subject to this not being in excess of 50% of the floor area of the Dwelling Unit but, will not, in any event, exceed 100m<sup>2</sup>.
- (x) no goods will be displayed or stored in public view;
- (xi) erected signage indicating the nature of the activity will not be larger than an A2 size sheet. The sign will be made of a material and will use a style and size of lettering complementing the residential character of the Dwelling Unit, and will be in compliance with the Signage Bylaws;
- (xiii) In considering any application the Municipality will take into consideration the nature of the occupation in relation to the character of the area and will impose whatever conditions it considers necessary to protect the amenities of the neighbourhood. Any occupation which in the opinion of the Municipality has a potential for causing pollution, hazardous situations and degradation of the residential environment, will not be permitted.
- (xiv) If it is subsequently found that there is an interference with the amenities of the neighbourhood, the Municipality may impose further conditions or withdraw its authority at any time and call on the occupant to cease the activity forthwith.

### 3.12.3 HOME PLANT NURSERIES

In the case of a Home Plant Nurseries:

- (i) the permission of the Municipality has been applied for and obtained;
- (ii) the activity will be subordinate to the residential use;
- (iii) the permission will be limited to the Owner of the property, who will reside thereon, however the Council may in exceptional circumstances, permit the activity to be conducted by a person other than the Owner, if it is satisfied that the primary use of the Dwelling Unit as a residence will not be prejudiced;
- (v) the activity involves the regular parking of more than three motor vehicles used in conjunction with the business on the site at any one time and which do not exceed one metric ton carrying capacity. The parking of which is to be located to the rear of the Dwelling Unit, where possible;
- (vi) adequate on-site parking bay must be provided on site to the satisfaction of the Head of Department Development Planning Services;
- (vii) it involves the engagement of no more than 3 other people in the relevant occupation on the site, either as a partner or employee;
- (viii) it involves any activity or work between the hours of 9:00pm and 6.00am, except with the specific approval of the Municipality;
- (ix) The area of the building/s where the business is conducted will not occupy a floor area greater than 10% of the total site area subject to this not being in excess of 50% of the floor area of the Dwelling Unit but, will not, in any event, exceed 100m<sup>2</sup> but does not include the area/s (nursery) where the plants are reared or stored in any un-built or open garden area;
- (x) erected signage indicating the nature of the activity will not be larger than an A2 size sheet. The sign will be made of a material and will use a style and size of lettering complementing the residential character of the Dwelling Unit, and will be in compliance with the Signage Bylaws;
- (xi) In considering any application the Municipality will take into consideration the nature of the occupation in relation to the character of the area and will impose whatever conditions it considers necessary to protect the amenities of the neighbourhood. Any occupation which in the opinion of the Municipality has a potential for causing pollution, hazardous situations and degradation of the residential environment, will not be permitted.
- (xii) If it is subsequently found that there is an interference with the amenities of the neighbourhood, the Municipality may impose further conditions or withdraw its authority at any time and call on the occupant to cease the activity forthwith.

### 3.12.4 TAVERNS

In the case of a **Tavern**

- (i) the permission of the Municipality has been applied for and obtained;
- (ii) A site plan indicating the position and size of the tavern will be submitted with the application.
- (iii) 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 will form part of the application.
- iv) The primary use of the site will remain residential.

## PART 3: GENERAL DEVELOPMENT CLAUSES

- v) A tavern will **NOT BE PERMITTED** if it is set within a distance of less than 1000m radius from another tavern or similar use, or within 500m of a crèche, Place of Education, or Place of Worship, or if by virtue of the terrain or road ways, the access to the tavern equates to a time distance of 1000m from another tavern, or 500m from a Crèche, Place of Education or Place of Worship. The virtue of terrain or road ways must be proved by showing that a valley exists between the aforementioned uses, or some other physical barrier exists. In the event that this cannot be established, the 1000m and 500m radii will apply.
- vi) 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.
- vii) The applicant will not conduct any other use on the site concerned other than that of a tavern, as approved by the Municipality.
- viii) The area of the tavern will not exceed 50m<sup>2</sup>.
- ix) Advertising signage will be according to Ray Nkonyeni Municipality's signage by-laws.
- x) Operating hours will be:  
09h00-20h00 from Mondays to Fridays,  
09h00-22h00 on Saturdays, and  
10h00-20h00 on Sundays.
- xi) The owner/ applicant will reside on the premises.
- xii) No more than two persons including the owner will be engaged in the operation of the tavern.
- xiii) All consumption of liquor will be within the property.
- xiv) The premises will at all times be open to Municipal officials and SAPS for inspection purposes.
- xv) On-site parking bays will be provided to the satisfaction of the HOD, Development Planning Services. In the event that traffic becomes a problem, the owner will provide a Traffic Impact Statement or Assessment by a Professional Engineer and will have to abide by the findings thereof.
- xvi) No goods will be displayed/ or stored in the public view.
- xvii) The Municipality will reserve the right to impose any other conditions it deems necessary to preserve the residential character of the area,
- xviii) The Municipality will reserve the right to suspend immediately (for a period not less than 30 days) or rescind immediately the authority granted if the applicant fails to comply with any of the conditions. This notification is to be in writing and submitted via registered mail to the owner, applicant, or by hand to the owner, applicant or a person seemingly being 16 years old or more. In the event that there is no person to receive the notice, the notice will be affixed to any permanent structure and a photograph of the affixed notice will serve as proof of a noticed served.
- xix) In considering any such application the Municipality will take into consideration the nature of the tavern in relation to the character of the area and will impose whatever conditions it considers are necessary to protect the amenities of the neighbourhood. Any tavern which in the opinion of the Municipality has a potential for causing pollution, hazardous situations and degradation of the residential environment, will not be permitted. 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 withdraw its authority at any time and call on the occupant to cease the activity forthwith.

### 3.12.5 TUCK SHOP AND SPAZA SHOP

In the case of a Tuck Shop and Spaza Shop:

- (i) the permission of the Municipality has been applied for and obtained;
- (ii) that portion of a building being utilised for such an occupation (including the storage of goods) will not exceed a gross floor area of 15m<sup>2</sup>;
- (iii) letters of no objection from the surrounding property owners. In the case of objections however, the application will be subject to the requirements for consent;
- (iv) the occupation not interfering with the amenities of the neighbourhood;
- (v) no container being used for the operation, unless it has been aesthetically altered to the satisfaction of the Municipality.
- (vi) In considering any application, the Municipality will take into consideration the nature of the tuck shop in relation to the character of the area and will impose whatever conditions it considers are necessary to protect the amenities of the neighbourhood. In the opinion of the Municipality, if the tuck shop has potential for causing pollution, hazardous situations and degradation of the residential environment, it will not be permitted. If it is subsequently found that there is, an interference with the amenities of the neighbourhood, the Municipality may impose further conditions or withdraw its authority at any time and call on the occupant to cease the activity forthwith

### 3.12.6 TEA GARDEN

In the case of a **Tea Garden**:

- (i) the permission of the Municipality has been applied for and obtained;
- (ii) A site plan indicating the position and size of the tea garden will be submitted with the application.
- (iii) 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 will form part of the application.
- (iv) The primary use of the site will remain residential.
- (v) 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.
- (vi) The applicant will conduct no other use on the site concerned other than that of a tea garden, as approved by the Municipality.
- (vii) The area within the dwelling unit allocated to the tea garden will not exceed 50m<sup>2</sup>. This excludes kitchen and toilets.
- (viii) Advertising signage will be according to Ray Nkonyeni Municipality's signage by-laws.
- (ix) Operating hours will be:  
09h00-17h00 from Mondays to Fridays,  
09h00-17h00 on Saturdays and  
10h00-17h00 on Sundays
- (ix) The owner/ applicant will reside on the premises.
- (x) No more than three persons including the owner will be engaged in the operation of the tea garden.

## PART 3: GENERAL DEVELOPMENT CLAUSES

- (xi) Parking bays will be provided on-site to the satisfaction of the HOD, Development Planning Services, with a minimum of 1 Bay per 4 Seats which will be shown on a floor plan (and site plan if some or all of the seating is in the open) supplied by the owner. Alternatively 1 Bay per 10m<sup>2</sup> will be provided and will be shown on a site plan.
- (xii) No goods will be displayed/ or stored in the public view.
- (xiii) The Municipality will reserve the right to impose any other conditions it deems necessary to preserve the residential character of the area,
- (xiv) The Municipality will reserve the right to suspend immediately (for a period not less than 30 days) or rescind immediately the authority granted without notification if the applicant or owner fails to comply with any of the conditions. This notification is to be in writing and submitted via registered mail to the owner, applicant, or by hand to the owner, applicant or a person seemingly being 16 years old or more. In the event that there is no person to receive the notice, the notice will be affixed to any permanent structure and a photograph of the affixed notice will serve as proof of a noticed served.
- (xiv) In considering any such application, the Municipality will take into consideration the nature of the tea garden in relation to the character of the area and will impose whatever conditions it considers are necessary to protect the amenities of the neighbourhood. If in the opinion of the Municipality, the tea garden has potential for causing pollution, hazardous situations and degradation of the residential environment, it will not be permitted. 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 withdraw its authority at any time and call on the occupant to cease the activity forthwith

### 3.12.7 FARMWORKER HOUSING

The Municipality may permit a dwelling unit for use as a Farmworker House as defined in Table 13: Building and Land Use Definitions.

- (1) The following conditions must be met:
  - (i) Prior written consent of the registered owner of each adjoining property, and those properties directly across the street and any other properties the Municipality may direct, must first be obtained, if the Municipality is satisfied that no interference will result with the amenities of the neighbourhood, existing, or as contemplated by this Scheme;
  - (ii) The person (Farm worker) occupying the property (Farm) must reside on the property, whether in the dwelling house or a self contained residential unit or other dwelling unit;
  - (iii) A sign no larger than an A2 sheet may be affixed to the premises;
  - (iv) The Municipality may impose whatever conditions are necessary to protect the amenities of the neighbourhood;
  - (v) If it is subsequently found that there is an interference with the amenities of the neighbourhood, the Municipality may impose further conditions or call on the occupant to cease the use;
  - (vi) Where any informal trade area is proposed, the Municipality will have regard to the potential effect on the amenity of the area, and whether the informal trade area may negatively impact on established businesses in the area, in terms of disruption, blocking or partially blocking access to established businesses or amenity. Consideration must be given to any potential traffic conflicts.
  - (vii) These informal areas will require the necessary statutory applications in order to permit the use on the land concerned, alternatively, if the trade is to be of a temporary nature, then the regulations pertaining to temporary uses will apply.
  - (viii) The farms with a total size of more than 500ha, the coverage to be used for farmworker housing shall not be more than 2% of the total farm size.
  - (ix) The rest of the farms, each with the total size of less than 500ha, the coverage shall be between 3% - 10%.



## PART 3: GENERAL DEVELOPMENT CLAUSES

- (x) The percentage of farmworker housing as determined on clause (viii) and (ix) shall be supported by a written motivation and the actual percentage to be approved by the Municipality

**4 DEFINITION OF TERMINOLOGY**

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**4.1 GENERAL DEFINITIONS****Table 11: General Definitions**

<b>ADJACENT/ADJOINING LAND</b>	means all land that borders a property and all land that would have bordered a property, if they were not separated by a river, road, railway line, power transmission line, pipeline, or a similar feature
<b>AESTHETIC</b>	means the perception of artistic elements or elements in the natural or created environment that are pleasing to the eye.
<b>AIRPORT</b>	Means a place where aircraft can land and take off, usually equipped with hangars, facilities for refuelling and repair and various accommodations for passengers.
<b>AIRSTRIP</b>	means a strip of ground set aside for the take-off and landing of aircrafts.
<b>AMBIANCE</b>	means the character or tones of an area, as determined by building scale and design, amount and type of activity, intensity of use, location and design of open space, and related factors that influence the perceived quality of the environment.
<b>AMENITY</b>	means a natural or created feature or aspect that enhances a particular property, place or area from the perspective of its aesthetic quality, visual appeal, or makes it more attractive or satisfying.
<b>MUNICIPAL PLANNING APPEAL'S AUTHORITY</b>	means the Municipal Planning Appeal's Authority established in terms of the Spatial Planning and Land Use Management Act No.16 of 2013 read with the Municipal Planning and Land Use Management Bylaw of 2016
<b>APPROVAL</b>	means approval of the Responsible Authority.
<b>ARCADE</b>	means an area forming part of a building which may or may not be covered, reserved exclusively for pedestrian traffic, but may include fountains, benches and other similar features and will nowhere have a total width of less than 4m and an unobstructed width of less than 2m.
<b>BASEMENT</b>	means the storey or storeys below the lowest ground floor of any building will qualify as a basement where such storey/storeys of a building have more than 50% of its volume below the natural ground level which originally surrounded the building. In the event of a dispute or uncertainty the ground level will be established by a registered professional land surveyor. Certain excavations around the basement to allow access and ventilation opening will be permitted. The soil must be placed back against the building to the level of the natural ground level that originally surrounded the building. See diagram 5.2.4. Appendix 2.
<b>BIO-DIVERSITY</b>	means the variety of plants and animals that live in their own environment.
<b>BIOSPHERE</b>	means an internationally designated area created to integrate the natural environment and surrounding communities, by the conservation and protection of the bio-diversity and integrity of biotic communities, plants and animals within their natural ecosystems and to demonstrate the value for conservation.
<b>BUILDING</b>	without in any way limiting the ordinary meaning of the word, means any permanent or temporary structure, alteration or addition to a structure, of an

## PART 4 : DEFINITION OF TERMINOLOGY

immovable nature, above, below or at ground level, including any tank, swimming pool or radio mast, and any wall, retaining wall or close-boarded fence more than 2m in height at any point, but excludes, at the discretion of a building control officer, structures such as:

cantilevered lightweight awnings, each of 5m<sup>2</sup> or less in area, which are affixed to any detached dwelling house or simplex or duplex residential structure; open fences; ramps; pergolas; posts; and fountains or other landscape ornamentation.

<b>BUILDING ENVELOPE</b>	means the area of land within an erf that can be utilised for building on and is determined by the Building Line, Rear Space and Side Spaces. Diagram 5.2.3 Appendix 2.
<b>BUILDING LINE</b>	means a right of way or road reservation, Government Reserve, Admiralty Reserve, Railway Reserve and any Conservation Reserve; or in the case of “hatchet shaped” erven, a line parallel to the boundary nearest to the street public right of way or road reservation, Government Reserve, Admiralty Reserve, Railway Reserve and any Conservation Reserve which is not a boundary of the access strip. Note that the rear and side spaces are also lines that restrict buildings and must be referred to in order to ascertain the building envelope.
<b>BUILT ENVIRONMENT</b>	means the physical surroundings created by human activity.
<b>BYLAW</b>	means the bylaws or regulations the Responsible Authority in force in the area of a Planning Scheme.
<b>CATCHMENT</b>	means the area from which any rainfall will drain into the watercourse or part thereof through surface flow to a common point or common point or common points.
<b>CATCHMENT MANAGEMENT</b>	means the controlling and protection of catchment areas.
<b>COMMON PROPERTY</b>	means that portion of a sectional title, share block, or similar or alike development which is set aside for the use and enjoyment of all the occupants of the units on that site and from which the general public may be excluded.
<b>CONSENT</b>	means a use which may be granted by the Municipality under the provisions of this Scheme and which when granted, authorises specific use to be made of a specific property, subject to compliance with all terms and conditions imposed and where such consent relates to any application made in terms of Municipal Planning and Land Use Management Bylaw of 2016.
<b>CONSERVATION</b>	means protecting, saving and using resources wisely, especially the bio-diversity found in the area.
<b>CONTROLLED AREA</b>	means any area demarcated upon the Scheme Map by the overprinting of a black cross-hatch pattern, where, by reason of the topography, the unsuitability or instability of the soil, the presence of natural vegetation or other like reasons, development or building or the execution of any other activity may be prohibited, restricted, or permitted upon such conditions as may be specified having regard to the nature of the said area.
<b>COUNCIL</b>	means the Ray Nkonyeni Municipality.

## PART 4 : DEFINITION OF TERMINOLOGY

<b>COVERAGE</b>	<p>means the proportion of an erf covered by buildings and is expressed as a percentage of the site area. Thus 50% coverage means that half the site is covered by buildings. All roofed areas are included in coverage, but exclude roof eaves and overhangs of up to 700mm. It includes covered verandas, patios, balcony's, decks and so forth whose roof extends beyond 700mm. Where the eave or covered veranda, patio or balcony's extend beyond 700mm, the whole portion of that eave or covering will be included in the coverage. It further includes verandas, patios, balcony's and decks raised 900mm above the natural ground level.</p> <p>For the purpose of this definition the site area excludes the area of any public right of way over the site. See Diagram 6.2.1 Appendix 2.</p>
<b>CRITICAL AREA</b>	<p>means an area with one or more of the following environmental characteristics:</p> <ol style="list-style-type: none"><li>(1) steep slopes;</li><li>(2) flood plain;</li><li>(3) soils classified as having high water tables;</li><li>(4) soils classified as highly erodible, subject to erosion, or highly acidic;</li><li>(5) land incapable of meeting percolation requirements;</li><li>(6) land formerly used for landfill operations or hazardous industrial use;</li><li>(7) fault areas;</li><li>(8) stream corridors;</li><li>(9) estuaries;</li><li>(10) mature stands of indigenous vegetation;</li><li>(11) aquifer recharge and discharge areas;</li><li>(12) wetlands transition areas; and</li><li>(13) habitats of endangered species.</li></ol>
<b>DATE OF ADOPTION</b>	<p>means the date upon which this Scheme was first adopted by the Municipality in terms of the Spatial Planning and Land Use Management Act No.16 of 2013 read with the Municipal Planning and Land Use Management Bylaw of 2016. Where any provision of this scheme is subsequently varied by way of amendment or revision, the 'date of adoption' of any such varied provision will be the date upon which it was adopted in terms of the Spatial Planning and Land Use Management Act No.16 of 2013 read with the Municipal Planning and Land Use Management Bylaw of 2016.</p>
<b>DEVELOP LAND OR DEVELOPMENT</b>	<p>In the Scheme area, Development or to Develop Land means to lay out or adapt land for any use or purpose including the removal of vegetation from a vacant erf, the disturbance or removal of indigenous vegetation on any erf, erection of a building on any land or to alter or extend any building.</p>
<b>ECOSYSTEM</b>	<p>means the surroundings within which humans exist and includes:</p> <ol style="list-style-type: none"><li>(1) the land, water and atmosphere of the earth;</li><li>(2) micro organism, plant and animal life;</li><li>(3) any part or combination of (1) and (2) and the interrelations amongst and between them; and,</li><li>(4) the physical, chemical, aesthetic and cultural properties and conditions of the foregoing that influences human health and well being.</li></ol>
<b>ELECTRICITY GRID</b>	<p>Means an interconnected system of high and low voltage transmission and distribution lines, pylons, substations and transformers that provide energy from power suppliers to consumers.</p>
<b>ENVIRONMENTAL</b>	<p>means a positive or negative environmental change caused by a human</p>

## PART 4 : DEFINITION OF TERMINOLOGY

<b>IMPACT</b>	act.
<b>ENVIRONMENTAL IMPLEMENTATION PLAN</b>	means a plan referred to in Section 11 (xxii) of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended from time to time.
<b>ENVIRONMENTAL MANAGEMENT</b>	means the use of land for the conservation of natural resources and the wilderness qualities associated with these areas; for low intensity eco-tourism; for maintaining bio-diversity and sustainable catchment management.
<b>ENVIRONMENTAL MANAGEMENT PROGRAM</b>	means a plan referred to in Section 11 (xx) of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended from time to time.
<b>ENVIRONMENTAL PRIORITY AREA</b>	means sites which have been identified as being of special environmental significance and which are subject to the additional Scheme controls specified in Clause 3.10.
<b>ERF</b>	means any piece of land registered in a Deeds Registry as an erf, lot, plot or stand, and includes a stand, or lot forming part of a piece of land as laid out, but not proclaimed, a township or a portion of such erf, stand or lot.
<b>ERF AREA</b>	means the registered area of an erf, excluding the area of a panhandle, any public right-of-way, road servitude, proposed road reservation or road widening reservation which the erf may be subjected to, but will include any registered servitude for overhead or underground services.
<b>FLOOD LINE</b>	means the flood lines as defined in Section 144 of the National Water Act, 1998 (Act No. 36 of 1998) or any relevant subsequent legislation which may supersede or add to this Act including any other flood lines that the Municipality may require.
<b>FLOOR AREA</b>	The floor area of a building will be taken as the sum of the roofed areas of the building at each floor level, measured over and including wall thickness, the area of a lift shaft at its lowest level, staircases, corridors and the roofed portion of all balconies and access galleries. Roof eaves are excluded. Should these protrusion exceed this 700mm it will be included.
<b>FLOOR AREA RATIO (FAR)</b>	means the ratio of the total floor area of the building or buildings on a site to the erf area and is expressed as a decimal, e.g. a Floor Area Ratio of 0.5 means that the total floor area of a building or buildings on a particular site is equal half the site area.
<b>FRONTAGE</b>	means the length of the boundary of an erf which is adjacent to the boundary of an existing or proposed street.
<b>FULL PUBLIC PARTICIPATION</b>	means (1)giving notice of an application for municipal planning approval in a local newspaper that the Municipality has determined as its newspaper of record contemplated in section 21(1)(b) of the Municipal Systems Act, on a day of the week that the Municipality has determined as its day of the week for the publication of notices in terms of this Planning and Land Use Management By-law, and in a language which it has determined in terms of section 21(2) of the Municipal Systems Act as its official language. (2) Convene a public meeting to inform the public of an application for municipal planning approval. (3) Make a copy of the application available for inspection at Municipal Office together with a person who can answer question on the application. (4) Display a notice on the land or at another other conspicuous and easily

## PART 4 : DEFINITION OF TERMINOLOGY

accessible place, the number and location of which must be determined by the Municipal Planning Registrar.

(5) Serve a notice on –

(a) the owner of adjacent land, if it is not governed by a body corporate or a land owners association;

(b) the Chairperson of a body corporate that governs adjacent properties who must serve the notice on the

members of the body corporate who may be affected by the application;

(c) the Chairperson of a land owners association of adjacent properties who must serve the notice on the

members of the land owners association who may be affected by the application;

(d) the holder of a servitude registered against the land that may be affected by the application;

(e) a person in whose favour a condition of title is registered against the land that may be affected by the application;

(f) the Municipal Councillor of the ward in which the land is situated;

(g) traditional leaders or other community leaders; or

(h) any other person who may in the opinion of the Municipality have an interest in an application for municipal planning approval.

### **GROSS FLOOR AREA (GFA)**

GFA is the sum of the total floor area of the building, and includes public areas such as public toilets, mall areas, entrance halls, foyers, escalators and staircases.

Gross Floor Area takes into account all the hard covered areas of a property. Thus besides the building, all stairwells, lift shafts, covered verandahs etc. are included in this calculation.

Soft coverings refer to shade cloth, plastic sheeting and canvas or other such material. Hard coverings include thatch, fiberglass corrugated sheets, hard plastic sheeting and any other hardened surface.

### **GROSS LEASABLE AREA (GLA)**

GLA is the floor area designed for, or capable of, occupancy and control by tenants, including storage, utility and ancillary areas, measured from the centre line of joint portions of the exterior of outside walls or as may be otherwise demarcated, but will exclude: See Diagram 6.2.8 Appendix 2

a) Open roof.

b) Parking.

c) Public areas such as public toilets and unleased mall area in shopping centre's, including the entrance hall and foyer, escalators and stair cases.

d) Accommodation for the lift motor room, lift shafts and other mechanical; or electrical equipment required for the proper functioning of the building.

### **HEIGHT**

means the height of any part of a building indicated in the number of storeys as measured vertically from the natural ground level of the footprint of the building to the highest point of the building and will exclude the basement.

### **HOME OWNERS ASSOCIATION**

means a company registered in terms of Section 21 of the Companies Act, No. 61 of 1973, as amended, membership of which will be exclusive to and compulsory for the freehold or registered leasehold owners of dwelling unit curtilages in a Cluster subdivision or Development.

### **HOUSEHOLD**

means a group of people who live together and share living and eating expenses and may consist of one family, together with or without staff and with or without a boarder or boarders, but with a maximum of four staff or four

## PART 4 : DEFINITION OF TERMINOLOGY

boarders.

### **LAND USE ZONE**

means an area shown on the Scheme Maps by distinctive colouring, or in some other distinctive manner to show the development parameters of a scheme regarding the erection and use of buildings or structures, or the use of land. A land use zone shows what type of development is applicable to that zone.

### **LANDSCAPING**

means the planting of groundcover, plants, shrubs and trees on a site to enhance the visual outlook and includes the shaping of land forms, introduction of water and rock features, and the placement of garden furniture, such as benches, bridges, walkways, ornaments, lighting etc. Landscaping includes “vegetation” of an erf, which refers to a limited form of landscaping, restricted to the introduction of plant material.

### **MINISTER**

means the Member of the Executive Committee (MEC) of Co-operative Governance and Traditional Affairs (Cogta) or any other MEC appointed by the Premier of the Province of KwaZulu-Natal.

### **MUNICIPAL PLANNING APPROVAL AUTHORITY**

means the Municipal Planning Approval Authority contemplated in Section 4 of the Municipal Planning and Land Use Management Bylaw of 2016.

### **NATIONAL BUILDING REGULATIONS**

National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), and SANS 10400 as amended.

### **NATURAL ENVIRONMENT**

means our physical surroundings, including plants and animals when they are unspoiled by human activities.

### **NATURAL FEATURES**

Includes topographical, drainage, vegetation, and faunal features, such as different landforms, rivers and streams, waterfalls and pools, plants, and unusual fauna.

### **NATURAL GROUND LEVEL**

means the natural level of a property before any excavations or filling takes place and is the level which is used for measuring the height of a building.

### **NET DEVELOPABLE AREA**

means the registered area of an erf excluding the area which by virtue of soil instability, liability to flooding, inaccessibility of topography or slopes steeper than can be built on as determined by a professional land surveyors report, or engineers report, or the existence of an environmentally sensitive area, renders the area as being undevelopable.

The “Net Developable Area” indicates the area where development can occur. Where the undevelopable parts of the property equate to 30% or less of the whole erf, the full number of dwellings permitted per that zones calculated requirements are permissible unless other factors preclude this full compliment. Where the undevelopable parts of the property equates to more than 30% of the whole erf, the “Net Developable Area” will apply, and the permissible number of units permitted per that zone will be calculated utilising the Net Developable Area. See Clause 5.2.9.4 Appendix 2A.

### **NET LEASABLE AREA (NLA)**

Net Leasable Area (NLA) is a term not often used, but refers to rooms that are expressly used by the tenant/owner for the function of their work. It includes any room that can conceivably be used as an office, or usable work area, including store rooms which are larger the 6m where the shortest wall is not less than 2m in length. It excludes all toilets, passages, kitchens and rooms by virtue of their small area that are not considered habitable. See diagram 5.2.8 Appendix 2 and the definition of “habitable room”.

## PART 4 : DEFINITION OF TERMINOLOGY

<b>OWNER</b>	<p>means in relation to land or a registered right in land, the person in whose name regarding the land or right is registered, in a Deeds Registry in terms of the Deeds Registry Act, 1937 (Act 47 of 1937) and includes:</p> <ol style="list-style-type: none"><li>(1) if the owner is deceased, the executor of the deceased estate;</li><li>(2) if the estate of the owner has been sequestrated, the trustee of the insolvent estate;</li><li>(3) if the owner is a company or other juristic person;</li><li>(4) if the owner is a company or other juristic person that is being wound up, the liquidator thereof;</li><li>(5) if the owner is under legal disability, the owners legal representative;</li><li>(6) the authorised representative of the owner; or</li><li>(7) in the case of a road or public space under the control of the Municipality, that Municipality.</li></ol>
<b>PLANNING SCHEME</b>	<p>means the Ray Nkonyeni Municipal Scheme as amended from time to time.</p>
<b>POLLUTION</b>	<p>Means any change in the environmental caused by:</p> <ol style="list-style-type: none"><li>(1) any substances;</li><li>(2) radioactive or other waves; and</li><li>(3) noise, odour, heat and dust;</li></ol> <p>emitted from any activity, including the storage or treatment of waste or substances, construction and the provision of services, engaged in by any person, organs of state, where the change has an adverse effect on human health or well being or on the composition, resilience and productivity of natural or managed ecosystems, or on material useful to people or will have these effects in the future.</p>
<b>PROHIBITED USES</b>	<p>means land uses which are considered to be incompatible with the surrounding land uses, and which the municipality is will all likelihood not consider.</p> <p>Any development application for a prohibited use will be subject to a comprehensive development application to the municipality and other legislative authorizations from relevant government departments that details how all potential impacts of the development will be mitigated to a point where the development is acceptable to the municipality and relevant government departments.</p>
<b>PREMIER</b>	<p>means the Premier of the Province of KwaZulu-Natal.</p>
<b>REAR BOUNDARY</b>	<p>means that boundary of an erf which is furthest from any street boundary, and which does not meet any street boundary.</p>
<b>RESPONSIBLE AUTHORITY</b>	<p>Means the relevant body or person required, in terms of the relevant legislation, to control, administer or approve development applications and plans.</p>
<b>RIPARIAN HABITAT</b>	<p>means the physical structure and associated vegetation and fauna of the areas associated with a watercourse.</p>
<b>SIDE BOUNDARY</b>	<p>means any boundary of an erf which meets a street boundary and any other boundary and which is neither a street boundary nor a rear boundary.</p>
<b>SOIL EROSION</b>	<p>means the loss of soil as the result of the action of the natural elements, e.g. water, wind, drought, and attrition, or from other inappropriate activities, e.g. agricultural or other use or development of the land that results in the</p>



## PART 4 : DEFINITION OF TERMINOLOGY

washing away or loss of the soil.

### **STATE LAND**

means land that is vested in National or Provincial Government, but excludes land belonging to a Municipality.

### **STOREY**

means a room or set of rooms at any level, including any room the floor of which is split into two or more levels, and will have the following implications:

- a) Any basement will not count as a storey for the purpose of calculating permissible height provided such an area or areas constitutes a basement in terms of this Scheme.
- b) The ground floor may be on several levels.
- c) A pitched or any other style of roof containing a room which the Municipality considers to be habitable will count as a storey.
- d) No storey, including a basement, will exceed 3m in height, provided that if any storey exceeds 3m, each 3m or part thereof will count as a storey. This height being measured from floor to wall plate, soffit concrete beams, or the next floor for multi storey buildings.
- e) In the Commercial and Industrial Sites, a storey will be 4.5m measured from floor to wall plate, soffit concrete beams, or the next floor for multi storey buildings.
- f) Lift rooms, stairwells and architectural features situated on the roof of a building and not greater than 1,2 metres in height shall not constitute a storey and may be excluded from the calculation of height at the discretion of the Municipality, provided that they are not capable of being used as habitable space or for living purposes.

### **STREET FRONT**

means a boundary of an erf which is adjacent to the boundary of an existing or proposed street or road reserve.

### **WASTE**

means any by-product or residue, be it gaseous, liquid or solid, which is emitted in the course of loading, unloading, storage, manufacture and distribution of raw and manufactured materials or products. Liquid waste includes domestic sewage, industrial effluent, and storm water run-off containing impurities.

### **WETLANDS**

means land which is transitional between terrestrial and aquatic systems where the water table is usually at or near the surface, or the land is periodically covered with shallow water, and which land in normal circumstances supports, or would support, vegetation, birdlife, etc. typically adapted to life in saturated soil whether the saturation is cyclically temporary or permanent. Should there be confusion as to whether an area is a wetland; a wetland specialist will determine whether it is so.

**4.2 BUILDING AND LAND USE DEFINITIONS**

(NOTE: "Building" will include the use of land)

**Table 12: Building and Land Use Definitions**

<b>ABATTOIR</b>	means land and buildings used to slaughter animals and poultry and may include the processing of animal and poultry products.
<b>ACCESS CONTROL BUILDING</b>	Access control building is defined as a building or land utilized for the control of access into a private property, an estate development or a township”
<b>ADMINISTRATIVE/ COMMUNITY</b>	means the use of land for administrative, community or other institutional purposes.
<b>ADULT PREMISES</b>	means land and buildings used for trade with sexually explicit material, including the distribution or exhibition of films or videos which are classified as "X18" or "R18" in terms of the provisions of the Films and Publications Act, 1996 or any amendment thereto. It also includes any shows, be it live or via films, videos or magazines, the distribution/exhibition of sex aids and/or the operation of an escort agency. The controls of adult premises will be regarded as a shop and/or a place of entertainment and will only be permitted with Municipal Consent.
<b>AGRICULTURAL BUILDING</b>	means a building used in connection with, or which would be incidental to, or reasonably necessary in connection with the use of the site of that building as agricultural land.
<b>AGRICULTURAL INDUSTRY</b>	means a building used for the intensive production in any form whatsoever, of fish, poultry, game birds, livestock and allied products and includes any final processing of these commodities. It includes Kennels and Abattoirs as defined in this Table.
<b>AGRICULTURAL LAND</b>	means arable, meadow, or pasture land, market gardens, poultry farm, nursery garden and land used for the purpose of breeding or keeping domestic animals, poultry or bees and includes any buildings connected therewith, but excludes buildings connected with the housing of cats and dogs.
<b>AIRCRAFT HANGER</b>	A hangar is a closed building structure to hold aircraft or spacecraft.
<b>AIRFIELD</b>	means land and buildings used for the landing and take-off of aircraft and helicopters and may include the storage of aircraft and a fuel depot.
<b>AMENITY AREA</b>	means land reserved for the protection of places of scenic beauty, natural vegetation, rivers and other topographical features, fauna and flora, places of historical interest and the like, but which may with the permission of the owner be used by the public for passive recreation.
<b>ANCILLARY USE</b>	means a use incidental to or customarily associated with a specific use.
<b>ANIMAL FACILITY</b>	means premises used for the breeding, rehabilitation, boarding, and training or caring of animals for commercial purposes.
<b>AVIATION CHARTER</b>	means the business of renting an entire aircraft (i.e., chartering) as opposed to individual aircraft seats (i.e., purchasing a ticket through a traditional airline).

## PART 4 : DEFINITION OF TERMINOLOGY

<b>BACK PACKERS</b>	means land and buildings consisting of habitable rooms including dormitories, a communal kitchen, dining-room, lounge and ablution facilities for the accommodation of guests and tourists for short periods and will be managed by the owner or manager who will reside on the same property.
<b>BED AND BREAKFAST</b>	<p>means a dwelling unit where up to six (6) bedrooms are provided for the non-permanent accommodation of guests for compensation, on a daily or weekly basis, with or without meals.</p> <p>A bed and breakfast may include a room that consists of one room and a kitchenette which may be partially sectioned off from that room. Each room may have an en-suite bathroom. Access to these rooms is to be off a common area.</p>
<b>BETTING DEPOT</b>	means a building used for the purpose of a Bookmaker's premises or a totalisator agency in terms of section 22 (1) and 28 (3) of the Horse Racing and Betting Control Consolidation Ordinance of 1957 (Ord. 28 of 1957) as amended. Such usage will be regarded as a shop except in terms of parking provisions. An application for a betting depot will be by Municipal Consent.
<b>BOARDING HOUSE</b>	means a structure where lodging is provided for more than three (3) lodgers who are accommodated for a period longer than those on a transient basis (i.e. longer than 2 weeks). Student accommodation will be included in this definition. The maximum number of rooms allowed for use as a boarding house in a dwelling unit is 6.
<b>CAR HIRE FACILITY</b>	means a company that rents automobiles for short periods of time generally ranging from a few hours to a few weeks.
<b>CARAVAN PARK</b>	means an area of land provided with adequate ablution and sanitary facilities with or without communal kitchen. It must be constructed with permanent materials arranged for the accommodation of caravans which are used for temporary holiday dwellings and provided with permanent water points, approved refuse receptacles and containing within the curtilage a sufficient open space for recreational purposes.
<b>CAR WASH</b>	Means an area or building used for the washing and polishing of motor cars and vacuuming or valet of their interiors and may make use of automated or specialised equipment. It includes the management of water use, drying areas, and litter and debris control.
<b>CASINO</b>	means land and buildings used for various forms of gambling, including bingo halls and may include a place of refreshment, place of amusement, a hotel, conference centre and ancillary and subservient uses to the uses specified here.
<b>CEMETARY</b>	means land and buildings designed or used for the burial of deceased persons and human ashes. It may contain a crematorium, a wall of remembrance, a chapel, offices and storerooms for the management of the cemetery. It must have suitable parking. It may contain ancillary and subservient uses which the Municipality deems necessary.
<b>CLUSTERED SUBDIVISION OR CLUSTERED DEVELOPMENT</b>	means a development in which building erven are of a smaller size than the permitted erf area within the zone in question. The structures are therefore sited closer together than conventional development, usually in groups or clusters. The total residential density and the extent of building must not exceed that permitted under the applicable zoning. The additional land that remains undeveloped will be preserved for a variety of uses including: private open space, conservation areas and recreation land. Private open space areas around the structures are permitted for inclusion of private

## PART 4 : DEFINITION OF TERMINOLOGY

landscaping, pools, spas, yards, etc.

### **COMMERCIAL WORKSHOP**

means a building which caters only for retail trade where in the primary purpose is the selling of goods or service. The processes are operated specifically in conjunction with a shop or office to which the public have access as customers and includes, but is not limited to, such uses as a watch repairer, shoe repairer, valet service, radio/television repairer, electrician, home appliance repairer, and include paper based printing. It excludes garages, service stations, car washes, fitment centres.

### **CONFERENCE CENTRE**

means land and buildings used for congresses, seminars, training, meetings, cultural events and social activities. Application for a conference centre will be by consent including any other permissions required under any Act.

### **CRECHE**

means a building or portion of a building used for the care of infants and young children during the daytime in the absence of their parents or guardians.

### **DUPLEX FLAT**

means a dwelling unit in a Medium Density Housing Development each unit consisting of a ground floor and one upper floor connected by an internal staircase and having direct access to a private open area.

### **DWELLING HOUSE**

means a freestanding dwelling unit used as a residence for a single household, together with such outbuildings as are ordinarily used therewith.

### **DWELLING UNIT**

means a set of interlocking rooms including bathroom(s) and not more than one kitchen, designed as a self-contained unit for occupancy by a single household for living and sleeping purposes. It does not include a building which is designed in such a way as to enable it to be utilised by two or more separate households. A dwelling unit may include habitable rooms for the accommodation of bona fide domestic helpers, outbuildings and accessories as are ordinarily used therewith.

### **DWELLING UNIT CURTILAGE**

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

### **EDUCATION**

means the use of land for educational, or directly related to educational purposes.

### **EDUCATIONAL BUILDING**

means a building used as a school, college, technical institute, academy, research laboratory, lecture hall, convent, monastery, gymnasium, public library, art gallery, museum, or for other use for instruction. Together with it includes any associated land or buildings used for sporting purposes, and includes a hostel but does not include a reformatory.

### **EXISTING BUILDING**

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

### **EXISTING USE**

means a continuous use of a building or land after the date of adoption for the purpose for which it was designed and lawfully authorised by the Municipality at that date.

### **EXTRACTIVE INDUSTRY**

means the process of extracting, mining, winning, dredging or quarrying of raw materials from the ground, including gravel, sand and stone and includes buildings connected with such operations and crushing plant.

### **FIRE FIGHTING**

means the act of preventing the spread of and extinguishing significant

## PART 4 : DEFINITION OF TERMINOLOGY

	unwanted <b>fires</b> in buildings, vehicles, woodlands, etc.
<b>FRAIL CARE FACILITY</b>	group care facility, or similar facility for 24 hour non-medical care of persons in need of personal services, supervision or assistance, essential for sustaining the activities of daily living or for the protection of the individual. There can be facilities for minor surgery and minor medical procedures, physical therapy and other similar activities, as may be required by Provincial planning policy, regulation or decree.
<b>FARMWORKERS HOUSING</b>	means an accommodation that has been provided within the farm for the farmworkers. This accommodation may be provided by the farmer/ employer or Department of Human Settlements through farm resident subsidies.
<b>FUELLING</b>	Airport fueling facility means a centralized aviation fuel storage facility where aviation fuel is transferred to aboveground storage tanks and various types of aircraft are fueled.
<b>FUNERAL PARLOUR</b>	means a building or land used for the purpose of funeral management and includes a shop intended primarily for public reception and for the sale and display of those commodities required for cemetery purposes and services.. It does not include a monumental mason or crematorium. It does include a mortuary.
<b>GARAGE</b>	means a building used for the repair, storage, parking, display, sale, paint spraying or fuelling of vehicles and includes facilities connected with these activities. It includes the storage of fuel and lubricants, office, storeroom, workshop, grease pit and machinery. Panel beating may be included by consent. This includes a fitment centre.
<b>GENERAL INDUSTRIAL BUILDING</b>	means a factory as defined in the Factories, Building Machinery and Building Works Act, 1941, as amended, (Clause 5.1.1.2 in Appendix 1A) and includes a building used for the general repair of motor vehicles, but does not include a Garage or Service Station or Special Industrial Buildings.
<b>GOVERNMENT PURPOSES</b>	means land and buildings designed or used for Government offices, depots, workshops, stores, communication centre's, police stations, post offices etc. and includes incidental uses such as a cafeteria solely for Government Departments but excludes industries and noxious industries.
<b>GUEST HOUSE</b>	means a building of seven to sixteen (7 to 16) rooms for accommodation and the provision of meals and refreshments to lodging guests. The owner or manager will reside on the property
<b>GUEST LODGE</b>	means a building of seventeen to thirty (17 to 30) rooms for accommodation and the provision of meals and refreshments to lodging guests. The owner or manager will reside on the property. This use will be limited to the Tourist Residential 3 (RT3) zone, agricultural zones, or zones where hotels are permitted. Where the hotel is permitted freely, the Guest Lodge will be freely permitted, where the hotel is permitted by Special consent, the Guest Lodge will be permitted by Special consent.
<b>HABITABLE ROOM</b>	means a room designed or used for human habitation according to the minimum standards prescribed in Part C of the National Building Regulations in that the smallest room can be no less than 6m <sup>2</sup> , where the shortest wall of such a room is 2m or more in length.
<b>HEALTH AND BEAUTY SPA</b>	means a land and buildings used for providing facial and body treatments, massages, for relaxation or invigoration, nail manicure and tip replacement or repair, pedicure, hair dressing or other body treatment for humans. It does

## PART 4 : DEFINITION OF TERMINOLOGY

not include a shop, but may include the sale only of products which are ancillary and subservient to the main use in the building.

<b>HOLIDAY PARK</b>	means an area of land upon which holiday accommodation units and ancillary outbuildings are accommodated or are intended to be accommodated. The park will be designed as a harmonious entity. The units may be attached or detached with or without sanitary convenience, bathroom, shower and kitchen, provided that where these facilities are not provided as part of the unit, appropriate communal facilities will be provided to the satisfaction of the Municipality.
<b>HOLIDAY UNIT</b>	Means a dwelling unit in any Residential or Agricultural zone provided for the non-permanent accommodation of guests for compensation on a daily or weekly basis. The unit will contain one kitchen for the use of the family or group as is required in a normal residential dwelling unit. The owner may be non-resident. Where an owner lives on the property and lets out a portion of the dwelling unit, or lives in a self contained residential unit and lets out the whole dwelling unit, the let unit will be for the use of the guest family or group concerned.
<b>HOME ACTIVITY</b>	means an activity or use established in, or in conjunction with a Dwelling Unit or a structure erected on the site of an existing Dwelling Unit.
<b>HOME BUSINESS</b>	means the conduct of an occupational activity in, or in conjunction with, a Dwelling Unit. This will include a home health and beauty spa.
<b>HOME PLANT NURSERY</b>	means any land or building for the propagation and rearing of plants for gain
<b>HOTEL</b>	means a building which comprises the business of supplying lodging and one or more meals per day for reward. It includes a hotel liquor license which has been or is intended to be issued under the Liquor Act 1977, as amended, but excludes any off-sales liquor retail. A Boutique hotel is included in this definition.
<b>INDUSTRIAL BUILDING</b>	means a Factory as defined in Appendix 1A.
<b>INSTITUTION</b>	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 disabled children, nursing home, sanatorium, clinic, convalescent home, orphanage or other building used as a public or private institution, but does not include a restricted building.
<b>KENNELS</b>	means the keeping or boarding of 4 or more domestic animals for profit, pleasure, welfare, breeding, exhibiting, hire or sale. Such use is regarded as an Agricultural Industry.
<b>KITCHEN</b>	means any room, all or part of, which is designed and used for food storage, refrigeration, cooking and preparation.
<b>KITCHENETTE</b>	means a small area or partially concealed room which serves as a kitchen. The permissible items are a single sink, two hotplates and a minor oven or microwave. In addition to the uses that permit a kitchenette and at the discretion of the Municipality a kitchenette is permissible in a bona fide entertainment area.
<b>LANDING STRIP</b>	see airstrip definition.

## PART 4 : DEFINITION OF TERMINOLOGY

<b>LAUNDERETTE</b>	means a building used for the purpose of washing and drying clothing and fabrics, where the machines used are electrically operated and quiet running. The machines must be of the type that will not cause harmful effluent to be discharged into the sewage system.
<b>LIGHTHOUSE</b>	A lighthouse is a tower, building, or other type of structure designed to emit light from a system of lamps and lenses and to serve as a navigational aid for maritime pilots at sea or inland waterways.
<b>LIGHT INDUSTRIAL BUILDING</b>	means an industrial building in which the processes carried on or the machinery installed in are the type which can be carried on or installed in a Light Industrial zone. The machinery must not cause undue nuisance to other properties within such zones or to the general public, or be detrimental to the amenities of other zones by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust, grit, traffic generation or other causes. This includes a fitments centre and sign writing.
<b>MAINTENANCE BUILDING</b>	Means a building which is used for the accommodation and maintenance of the Estate; plant, equipment, materials and horticultural requisites; and shall include buildings related to the supply of utility services such as water reservoir, sewage treatment plant, electrical sub-station, telephone exchange and such other utilities as may be necessary for health, communication and sanitation, and the gate house and office buildings required for the administration of the Estate including offices for dwelling rental or sales.
<b>MAISONETTE</b>	means a two storey building consisting of 2 dwelling units placed one above the other with separate entrances.
<b>MEDIUM DENSITY HOUSING</b>	means a sectional title or similar type development, or a development where two or more dwelling units are established on a single erf.
<b>MEDIUM DENSITY HOUSING SITE</b>	Means a group of two or more attached and/or detached dwelling units, and planned unit development , together with such outbuildings and recreation areas as are ordinarily ancillary thereto, with each dwelling unit having direct access to a private open area and access to common land, the whole development having been designed as a harmonious entity. Such development may include duplex flats, semi-detached houses, terrace houses, maisonettes, or dwelling houses. Curtilage or areas specifically designated for private usage is required to be depicted on all site development plans.
<b>MINES AND QUARRIES</b>	mean sites established for the extraction of materials such as minerals, rock, gravel, sand or shale, or soil borrow pits, or peat extraction. Also included are any associated facilities, such as crusher or screening and sieving plants, or other works which are used to process the product of any mine or quarry.  The sites referred to may be either on dry land or may be associated with a river channel or a wetland.
<b>MINI STORAGE</b>	means land and buildings used for the storage of mainly household furniture and equipment in individual lockable store rooms, which are rented to individuals for this purpose and may include ancillary and subservient offices with the permission of the Municipality. Mini Storage is considered a light industrial building.
<b>MINING</b>	means the reconnaissance, exploration, production, excavation or extraction of minerals and soil deposits from the earth, as provided for in the Mineral

## PART 4 : DEFINITION OF TERMINOLOGY

and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002). In this Scheme the use falls under extractive industry.

<b>MOBILE HOME</b>	means a factory-assembled structure, with the necessary service connection, so made as to be movable on a site as a unit with or without wheels, and designed for use as a permanent dwelling unit and which complies with the S.A.B.S. specification 1122-1976. A motor driven “Camper Van” will not be deemed to be a Mobile Home.
<b>MOBILE HOME PARK</b>	means an area of land developed for mobile homes and ancillary facilities, the whole area having been designed as a harmonious entity.
<b>MOBILE HOME PARK SITE</b>	means a portion of land upon which mobile homes are accommodated or are intended to be accommodated, regardless of whether or not a charge is made for such accommodation.
<b>MOBILE HOME PARK STAND</b>	means a portion of a Mobile Home Park site that has been demarcated and set aside for the placement of a Mobile Home and for the exclusive use of the occupants of the Mobile Home.
<b>MUNICIPAL PURPOSES</b>	means purposes the Municipality may be authorised to carry out in terms of any law governing municipalities including but not limited to the Local Government Municipal Structures, 1998 (Act 117 of 1998) and the Local Government Municipal Systems Act, 2000 (Act 32 of 2000).
<b>MUNICIPAL SERVICES</b>	means infrastructure services such as electricity cables, water pipes, sewage pipes, street furniture, electricity poles, light poles, traffic signs, local roads.
<b>OUTBUILDING</b>	means a building or portion of a building ordinarily used in conjunction with the use or zone of the land. It may be either attached or detached. An outbuilding is used for the garaging of private motor vehicles, boats and motorcycles, storeroom, workroom domestic workers’ accommodation, an entertainment area and the like. See clause 3.2.1(xi)
<b>PARKING GARAGE</b>	means a building, part of a building or land designed primarily for the purpose of parking, other than parking required in terms of Clause 3.6, and includes washing and servicing of motor vehicles, but does not include a building, any part of which is designed for use as a workshop for the repair of motor vehicles or for the sale of petrol, oil and accessories.
<b>PHOTOVOLTAIC POWER STATION</b>	Means a large-scale Photovoltaic System (PV System) designed for the supply of merchant solar power into the electricity grid and is known as a Solar Park.
<b>PLACE OF PUBLIC AMUSEMENT</b>	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, fun fair and 3 to 5 Limited Payout Machines.
<b>PLACE OF PUBLIC ASSEMBLY</b>	means a building or land, used for social meetings, gatherings, religious purposes or indoor recreation, but does not include a place of public amusement.
<b>PLACE OF WORSHIP</b>	means a building or land used for public devotion or worship of any faith or religion. It includes a Building for use as a school used in the instruction of that form of devotion (e.g. Sunday School, Friday Youth, Mosque, Synagogue, Temple) an institute or other Building designed for purposes of social intercourse and recreation, within the same Site as, and associated



## PART 4 : DEFINITION OF TERMINOLOGY

with any of the Buildings mentioned here

<b>PRIVATE OPEN AREA</b>	means a usable area, exclusive of utility areas, driveways and parking areas, which is open to the sky and which is adjacent to and has direct access from a dwelling unit within a Medium Density Housing development such private open space area being reserved for the exclusive use of the occupants of the associated dwelling.
<b>PRIVATE RECREATION AREA</b>	means a sports ground, playing field or other Private Open Space or Recreational Buildings of a club, firm, private person or other body, where the use thereof is restricted to the owners or members of the club, firm or other body.
<b>PROFESSIONAL OFFICE</b>	means an office used for conducting the profession of, or occupation of, an accountant, architect, bank, consulting engineer, estate agent, insurance agent, land surveyor, legal practitioner, medical practitioner, quantity surveyor, town planner, bookkeeper, draughtsman or any other profession or occupation of a nature similar to the foregoing to which the Municipality may agree and includes a post office open to the general public but will not include a depot used solely for the sorting of mail.
<b>PUBLIC OFFICE</b>	means an office building used for any Central, Provincial or Local Government purpose, and includes an administrative office, Municipality office and town hall, government office, court house, police station, public library, public art gallery, public museum, and buildings ordinarily ancillary thereto.
<b>RAILWAY PURPOSES</b>	means land and buildings used for transport purposes as defined in the Legal Succession to the South African Transport Services Act, 1989 (Act 9 of 1989 as amended).
<b>RECREATIONAL BUILDING</b>	means a sports ground, playing field or other Private Open Space or Recreational Buildings of a club, firm or other body, where the use thereof is restricted to the owners or members of the club, firm or other body. This would include a gymnasium.
<b>RESIDENTIAL BUILDING</b>	Means a building or portion thereof, other than a dwelling house, bed and breakfast establishment, medium density housing, duplex flat, maisonette, semi-detached house or town / terrace house used for human habitation, together with such outbuildings as are ordinarily used therewith, and includes a block of flats, boarding house, guest house / lodge, hotel, residential club or hostel.
<b>RESPONSIBLE AUTHORITY</b>	means any Local, Provincial or National Government Department which may be required to approve a use or a portion of land. Generally in this scheme, it means the Ray Nkonyeni Municipality. In some instances land is owned by another department and the approval of that department must be sought for a use. In some cases both Municipal and other departments are the simultaneously the responsible authority. In some instances the responsible authority may be a department within the Hibiscus Municipality through which approval must be sought.
<b>RESTAURANT</b>	means a building or portion of a building used primarily for the preparation and sale of food, confectionary and alcoholic beverages for consumption on the premises.
<b>RESTRICTED BUILDING</b>	means a building used for such purposes as a clinic or hospital for infectious diseases, a jail, home for the mentally disabled, hospital, or reformatory.
<b>RETIREMENT</b>	means premises used for the housing of the aged, including assisted caring

## PART 4 : DEFINITION OF TERMINOLOGY

<b>VILLAGE</b>	for the aged and the infirm. There will be no surgery, physical therapy or other similar activities. A Frail-Care facility can be included in a Retirement Village.
<b>SCRAP YARD</b>	means any land together with ancillary buildings used for the storage of used vehicles, used machinery, scrap metals, used pipes, used building materials, waste materials (excluding refuse), 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.
<b>SELF CONTAINED DWELLING UNIT</b>	means a dwelling unit which is ancillary to the dwelling house on the same site. See clause 3.2.1(xi)
<b>SEMI-DETACHED HOUSE</b>	means a building other than a single family dwelling comprising 2 or more dwelling units contained in one building, both on the ground floor and each provided with a separate entrance.
<b>SERVICE INDUSTRIAL BUILDING</b>	means a light industrial building catering specifically for the local customer, and includes a builder's yard and allied trades, laundry, bakery, dairy, dry-cleaning and similar types of uses.
<b>SERVICE ROOM</b>	In a lighthouse zone, a service room is where fuel and other supplies are kept and where the keeper prepares the lanterns for the night and often stands watch.
<b>SERVICE STATION</b>	means a building:  (i) where the following is sold by retail sale only : (a) petrol or petroleum derivatives capable of use in internal combustion engines; (b) lubricating oils and greases; (c) spare parts, including electrical equipment; (d) tubes, tyres, valves and repair equipment; (e) tourist brochures; and  (ii) where the following operations are carried on:  (a) running repairs of a minor nature; and (b) lubricating and greasing; but will not include the carrying out of vehicle body repair work or repairs of a major nature to the engine or transmission system thereof. (c) Shops and restaurants are permissible and must abide by the parking and traffic controls and any other control applicable to shops and restaurants found in this scheme.
<b>SHOP</b>	means a building or land used for any retail trade or business wherein the primary purposes are the selling of goods and appliances by retail. It includes a building used for the purposes of a hairdresser, ticket agency, showroom (including motor sales room), auction mart or for the sale and consumption of food and drink off the premises or for the reception of goods to be washed, cleaned, altered, dry-cleaned or repaired and includes ancillary buildings ordinarily incidental to the conduct of the retail business, but does not include an industrial building, garage, service station, milk depot, car wash or hotel.

Also refer to Adult Premises and Betting Depot.

## PART 4 : DEFINITION OF TERMINOLOGY

<b>SOLAR FARM</b>	means a designated area of land upon which a large series of interconnected solar photovoltaic (PV) panels are installed for the conversion of solar power from sunlight or solar energy for agricultural, commercial, domestic or industrial use and includes the infrastructure required to feed the converted power into the public or private electricity grids.
<b>SPECIAL INDUSTRIAL BUILDING</b>	means a building intended for use for any of the purposes set out in Schedule A of the Offensive Trade Regulations of Natal (see Clause 5.1.1.1 in Appendix 1A).
<b>SPECIAL LANDSCAPES</b>	means landscapes that are important for their natural beauty or vistas or cultural, historical or geological features.
<b>SPECIAL NATURE RESERVES</b>	means an area declared as a Special Nature Reserve under Section 18 of the Environment Conservation Act, 1989 (Act No. 73 of 1989).
<b>STORAGE WAREHOUSE</b>	means a building used primarily for the storage of goods except those of a dangerous nature, and where no business is transacted other than incidentally to such storage. Should business be conducted from said storeroom in the form of a de-facto showroom, the whole storeroom will be considered as a shop and such parking regulations as set out will apply.
<b>SUBSISTENCE AGRICULTURE</b>	means the use of land for agricultural purposes mainly for own use.
<b>SUBDIVISION</b>	means the formal division of an existing cadastrally defined unit (erf) into two or more units (erven) through the office of the Surveyor General.
<b>SUBSTATION</b>	means part of an electrical generation, transmission, and distribution system. Substations transform voltage from high to low, or the reverse, or perform any of several other important functions. Between the generating station and consumer, electric power may flow through several substations at different voltage levels. A substation may include transformers to change voltage levels between high transmission voltages and lower distribution voltages, or at the interconnection of two different transmission voltages
<b>TAVERN</b>	means a portion of the main residential dwelling unit which is separated from the living quarters of the dwelling unit, or an outbuilding ancillary thereto, being used for the sale of liquor for profit and the consumption of this liquor on the premises. It will not include the sale of liquor for off-site consumption.
<b>TAXI/MINI BUS FACILITY</b>	Means a building or land that is used for parking of six or more buses or taxis, or as a public transport station.
<b>TEA GARDEN</b>	means a building or portion of a building used primarily for the preparation and sale of light meals, confectionery, and non-alcoholic beverages, but will preclude any use as defined under shop.
<b>TELE-COMMUNICATIONS MAST</b>	means an antenna, mast and a base station which is designed for communication over a distance by means of telephone, radio, television, etc.
<b>TERRACE HOUSE</b>	means a dwelling unit in a building comprising three or more dwelling units all on the ground floor and each having a separate entrance and direct access to a private open area or areas.
<b>TUCK SHOP</b>	means an area of a building or portion of a building or an outbuilding or structure within which a range of low order goods such as fresh produce, confectionary, non alcoholic beverages, limited quantities of staple foods,

## PART 4 : DEFINITION OF TERMINOLOGY

magazines, newspapers and similar goods are sold to the local neighbourhood. A Spaza shop is included in the Tuck Shop definition.

### **USABLE COMMON OPEN SPACE**

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

### **UTILITY AREA**

means the outdoor private area adjacent to or associated with the kitchen side of a Medium Density Housing Developments Dwelling Units, the screening of which will be to the satisfaction of the Municipality and which includes patios, verandahs and drying areas.

### **VETERINARY CLINIC**

means a place where animals or pets are given medication or surgical treatment and are cared for during the time of such treatment, and includes the ancillary use of the premises as a kennel or a place where animals or pets are boarded for remuneration.

### **WASTE**

means any substance, whether or not that substance can be reduced, re-used, recycled and recovered:-  
that is surplus, unwanted, rejected, discarded, abandoned or disposed of; which the generator has no further use of for the purposes of production; that must be treated or disposed of; or,  
that is identified as a waste by the Minister by notice in the *Gazette*; and includes waste generated by the mining, medical or other sector, but a by-product is not considered waste; and  
any portion of waste, once re-used, recycled and recovered, ceases to be waste.

(Source: Reference National Environmental Management: Waste Act No. 59 of 2008).

### **WASTE DISPOSAL FACILITY**

means any site or premise used for the accumulation of waste with the purpose of disposing of that waste at that site or on that premises.

### **WASTE FACILITY: GENERAL**

means a facility that receives generalized non-hazardous waste for disposal or onward transportation for disposal at a Landfill site or Waste Incinerator facility.

### **WASTE FACILITY: MEDICAL**

means a specialist facility that receives medical waste from hospitals, clinics and other health facilities and may include body tissues and parts for disposal and incineration.

### **WASTE FACILITY: HAZARDOUS**

means a specialist facility that receives hazardous waste from agricultural, industrial, or chemical processing and may include paint, industrial chemicals, and fertilizers, spray cans, fluorescence tubes and light bulbs for disposal and incineration. Such a facility has to comply with the standards provided for in the Hazardous Substances Act No. 5 of 1973 and as amended in 1997.

### **WASTE RECYCLING FACILITY**

means a shed or building where waste is sorted and the recyclable components such as paper, plastic, glass, cans, metal, bottles, batteries, fabric and clothes are sorted for their reuse

### **WASTE WATER PACKAGE PLANT**

means a small-scale wastewater treatment facility utilized in large Medium Density or large scale residential developments, which are not connected to municipal waste water systems and need to undertake on-site treatment prior to disposal. In eco-estates, filtered grey water can be reused for the watering of gardens.

## PART 4 : DEFINITION OF TERMINOLOGY

<b>WASTE WATER TREATMENT PLANT</b>	means a facility that receives influent wastewaters from domestic or industrial sources and processes the wastewaters to remove or convert pollutants to produce an effluent that will not violate water quality standards or endanger public health when discharged.
<b>WATER DESALINATION PLANT</b>	means a factory or the treatment plant located on or near the sea and which uses the process of reverse osmosis to remove salt and other minerals from seawater, so that it can be used for agricultural, commercial domestic and industrial uses. It includes the pump, infrastructure and maintenance facilities associated with this activity.
<b>WHOLESALE WAREHOUSE</b>	means a building used primarily for the storage and sale of goods on a wholesale basis and excludes retail sales to the public.
<b>WIND FARM</b>	means an area of land that has grouped wind turbines or energy producing windmills from which electrical energy is produced and stored or fed into a grid structure and includes associate maintenance and storage facilities

### 5 APPENDICES

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#### 5.1 APPENDIX 1: GENERAL

##### 5.1.1 APPENDIX 1A: DEFINITION OF OFFENSIVE TRADES AND FACTORIES

###### 5.1.1.1 Offensive Trades

In Table 13: Building and Land Use Definitions, reference is made to the definition of Special Industrial Building and to Schedule A of the Offensive Trade Regulations for Natal, and, for convenience, an extract from these regulations is appended herewith:

#### EXTRACT FROM OFFENSIVE TRADE REGULATIONS FOR NATAL

Framed under Section 132 of the Public Health Act 36 of 1919 as repealed by the Health Act 63 of 1977 (Government Notice No. 1047, June 27, 1924: Schedule A).

Chemical works, dye works, manure, superphosphate, or fertilizer works or stores; fell mongery, tanning and leather-dressing works; works or premises used for storing, drying preserving or otherwise dealing with bones, horns, hoofs or hides, whaling stations and premises or works used for storing or dealing with material derived from whales; knackers-yards; glue or size factories; soap and candle works; fat-melting or tallow-melting works and any similar works or establishment for dealing with meat, bones, blood, offal, horns, hoofs, or other animal organic matter; wattle-bark (grinding or extracting) works; brick burning and lime burning works; breweries and distilleries; sugar mills and sugar refineries; fish canning works; bacon factories, sausage factories and similar works; gut scraping works; tripe-cleaning or tripe-boiling works; destructors, depositing sites or other works for the treatment of house refuse, trade refuse, street refuse, sewage or "night-soil".

###### 5.1.1.2 Definition of a Factory

In Table 13: Building and Land Use Definitions reference is made in the definition of a General Industrial Building to Section 3 of the Factories, Machinery and Building Work Act, 1941, as amended. For convenience extracts from these regulations are appended herewith:

#### EXTRACT FROM SECTION 3 OF THE FACTORIES, MACHINERY AND BUILDING WORK ACT, 1941

- (1) Subject to provisions of this Section, '**factory**' means:
- (a) Any premises on which any person performs work in connection with any business, undertaking or institution, whether an employer or employee, pupil or inmate of an institution or otherwise, in any one or more of the following activities:
    - (i) the making of any article or part of any article;
    - (ii) the altering, repairing, renovating, ornamenting, painting, spraying, polishing, finishing, cleaning, dyeing, washing or breaking up of any article;
    - (iii) the adaption for sale or use of any article;
    - (iv) the sorting, assembling or packing (including washing or filling bottles or other containers) of any articles;
    - (v) the construction, reconstruction, assembling, repairing or breaking up of vehicles or parts thereof (but excluding premises used for the purpose of housing vehicles where only minor adjustments are carried out);

## 5: APPENDICES

- (vi) printing or letterpress, lithography, photogravure or other similar process, including any activity associated with the printing industry;
  - (vii) the production and storage of gas in a holder of more than five thousand cubic feet (141,6 cu. metres) storage capacity;
  - (viii) the freezing, chilling or storage in cold storage of any article;
  - (ix) the slaughtering of livestock;
  - (x) the generation of electricity;
  - (xi) photographic work;
  - (xii) any activity that is necessarily or ordinarily incidental to any activity referred to in subparagraphs (i) to (xi), inclusive, if the premises on which it is carried on or form part of or are adjacent to the premises on which the activity to which it is so incidental is carried on; and
- (b) any premises on which bookkeeping, typewriting or any other clerical work incidental to any activity referred to in paragraph (a) is performed, if such premises form part of or are adjacent to the premises in which the said activity is carried on.
- (2) Notwithstanding the provisions of sub-section (1) **'factory'** will not include:
- (a) Any premises on which fewer than three persons perform work in any activity referred to in sub-section (1) unless:
    - (i) mechanical power (other than for ordinarily lighting purposes) is used in the activity conducted on such premises, whether such power is derived from steam, electricity, gas, liquid or from any other source;
    - (ii) such premises have been registered as a factory under Section thirteen;
  - (b) Premises on which any activity referred to in sub-paragraph (iv) or (viii) of paragraph (a) of sub-section (1) is only incidental to the conduct of a business engaged mainly in the sale of goods by retail;  
  
Premises on which any activity referred to in sub-paragraph (iv) of paragraph (a) of sub-section (1) is only incidental to the conduct of a business engaged mainly in the sale of goods by wholesale;
  - (c) Any mine or works as defined in Section two of the Mines and Works Act, 1911 (Act No. 12 of 1911); or subsequent valid legislation that may become law from time to time;
  - (d) Private houses, hotels, boarding houses, restaurants, refreshment or tea rooms or eating houses in respect of any activity referred to in sub-section (1) which is ordinarily and necessary incidental to the conduct of such establishment.
  - (e) Premises used temporarily and exclusively for the carrying on of any activity connected with the construction, alteration, renovation, repair or demolition of any building, bridge, road or irrigation work, or any other similar works;
  - (f) Premises (on a farm) on which a farmer, including a partnership or group of persons, other than a company performs work in any activity referred to in paragraph (a) of sub-section (1) solely in connection with products which he has produced on a farm occupied by him, or solely in connection with his farming operations; or
  - (g) A workroom in connection with a prescribed class of institution;
  - (h) The danger area of an explosives factory as described in the regulations made under the Explosives Act, 1956 (Act No. 26 of 1956).

## 5: APPENDICES

- (3) For the purpose of this section, "**power**" does not include hand or foot power used to operate any mechanical appliance or power derived from machinery that is rated to develop not more than 0,7457 kw machine power.

(Extracted: 19.1.78)

### 5.1.2 APPENDIX 1B : REVIEW OF RELEVANT INTERNATIONAL CONVENTIONS AND LOCAL LEGISLATION

Note that this list is not comprehensive or exhaustive. This is merely a list highlighting legislation that may be more applicable at certain times. A brief précis is given showing what the Act covers.

#### 5.1.2.1 International Conventions

There are three international conventions directed at conserving natural resources, and to which South Africa is a signatory:

- The Convention to Combat Desertification
- The Convention on Biological Diversity
- The Convention on Wetlands of International Importance, Especially as Waterfowl Habitat.

#### Convention on Biological Diversity, 1992

Sugarcane farming involves the removal of natural vegetation and the loss of natural habitat, which result in a general reduction in biodiversity. As South Africa is a signatory to the Biodiversity Convention, sugarcane growers should aim to reduce and mitigate the impact they have on biodiversity.

#### The MSAR Convention

The general responsibility to promote the wise use of wetlands should be noted, as in many cases wetlands have been drained and planted over by sugarcane, throughout the history of the industry.

#### 5.1.2.2 National Legislation

#### The Constitution Act, No. 108 of 1996

Every person has the right to an environment that is not harmful to his/her health or well-being, and to have the environment protected for the benefit of present and future generations. This will be achieved by reasonable legislation and other measures that prevent pollution and ecological degradation, promote conservation, and secure ecologically sustainable development and use of natural resources, while promoting justifiable economic and social development.

#### Conservation of Agricultural Resources Act, No. 43 of 1983

This Act provides for the prescription of control measures that must be complied with by land users. (The Act is under review at present.) These measures can be related to a variety of issues, and some key control measures that have been prescribed through regulations relating to farming are:

Permission is required for the cultivation of virgin soil.

- Permission is required for the cultivation of land with more than 20% slope and, in certain cases, land with more than 12% slope. (This does not apply to land cultivated prior to the prescription of this control measure.)
- Every land user shall protect irrigated land from water and wind erosion through measures prescribed in the regulations.
- Every land user shall protect irrigated land from salination and waterlogging through measures prescribed in the regulations.
- No land user shall utilise the vegetation in a vlei, marsh or water sponge, or within the flood area of the watercourse, or within 10 m horizontally outside such flood area, in a manner that causes the deterioration of or damage to the natural agricultural resources.



## 5: APPENDICES

- Every land user shall remove the vegetation in a watercourse to such an extent that it will not constitute an obstruction during a flood that could cause excessive soil loss.
- Permission is required to drain or cultivate any vlei, marsh or water sponge or to cultivate any land within the flood area of a watercourse or within 10 m horizontally outside the flood area of a watercourse. (This does not apply to land cultivated prior to the prescription of this control measure.)
- In 2001, the Act was amended and a schedule was published. This schedule listed three categories of plants, namely weeds, commercially propagated invaders and ornamental invaders. Full details of these lists, photographs of the plants concerned and control/eradication methods are available on the website: [www.aqis.agric.za/aqisweb/wip](http://www.aqis.agric.za/aqisweb/wip).

### *Soil Conservation Committees*

Conservation Committees are appointed by the Minister, in every Magisterial District, to monitor compliance with the clauses of the Act.

### **Fertilisers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, No. 38 of 1947**

Fertilisers and agricultural remedies may not be sold unless they have been registered in terms of the Act, and the Minister may prohibit the acquisition, disposal, sale or use of certain fertilisers and agricultural remedies.

### **The National Environmental Management Act (NEMA), No. 107 of 1998, as amended from time to time**

This Act is one of the most recent, and deals with farming and other activities that could have a long term detrimental effect on the environment.

- To promote integrated environmental management activities, the Act provides for the identification of activities that require authorisation before they may be undertaken. Prior to the authorisation of an activity, the potential impact of the activity on the environment, socio-economic conditions and cultural heritage must be assessed.
- The Act places a general obligation on persons responsible for significant pollution and environmental degradation to take all the necessary measures to prevent, minimise and rectify such pollution or degradation.
- The Act broadens the category of people or organisations who can take court action with regards to a breach of any section of the Act, including principles of the Act.
- The Act provides for any person to undertake private prosecutions in the public interest or in the interest of the protection of the environment in respect of a breach of any duty (other than public duties resting on the state) in any legislation (and Association's regulations) where the duty is concerned with the protection of the environment, and the breach of that duty is an offence.

### **Environment Conservation Act (ECA), No. 73 of 1989 as amended from time to time**

The Act provides for the control of activities which may have a detrimental effect on the environment. In the past few years, two categories of the regulations that are relevant to sugarcane farming have been promulgated:

### **National Environmental Management Act, No. 107 of 1998 as updated and amended from time to time**

Some of the activities that will trigger an assessment of some sort are listed below.

- The construction or upgrading of:
  - Roads, outside the borders of Schemes
  - Canals and channels, including diversions of the normal flow of water in a river bed and the transfer schemes between water catchments and impoundments
  - Dams, levees or weirs affecting the flow of a river
- The change of land use from:
  - Agricultural or undetermined use to any other use

## 5: APPENDICES

- Use for grazing to any other form of agricultural use
- The concentration of livestock in a confined structure for the purpose of mass commercial production.
- The intensive husbandry of, or importation of, any plant or animal that has been declared a weed or an invasive alien species.
- The release of any organism outside its natural area of distribution that is used for biological control.
- The genetic modification of any organism with the purpose of fundamentally changing the inherent characteristics of that organism.
- The reclamation of land below the high water mark of the sea and inland water, including wetlands.

### **The National Water Act, No. 36 of 1998 as amended from time to time**

The Act provides for the classification of water resources, the setting of resource quality objectives and the determination of a reserve for all significant water resources. The reserve is defined by the Act as the quality of water required to meet basic human needs and to protect aquatic ecosystems.

The Act places a general obligation on those in control of land to take reasonable measures to prevent, minimise and rectify any pollution of water resources that has occurred as a result of activities performed on the land in question.

The Act provides for new controls on -the use of water generally, and allows for the promulgation of regulations relating to a number of aspects of water use, including:

- Regulating or prohibiting any activity in order to protect a water resource, or instream or riparian habitat.
- Limiting or restricting the purpose, manner or extent of water use.
- Prescribing methods for making a volumetric determination of water to ascribe an agricultural practice as a stream flow reduction activity for the purpose of water use allocation and the imposition of charges.
- The Act provides for the control of 'stream flow reduction activities'. This refers to activities which in some way reduce the availability of water in a watercourse to an unacceptable extent. The Act presently defines afforestation as a stream flow reduction activity and allows for further stream flow reduction activities, which could include sugarcane, to be declared at a later stage.

### **Atmospheric Pollution Prevention Act, No. 45 of 1965 as amended from time to time**

There are at present no regulations in place for the control of cane burning. However, the practice of cane burning could be regulated by Part III of this Act by declaring it a scheduled activity for which a permit would then be required.

### **White Paper on integrated Pollution and Waste Management for South Africa**

The White Paper emphasises the importance of preventing pollution and waste, and avoiding environmental degradation. The current fragmentation, duplication and lack of co-ordination will be eliminated by reviewing all existing legislation and preparing one piece of legislation that will deal with all waste and pollution matters.

### **National Forest and Fire Laws Amendment Act, 2001 as amended from time to time**

In terms of this Act the Minister may 'declare a tree, groups of trees, woodlands or a species of trees protected.' No species protected in terms of regulations under this act should be removed or damaged during the establishment or management of sugarcane farms.

### **Occupational Health and Safety Act, No. 85 of 1993 as amended from time to time**

Every employer shall provide and maintain a working environment that is safe and without risk to the health of his employees. Should an employer have 20 or more employees, he is required to appoint health and safety representatives. Where more than 10 people are employed at a work place, the employer shall ensure that at least one person is readily available, during normal work hours, who is in possession of a valid certificate of competency in first aid. There are also requirements under this Act regarding the provision of drinking water and sanitation facilities.

### **National Heritage Resources Act, No. 25 of 1999 and KwaZulu-Natal Heritage Act, No. 10 of 1997 as amended from time to time**

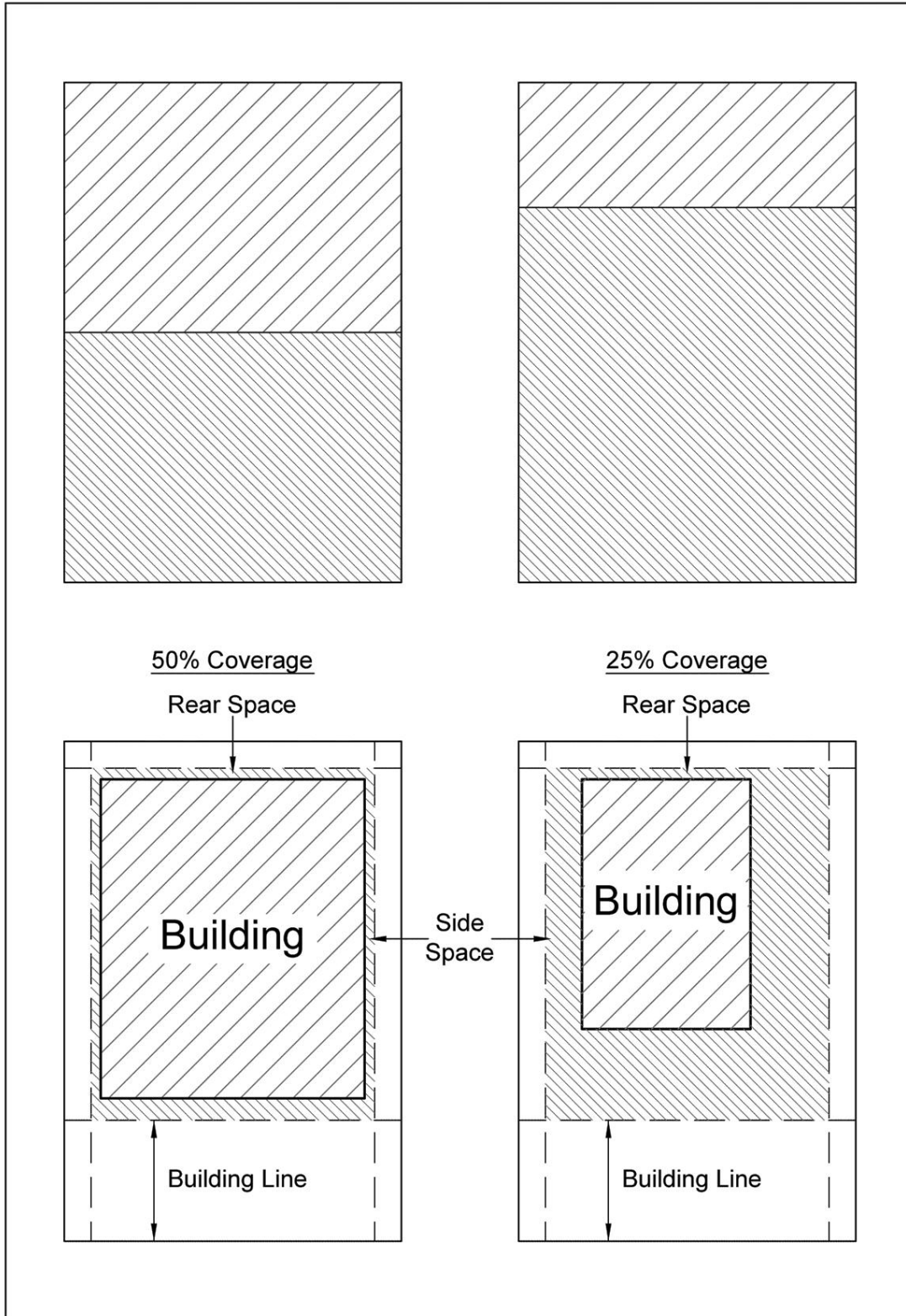
This Act is administered by the National Heritage Resource Agency, to protect heritage resources that are considered of national importance.

The KwaZulu-Natal Heritage Act provides for the establishment of Amafa aKwaZulu-Natali as the statutory body to administer heritage conservation on behalf of the KZN provincial government.

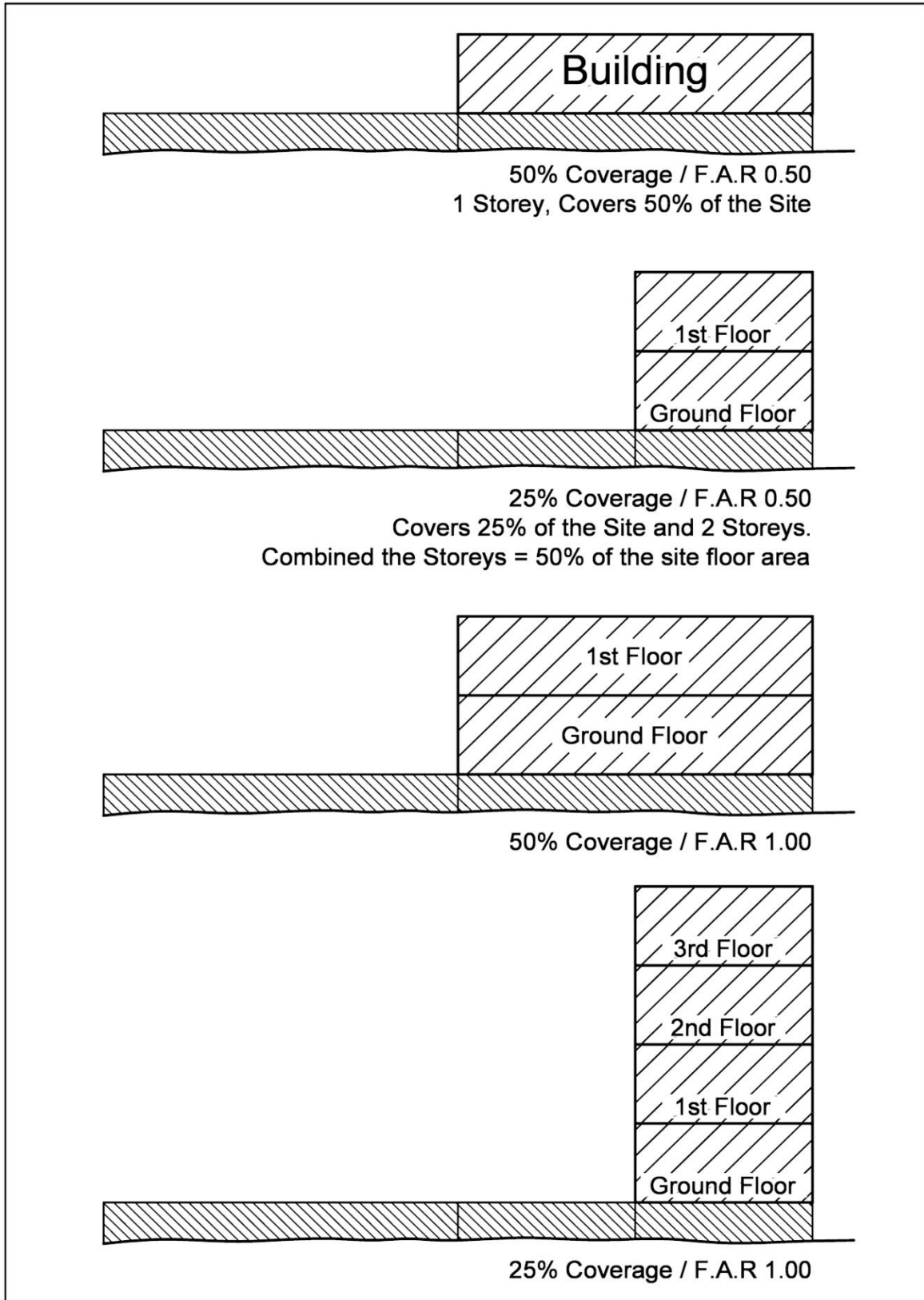
These Acts are responsible for the protection of landscapes and natural features, geological sites of scientific or cultural importance, buildings, graves and burial sites, battlefields, historically and archaeologically important sites and artefacts, including meteorites. The requirements of the Act are integrated into the EIA process and Amafa aKwaZulu-Natali must be consulted at the outset for any development project requiring an EIA.

5.2 APPENDIX 2: SCHEME DIAGRAMS

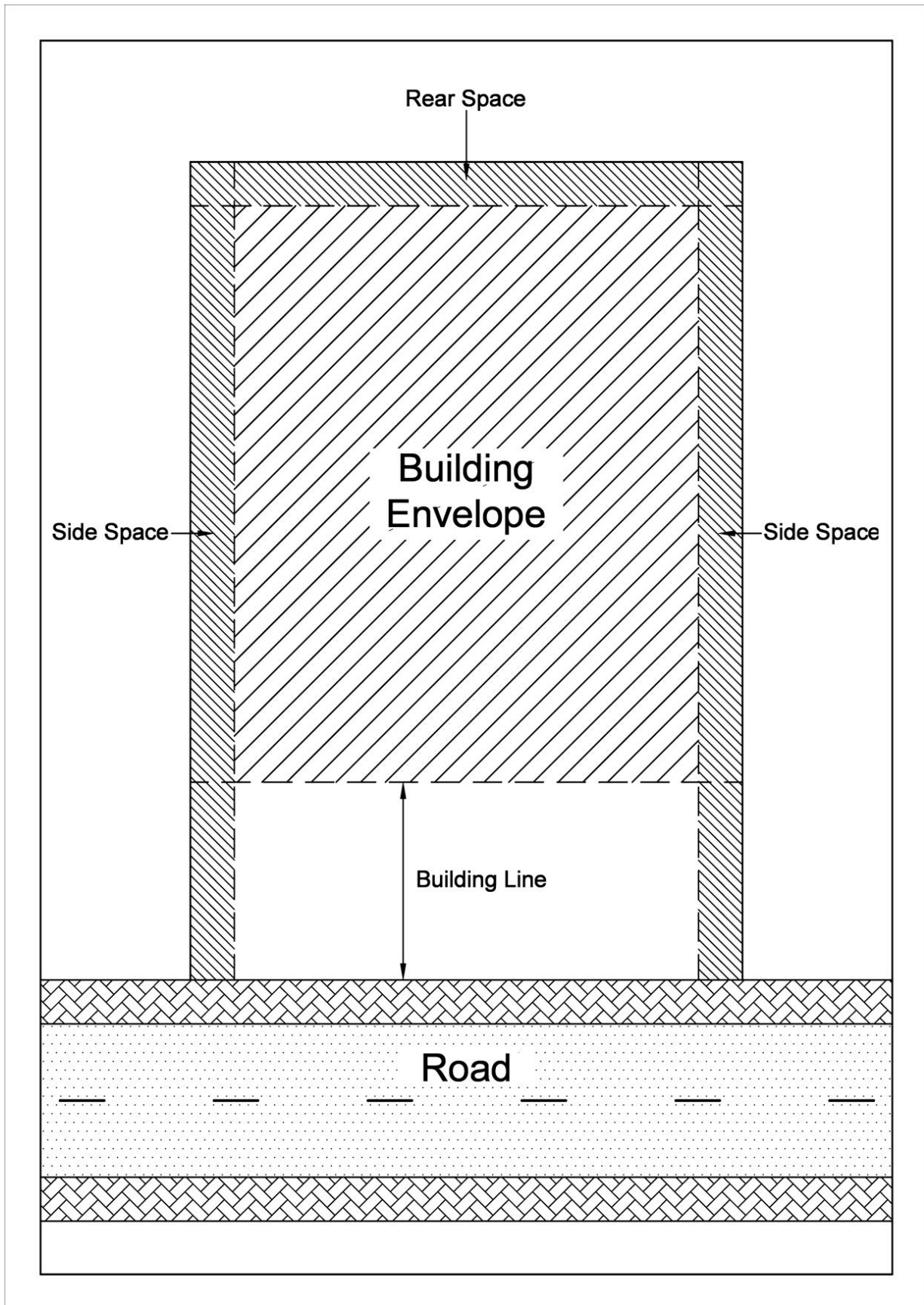
5.2.1 COVERAGE



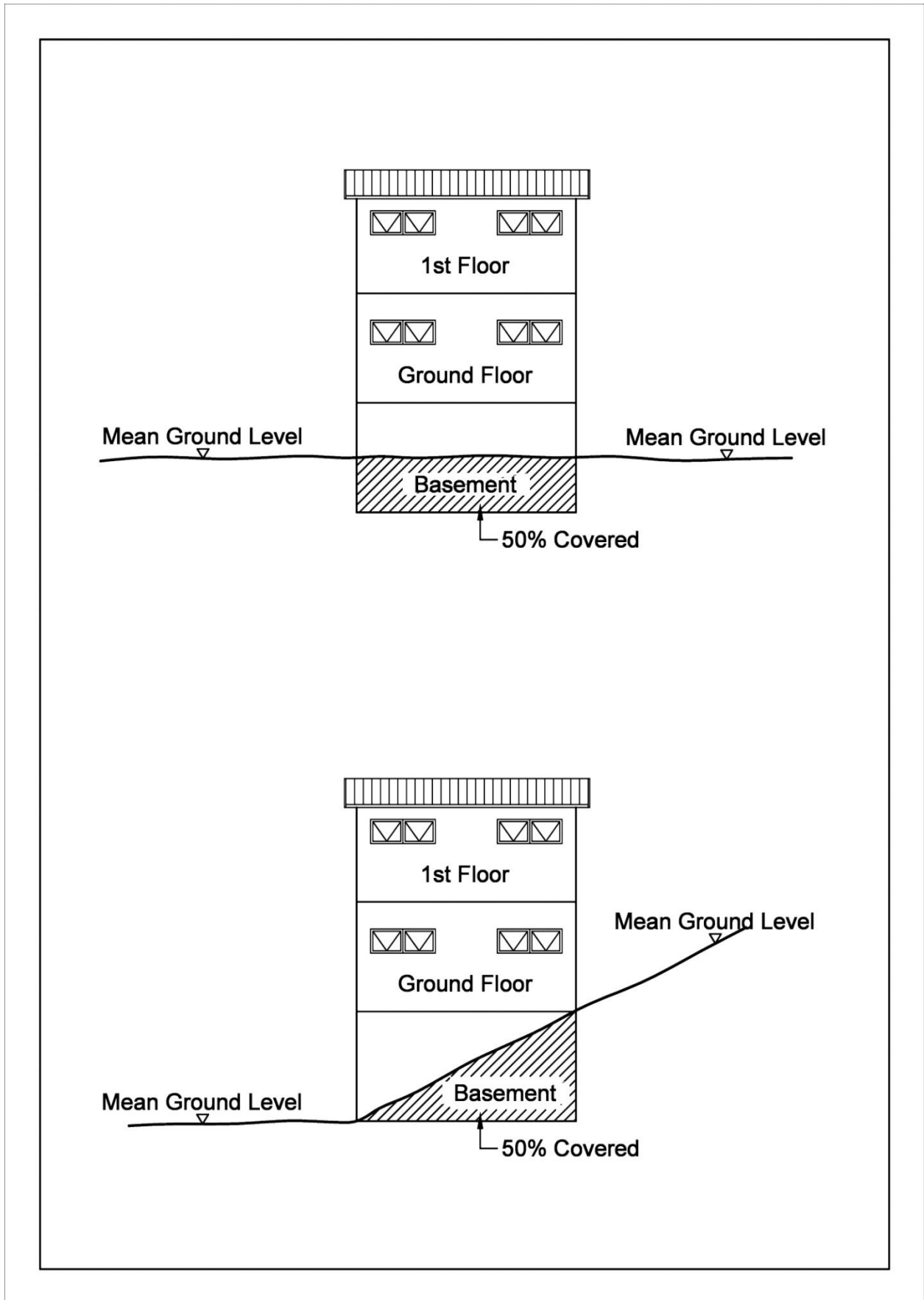
5.2.2 FAR



5.2.3 BUILDING ENVELOPE

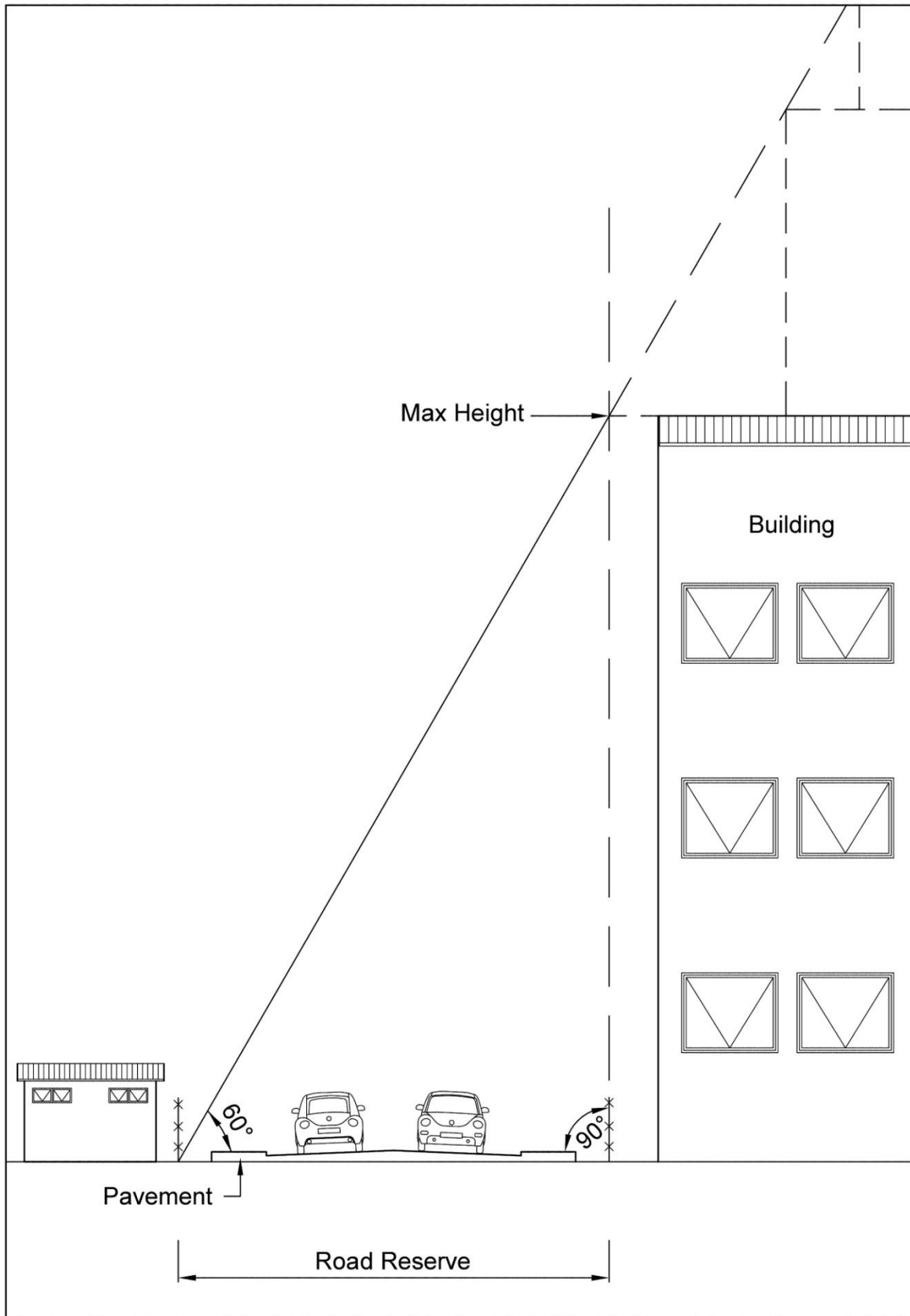


5.2.4 BASEMENT



## 5: APPENDICES

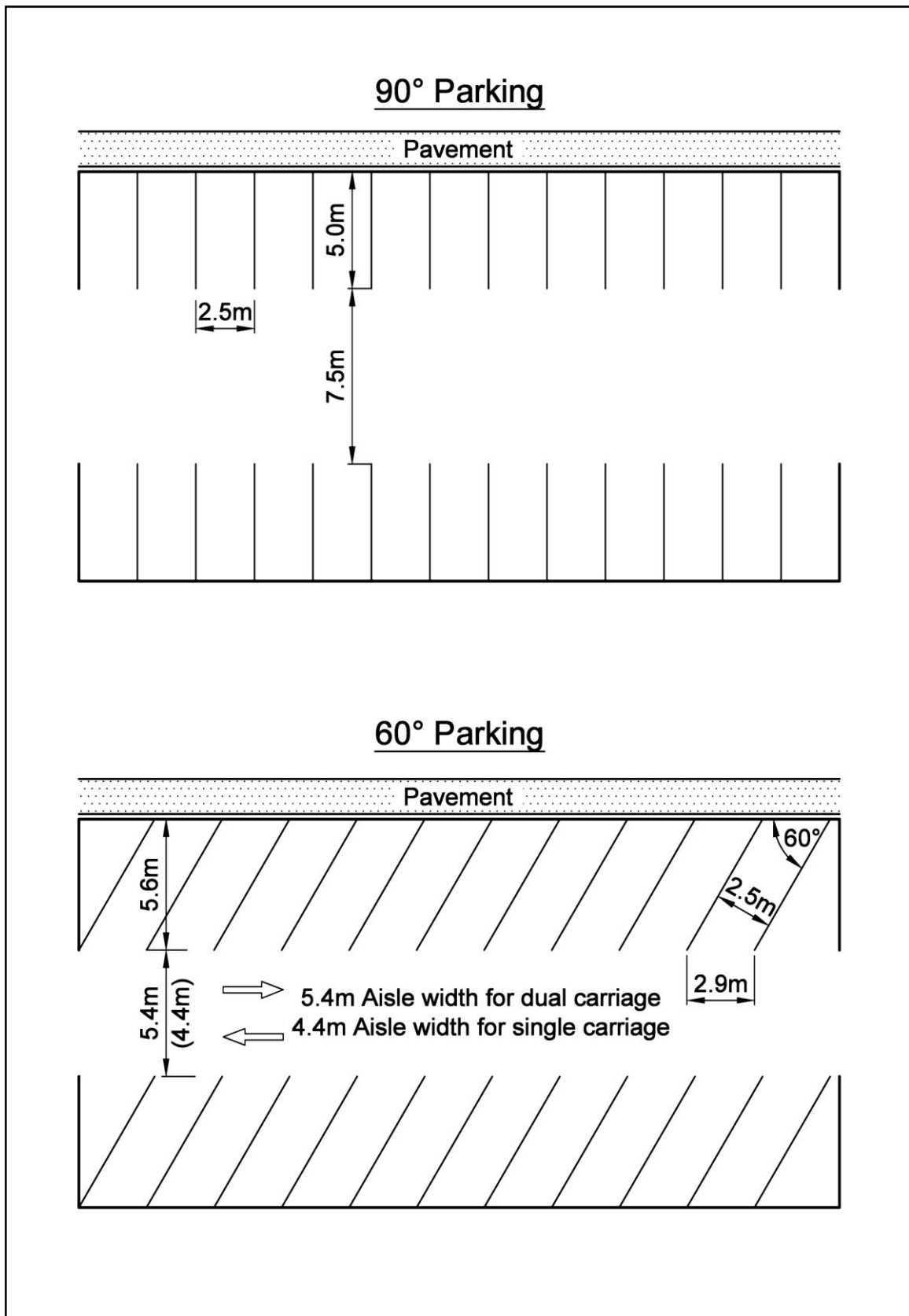
### 5.2.5 60° LIGHT ANGLE



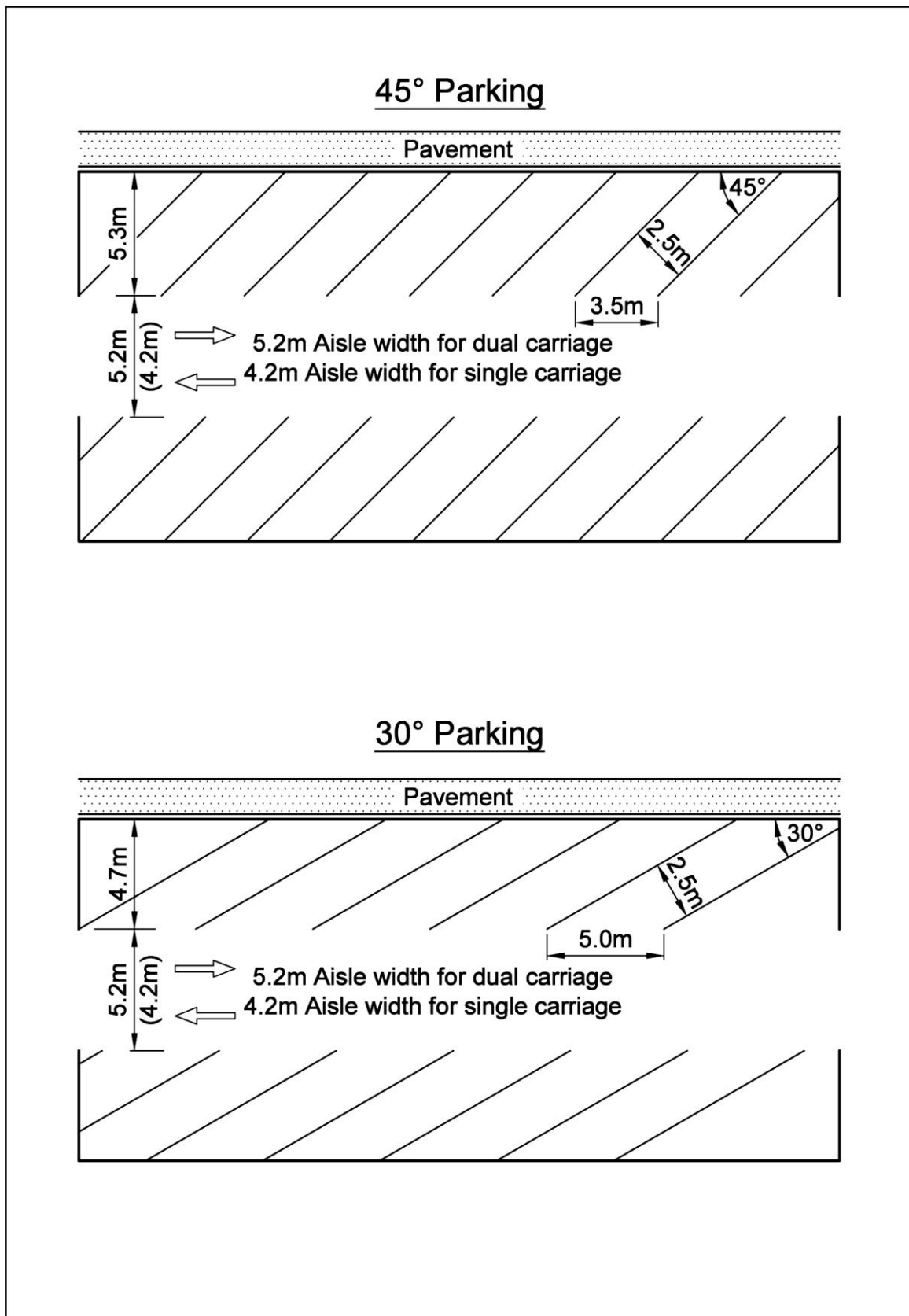


## 5: APPENDICES

### 5.2.6 PARKING 90° & 60°

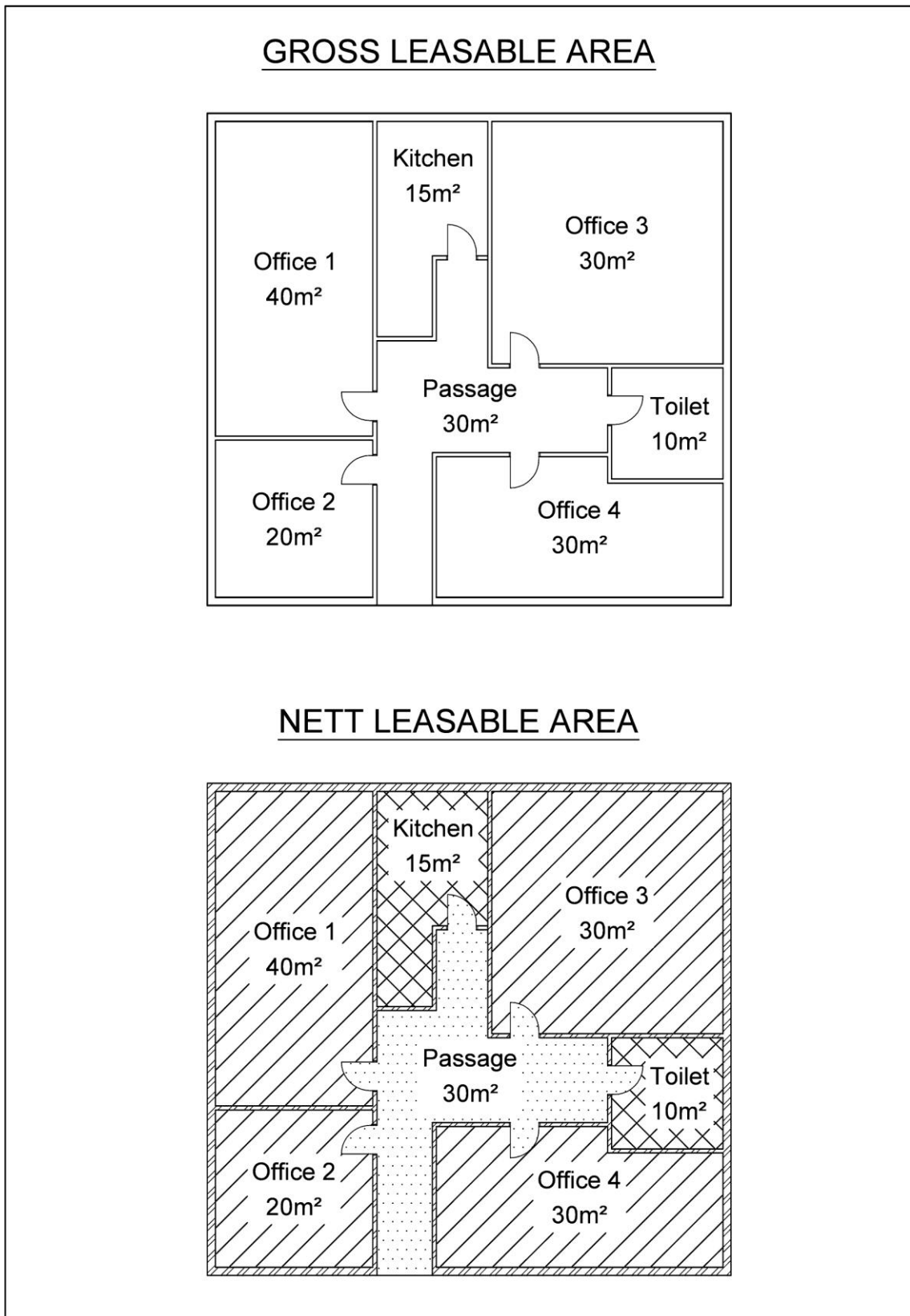


5.2.7 PARKING 45° & 30°



## 5: APPENDICES

### 5.2.8 GROSS LEASABLE AREA AND NET LEASABLE AREA



As can be seen in the Nett Leasable Area, only the rooms of the offices are included in the area calculation. Thus the Nett Leasable Area is 135m<sup>2</sup>, whereas the Gross Leasable Area is 175m<sup>2</sup>.

### 5.2.9 APPENDIX 2A: TOWN AND REGIONAL PLANNING COMMISSION POLICIES

#### 5.2.9.1 Traffic Generating Sites

##### **POLICY OF THE KWAZULU-NATAL PROVINCIAL ADMINISTRATION IN REGARD TO PLANNING STANDARDS FOR CONTROL OF TRAFFIC-GENERATING SITES**

- (1) The term "**road**" shall mean for the purpose of this policy, a way intended, prepared, or used for foot-passengers, riders and vehicles to travel on, inclusive of the full extent of its width notwithstanding that only a portion thereof may be in actual use for traffic purposes, and shall include a street. It shall not include an alley, land or passage used solely by foot-passengers.

The terms "**traffic**" or "**traffic-generating site**" shall mean a site, business or activity whereon, or by reason whereof, a larger number of motor vehicles are required to leave or enter a public street or roadway, and shall include, but not be confined to, sites whereon petrol filling stations, parking garages, parking lots, churches, sports stadia, blocks of flats or shopping centres are established.

- (2) No vehicular entrance to, or exit from, a traffic generator should be permitted in the immediate vicinity of a road intersection, junction or interchange. In the case of an intersection or junction at grade, under rural conditions the distance from such entrance or exit to any intersection as defined in section 1 of the Road Traffic Ordinance No. 21 of 1966, measured parallel to the direction of travel along the road to which entrance or from which exit is afforded should not be less than 150m. Under urban conditions (as defined in the Advertising on Roads and Ribbon Development Act No. 21 of 1940) this distance may be reduced, in which case the desirable minimum should be 20m from an intersection with a minor street or 60m from an intersection with a major street. No such entrance or exit should be permitted within a distance of 150m from the limits of an interchange, which limits should be determined by the road authority. Any unavoidable reduction of these minimum distances should be regarded as justified only by exceptional circumstances, and as requiring safeguards such as the imposition and enforcement of special speed limits, acceleration and deceleration lanes or other traffic controls.
- (3) Direct vehicular or pedestrian entrance to or exit from a traffic generator, from or to important Provincial main roads should not be permitted, nor should such entrance or exit be permitted from or to freeways, expressways or heavily-trafficked through arterial main roads in urban areas. Attention is drawn to the provisions of the Roads Ordinance No. 10 of 1968.
- (4) No commercial premises with direct access to a flanking service road should be permitted unless direct pedestrian access from the main carriageway to such service road has been rendered impracticable.
- (5) No traffic generator should be permitted upon any site which, by reason of its proximity to and situation in relation to schools, churches, cinemas, bus depots, railway stations, major recreation grounds, beaches or other similar places which generate heavy pedestrian movements at certain times, is likely to create conflict between the vehicular traffic and the pedestrian traffic.
- (6) In considering applications for the establishment of petrol filling stations the need within the area of such stations having regard to the location of other existing stations and the existing and/or contemplated development of the area should be taken into account. Any argument, based on the solo-site system, that all brands of petrol should be available within any particular area should not be taken into account.
- (7) The following standards should be adopted in considering the establishment of traffic generators:

## 5: APPENDICES

- (a) Where separate entrance and exit are provided they should be placed at or near either end of a frontage of not less than 36m. The site should be of sufficient depth for the whole activity to be carried on clear of the street, and should in no case be less than 15m in depth. It should be in such area and so laid out that a waiting area is provided near the entrance large enough to accommodate vehicles awaiting service so that these do not queue in the public road.
- (b) The minimum sight distance along the road should be 120m. Sight distance shall be measured from the entrance or exit as the case may be, height of eye being 1.37m, to an object 1.37m high.
- (c) No traffic generator should be permitted with entrance from or exit to a street whose gradient is steeper than 1 in 8, and no access ramp should be steeper than 1 in 10.
- (d) Outside an urban area as defined in the Advertising on Roads and Ribbon Development Act No. 21 of 1940, buildings should be sited at least 36m from the nearest point of the road reserve of any main road.
- (e) Pump islands in petrol filling stations should not be less than 5m from the property boundary.

### 5.2.9.2 TRIP GENERATION RATES IN ORDER TO DETERMINE WHETHER A SITE NEEDS A TRAFFIC IMPACT ASSESSMENT OR STATEMENT

**Table 13 Trip Generation Rates**

TRIP GENERATION THRESHOLD VALUE FOR A TRAFFIC IMPACT STUDY	
Recommended Threshold	
i)	More than 150 peak hour trips <sup>(a)</sup> – prepare a Traffic Impact Study/Assessment (TIS/TIA)
ii)	Less than 150 and more than 50 peak hour trips – prepare a Traffic Impact Statement (TIS)
iii)	Less than 50 peak hour trips – no study required except if the surrounding road network is operating at or above capacity.
iv)	Discretion of the responsible road authority. <sup>(b)</sup>

<sup>(a)</sup> Refers to “trip-ends” which includes primary and pass-by trips.

<sup>(b)</sup> Based on the discretion of the responsible road authority, a Traffic Impact Study or Statement can be required e.g. if the development is located in a sensitive area, even though less than 50 peak hour trips are generated. Alternatively, only a Traffic Impact Statement can be required although the development generates more than 150 trips, but is for example located in an insensitive area.

No.	LAND USE	CODE	UNIT	RECOMMENDED TRIP GENERATION RATES		
				PERIOD	RATE	SPLIT
1.1	INDUSTRIAL Small (<10 000m <sup>2</sup> )	110	100m <sup>2</sup>	am/pm	0,9	70:30
			Employee	am/pm	0,6	70:30
			100m <sup>2</sup>	Daily	7,7	50:50
			Employee	Daily	4,5	50:50
1.2	INDUSTRIAL Medium-Large (10 000-35 000m <sup>2</sup> )	110	100m <sup>2</sup>	am/pm	0,6	80:20
			Employee	am/pm	0,1	80:20
			100m <sup>2</sup>	Daily	1,7	50:50
			Employee	Daily	0,7	50:50
1.3	INDUSTRIAL AREA	130	100m	am/pm	0,9	75:25
2	WAREHOUSING	150	100m <sup>2</sup>	am/pm	0,8	60:40
			Employee	am/pm	0,4	60:40

## 5: APPENDICES

			<b>100m<sup>2</sup></b> Employee	<b>Daily</b> Daily	<b>4,2</b> 2,0	<b>50:50</b> 50:50
3.1	RESIDENTIAL Low Income	210	<b>Dwelling unit</b> 1000 residents <b>Dwelling unit</b> 1000 residents	<b>am/pm</b> am/pm <b>Daily</b> Daily	<b>0,5</b> 94,2 <b>2,6</b> 927,8	<b>65:35</b> 65:35 <b>50:50</b> 50:50
3.2	RESIDENTIAL Medium Income	210	<b>Dwelling unit</b> 1000 residents <b>Dwelling unit</b> 1000 residents	<b>am/pm</b> am/pm <b>Daily</b> Daily	<b>1,1</b> 251,0 <b>3,9</b> 1037,0	<b>75:25</b> 75:25 <b>50:50</b> 50:50
3.3	RESIDENTIAL High Income	210	Dwelling unit	am/pm	1,5	75:25
3.4	RESIDENTIAL Cluster Housing	230	Dwelling unit	am/pm	1,1	75:25
4	HOTEL General Lodging	310	<b>Occupied room</b> Employee <b>Occupied room</b> Employee	<b>am/pm</b> am/pm <b>Daily</b> Daily	<b>0,7</b> 1,4 <b>4,6</b> 7,1	<b>55:45</b> 55:45 <b>50:50</b> 50:50
5	CBD	400	100m <sup>2</sup>	<b>Week</b> <b>am/pm</b> Saturday Peak <b>Week daily</b>	<b>4,2</b> 5,0 <b>64,0</b>	<b>55:45</b> 55:45 <b>50:50</b>
No.	LAND USE	CODE	UNIT	RECOMMENDED TRIP GENERATION RATES		
				PERIOD	RATE	SPLIT
6	SPORT STADIUM Cricket Athletics/Rugby/Soccer All	450	Thousand spectators	<b>Inbound</b> Inbound <b>outbound</b>	<b>100</b> 180 <b>270</b>	<b>100:00</b> 100:00 <b>100:00</b>
7	GYMNASIUM/ HEALTH CLUB	492	100m	am pm	8,0 20,9	70:30 55:45
8	PRIMARY SCHOOL	520	Pupil  Teacher	<b>am</b> Midday <b>am</b> Midday	<b>0,9</b> 0,4 <b>22,3</b> 9,6	<b>50:50</b> 55:45 <b>50:50</b> 55:45
9	SECONDARY SCHOOL	530	Pupil  Teacher	<b>am</b> Midday <b>am</b> Midday	<b>0,8</b> 0,4 <b>10,4</b> 6,0	<b>55:45</b> 55:45 <b>55:45</b> 55:45
10.1	HOSPITAL Provincial	610	bed	Am Pm	2,1 2,6	75:25 65:35
10.2	HOSPITAL Private	610	Bed  100m <sup>2</sup>  employee	<b>am</b> pm <b>Daily</b> am <b>pm</b> Daily <b>am</b> pm <b>Daily</b>	<b>1,3</b> 2,1 <b>17,7</b> 2,1 <b>2,4</b> 23,4 <b>0,5</b> 0,8 <b>6,8</b>	<b>65:35</b> 55:45 <b>50:50</b> 65:35 <b>55:45</b> 50:50 <b>65:35</b> 55:45 <b>50:50</b>
11.1	GENERAL OFFICES CBD	710	100m <sup>2</sup>	am/pm Daily	4,0person 29,1person	75:25 50:50
11.2	GENERAL OFFICES Suburban	710	100m <sup>2</sup>	<b>am/pm</b> Daily	<b>2,3</b> 11,0	<b>85:15</b> 50:50

## 5: APPENDICES

			Employee	am/pm Daily	0,6 2,8	85:15 50:50
12.1	MEDICAL OFFICES CBD	720	100m <sup>2</sup>  Employee	am Daily am Daily	14,2 72,2 3,3 19,6	50:50 50:50 50:50 50:50
12.2	MEDICAL OFFICES Suburban	720	100m <sup>2</sup>  Employee  Practitioner	am pm Daily am pm Daily am pm Daily	13,9 21,8 90,9 2,5 4,0 17,9 7,5 12,5 57,7	55:45 55:45 50:50 55:45 55:45 50:50 55:45 55:45 50:50
12.3	MEDICAL CENTRE Suburban	720	100m <sup>2</sup>  Employee	am/pm Daily am/pm Daily	7,0 50,2 1,4 11,9	55:45 50:50 55:45 50:50
13	GENERAL RETAIL CBD	810	100m <sup>2</sup>  Employee	Midday Daily Midday Daily	60,0person 262,1person 19,1person 88,2person	50:50 50:50 50:50 50:50
14	SHOPPING CENTRE	820	100m <sup>2</sup>	Week pm Saturday Peak	224,5GLA (- 0.34) 250,2GLA (- 0.30)	50:50 50:50
15	RESTAURANT High Turnover Sit-Down	832	100m <sup>2</sup> Occupied Seat	pm generator midday	15,6 0,6	70:30 70:30
16	RESTAURANT Fast Food	833	100m <sup>2</sup>	pm generator pm Street	59,0 29,7	50:50 55:45
<b>No.</b>	<b>LAND USE</b>	<b>CODE</b>	<b>UNIT</b>	<b>RECOMMENDED TRIP GENERATION RATES</b>		
				<b>PERIOD</b>	<b>RATE</b>	<b>SPLIT</b>
17	VEHICLE SERVICE STATION	840	Service Station Service Bay	Daily Daily	27,3jobs 2,3jobs	50:50 50:50
18	FILLING STATION	844	Adjacent Traffic	am/pm/daily	4%urban areas 30%LGT freeways 40%HV freeways 16%new traffic	50:50
19	WHOLE SALE	860	100m <sup>2</sup>  Employee	am/pm Daily am/pm Daily	1,5 9,3 2,2 6,0	60:40 50:50 60:40 50:50
20	CONFERENCE CENTRE	1000	Delegate Available Seat	am/pm am/pm	0,8 0,7	100:00 100:00

Department of Transport. Trip Generation Rates, Second Edition, June 1995.

Clarification of Terms:

“Trip End”: this refers to a vehicle either leaving a site, or arriving to a site and constitutes one trip.

“Unit”: in terms of the units, according whichever one is used to determine the trip, they all should come out at about the same number. However, the unit that creates the highest

## 5: APPENDICES

trip generation should be used to decide whether a Traffic Impact Study or Statement is needed. However, if for example the number of employees cannot be determined as the proposed development is a new one, then obviously, the 100m is used.

Additionally, where there may be difficulty in using the above, a development with similar conditions should be used to establish whether a Study or Statement or neither is required.

**“Split”:** is the ratio of vehicles entering a property and leaving a property.

In order to show whether a Study or Statement is required, the following example is given

There is a proposed Low Income Residential Development of 90 dwellings. Thus, 90 dwellings multiplied by 0.5 = 45 peak hour trip ends. Therefore no Study or Statement is required. You will notice that there is a daily rate of 2.6, but remember that this is a daily rate and not a peak hour rate.

Another example using the 100m<sup>2</sup> is as follows: An industrial building is 9500m<sup>2</sup> and when divided by 100, gives 95. Therefore 95 multiplied 0.9 is 85.5 trips ends. Therefore a Traffic Impact Statement is needed.

Remember that discretion can be used when deciding whether a Study or Statement is required. For instance, a newly proposed development on a collector road where no other development exists will likely not cause much of a problem if there are 55 or 60 trip ends, and thus may not require statement. But where there is uncertainty, the matter should be referred to a Transportation/Traffic Engineer who will either confirm the need to have or not have some type of study or statement.

It must also be made known that the trip generation rates are a little out of date and are not likely to be updated soon. Therefore, where there is concern, the matter should be referred to a Transportation/Traffic Engineer at the developer/owners cost.

The above trip generation table should be examined with reference to the Manual being **Department of Transport, Trip Generation Rates, Second Edition, June 1995.**

### 5.2.9.3 Retail Uses in Industrial Zones

#### **POLICY OF THE TOWN AND REGIONAL PLANNING COMMISSION WITH REGARD TO ADMISSION OF RETAIL USES INTO INDUSTRIAL ZONES**

- (1) Certain categories of retail outlets should be admitted to industrial zones by consent and the remaining categories only by rezoning.
- (2) The categories of retail outlets which should be admitted to industrial zones by consent are as follows:
  - (a) Low order convenience goods and service shops catering for the immediate day-to-day needs of people working within the industrial area concerned; provided that the total floor area of any shop or contiguous set of shops (including a set of shops separated by a road or pedestrian route) should in no case exceed 300 m<sup>2</sup>.
  - (b) Shops which are incompatible with the vast majority of the types of shops normally found in commercial zones but which fit in well in industrial areas (e.g. builders' supplies dealers; firms dealing in wire, gates and fences; timber merchants; firms dealing in agricultural implements).
  - (c) Shops which deal largely with other firms normally located in industrial areas such as service stations, specialist industrial concerns in the motor trade (like panel beaters and auto



electrical specialists), builders and engineering firms (e.g. paint shops; firms dealing in engineering supplies; motor spares shops).

- (d) Shops which:
- (i) are situated on the same sites as the industrial activities concerned;
  - (ii) retail only products of the industrial concerns to which they relate or directly associated products;
  - (iii) have floor areas not exceeding 10 per cent of the total floor area of all buildings on the site or 150m<sup>2</sup> whichever is the lesser;

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

April 1978

### 5.2.9.4 Physically Difficult Residential Sites

#### **POLICY OF THE TOWN AND REGIONAL PLANNING COMMISSION WITH REGARD TO THE DEVELOPMENT OF PHYSICALLY DIFFICULT RESIDENTIAL SITES**

The development of land in the Special and Intermediate Residential zones, either by sub-division or for the Medium Density Housing purposes, as the case may be, shall be considered in the light of the following provisions:

- (1) **No subdivision of land should be permitted:**
- a) where 65% or more, of the area of the proposed sub-division is steeper than 1:3; and
  - b) where the land is in the opinion of the Municipality otherwise affected by virtue of soil instability, liability to flooding, inaccessibility or topography;
  - c) unless the Municipality is of the opinion that sufficient remaining area exists for development in terms of the zoning of the land, including the provision of adequate vehicular access on the proposed subdivision.
- (2) The calculation of the number of Medium Density Housing units which may be erected on a Medium Density Housing site, as well as the Coverage calculation shall be based on the net developable area of the site and shall be determined by deducting from the surveyed erf area:
- a) all areas of the site which are steeper than 1:3; and
  - b) all areas of the site which, in the opinion of the Municipality are otherwise undevelopable by virtue of any physical or topographical constraint such as soil instability, liability to flooding, inaccessibility or topography.

### 5.2.9.5 Retirement Villages

#### **POLICY OF THE TOWN AND REGIONAL PLANNING COMMISSION IN REGARD TO THE ESTABLISHMENT OF RETIREMENT VILLAGES IN KWAZULU-NATAL**

The Commission's policy package is contained in the report titled "Guidelines for the Establishment of Retirement Villages in Natal", dated June 1987. Whilst this report should be referred to for guidance, the following constitutes a summarized extract of the most important planning principles and policies contained in the package. **The numbering system utilised below corresponds to that in the text of the report.**

(1) Guiding Principles:

- 3.2 Viable living environments must be promoted, and these are best attainable in the larger urban centres.
- 3.3 Co-ordinated planning must be practiced and a range of land uses need to be provided in a balanced way.
- 3.4 The Retirement Village must be well integrated into the urban environment in terms of spatial proximity and accessibility.
- 3.5 The living environment must be compatible with the needs of the aged in terms of such factors as aesthetic quality, physical characteristics, and affordability.
- 3.6 The nature of provided land uses and services, layout and design, must be appropriate.
- 3.7 Management and administration of the village must be effective, and affordable to residents.

(2) Planning Policies

4.2 Regional

Needs can best be met in larger urban centres, and concentration of Retirement Villages and services in such centres is therefore desirable.

4.3 Urban

Location of the village must allow for effective access to facilities and services.

4.4 Site

4.4.1 Land Use

- A mix of housing types should be supplied to cater for a range of needs.
- Provision must be made for a Service Centre to encourage interaction between people.
- As a guide, Frail Care Facilities may be provided for 5% of the population, provided adequate support facilities such as a clinic, meals on wheels and 24 hour home help are provided.

4.4.2 Layout and Design

- The living environment must enhance a sense of community and belonging.
- Wherever reasonable, height should be restricted to 2 storeys.
- F.A.R and Coverage of 0,35 and 35% respectively are appropriate.
- Unit density should be related to unit size: 20/ha where size is larger than 75m<sup>2</sup>; 30/ha where size is less than 75m<sup>2</sup>.
- Design of roads and parking must be such as to minimize conflict between vehicular and pedestrian traffic.
- Parking should be on the basis of 1 carport/garage per 2.5 residents. An additional 1 space for 6 residents should be provided to cover the requirements of staff and visitors.

### 4.4.3 Size

- The suitable number of residents is between 125-250 in order to ensure viability of support facilities.
- A 2,5ha site is considered suitable for up to 250 residents, i.e.100 residents per ha.

### 4.4.4 Topography

- Topography of the site must lend itself to pedestrian mobility. Gradients of between 1:20 and 1:12 are adequate, but lesser gradients are preferable.

## 4.5 Management and Administration

4.5.1 Welfare managed schemes should be encouraged since they are subsidized and offer housing and services for lower income groups at affordable prices.

4.5.2 Where the private sector is involved, care must be taken to ensure that the necessary facilities are provided, and that the administration and maintenance functions are carried out effectively in a way that is affordable to the residents.

### APPENDIX 2B: PORT SHEPSTONE BEACHFRONT AREA ADDITIONAL CONTROLS

#### 1. ACTIVE OPEN SPACE (BEACHFRONT RECREATION) ZONE

- 1.1 Development is to be in accordance with the plans and text as given in the report entitled Port Shepstone Beachfront Development prepared by Hallen and Theron in 1989. Deviations from the plans may be allowed where the Council sees merit in a proposal. Any deviations/ amendments shall be clearly marked and supported by additional plans where necessary.
- 1.2 The height of all buildings and structures shall be restricted to 2 storeys.
- 1.3 Large Recreational Buildings and Places of Public Amusement such as a gymnasium or a discotheque to be encouraged to establish as ancillary uses in the adjacent Community Residential 1a zone.
- 1.4 The retention of open areas for passive recreation to remain a priority.
- 1.5 No buildings other than ablution facilities shall be allowed in the area demarcated for picnic purposes.

#### 2. RESIDENTIAL HIGH IMPACT 3 (a) ZONE

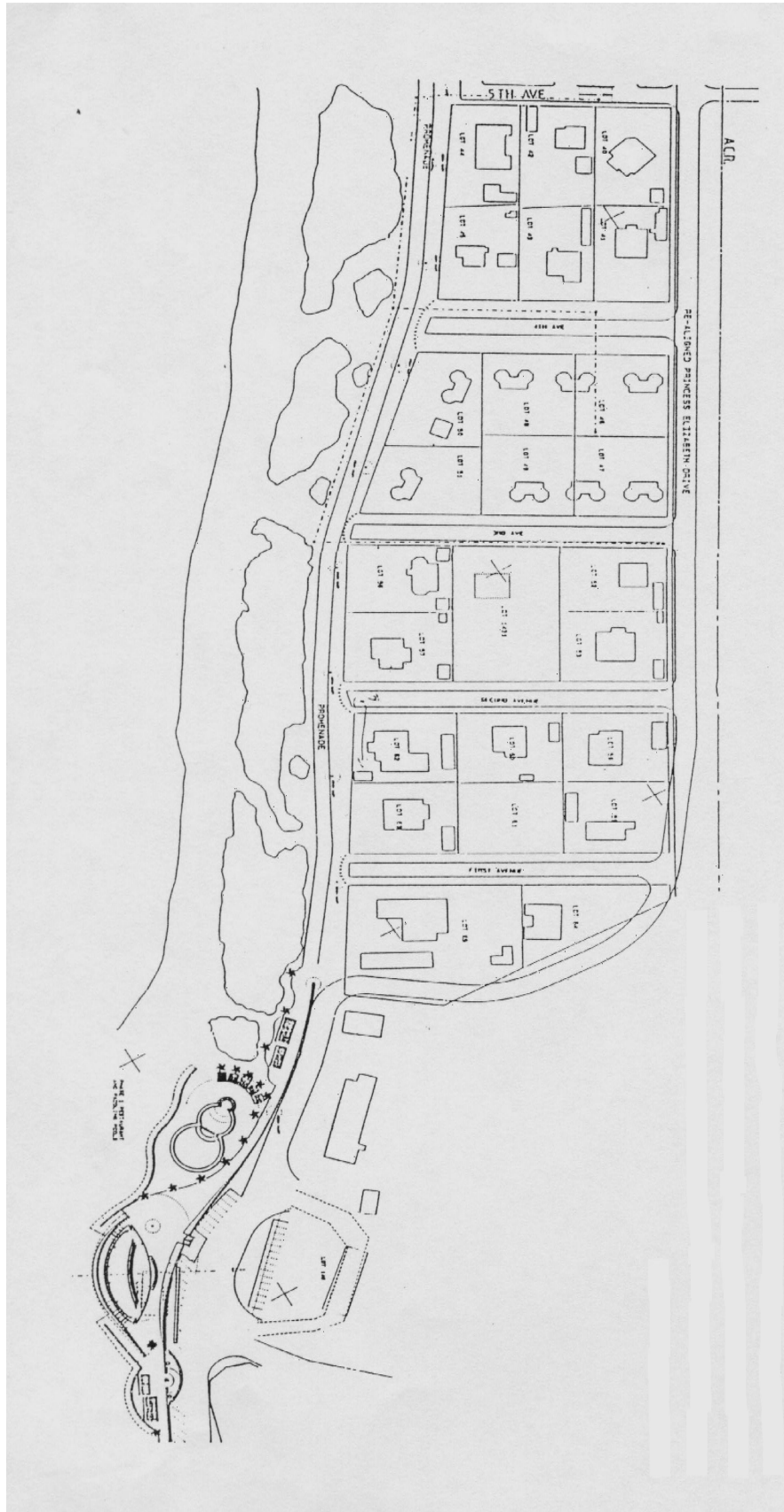
- 2.1 Reference must be made to the Port Shepstone Beachfront Development Report prepared by Hallen and Theron in 1989 particularly those criteria given for Zone 3 of this report are applicable.
- 2.2 The heights, forms of buildings, internal design of living rooms, pedestrian and vehicular movements must adhere to the criteria given. For ease of reference, these have been included as part of this Appendix.

#### ZONE 3:

The proposal is to relocate Princess Elizabeth Drive adjacent the railway line (either in the rail reserve or within the properties fronting the railway line), and to convert the existing roadway into a pedestrian promenade. First, Second, Third and Fourth Avenues are retained as cul-de-sacs served from their western ends. A link road just north of lot 65 connects the re-aligned Princess Elizabeth Drive with its present alignment adjacent the beach.

Other than the roadworks, promenade and access points to the beach no other new structures are envisaged for this zone, however the redevelopment of the privately held sites will impact on the development and it would be wise for the Borough Council to consider controlling development to ensure an integrated and harmonious development.

Figure 1 Port Shepstone Additional Controls



### 5.3 SCHEME MAPS

These are contained in a separate volume of Map sheets

**Scheme Map 1 : Hibberdene**

**Scheme Map 2 : Umzumbe, Melville and Pumula**

**Scheme Map 3 : Sunwich Port, Anerley, South Port and Sea Park**

**Scheme Map 4 : Umtentweni**

**Scheme Map 5 : Port Shepstone**

**Scheme Map 6 : Marburg, Port Shepstone, Merlewood, Bhoyibhoyi, Protea Park and White City**

**Scheme Map 7 : Shelly Beach**

**Scheme Map 8 : Uvongo**

**Scheme Map 9 : Margate**

**Scheme Map 10 : Ramsgate**

**Scheme Map 11 : Southbroom**

**Scheme Map 12 : Marina Beach, San Lameer and Trafalgar**

**Scheme Map 13 : Palm Beach and Glenmore North**

**Scheme Map 14 : Glenmore South and Leisure Bay**

**Scheme Map 15 : Port Edward and Banners Rest**

**Scheme Map 16 : Gamalake**