



KWAZULU-NATAL PROVINCE  
KWAZULU-NATAL PROVINSIE  
ISIFUNDAZWE SAKWAZULU-NATALI

**Provincial Gazette • Provinsiale Koerant • Igazethi Yesifundazwe**

**GAZETTE EXTRAORDINARY—BUITENGEWONE KOERANT—IGAZETHI EYISIPESHELI**

*(Registered at the post office as a newspaper) • (As 'n nuusblad by die poskantoor geregistreer)  
(Irejistiwee njengephephandaba eposihhovisi)*

**Vol. 8**

**PIETERMARITZBURG,**

16 OCTOBER 2014  
16 OKTOBER 2014  
16 kuMFUMFU 2014

**No. 1253**

**We all have the power to prevent AIDS**



**AIDS  
HELPLINE**

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DEPARTMENT OF HEALTH

**Prevention is the cure**

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**CONTENTS**

<i>No.</i>	<i>Page</i>
<b>PROVINCIAL NOTICE</b>	
216 Upgrading of Land Tenure Rights Act, 1991: Erven 2 to 401 Maphumulo, Maphumulo Village, Maphumulo Municipality.....	3

**INHOUD**

<i>No.</i>	<i>Bladsy</i>
<b>PROVINSIALE KENNISGEWING</b>	
216 Wet op Opgradering van Grondbesitregte, 1991: Erwe 2 tot 401 Maphumulo, Maphumulo Dorp, Maphumulo Munisipaliteit	16

*No.**Ikhasi***ISAZISO SESIFUNDAZWE**

216 UMthetho wokuPhuculwa kwamaLungelo oBunikazi boMhlaba, 1991: Isiza sesi-2 kuya kwesama-401 eMaphumulo, eMaphumulo Village, kuMasipala waKwaMaphumulo .....	9
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**PROVINCIAL NOTICE—PROVINSIALE KENNISGEWING—ISAZISO SESIFUNDAZWE**

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**No. 216****16 October 2014****DEPARTMENT OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS****UPGRADING OF LAND TENURE RIGHTS ACT, 1991: ERVEN 2 TO 401 MAPHUMULO, MAPHUMULO VILLAGE, MAPHUMULO MUNICIPALITY**

In terms of sections 12 and 15(1) of the Upgrading of Land Tenure Rights Act, 1991 (Act No. 112 of 1991), I declare erven 2 to 401 Maphumulo, Maphumulo Village, Maphumulo Municipality, situated on Erf 1 Maphumulo, a formalised township subject to the following conditions of land use –

- (a) the township must be laid out in accordance with Drawing No. 6041.01, dated July 2004; and
- (b) the conditions of land use contemplated in the Schedule shall apply to the township until a scheme is adopted for it in accordance with any law.

Provincial notice No. 106 of 2012, published in *Provincial Gazette* No. 816, dated 14 September 2012, and Provincial notice No. 3414 of 2005, published in *Provincial Gazette* No. 6451, dated 22 December 2005, are hereby withdrawn.

**MA DE LANGE**, Senior Manager: Development Administration

Date: 19 September 2014

File Reference: 2005/98

**SCHEDULE****CONDITIONS OF LAND USE FOR MAPHUMULO VILLAGE****Definitions**

1. In these conditions, unless the context indicates otherwise –

**"building"** means a structure with a roof that is permanently fixed to the land and includes a part of a building;

**"coverage"** means the area of a property covered by buildings measured over the external walls as seen vertically from above and expressed as a percentage of the area of the property;

**"existing building"** means a building that was lawfully erected before the date of this notice;

**"existing use"** means the continued use of land for a purpose that it was lawfully used for prior to the date of this notice;

**"frontage"** means the length of the boundary of an erf which is coincident with the boundary of an existing or proposed street;

**"property"** means a subdivision of land or a leasehold site that has been approved by the Surveyor General in terms of the Land Survey Act, 1997 (Act No. 8 of 1997), including an erf, a sectional title unit, a farm or a portion of a farm (including a lot or a remainder);

**"rear space"** means a line parallel to a boundary of an erf which does not meet a street boundary;

**"side space"** means a line parallel to a boundary of an erf that meets a street boundary;

"storey" means –

- (a) a room or rooms at ground level;
- (b) a room or rooms above another room or rooms;
- (c) an inhabitable room or rooms in a basement; and
- (d) every three metres of space between the finished floor and the ceiling of a room;

"street front space" means a line parallel to any boundary of an erf which is contiguous with a street, public right of way or road reservation;

"Use Zone" means an area of land that is subject to the conditions of land use contained in this Schedule.

### Interpretation of Use of Land and Buildings

2. In these conditions, unless the context indicates otherwise –

"agriculture" means the use of land for the keeping of game, animal husbandry, planting and harvesting of grain, vegetables, fruit, cotton and flowers;

"ancillary residential unit" means a second dwelling house that –

- (a) is not larger than 80m<sup>2</sup>;
- (b) is architecturally compatible in both style and finishing with the main dwelling house; and
- (c) may be attached to the main dwelling house;

"attached housing" means residences which –

- (a) are each occupied by a single household;
- (b) share at least one common wall, which is not fenced with another residence; and
- (c) have direct access from outside the building;

"caretaker's residence" means a building that is used by a caretaker of a property and the caretaker's household as a residence;

"communications tower" means a structure on which an antenna or dish is installed for the transmission, broadcasting or receiving of radio, television, radar or micro waves and similar types of devices;

"day care centre" means a building used for the care of children during the day time in the absence of their parents or guardians;

"dwelling house (single)" means a single freestanding building that is used by a single household as a residence;

"dwelling houses" means freestanding buildings on the same property that are each used by a single household as a residence;

"educational building" means a building used as a school, college, university, technical institute, academy, research laboratory, lecture hall, convent, monastery, gymnasium, public library, art gallery or a museum;

"funeral parlour" means a building or land used for the purpose of funeral management and includes a shop intended for public reception and for the sale and display of commodities associated with burials;

"hawking" means the sale of goods and services from a public place, primarily streets and pavements;

"**home activity**" means –

- (a) practising of an occupational activity in conjunction with a residence; or
- (b) running a shop in conjunction with a residence;

"**informal trading area**" means an area within which any small scale economic activity is permitted: Provided that each operator occupies a defined space. Provided further that, notwithstanding anything stated to the contrary in these clauses, no specific provision shall apply to such area, unless considered necessary and so specified by the municipality;

"**institution**" means a building used as a hospital, clinic, nursing home, sanatorium or home for the medical care of sick or injured persons or the care and accommodation of aged, mentally handicapped or physically handicapped persons or children in the care of a charitable institution;

"**office**" means a building used for business, clerical, professional and government administration services;

"**open space**" means land designed for use by the public for parks, play grounds, sport and recreation facilities and any building designed primarily for use in connection with these activities;

"**parking lot**" means a building or land that is dedicated for the purpose of the parking of vehicles;

"**pedestrian lane**" means land used by the public for the passage of pedestrians;

"**place of public assembly**" means a building or land used for social meetings, gatherings, religious purposes or indoor recreation;

"**place of public worship**" means a building or land used for a church, chapel, oratory, synagogue, mosque, temple or other place of public devotion;

"**play ground**" means land used for children's play, including equipment like swings, slides and jungle gyms;

"**private recreation area**" means a sport ground, playing field or other open space that is owned by a private person or an institution;

"**public recreation area**" means a sport ground, playing field or other open space that is owned by an organ of state;

"**recreational building**" means a building used in conjunction with a sport, including a club house, gymnasium, squash court and a pavilion;

"**restaurant**" means a building which is used for the preparation and consumption of food on premises;

"**road**" means land used by the public for the passage of vehicles and pedestrians;

"**service industry**" means a light industrial building catering primarily for the local customers and includes a builder's yard and allied trades, laundry, bakery, dairy depot, dry-cleaning and similar types of uses;

"**service station**" means a building used for the refuelling of motor vehicles which may include –

- (a) an office for the administration of the service station;
- (b) a car wash;
- (c) a work shop for minor repairs to motor vehicles; and
- (d) ablution facilities for customers;

"**shop**" means a building or land used for the sale of goods and provision of retail services like a hairdresser, internet café, laundrette, ticket agency, video-hire and work shop for the repair of household appliances, computers, cell phones and shoes;

"**sport field**" means land used for playing a game like football, rugby, cricket, hockey or basket ball;

"**tavern**" means a building licensed for the consumption of liquor on the premises and includes a pub or a bar;

"**telecommunication mast**" means a mast that is used to support an antenna that is used for the transmission and receipt of radio telecommunication signals;

## LAND USE

3.(1) The following land uses are permitted in each land use zone –

<b>RESIDENTIAL</b>	<i>LAND USE ZONE</i>	<i>PERMITTED USES</i>
	Residential: Single Dwelling House	Ancillary residential unit Day care centre Dwelling house (single) Home activity
	Residential: Cluster Housing	Attached housing Dwelling house (single) Dwelling houses
<b>MIXED USE</b>	<i>LAND USE ZONE</i>	<i>PERMITTED USES</i>
	Mixed use	Caretaker's residence Day care centre Educational building Institution Office Place of public assembly Place of public worship Private recreational area Recreational building Restaurant Shop Tavern

<b>EDUCATION, SOCIAL WELFARE AND COMMUNITY FACILITY</b>	<i>LAND USE ZONE</i>	<i>PERMITTED USES</i>
	Community Facility	Caretaker's residence Day care centre Educational building Institution Office Place of public assembly Place of public worship Private recreational area Recreational building
	Education	Caretaker's residence Day care centre Educational building Office Play ground Sport field
<b>EMERGENCY SERVICES, POLICE, DEFENCE AND CORRECTIONAL SERVICES</b>	<i>LAND USE ZONE</i>	<i>PERMITTED USES</i>
	Correctional Facility	Caretaker's residence Office Prison Sports field
<b>AGRICULTURE</b>	<i>LAND USE ZONE</i>	<i>PERMITTED USES</i>
	Agriculture	Agriculture Dwelling house
<b>CONSERVATION AND RECREATION</b>	<i>LAND USE ZONE</i>	<i>PERMITTED USES</i>
	Open Space	Agricultural land Conservation Play ground Sports field
	Park	Play ground Recreational building Sports field
<b>INFRASTRUCTURE</b>	<i>LAND USE ZONE</i>	<i>PERMITTED USES</i>
	Parking lot	Hawking Parking lot
	Pedestrian lane	Pedestrian lane
	Road	Road

(2) A telecommunication mast may be erected in any land use zone.

#### HOME ACTIVITY

4.(1) A home activity may not –

- (a) involve the parking of any vehicle with a tar mass exceeding 2 ton on the property or in the street;
- (b) exceed a floor area of 50m<sup>2</sup>;
- (c) produce a noise level exceeding 7 decibels above the ambient noise level, measured at any point on the property boundary; or
- (d) involve the sale of liquor or any alcoholic beverages.

(2) In the case of a motor vehicle repair shop, the maximum number of motor vehicles that are repaired at the same time may not exceed two motor vehicles.

(3) In the case of a play school, the home activity is limited to the accommodation and care of not more than 12 children, other than the children of the home owner

#### **PARKING**

5.(1) Two parking bays must be provided per 100m<sup>2</sup> of gross floor area in the Mixed Use zone for all land uses, except for a place of public assembly, place of public worship or restaurant.

(2) One parking bay must be provided for each four seats for a place of public assembly, place of public worship or a restaurant.

(3) A parking bay shall be a level area of 2,5m x 5m.

#### **COVERAGE, SPACES AROUND BUILDINGS AND MINIMUM ERF SIZE**

6. The following coverage, spaces around buildings and minimum erf size apply to each land use zone –

<b>Land Use Zone</b>	<b>Coverage (%)</b>	<b>Height (storeys)</b>	<b>Street Front Space (m)</b>	<b>Rear Space (m)</b>	<b>Side Space (m)</b>	<b>Minimum Erf Size (m<sup>2</sup>)</b>
Residential: Single Dwelling House	35%	2	5m	1.5m	2	300m <sup>2</sup>
Residential: Cluster Housing	50%	3	7m		3	1800m <sup>2</sup> (parent property)
Mixed Use	80%	2	0m	1m	2	500m <sup>2</sup>
Community Facility	80%	3	7m	4.5m	3	1000m <sup>2</sup>
Education	80%	3	7m	4.5m	3	1000m <sup>2</sup>
Agriculture	NA	NA	NA	NA	NA	1ha



No. 216

16 kuMfumu 2014

## UMNYANGO WEZOKUBUSA NGOKUBAMBISANA NEZOMDABU

**UMTHETHO WOKUPHUCULWA KWAMALUNGELO OBUNIKAZI BOMHLABA, 1991: ISIZA SESI-2 KUYA KWESAMA-401 EMAPHUMULO, EMAPHUMULO VILLAGE, KUMASIPALA WAKWAMAPHUMULO**

Ngokwezigaba 12 no 15(1) zoMthetho wokuPhuculwa kwamaLungelo oBunikazi boMhlaba, 1991 (uMthetho No. 112 ka 1991), ngimemezela isiza sesi-2 kuya kwesama-401 eMaphumulo, eMaphumulo Village, kuMasipala waKwaMaphumulo, njengelokishi elihlelekile kuncike kule mibandela yokusetshenziswa komhlaba elandelayo –

- (a) ukuma kwelokishi kumele kuhambisane noMdwebo No. 6041.01, wangenyanga kaNtulikazi 2004; futhi
- (b) imibandela yokusetshenziswa komhlaba ehlongozwe oHlelweni iyosebenza kuleli lokishi kuze kube kusungulwa uhlelo lwalo oluhambisana nanoma imuphi omunye umithetho.

Ngalokhu kuhoxiswa iSaziso sesiFundazwe No. 106 sika 2012, esashicilelwa *kwiGazethi* yesiFundazwe saKwaZulu-Natali No. 816, mhla ziyi-14 kuMandulo 2012, neSaziso sesiFundazwe No. 3414 sika 2005, esashicilelwa *kwiGazethi* yesiFundazwe saKwaZulu-Natali No. 6451, mhla zingama-22 kuZibandlela 2005.

**MA DE LANGE**, uMphathi woPhiko lokuPhathwa kweNtuthuko

Usuku: 19 uMandulo 2014

iNkomba yefayela: 2005/98

## UHLELO

## IMIBANDELA YOKUSETSHENZISWA KOMHLABA WAKWAMAPHUMULO VILLAGE

## Izincazelo

1. Kule mibandela, ngaphandle uma ingqikithi isho okwehlukile –

"**isakhiwo**" kushiwo isakhiwo esinophahla futhi esingenakususwa kulowo mhlaba esimi kuwo kubandakanya nezingxenye zaleso sakhiwo;

"**ububanzi**" kushiwo indawo edliwe yisakhiwo ikalwa ngengaphandle lezidonga uma zibhekwa ngaphezulu futhi bubalwa ngamaphesenti endawo yonke yesakhiwo;

"**isakhiwo esesivele sikhona**" kushiwo isakhiwo esakhiwe ngokusemthethweni ngaphambi kokukhishwa kwalesi saziso;

"**umhlaba ovele usetshenziselwa kona**" kushiwo ukusetshenziswa komhlaba okuqhubekayo ngenhloso yokuwusebenzisa ngokusemthethweni ngaphambi kokukhishwa kwalesi saziso;

"**ingaphambili**" kushiwo ubude bomngcele wesiza ongaphambili esizeni oncikene nomngcele womngwaqo okhona noma ohlongozwayo;

"**umhlaba**" kushiwo nanoma yisiphi isiqephu somhlaba esibhaliswe kuSaveya Jikelele, ngokoMthetho wokuSaveywa koMhlaba, 1997 (uMthetho No. 8 ka 1997), kubandakanya isiza, ipulazi noma ingxenye yepulazi (kubandakanya isiza noma insalela);

"**indawo engemuva**" kushiwo indawo eqondene nomngcele wesiza engahlangani nomngcele ongasemgwaqeni;

"**indawo eseceleni**" kushiwo indawo eqondene nomngcele wesiza ehlangana nomngcele ongasemgwaqeni;

"**isitezi**" kushiwo –

- (a) igumbi noma amagumbi asesitezi sokuqala sesakhiwo;
- (b) igumbi noma amagumbi akhiwe ngaphezu kwelinye igumbi noma kwamagumbi esakhiwo;
- (c) igumbi noma amagumbi okuhlalekayo kuwona akhiwe ngaphansi kwesakhiwo; kanye
- (d) nayo yonke indawo engamamitha ama-3 ephakathi kwephansi nophahla lwesakhiwo;

"**indawo ebheke emgwaqeni**" kushiwo indawo eqondene nomngcele wesiza nanoma yimuphi umngcele wesiza ongasemgwaqeni, indawo yokuhamba umphakathi noma indawo eshiyelwe ukwakha umgwaqo;

"**indawo esetshenziselwa okuthile**" kushiwo umhlaba ongasetshenziswa ngaphansi kwemigomo ethile yokusetshenziswa komhlaba equkethwe kulolu Hlelo.

#### **Ukukhunyushwa kokusetshenziswa komhlaba**

2. Kule mibandela, ngaphandle uma ingqikithi isho okwehlukile –

"**umhlaba wezolimo**" kushiwo ukusetshenziswa komhlaba ngenhloso yokugcina izilwane zokudlala imidlalo, izilwane ezisetshenziselwa ezolimo, yokutshala nokuvuna umbila, izitshalo, izithelo, ukotini kanye nezimbali;

"**indlu engaphandle kwendlu enkulu**" kushiwo indlu yokuhlala yesibili -

- (a) ubukhulu bayo obungeqile kuma-80m<sup>2</sup>;
- (b) enepulani efanayo neyendlu enkulu yokuhlala ngokuma nokwakheka; futhi
- (c) exhumene nendlu enkulu yokuhlala;

"**izindlu ezixhumene**" kushiwo izindawo zokuhlala –

- (a) ezisetshenziswa imindeni eminingi;
- (b) ezihlanganiswa okungenani udonga olulodwa, ezingabiyelwe; futhi
- (c) ezinendlela yokungenela ngqo esakhiweni;

"**indlu yokuhlala unogada**" kushiwo isakhiwo esisetshenziswa unogada oqaphe leyo ndawo kanye nendlu kanogada esetshenziswa njengendlu yokuhlala;

"**isakhiwo esinegumbi eliphezulu lezokuxhumana**" kushiwo isakhiwo esiqukethe ubuxhakaxhaka bezingcingo namaswishi noma esinendishi esisetshenziselwa ezokuxhumana, ezokusakaza noma ukuxhumana ngo-ova, ngomabonakude, ngemishini edonsa umsindo noma amagagasi ezomoya nokunye okufana nalokho;

"**inkulisa**" kushiwo isakhiwo esisetshenziselwa ukunakekela izingane ngezikhathi zasemini uma abazali nababheki bazo besemsebenzini;

"**Indlu yokuhlala (eyakhiwe yama yodwa)**" kushiwo isakhiwo esime sodwa esisetshenziswa umndeni owodwa njengendawo yokuhlala;

"**izindlu zokuhlala**" kushiwo izakhiwo ezakhiwe ndawonye ezisetshenziswa imindeni ehlukeni njengezindawo zokuhlala;

**"isakhiwo sokufundela"** kushiwo isakhiwo esisetshenziswa njengesikole, ikolishi, inyuvesi, isikhungo sezobuchwepheshe, isikhungo sokufunda, ilabhorethri yezocwaningo, ihholo lokufundela, isigodlo sezindela, isigodlo sofata, indawo yokuzivocavoca, umtapowolwazi womphakathi, indawo yemibukiso yobuciko noma isigcinamagugu;

**"indawo yabangcwabi"** kushiwo isakhiwo noma umhlaba osetshenziswa ngenhloso yokuphatha ezemingcwabo kubandakanya nesitolo okuhloswe ngaso ukwamukela umphakathi kanye nokudayisa nokukhangisa impahla ehambisana nokungcwaba;

**"ukudayisela eceleni komgwaqo"** kushiwo ukudayisela izimpahla kanye nokusebenza endaweni yomphakathi, emigwaqeni emincane kanye nasonqenqemeni lomgwaqo

**"ibhizinisi eliqhutshelwa ekhaya"** kushiwo —

- (a) ukusebenzela ekhaya endlini yokuhlala; noma
- (b) ukuqhuba ibhizinisi elixhumene nendlu yokuhlala;

**"indawo yokudayisela engahlelekile ngokuphelele"** kushiwo indawo yokuqhuba ibhizinisi elincane, kuncike ekutheni umuntu ngamunye odayisayo unendawo yakhe. Kuncike futhi ekutheni, ngale kokubalulwe kwezinye izigaba zomthetho, azikho izinhlinzeko eziyosetshenziswa kuleyo ndawo, ngaphandle uma kunesidingo futhi kusho uMasipala;

**"isikhungo"** kushiwo isakhiwo esisetshenziswa njengesibhedlela, umtholampilo, ikhaya labadala, indlu yokuphumula iziguli noma ikhaya lokunakekela abagulayo noma abalimele noma lokuhlala nokunakekela abadala, abagula ngengqondo noma abakhubazekile, noma izingane ezinakekelwa esikhungweni sabanakekela abangenabani;

**"ihhovisi"** kushiwo isakhiwo esisetshenziselwa ukuqhuba ibhizinisi, imisebenzi yongoti kanye namahhovisi kahulumeni;

**"indawo evulekile"** kushiwo umhlaba ohlelelwe ukusetshenziselwa ukwakhela umphakathi amapaki, indawo yokudlala, izindawo zokudlala nokungcebeleka nanoma yisiphi isakhiwo esihlelwe ukusetshenziselwa nezi zinto;

**"indawo yokupaka"** kushiwo isakhiwo noma umhlaba okuhloswe ukuba usetshenziselwe ukupaka izimoto;

**indlela yabahamba ngezinyawo"** kushiwo indawo esetshenziswa umphakathi njengendawo yabahamba ngezinyawo;

**"indawo yokuhlanganyela yomphakathi"** kushiwo isakhiwo noma indawo esetshenziselwa imihlangano yomphakathi, ukuhlanganyela, ezenkolo nezokungcebeleka;

**"indawo yokudumisa yomphakathi"** kushiwo isakhiwo noma indawo esetshenziswa njengesonto, indawo yokukhonza, isinagoge, ithempeli lamaSulumani, ithempeli noma enye indawo yokudumisa yomphakathi;

**"indawo yokudlala"** kushiwo umhlaba osetshenziselwa ukudlala izingane kubandakanya impahla enjengojwiji, imishushuluzo nezinto zokudlala ezakhiwe ngezindawo;

**"indawo yokungcebeleka ezimele"** kushiwo inkundla yezemidlalo, amabala okudlala noma enye indawo evulekile okungeyomuntu noma okungeyesikhungo esizimele;

**"indawo yokungcebeleka yomphakathi"** kushiwo inkundla yezemidlalo, amabala okudlala noma enye indawo evulekile elawulwa uhlaka lukahulumeni;

"**isakhiwo sezokungcebeleka**" kushiwo isakhiwo esisetshenziselwa izinto ezihlobene nezemidlalo, kubandakanya indawo yokuzijabulisa, indawo yokuzivocavoca, inkundla yebhola lomphebezo kanye nendawo yokuhlala izethameli;

"**indawo yokudla**" kushiwo isakhiwo esidayisa ukudla osekulungele ukudliwa neziphuzo ezidlelwa kuleso sakhiwo;

"**umgwaqo**" kushiwo indawo esetshenziswa umphakathi ehamba izimoto nabantu abahamba ngezinyawo;

"**indawo yokusebenzela**" kushiwo indawo eyisakhiwo esincane esisetshenziselwa umsebenzi wokudayisela amakhasimende asendaweni, futhi ibandakanya indawo yezimpahla zokwakha nezohwebo, ilondolo, ibhikawozi, indawo ekhiqiza imikhiqizo yobisi kanye nezinto ezicishe zifane nalezo;

"**igalaji lokuthela izimoto**" kushiwo isakhiwo esisetshenziswa njengegalaji lokuthela izimoto ezincane esibandakanya —

- (a) ihhovisi lezokuphatha elisegalaji lokuthela izimoto;
- (b) indawo yokuwasha izimoto;
- (c) indawo yokukhanda izinto ezincane emotweni; kanye
- (d) nezindlu zangasese zamakhasimende;

"**isitolo**" kushiwo isakhiwo noma indawo esetshenziselwa ukudayisa izimpahla nokuhlizeka ngemisebenzi ekhokhelwayo njengendawo yokuzicwala, ongasebenzisa kuyo ikhompuyutha, indawo yokuhlaza izingubo, indawo yokuthenga amathikithi, indawo yokuqasha amavidiyo nesakhiwo sokukhanda izinto zasendlini, amakhompuyutha, omakhalekhukhwini kanye nezicathulo;

"**inkundla yezemidlalo**" kushiwo umhlaba osetshenziselwa ukudlala imidlalo enjengebhola likanobhutshuzwayo, ibhola lombhoxo, ikhilikithi, ihokhi noma ibhola lomnqakiswa;

"**ithaveni**" kushiwo isakhiwo esinelayisensi yokudayisela utshwala kuleyo ndawo futhi ibandakanya iphabhu noma ibha;

"**umbhoshongo wezokuxhumana**" kushiwo umbhoshongo oqukethe ubuxhakaxhaka bezintambo zokuxhumana ngezomoya.

## UKUSETSHENZISWA KOMHLABA

2. Lokhu kusetshenziswa komhlaba okulandelayo ikhona okuvumelekile kulezi zindawo eziklanywe –

<b>INDAWO YOKUHLALA</b>	<b>ONGASETSHENZISELWA KHONA</b>	<b>OKUVUMELEKILE</b>
	Indawo yokuhlala: Indlu yokuhlala eyakhiwe yama yodwa	Indlu engaphandle kwendlu enkulu Inkulisa Indlu yokuhlala eyakhiwe yama yodwa Ibhizinisi eliqhutshelwa ekhaya
	Indawo yokuhlala: Izindlu eziningi	Izindlu ezixhumene Indlu yokuhlala (eyakhiwe yama yodwa) Indlu yokuhlala
<b>UKUSETSHENZISWA OKUXUBILE</b>	<b>ONGASETSHENZISELWA KHONA</b>	<b>OKUVUMELEKILE</b>
	Ukusetshenziswa okuxubile	Indlu kanogada Inkulisa Isakhiwo sokufundela Isikhungo Ihhovisi Indawo yokuhlanganyela yomphakathi Indawo yokudumisa yomphakathi Isitolo sokudlela Isitolo Ithaveni
<b>INDAWO YEZEMFUNDO, YEZENHLALAKAHLE KANYE NENDAWO YOMPHAKATHI</b>	<b>ONGASETSHENZISELWA KHONA</b>	<b>OKUVUMELEKILE</b>
	Indawo yoMphakathi	Indlu kanogada Inkulisa Isakhiwo sokufundela Isikhungo Ihhovisi Indawo yokuhlanganyela yomphakathi Indawo yokudumisa yomphakathi Isakhiwo sezokungcebeleka
	Ezemfundo	Indlu kanogada Inkulisa Isakhiwo sokufunda Ihhovisi Indawo yokudlala

		Inkundla yezemidlalo
<b>IMISEBENZI YEZIMO EZIPHUTHUMAYO, AMAPHOYISA, EZOKUVIKELA KANYE NEZOKUHLUNYELELISWA KWEZIMILO</b>	<i>ONGASETSHENZISELWA KHONA</i>	<i>OKUVUMELEKILE</i>
	Indawo yokuhlunyeleliswa kwezimilo	Indlu kanogada Ihhovisi Ijele Inkundla yezemidlalo
<b>EZOLIMO</b>	<i>ONGASETSHENZISELWA KHONA</i>	<i>OKUVUMELEKILE</i>
	Ezolimo	Ezolimo Indlu yokuhlala
	<i>ONGASETSHENZISELWA KHONA</i>	<i>OKUVUMELEKILE</i>
	Indawo evulekile	Umlaba wezolimo Ezokongiwa Indawo yokudlala Inkundla yezemidlalo
	Ipaki	Indawo yokudlala Isakhiwo sezokungcebeleka Inkundla yezemidlalo
<b>INGQALASIZINDA</b>	<i>ONGASETSHENZISELWA KHONA</i>	<i>OKUVUMELEKILE</i>
	Indawo yokupaka	Ukudayisela eceleni komgwaqo Indawo yokupaka
	Indawo yabahamba ngezinyawo	Indawo yabahamba ngezinyawo
	Umgwaqo	Umgwaqo

(2) Umbhoshongo wezokuxhumana ungafakwa kunanoma yimuphi umhlaba osetshenziswayo.

#### **IBHIZINISI ELIQHUTSHELWA EKHAYA**

4.(1) Ibhizinisi eliqhutshelwa ekhaya angeke –

- libandakanye ukupakwa kwanoma yiphi imoto enesisindo somthwalo esingaphezulu kwamathani ama-2 kulowo mhlaba noma emgwaqeni;
- ibe ngaphezulu kwendawo eyiphansi engama-50m<sup>2</sup>
- idale umsindo ongaphezu kwama-7db ngaphezu komsindo ovumelekile, kukalwa kusukwa kunoma iyiphi indawo yomngcele; noma
- kubandakanye ukudayiswa kotshwala noma uphuzo oludakayo.

#### **IZINDAWO ZOKUPAKA**

5.(1) Kumele kuhlizekwe izindawo ezimbili zokupaka endaweni engama-100m<sup>2</sup> eyabelwe ukusetshenziselwa izinto ezinhlobonhlobo, ngaphandle kwendawo yokuhlanganyela umphakathi, kwendawo yokudumisa nendawo yokudlela.

(2) Kumele kuhlinzekwe indawo yokupaka eyodwa ezihlalweni ngazinye endaweni yokuhlanganyela umphakathi, endaweni yokudumisa yomphakathi noma endaweni yokudlela.

(3) Indawo yokupaka kumele ibe yindawo engama-2,5m x 5m.

#### UBUBANZI, IZINDAWO EZIZUNGEZE ISAKHIWO

6. Lobu bubanzi, izindawo ezizungeze isakhiwo kanye nobungako besiza obulandelayo busebenza kukho konke okusetshenziswayo emhlabeni ngamunye -

setshenziselwa khona	Ububanzi	Isibalo sezitezi	Indawo engashiywa othangweni olungaphambili ngasemgwaqeni	Amamitha angashiywa endawo engemuva	Amamitha angashiywa endawo esemaceleni	Ubungako besiza
Indawo yokuhlala: Indlu yokuhlala ezimele yodwa	35%	2	5m	1.5m	2	300m <sup>2</sup>
Indawo yokuhlala: Izindlu eziningi	50%	3	7m		3	1800m <sup>2</sup> (indawo yokuhlala abazali)
UkuSetshenziswa okuXubile	80%	2	0m	1m	2	500m <sup>2</sup>
Indawo yoMphakathi	80%	3	7m	4.5m	3	1000 m <sup>2</sup>
Ezemfundo	80%	3	7m	4.5m	3	1000 m <sup>2</sup>
Ezolimo	Akukho	Akukho	Akukho	Akukho	Akukho	Ihektha eli-1

No. 216

16 Oktober 2014

## DEPARTEMENT VAN SAMEWERKENDE REGERING EN TRADISIONELE SAKE

**WET OP DIE OPGRADERING VAN GRONDBESITREGTE, 1991: ERWE 2 TOT 401 MAPHUMULO, MAPHUMULO DORP, MAPHUMULO MUNISIPALITEIT**

Ingevolge artikels 12 en 15(1) van die Wet op die Opgradering van Grondbesitregte, 1991 (Wet No. 112 van 1991), verklaar ek erwe 2 tot 401 Maphumulo, Maphumulo Dorp, geleë op Erf 1 Maphumulo, Maphumulo Munisipaliteit, as 'n geformaliseerde dorp onderhewig aan die volgende grondgebruiksvoorwaardes –

- (a) die dorp moet uitgelê word in ooreenstemming met Tekening No. 6041.01, gedateer Julie 2004; en
- (b) die grondgebruiksvoorwaardes bedoel in die Bylae sal van toepassing wees op die dorp totdat 'n skema daarvoor aangeneem is in ooreenstemming met enige wet.

Provinsiale kennisgewing No. 106 van 2012, gepubliseer in die KwaZulu-Natal *Provinsiale Koerant* No. 816, gedateer 14 September, 2012, en Provinsiale kennisgewing No. 3414 van 2005, gepubliseer in die KwaZulu-Natal *Provinsiale Koerant* No. 6451, gedateer 22 Desember 2005, word hiermee herroep.

**MA DE LANGE**, Senior Bestuurder: Ontwikkelingsadministrasie

Datum: 19 September 2014

Lêerverwysing: 2005/98

## BYLAE

## GRONDGEBRUIKSVOORWAARDES VIR MAPHUMULO DORP

**Omskywings**

1. In hierdie voorwaardes, tensy uit die samehang anders blyk te wees, beteken –

“**agterspasie**” 'n lyn parallel met 'n grens van 'n erf wat nie 'n straatgrens raak nie;

“**bestaande gebou**” 'n gebou wat wettiglik opgerig is voor die datum van hierdie kennisgewing;

“**bestaande gebruik**” die voortgesette gebruik van grond vir 'n doel waarvoor dit wettiglik gebruik was voor die datum van hierdie kennisgewing;

“**dekking**” die eiendomsgebied gedek deur geboue wat gemeet is oor die eksterne mure soos vertikaal van bo af gesien en uitgedruk as 'n persentasie van die eiendomsgebiedgebied;

“**eiendom**” 'n onderverdeling van grond of 'n huurperseel wat deur die Landmeter-Generaal goedgekeur is ingevolge die Opmetingswet, 1997 (Wet No. 8 van 1997), insluitend 'n erf, 'n deeltiteleenheid, 'n plaas of 'n gedeelte van 'n plaas (insluitend 'n perseel of 'n restant);

“**gebou**” 'n struktuur met 'n dak wat permanent aan die grond geheg is, insluitend 'n gedeelte van 'n gebou;

“**Gebruiksone**” 'n grondgebied wat onderhewig is aan die grondgebruiksvoorwaardes vervat in hierdie Bylae;

“**straatvoorspasie**” 'n lyn parallel met enige grenslyn van 'n erf wat aangrensend is tot 'n straat, publieke reg van weg of pad-reservering;



**“syspasia”** 'n lyn parallel met die grens van die erf wat aan die straatgrens raak;

**“verdieping”** –

- (a) 'n kamer of kamers op grondvlak;
- (b) 'n kamer of kamers bo 'n ander kamer of ander kamers;
- (c) 'n bewoonbare kamer of kamers in 'n kelder; en
- (d) elke drie meter van spasia tussen die voltooide vloer en die plafon van 'n kamer; en

**“voorkant”** die lengte van die grenslyn van 'n erf wat saamval met die grenslyn van 'n bestaande of voorgenome straat.

## Interpretasie van Gebruik van Grond en Geboue

2. In hierdie voorwaardes, tensy uit die samehang anders blyk, beteken –

**“aangehegte behuising”** wonings wat –

- (a) elk bewoon word deur 'n enkel-huishouding;
- (b) ten minste een gemeenskaplike muur deel, wat nie tesame met 'n ander woning omhein is nie; en
- (c) direkte buite-toegang tot die gebou het;

**“begravnisonderneming”** 'n gebou of grond wat gebruik word vir die doel van bestuur van begrafnisse, insluitend 'n winkel wat bedoel is vir ontvangs van die publiek en die verkoop en vertoon van verbruikersgoedere wat met begrafnisse verband hou;

**“bykomstige residensiële eenheid”** 'n tweede woonhuis wat –

- (a) nie groter as 80m<sup>2</sup> is nie;
- (b) argitektonies versoenbaar is met die hoofwoonhuis, beide in styl en afwerking; en
- (c) tot die hoofwoonhuis aangeheg mag word;

**“dagsorgsentrum”** 'n gebou wat gebruik word vir die versorging van kinders gedurende die dag in die afwesigheid van hul ouers of voogde;

**“diensbedryf”** 'n ligte nywerheidsgebou wat hoofsaaklik dienste verskaf aan plaaslike klante, insluitend 'n bouerswerf en verwante bedrywe, wassery, bakkerie, suiwel-depot, droogskoonmaker en soortgelyke gebruike;

**“diensstasie”** 'n gebou wat gebruik word vir die voorsiening van brandstof vir motorvoertuie wat mag insluit –

- (a) 'n kantoor vir die administrasie van die diensstasie;
- (b) 'n karwassery;
- (c) 'n werkwinkel vir geringe herstelwerk aan motorvoertuie, en
- (d) ablusiefasiliteite vir klante;

**“informele handeldryfgebied”** 'n gebied waarbinne enige kleinskaalse ekonomiese aktiwiteit toegelaat word: Met dien verstande dat elke ondernemer 'n gespesifiseerde ruimte okkupeer. Met dien verstande verder dat, ondanks enigiets tot die teendeel verklaar in hierdie klousules, geen spesifieke bepaling van toepassing is op welke gebied nie, tensy dit nodig geag word en so deur die munisipaliteit gespesifiseer word;

**“instelling”** 'n gebou gebruik as hospitaal, kliniek, verpleeginrigting, sanatorium of tehuis vir die mediese versorging van siek of beseerde persone, of die versorging en akkommodasie van bejaardes, geestesgestremde, of fisies gestremde, persone, of kinders in die sorg van 'n liefdadigheidsinstansie;

"**kantien**" 'n gebou gelisenseer vir die verbruik van drank op die perseel, ingesluit 'n drinkplek of 'n kroeg;

"**kantoor**" 'n gebou gebruik vir besigheids-, klerikale-, professionele- en staatsadministrasiedienste;

"**kommunikasietoring**" 'n struktuur waarop 'n antenna of skottel geïnstalleer is vir die transmissie, uitsaai of ontvangs van radio, televisie, radar of mikrogolwe, en soortgelyke toestelipes;

"**landbou**" die grondgebruik vir die aanhou van wild, veeteelt, plant en oes van graan, groente, vrugte, katoen en blomme;

"**ontspanningsgebou**" 'n gebou aangewend tesame met 'n sport, ingesluit 'n klubhuis, gimnasium, muurbalbaan en pawiljoen;

"**oop spasio**" grond toegewys vir gebruik deur die publiek vir parke, speelgronde, sport- en ontspanningsgeriewe en enige gebou wat hoofsaaklik ontwerp is vir gebruik wat verband hou met hierdie aktiwiteite;

"**openbare ontspanningsgebied**" 'n sportgrond, speelveld of enige ander oop spasio waarvan 'n staatsorgaan die eienaar is;

"**opsigterswoning**" 'n gebou wat gebruik word deur 'n opsigter van 'n eiendom en die opsigter se huishouding as 'n woning;

"**opvoedkundige gebou**" 'n gebou gebruik as 'n skool, kollege, universiteit, tegniese instituut, akademie, navorsingslaboratorium, lesingsaal, klooster, monnike klooster, gimnasium, openbare biblioteek, kunsgallery of museum;

"**pad**" grond gebruik deur die publiek vir die deurgang van voertuie en voetgangers;

"**parkeerarea**" gebou of grond wat toegewys is vir die doel van parkering van motorvoertuie;

"**plek van openbare aanbidding**" 'n gebou of grond gebruik vir 'n kerk, kapel, gebedskamer, sinagoge, moskee, tempel of enige ander plek van openbare toewyding;

"**plek van openbare samekoms**" 'n gebou of grond gebruik vir sosiale vergaderings, byeenkomste, godsdiensdoeleindes of binnenshuise ontspanning;

"**privaatontspanningsgebied**" 'n sportgrond, speelveld of enige ander oop spasio waarvan 'n privaat persoon of 'n instelling die eienaar is;

"**restaurant**" 'n gebou gebruik vir die voorbereiding en verbruik van kos en drinkgoed vir verbruik op die perseel;

"**smousery**" die verkoop van goedere en dienste vanaf 'n openbare plek, hoofsaaklik strate en sypaadjies;

"**sportveld**" grond wat gebruik word vir die speel van 'n spel soos sokker, rugby, krieket, hokkie of basketbal;

"**telekommunikasiemas**" 'n mas wat gebruik word om 'n antenna te ondersteun wat gebruik word vir die transmissie en ontvangs van radio-telekommunikasie seine;

"**tuisaktiwiteit**" –

- (a) die beoefening van 'n beroepsaktiwiteit aanvoegend tot 'n woning; of  
 (b) die bedryf van 'n winkel aanvoegend tot 'n woning;

"voetgangerslaan" grond gebruik deur die publiek vir die deurgang van voetgangers; en

"winkel" 'n gebou of grond wat gebruik word vir die verkoop van goedere en die verskaffing van kleinhandeldienste soos 'n haarkapper, internetkafee, selfhelpwassery, kaartjie-agentskap, video-huur en 'n werkswinkel vir die herstel van huishoudelike toestelle, rekenaars, selfone en skoene.

"woonhuise" vrystaande geboue op dieselfde eiendom wat elk gebruik word as 'n woning deur 'n enkel-huishouding;

"woonhuis (enkel)" 'n enkel vrystaande gebou wat deur 'n enkel-huishouding gebruik word as 'n woning;

### GRONDGEBRUIK

3. (1) Die volgende grondgebruike word toegelaat in elke grondgebruiksone –

RESIDENSIEËL	GRONDGEBRUIKSONE	TOEGELATE GEBRUIKE
	Residensieel: Enkel-woonhuis	Bykomstige residensiële eenheid Dagsorgsentrum Woonhuis (enkel) Tuisaktiwiteit
	Residensieel: Klusterbehuising	Aangehegte behuising Woonhuis (enkel) Woonhuise
GEMENGDE GEBRUIK	GRONDGEBRUIKSONE	TOEGELATE GEBRUIKE
	Gemengde gebruik	Opsigterswoning Dagsorgsentrum Opvoedkundige gebou Instelling Kantoor Plek van openbare samekoms Plek van openbare aanbidding Privaat-ontspanningsgebied Onstpanningsgebou Restourant Winkel Kantien

<b>ONDERWYS-, SOSIALE WELSYN- EN GEMEENSKAPSFASILITEIT</b>	<i>GRONDGEBRUIKSONE</i>	<i>TOEGELATE GEBRUIKE</i>
	Gemeenskapsfasiliteit	Opsigterswoning Dagsorgsentrum Opvoedkundige gebou Instelling Kantoor Plek van openbare samekoms Plek van openbare aanbidding Privaat-ontspanningsgebied Ontspanningsgebou
	Opvoeding	Opsigterswoning Dagsorgsentrum Opvoedkundige gebou Kantoor Speelgrond Sportveld
<b>NOODDIENSTE, POLISIE-, WEERMAG- EN KORREKTIEWE DIENSTE</b>	<i>GRONDGEBRUIKSONE</i>	<i>TOEGELATE GEBRUIKE</i>
	Korrektiewe Fasiliteit	Opsigterswoning Kantoor Gevangenis Sportveld
<b>LANDBOU</b>	<i>GRONDGEBRUIKSONE</i>	<i>TOEGELATE GEBRUIKE</i>
	Landbou	Landbou Woonhuis
<b>BEWARING EN ONTSPANNING</b>	<i>GRONDGEBRUIKSONE</i>	<i>TOEGELATE GEBRUIKE</i>
	Oop Spasie	Landbougrond Bewaring Speelgrond Sportveld
	Park	Speelgrond Ontspanningsgebou Sportveld
<b>INFRASTRUKTUUR</b>	<i>GRONDGEBRUIKSONE</i>	<i>TOEGELATE GEBRUIKE</i>
	Parkeerarea	Smousery Parkeerarea
	Voetgangerslaan	Voetgangerslaan
	Pad	Pad

(2) 'n Telekommunikasiemas mag in enige grondgebruiksone opgerig word.

#### TUISAKTIWITEIT

4.(1) 'n Tuisaktiwiteit mag nie –

- (a) die parkering van 'n voertuig, met 'n tarra wat 2 ton oorskry, op die eiendom of in die straat behels nie;
- (b) 'n vloeroppervlakte van 50m<sup>2</sup> oorskry nie;

- (c) 'n geraasvlak van meer as 7 desibels bo die omringende geraasvlak, gemeet op enige punt van die eiendomsgrens, veroorsaak nie;
- (d) die verkoop van drank of enige alkoholiese drankies behels nie.

(2) In die geval van 'n motorvoertuigherstelwinkel mag die maksimum getal motorvoertuie wat op dieselfde tyd herstel word nie meer as twee motorvoertuie oorskry nie.

(3) In die geval van 'n speelskool is die tuisaktiwiteit beperk tot die akkommodasie en versorging van nie meer as 12 kinders nie, uitgesluit die kinders van die huiseienaar.

#### PARKERING

5.(1) Twee parkeerplekke per 100m<sup>2</sup> van die totale vloeroppervlakte moet voorsien word in die Gemengde Gebruiksone vir alle grondgebruike, met die uitsondering van 'n plek van openbare samekoms, plek van openbare aanbidding of restaurant.

(2) Een parkeerplek moet voorsien word vir elke vier sitplekke vir 'n plek van openbare samekoms, plek van openbare aanbidding of 'n restaurant.

(3) 'n Parkeerplek sal 'n gelyke vlak van 2,5m x 5m wees.

#### DEKKING, SPASIES RONDOM GEBOU EN MINIMUM ERFGROOTTE

6. Die volgende dekking, spasies rondom geboue en minimum erf grootte is van toepassing op elke grondgebruiksone –

Grondgebruiksone	Dekking (%)	Hoogte (verdiepings)	Straatvoor-spasie (m)	Agterspasie (m)	Sypasie (m)	Minimum Erfgrootte (m <sup>2</sup> )
Residensieel: Enkel-woonhuis	35%	2	5m	1.5m	2	300m <sup>2</sup>
Residensieel: Kluster-behuising	50%	3	7m		3	1800m <sup>2</sup> (hoof eiendom)
Gemengde Gebruik	80%	2	0m	1m	2	500m <sup>2</sup>
Gemeenskapsfasiliteit	80%	3	7m	4.5m	3	1000m <sup>2</sup>
Opvoeding	80%	3	7m	4.5m	3	1000m <sup>2</sup>
Landbou	NVT	NVT	NVT	NVT	NVT	1ha





