



## **MSUNDUZI MUNICIPALITY**

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# **MSUNDUZI SINGLE LAND USE SCHEME**

## **DRAFT SINGLE LAND USE SCHEME**

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Prepared by:



**MSUNDUZI MUNICIPALITY**  
**MSUNDUZI SINGLE LAND USE SCHEME**

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**1. SECTION 1: INTRODUCTION**

**1.1 TITLE**

1.1.1 This Scheme shall be known as the Msunduzi **Single** Land Use Scheme and shall be referred to hereinafter, as the "Scheme".

**Commented [ZM1]:** New addition

1.1.2 The Scheme has been prepared in terms of Chapter 5 of the Spatial Planning and Land Use Management Act, 2013 (No. 16 of 2013) as amended, read in conjunction with Chapter 3 of the Msunduzi Municipality Spatial Planning and Land Use Management By-law.

**1.2 APPLICATION OF SCHEME**

1.2.1 The scheme applies to all the areas within the jurisdiction of the Msunduzi Municipality as reflected in the associated Scheme map (**MSU/SLUS/01/21**).

**Commented [ZM2]:** Amended map reference

**1.3 APPLICATION OF LAWS**

1.3.1 The Scheme has been adopted by the Municipality in terms of **Section 11** of the Msunduzi Municipality Spatial Planning and Land Use Management By-law.

**Commented [ZM3]:** amended from Section 43 as per 2016 By-Law to Section 11 as per 2020 Bylaw

1.3.2 The Scheme must give effect to and be consistent with the municipal Integrated Development Plan and Spatial Development Framework and determine the use and development of land within the municipal area in order to promote: -  
(a) Economic growth;  
(b) Social inclusion;  
(c) Efficient land development; and  
(d) Minimal impact on public health, the environment, and natural resources.

1.3.3 The Scheme is binding on the Municipality, and all other persons and organs of state in terms of the Msunduzi Municipality Spatial Planning and Land Use Management By-Law.

1.3.4 The provisions of the Integrated Development Plan will prevail over the provisions of a scheme, in the event of a conflict with the provisions of an integrated plan that was adopted prior to the scheme or amendment to the scheme.

1.3.5 This Scheme replaces all existing schemes within the municipal area to which the scheme applies and any subsequent scheme reviews.

1.3.6 Activities for which an application for municipal planning approval is required in terms of the provisions of Section **45** of the Msunduzi Municipality Spatial Planning

**Commented [ZM4]:** amended from Section 46 as per the 2016 Bylaw to Section 45 as per the 2020 Bylaw

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and Land Use Management By-Law, an application for municipal planning approval is required for:

- a) the adoption of a land use scheme;
- b) the amendment of a land use scheme;
- c) the review of a land use scheme
- d) the reservation, zoning or rezoning of land;
- e) a Municipality's consent in terms of a land use scheme;
- f) the repeal of a land use scheme;
- g) the development of land that is situated outside the area of a land use scheme,
- h) the extension or replacement of a non-residential building on land that is situated outside the area of a land use scheme, notwithstanding that municipal planning approval was not required at the time that the use of the original building for that purpose commenced;
- i) the subdivision of a land;
- j) the consolidation of land;
- k) the extension of a sectional title scheme by the addition of land to common property in terms of section 26 of the Sectional Titles Act which is must be regarded as the consolidation of land for the purposes of this By-law;
- l) the notarial tying of adjacent land;
- m) The establishment of a township or the extension of the boundaries of a township;
- n) (he permanent closure of a municipal road or a public place;
- o) the removal, amendment or suspension of a restrictive condition of title or a servitude;
- p) an amendment to a Municipal Planning Approval Authority's Record of Decision to correct an error in the wording of the decision, correct a spelling error, update a property description, or update a reference to a law, person, institution, place name or street name;
- q) an amendment to the land use scheme to correct a spelling error, update a property description, update a reference to a law, person, institution, place name or street name or correct an error that occurred when rights were recorded in the land use scheme;
- r) a non-material amendment to a decision on an application for municipal planning approval;
- s) a material change to a Municipality's decision on an application for municipal planning approval;
- t) the cancellation of a Municipality's decision on an application for municipal planning approval, except a decision to adopt or amend a land use scheme; and
- u) Application for a dwelling on land demarcated for the settlement in an unstructured manner by a traditional community.
- v) Temporary departure from the land use scheme.
- w) Amendment, phasing or cancellation of subdivision plan;
- x) Amendment or cancellation in whole or in part of a general plan of a township.

**Commented [ZM5]:** Amended as per 2020 By-law schedule of applications

- 1.3.7 Any By-Law or Regulation made by the Municipality in terms of powers lawfully conferred upon it, which is in conflict with any of the provisions of the Land Use Scheme, shall in so far as such conflict is concerned, be of no effect.

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- 1.3.8 Any consent, permission or approval granted in terms of the provisions of a Land Use Scheme in force for the erection or use of buildings or for the use of land, or any rights legally exercised in terms of such town planning scheme approved in terms of the Town Planning Ordinance, shall be deemed to be a consent, permission or approval in terms of the provisions of this "Scheme".
- 1.3.8.1 Provided that any such consent, permission or approval shall continue to be of force subject to the provisions of Msunduzi Municipality Spatial Planning and Land Use Management By-Law to the extent that the same may be in conflict with this "Scheme".
- 1.3.9 Where any application is on the date of commencement of this "Scheme" pending before the Municipality, in terms of a "Scheme" substituted by this "Scheme", it shall be dealt with as if this "Scheme" has not been promulgated and be finalised accordingly.
- 1.3.10 Save that alterations or additions to existing buildings shall be carried out in compliance with the provisions of this "Scheme", existing buildings shall not be affected by the provisions of this "Scheme". For the purposes of this clause, should a building in the opinion of the "Municipality" be substantially altered, such buildings shall be subject to the provisions of this "Scheme".
- 1.3.11 Should an existing building be built across Erf boundaries, any changes to that building shall require that a consolidation first be approved and registered prior to the approval of any alterations or additions to the building(s).
- 1.4 EFFECTIVE DATE**
- 1.4.1 The effective date is the date on which the Municipality adopts the Land Use Scheme by means of a Council resolution. The Adoption of the scheme shall be in terms of Chapter 3 of the Msunduzi Municipality Spatial Planning and Land Use Management By-Law.
- 1.5 ADOPTION DATE**
- 1.5.1 The adoption date is the date on which the Municipality adopts the provisions of this Scheme or any amendments thereto in terms of the provisions of Chapter 3 of the Msunduzi Municipality Spatial Planning and Land Use Management By-Law.
- 1.6 PLANNING AUTHORITY**
- 1.6.1 The Msunduzi Local Municipality, hereinafter referred to as the "Municipality", shall be the authority responsible for implementing, amending, reviewing, and enforcing the provisions of this Scheme.

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## 1.7 SCHEME MAP

The Land Use Scheme Map shall comprise of the maps indicated in the following table:

Description	Map Reference	Date
Msunduzi Single Land Use Scheme	MSU/SLUS/01/21	July 2021
Pietermaritzburg	MSU/SLUS/02/21/PMB	July 2021
Greater Edendale	MSU/SLUS/02/21/ GE	July 2021
Sobantu	MSU/SLUS/04/21/S	July 2021
Ashburton	MSU/SLUS/05/21/A	July 2021
Sweetwaters	MSU/SLUS/06/21/SW	July 2021
Vulindlela	MSU/SLUS/07/21/V	July 2021
Ward 39	MSU/SLUS/08/21/W39	July 2021
Copesville	MSU/SLUS/09/21/COP	July 2021
Farm Portions	MSU/SLUS/010/21/FP	July 2021

**Commented [ZM6]:** Scheme Map will follow in due course once to finalisation of LFTEA and underdetermined properties has been resolved.

**Commented [ZM7]:** New addition

## 1.8 AMENDMENTS TO THE SCHEME

- 1.8.1 The Municipality may amend any provision of the land use scheme to achieve the development objectives of the Spatial Development Framework as set out in the Msunduzi Municipality Spatial Planning and Land Use Management By-Law.

## 1.9 INSPECTION OF THE SCHEME

- 1.9.1 The Municipality shall permit any person to inspect the Land Use Scheme at any reasonable time. A register of all applications and decisions made in respect of the Single Land Use Scheme, which shall be open for public inspection from Monday to Friday.

- 1.9.2 A copy of the scheme is available on the Municipal website or at the Municipal Office (Land Use Management Section).

**Commented [ZM8]:** New addition

## 1.10 PURPOSE OF THE SCHEME

- 1.10.1 The purpose of this Scheme is to guide and manage development within the Municipality in accordance with the vision, strategies and policies of the Integrated Development Plan and associated Spatial Development Framework in order to promote sustainable development. Furthermore, the scheme is used to determine development rights and parameters in the Municipality in order to:
- (a) give effect to the policies and plans of national, provincial and municipal government, including the Municipality's own policies and plans;
  - (b) protect reasonable individual and communal interests in land;
  - (c) promote sustainable and desirable development;

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- (d) develop land in a manner that will promote the convenience, efficiency, economy, health, safety and general welfare of the public;
- (e) promote social integration;
- (f) promote economic growth and job creation;
- (g) restrict nuisance and undesirable conditions in the development of land;
- (h) restrict and mitigate the impact of development on the natural environment;
- (i) promote the protection of valuable natural features and the conservation of heritage sites and areas of public value; and
- (j) promote national food security.

**Commented [ZM9]:** New addition from 2020 By-law

1.10.2 Essentially the purpose of the Scheme is to create coordinated development within a municipal area in order to promote health, safety, order, amenity, convenience and general welfare, as well as efficiency and economy in the process of development.

#### 1.11 PRINCIPLES OF THE SCHEME

1.11.1 The scheme shall be aligned to the principles contained in Chapter 3 Section 7 of the Spatial Planning and Land Use Management Act, 2013 (No. 16 of 2013) as amended, pertaining to: -

- (a) Spatial Justice
- (b) Spatial sustainability
- (c) Efficiency
- (d) Spatial resilience, and
- (e) Good administration

1.11.2 All development applications must demonstrate alignment to the relevant aforementioned development principles.

**Commented [ZM10]:** New addition

#### 1.12 OBJECTIVES OF THE SCHEME

1.12.1 The objectives of the scheme are: -

- To align the strategic intentions of the Spatial Development Framework with the Scheme as well as other municipal hierarchical plans and policies.
- To designate desirable land uses and provide clarity on what may or may not occur on a property.
- To promote the certainty of land use which protects property values and creates investor confidence.
- To promote and protect the amenity within areas and neighbourhoods.
- To resolve conflict between different land uses, and to control negative externalities.
- To enable the coordinated and efficient use of land.
- To ensure that appropriate land uses, zones and overlays are created to address particular identified resources within the Municipality.
- To protect natural resources (ecosystem services), including agricultural resources (high potential agricultural land)
- To protect cultural resources and places of religious and cultural significance.

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- To manage land generally, including change of land use and building type.
- To provide a means of enforcement.
- To ensure the retention of land for future uses, the need for location and extent of which is not presently certain.
- Recognise Traditional Community Area processes and systems.
- Acknowledge uniqueness of rural areas.

Commented [ZM11]: New addition

### 1.13 LEGAL STATUS OF THE SCHEME

1.13.1 This Scheme is a statutory document upon approval and is binding on all members of the Municipality and all organs of state, in compliance with Chapter 5 of the Spatial Planning and Land Use Management Act, 2013 (No. 16 of 2013), as amended, read in conjunction with Chapter 3 of the Msunduzi Municipality Spatial Planning and Land Use Management By-Law.

Commented [ZM12]: New addition

1.13.2 As stipulated in Section 26 (1) of the Spatial Planning and Land Use Management Act an adopted and approved land use scheme: -

- (a) has the force of law, and all land owners and users of land, including a municipality, a state-owned enterprise and organs of state within the municipal area are bound by the provisions of such a land use scheme;
- (b) replaces all existing schemes within the municipal area to which the land use scheme applies; and
- (c) provides for land use and development rights.

Commented [ZM13]: New addition

### 1.14 USE OF LAND OR BUILDING FOR MORE THAN ONE PURPOSE

1.14.1 Where a building or land is used, or a proposed building is designed, for more than one purpose, it shall be treated for the purpose of this clause as being used or designed partly for each of those purposes, but where the several purposes cannot be clearly defined, it shall be treated as being used or designed for its predominant use, and the Municipality may, if the person having control of, or proposing to erect the building, makes application for the purpose, decide which is the predominant use.

1.14.2 The Municipality shall give notice of any decision under this clause to the applicant, and the person so notified, if aggrieved, may appeal by forwarding a memorandum of appeal to the Municipal Planning Appeal Authority Registrar, the Municipal Manager and all the persons who lodged comments.

### 1.15 EXISTING USE RIGHTS

1.15.1 Notwithstanding the Land Use Zone and the relevant clause, an existing use shall be permitted to remain and to be continued, subject to the following limitations: -

1.15.1.1 The total internal floor area of the building shall be permitted to be increased, as an expressly permitted use, by not more than 12,5% of the total internal floor area existing before the first such increase since the Effective Date.

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- 1.15.1.2 The Municipality may, upon application having been made to it for its consent, approve of additions to the building, or may approve of the entire replacement of the building, such additions or new building being in conformity with the provisions of the scheme, provided it is satisfied that the proposed additions or new building will not be more detrimental to the amenities of the neighbourhood.
- 1.15.1.3 The Municipality may, upon application having been made to it for its consent, approve of the establishment of a use which is not in conformity with the Land Use Zone and the appropriate clause to replace, or be in addition to, an existing use which is not in conformity with the scheme, provided it is satisfied that the new or additional use, as the case may be, will not be more detrimental to the amenities of the neighbourhood.
- 1.15.1.4 Any person who has submitted an application or has lodged objections under the previous clauses 1.15.1.2 and 1.15.1.3 above, and who is aggrieved by the Municipality's decision in the matter, may appeal by forwarding a memorandum of appeal to the Municipal Planning Appeal Authority Registrar, the Municipal Manager and all the persons who lodged comments.
- 1.15.2 Where the Scheme has proposed changes to a property's zone, where such change results in a conflict/reduction/limitation of rights, the holder of such rights shall be permitted to exercise his/her rights in accordance with the approval it held in advance of the general scheme amendment. Such historic rights are NOT interchangeable with any new development controls. In such instances the Municipality may elect to update the scheme map to reflect the zoning as per the approval held.
- 1.15.3 Where a previous zone that may have existed and is now replaced by an alternative zone and associated controls, the holder of any historic rights will be entitled to the benefit of the new development controls and shall not be prejudiced in any manner or form in so far as development rights are concerned.
- 1.15.4 In the event of there being a conflict with regard to the development controls, uses freely permissible, those by consent and prohibited uses, the Municipality at its own discretion will make a final determination as to the extent and applicability of the conflicting development rights and further will determine the manner and process to be followed by an applicant (should it be necessary) to exercise such rights.
- 1.15.5 An existing approved Building may be demolished and replaced by a new building on the same Erf and the existing use may continue in the new building provided that the proposed new Building shall: -  
(a) contain no greater volume above ground level than the existing building;  
(b) have no greater superficial area on the ground floor than the existing building;  
(c) be in conformity with all the other provisions of the Scheme applicable to the Land Use Zone in which it is situated; and  
(d) obtains approved building plans.
- 1.15.6 Provided that compliance with the provisions of the National Building Regulations and Standards Act No 103 of 1977, any new building shall be commenced within a

Commented [RR14]: New addition

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period of 18 months after the date upon which the demolition of the existing Building is commenced. Any failure to commence rebuilding within this period of 18 months shall be deemed to terminate the Existing Use.

1.15.7 Any alteration or addition or change of use which materially alters the character of an existing building or use of Land shall automatically remove such building or Land from the status Existing Use.

1.15.8 Where the Existing Use of any Building or Land is discontinued for a continuous period of 18 months or longer, such Existing Use shall be deemed to have lapsed and shall not be recommenced.

**Commented [ZM15]:** Addition from Ashburton scheme

#### 1.16 USE OF LAND AND BUILDINGS

1.16.1 The extent and location of the various land use zones shall be as is set out on the adopted Single Land Use Scheme Map. Within each zone there are restrictions with regard to the use of land and the erection and use of buildings, these are split into three categories and listed for each land use zone in these clauses. These categories of land use are: -

(a) **Permissible Uses:** are land uses or buildings that are freely permitted.

(b) **Consent Uses:** are land uses or buildings that are allowed subject to the approval of the Municipality.

**Commented [ZM16]:** Correction of grammatical error, previously "are that allowable"

(c) **Prohibited Uses:** are land uses or buildings that are expressly prohibited. This category of land uses includes land uses or buildings not listed under Permissible or Consent Uses.

1.16.2 Consent Uses shall further be subject to Clause 5.53 of the scheme.

**Commented [ZM17]:** New addition

1.16.3 When considering an application to erect or use a building or to develop or use land, the Municipality may determine the position and number of vehicular and pedestrian access points and may, if it deems fit, prohibit pedestrian or vehicular access across any boundary or boundaries of an Erf and require that a suitable fence or wall be erected to prevent such access.

**Commented [ZM18]:** New Addition from Ashburton Scheme

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## 2. SECTION 2: DEFINITIONS

In this Land Use Scheme, unless the context otherwise indicates, the following words shall have the meaning assigned to it herein.

### 2.1 General Definitions

#### 2.1.1 List of Definitions

LIST OF GENERAL DEFINITIONS		
Agricultural Categories	Infant School/ Early Childhood Development	Shelter
Amenity		Side Space
Appeal	Ingonyama Trust Board (New)	Site
Appeal Authority	Inkosi (king or queen)-New	Spatial Development Framework
Approval	Integrated Development Plan	SPLUMA
Area of Scheme (Amended)	Land Use Scheme	Storey or Floor
Authorised Official	Land Use Scheme Map	Street Boundary
Basement	Land Use Zone	Subdivision of Agricultural Land Act
Body Corporate	Lapa (New)	Traditional Community Areas (New)
Boundary	LFTEA	Traditional Council (New)
Building	Licensed Premises	Traditional Material (New)
Building Line	Liquor License	Transient Guest (New)
Bylaws	Listed Building	Waste
Carport	Loading Space	Water Resources (New)
Competent Authority	Management Overlay	Zone
Consent	Mean Width	
Council	Mean Width Land	
Coverage	Mixed Use	
Deeds Registry	MSA	
Density	Municipal Area	
Developable Area	Municipal Consent	
Development	Municipal Planning Appeal Authority	
Development Rights	Municipal Planning Tribunal	
DFA	Municipality	
Eaves	National Building Regulations	
Effective Date	Occupant	
Environmental Impact	Ordinance	
Environmental Impact Assessment	Owner	
Environmental Legislation	Owner's Association	
Environmentally Sustainable	Panhandle	
Erf	Planning and Development Act	
Existing Building	Premier	
Existing Erf	Private Open Area	
Existing Use	Protected Agricultural Areas (New)	
Family (New)	Publish	
Flood Line	Rear Access Lanes	
Floor Area	Rear Space	
Floor Area Ratio (FAR)	Registered Engineer	
Frontage	Regulations	
Graves-Amathuna Asekhaya (New)	Reservation	
General Plan	Restrictive Conditions	
Ground Floor	Schedule	
Ground Level	Service Agreement	
Habitable Rooms (New)	Servitude	
Height		
Heritage Resource		
Heritage Resources Management		

Commented [ZM19]: Ashburton Scheme

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## 2.1.2 Definitions

Category	Definition
<b>A</b>	
Agricultural Categories	Means the KwaZulu-Natal DARD agricultural categories, which in this land use scheme consist of Category A, B, C and D, which are defined as follows; <b>Category A:</b> Means land with very high potential agricultural land that should be retained exclusively for agricultural use so as to ensure national food security. <b>Category B:</b> Means land with high potential agricultural land. Due to the limited amount of category B land in the province (and in the country), all efforts should be focussed on retaining land within this Category for predominantly agricultural use. <b>Category C:</b> Means land with moderate agricultural potential. <b>Category D:</b> Means land restricted to low agricultural potential.
Amenity	Means a natural or created feature that enhances a particular property, uses, place or area from the perspective of its aesthetic quality or visual appeal, which may make it more attractive or satisfying or unique.
Appeal Authority	Means the Appeal Authority referred to in Section 32 of the Msunduzi Municipality Spatial Planning and Land Use Management Bylaw and any other appeal in terms of other applicable laws.
Appeal	Means an appeal lodged to the Municipal Planning Appeal Authority against a decision of the Municipal Planning Approval Authority as referred to in Chapter 5 of the Msunduzi Municipality Spatial Planning and Land Use Management By-Law.
Approval	Means the written approval of the Municipality or competent authority granted in respect of any development application to it for the erection of buildings and the use of buildings and land as required in terms of the provisions of this Land Use Scheme.
Area of Scheme (Amended)	Means areas incorporated into the <b>Single</b> Land Use Scheme.
Authorised Official	Means any official who has obtained the written authorisation from the Municipality to administer, implement and enforce the provisions of any bylaws.
<b>B</b>	
Basement	Means the lowest part of any building which part is constructed with more than 50% of its volume below ground level. Ground level shall mean natural ground level, without any additional earthworks, as it existed prior to the conception of the building or development. A basement cannot be used for habitable purposes.
Body Corporate	Means a controlling body for a Sectional Title Scheme or development including land and buildings, which is established in terms of Section 2(1) of the Sectional Titles Scheme Management Act, (No. 8 of 2011).
Boundary	Means a line which defines the extent of an Erf and is indicated on a diagram or general plan approved by the Surveyor General's office.
Building Line	Means a line parallel to any street boundary, public right of way or road reserve on any Erf.
Building	Means any lawful structure or erection of a movable or immovable nature for whatever purposes used including any wall, swimming pool, tank, mast but excludes boundary walls, fences or garden ornamentations, not higher than 3m above the natural ground level at any one point.

Commented [ZM20]: New addition

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Category	Definition
Bylaws	Means any Bylaw or regulation made to enable the Municipality to give proper effect to its powers and duties conferred or imposed upon it in terms of the applicable national, provincial and local laws.
<b>C</b>	
Carport	Means a permanent and/or temporary roofed structure which is not completely enclosed that is used provide shelter for motorized vehicles.
Competent Authority	In relation to land use, Means the authority that is empowered to make decisions in regards to the use of land.
Consent	Means the consent granted by the Municipality.
Council	Means the Council of the Msunduzi Municipality referred to in section 157(1) of the Constitution.  See Municipal Council
Coverage	Means the maximum proposition of Erf that may be covered by roofed buildings and is expressed as a percentage of the Erf area. Provided that any roofed-area over pedestrian concourse or mall, or roof overhangs or unroofed cantilevered canopy or unroofed or carport or balcony shall be excluded from such coverage and further that in the case of an open-sided structure, coverage shall be taken as the area contained within the outer limits of the upright supporting columns thereof.
<b>D</b>	
Deeds Registry	Means a deeds registry as defined in the Deeds Registries Act, 1937 (No. 47 of 1937).
Density	Means the number of permitted dwellings, which is determined by dividing the area of an Erf by the minimum Erf size applicable to the land use zone, and adjusting this figure to the nearest whole number.
Developable Area	Means a registered Erf or portion of an Erf area excluding those areas, which in the opinion of the Municipality are rendered undevelopable by virtue of such factors as soil instability, liability to flooding, topographic inaccessibility, environmental considerations and/or slope, and road reserves and road servitudes.
Development	Means the carrying out of building, engineering, mining or other operations in, on, over or below land, or the making of any material change in the use of any buildings or land and includes the demolition of any building or structure.
Development Rights	Means any approval granted to a land development application.
DFA	Means the Development Facilitation Act, 1995 (No. 67 of 1995).
<b>E</b>	
Eaves	Means a portion of a roof projecting beyond the face of a building, including any gutters.
Effective Date	Means the date the Municipality adopts a Land Use Scheme in terms of Chapter 3 of the Msunduzi Municipality Spatial Planning and Land Use Management By-Law.
Environmental Impact	Means a positive or negative environmental change.
ENVIRONMENTAL IMPACT ASSESSMENT	Means a systematic process of identifying, assessing and reporting environmental impacts associated with an activity and includes basic assessment and Scoping and Environmental Impact Reporting.
Environmental Legislation	Means the National Environmental Management Act, 1998 (No. 107 of 1998) as amended, and any other legislation that regulates a specific aspect of the environment.
Environmentally Sustainable	Means the exercising of any decision-making powers or performance of any activities in a manner aimed at ensuring that-

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Category	Definition
	<ul style="list-style-type: none"> <li>a) The risk of harm to the environment and to human health and safety is minimized to the extent reasonably possible under the circumstances;</li> <li>b) The potential benefits to the environment and to human health and safety are maximized to the extent reasonably possible under the circumstances; and</li> <li>c) Legislation intended to protect the environment and human health and safety is complied with;</li> <li>d) Development meets the needs of the present without compromising the ability of future generations to meet their own needs.</li> </ul>
Erf	Means any piece of land registered in the deeds registry as an Erf, lot, plot, stand or farm and includes a portion of an Erf, lot, plot or stand.
Existing Building	Means a lawful building erected before the effective date of the scheme, or buildings erected in accordance with plans which were approved by the Municipality or other recognized authority prior to that date.
Existing Erf	Means an Erf, or any subdivision thereof existing at the Effective Date.
Existing Use	Means the continuous use of a building or land for the same purpose for which such a building or land was designed and lawfully authorised on the Effective date of the Scheme, or where authority to erect a building was obtained prior to the Effective Date or where a Building was in course of construction at the Effective Date, that building may be completed and its use may be continued for the purpose for which it was designed including any conditions which may have been imposed by the responsible authority. Provided that if the existing use of any building or land is discontinued after the Effective Date for a continuous period exceeding five years, such existing use shall be deemed to have lapsed.
<b>F</b>	
Family (New)	Means a single person maintaining an independent household, two or more persons related by blood or legally maintaining a common household.
Flood Line	Means the lines determined by a registered engineer depicted on a map or drawing which indicate the water levels likely to be reached by a flood having a specified recurrence interval e.g. 1 in 50 year or 1 in 100 year flood line.
Floor Area	<p>Means the sum of the areas of the building on each floor level, inclusive of wall thickness but excluding:</p> <ul style="list-style-type: none"> <li>a) Any basement;</li> <li>b) Garages, canopies or carports or shelters;</li> <li>c) In the case of fueling and service stations, the areas covered by canopies;</li> <li>d) Staircases, lift shafts /lift motor rooms other than on one floor;</li> <li>e) Balconies, verandas, porches and similar type of structures that are roofed but open to the elements on at least one side;</li> <li>f) Corridors that are open to the elements on at least one side.</li> </ul>
Floor Area Ratio (FAR)	Means the ratio of the permissible floor area of an Erf in relation to the Erf area, which is expressed as a decimal.
Frontage	Means the length of the boundary of an Erf which fronts onto an existing or proposed road.
<b>G</b>	
Graves-Amathuna Asekaya (New)	Means a portion of land used for household burial purposes.

Commented [ZM21]: New addition

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General Plan	Means a general plan approved by the Surveyor-General in terms of the Land Survey Act, 1997 (No. 8 of 1997)
Ground Floor	Means the storey of a building or portion of a building on or nearest the mean finished ground level immediately surrounding the building, provided it is not a basement.
Ground Level	Means the natural ground level prior to any development.
<b>H</b>	
Habitable Rooms (New)	Means any room designed for human occupation, but excludes bathrooms, toilets, water closets, staircases, passageways, garages, lifts, photographic dark rooms, kitchens, sculleries, laundries or cold rooms or basement.
Height	Means the height of a building in storeys or floors and is expressed as a number. Such storey or floor shall not exceed 3.5m in height for residential and 4.5m in height for non-residential uses.
Heritage Resource	Means any place or object of cultural significance.
Heritage Resources Management	Means the protection, maintenance, preservation and sustainable use of places or objects so as to safeguard their cultural significance.
<b>I</b>	
Induna (headsman or headwoman)-New	Means a traditional leader who: - a) is under the authority of, or exercises authority within the area of jurisdiction of, a senior traditional leader in accordance with customary law; and b) is recognised as such in terms of Traditional Leadership and Governance Framework Act, 2003 (No. 41 of 2003), as amended.
Infant School or Early Childhood Development	Refers to a comprehensive approach to policies and programmes for children from birth to nine years of age with the active participation of their parents and caregivers.
Ingonyama Trust Board (New)	Means the entity responsible for administration of Ingonyama trust land in terms of the Kwa-Zulu Ingonyama Trust Act, 1994 (No. 3 of 1994), as amended.
Inkosi (king or queen)-New	Means a traditional leader: - a) under whose authority, or within whose area of jurisdiction, senior traditional leaders exercise authority in accordance with customary law; and b) recognised as such in terms of the Traditional Leadership and Governance Framework Act, 2003 (No. 41 of 2003), as amended
Integrated Development Plan	Means the integrated development plan adopted from time to time by the Municipality in terms of Chapter 5 of the Municipal Systems Act.
<b>L</b>	
Land	Means: a) Any Erf depicted on a diagram or general plan approved by the Surveyor General and registered in the Deeds Registry, including an erf, a sectional title unit, a lot, a plot, a stand, a farm and a portion or piece of land, and b) Unsurveyed state land.
Land Use Scheme	Means the document referred to in Chapter 3 of the Msunduzi Municipality Spatial Planning and Land Use Management Bylaw for the regulation and management of land use.
Land Use Scheme Map	Means the plan that forms part of the Land Use Scheme document as defined in the Msunduzi Municipality Spatial Planning and Land Use Management By-Law.
Land Use Zone	Means an area of Land, indicated by an appropriate colour notation on the Land Use Scheme Map whereon the use is limited in accordance with the appropriate land use schedules contained in Section 3 of the Scheme.

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Lapa (New)	Means a partially fenced or thatched enclosure used for outdoor meals and informal social gatherings in connection to a residential dwelling
LFTEA	Means the Less Formal Township Establishment Act, 1991 (No. 113 of 1991).
Licensed Premises	Means premises authorized by a permit obtained in terms of the applicable national or provincial or municipal legislation to conduct a particular land use activity.
Liquor License	Means license obtained in terms of the KwaZulu-Natal Liquor Licensing Act, 2010(No. 6 of 2010) as amended.
Listed Building	Means any building, structure or place of architectural, historic or artistic interest, which is listed for protection or preservation.
Loading Space	Means a demarcated area where vehicles are parked for the loading or unloading of goods, as determined by the Municipality.
<b>M</b>	
Management Overlay	Means an overlay used to further inform and regulate development in addition to the underlying zone or base zone of the erven to which it relates.
Mean Width	Means the average measurement or extent of a site from each side.
Mixed Use	Means the development of land with buildings, or structures with a variety of complementary and integrated uses not limited to, residential, office, retail, public, or entertainment. Residential uses are usually located on the upper floors.
MSA	Means the Local government: Municipal Systems Act, 2000 (No. 32 of 2000).
Municipal Area	Means the area of jurisdiction of the Municipality determined from time to time by the Municipal Demarcation Board established by Section 2 of the Local Government: Municipal Demarcation Act, 1998 (No. 27 of 1998).
Municipal Consent	Means the written consent of the Municipality for any activity on, or use of land or buildings for which an application is made, in terms of the applicable Municipal Land Use Scheme and other relevant legislation.
Municipal Planning Appeal Authority	Means the appeal authority referred to in Section 32 of the Msunduzi Municipality Spatial Planning And Land Use Management By-Law.
Municipal Planning Tribunal	Means a Municipal Planning Tribunal referred to in Part 3 of the Msunduzi Municipality Spatial Planning and Land Use Management By-Law.
Municipality	Means the Msunduzi Local Municipality, a Category B Municipality established in terms of Section 12 of the Municipal Structures Act represented by the Municipal Council or the City Manager as the case may be.
<b>N</b>	
National Building Regulations	Means the National Building Regulations made in terms of Section 17 of the National Building Regulations and Building Standards Act (No. 103 of 1977), as amended.
<b>O</b>	
Occupant	Means any person who occupies a building, structure or land.
Ordinance	Means the Natal Town Planning Ordinance No. 27 of 1949, as amended.
Owner	Means: a) the person in whose name is registered in the deeds registry within whose area of jurisdiction the land is situated; b) the beneficial holder of a real right in land; c) the person in whom land vests; and

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	d) the legal representative of an owner or his or her estate where such registered owner lacks legal capacity for any reason, including age, mental health, mental disability, death or insolvency;
Owner's Association	Means a legal entity, the membership of which shall be exclusive to and compulsory for the freehold or registered leasehold owners of dwelling unit curtilages in a medium density housing scheme or any development where landowners are required to form an Owner's Association.
<b>P</b>	
Panhandle	Means the subdivision of land in such a manner that one subdivision gains access to the road by means of a strip of land alongside a boundary of another subdivision.
Planning and Development Act	Means the KwaZulu-Natal Planning and Development Act, 2008 (No. 6 of 2008), as amended.
Private Open Area	Means a usable area of land, exclusive of driveways, vehicle parking areas or any other utility areas, which is open to the sky and which is adjacent to and has direct access from a Dwelling on a Medium Density Housing development and is reserved for the exclusive use of the occupants of the associated Dwelling.
Premier	Means the Premier of the Province of KwaZulu-Natal acting upon the advice and with the consent of the Executive Committee of the said Province in accordance with the powers and functions granted to the office in terms of the relevant national and provincial legislation.
Protected Agricultural Areas (New)	Means a cartographic delineated area of agricultural land, preserved for purposes of ensuring high value agricultural land is protected against non- agricultural land uses in order to promote long-term agricultural production and food security.
Publish	Means to publish in the manner prescribed Schedule 5 of the adopted of the Msunduzi Municipality Spatial Planning and Land Use Management By-Law.
<b>R</b>	
Rear Access Lanes	Means a site that gains vehicular access via a private back lane.
Rear Space	Means the space between the full height of a building facade and the rear boundary of an Erf. Provided that the eaves of any building or structure may not overhang the rear space by more than 1200mm.
Registered Engineer	Means a person registered under one of the categories referred to in Section 18 of the Engineering Profession Act, 2000 (No. 46 of 2000).
Regulations	Means the regulations made to enable the Municipality to exercise its powers and undertake the duties conferred upon it or imposed upon it in terms of any National, Provincial or Municipal regulations.
Reservation	Means an area of land set aside for new roads or the widening or other improvement of existing roads, or for purposes of conservation or other open spaces, the parking of vehicles and other matters generally of a public nature, and may not be used for any other purpose without the consent of the Municipality.
Restrictive Conditions	Means any condition registered against the title deed of land restricting the use, development or subdivision of the land concerned.
<b>S</b>	
Schedule	Means a list or other collection of information which is of a non-statutory nature, which is intended to assist in the interpretation and implementation of the Scheme clauses. Such schedules may be added to the Scheme clauses by resolution of the Council.
Service Level Agreement	Means a written agreement which is concluded between any party and the Municipality, which sets out the respective responsibilities of the two parties for the planning, design, provision, installation, financing

Commented [ZM24]: Addition from Ashburton Scheme

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	and maintenance of internal and external engineering services and determining the standard of such services.
Servitude	Means a servitude registered against a title deed of land.
Shelter	Means a permanent and/or temporary roofed structure which is not completely enclosed that is used provide shelter/shade and may not be used to for business or storage purposes.
Side Space	Means the space between the full height of a building facade and a side boundary of an Erf. Provided that the eaves of any building or structure may not overhang the side space by more than 1200mm.
Site	Means an Erf or portion of an Erf.
Spatial Development Framework	Means the Spatial Development Framework (SDF) referred to in Chapter 4 of the Spatial Planning and Land Use Management Act, 2013 (No. 16 of 2013).
SPLUMA	Means the Spatial Planning and Land Use Management Act No. 16 of 2013, as amended.
Storey or Floor	Means each of the horizontal sections of a building, one above the other, having a floor, such storey or floor shall not exceed 3.5m in height for residential and 4.5m in height for non-residential uses, but shall not for the purpose of calculating the number of storeys in a building be deemed to include the following: a) A mezzanine storey, unless the total area of the floor of the mezzanine storey exceeds twenty per cent (20%) of the area of the floor of the storey immediately beneath it; b) Any storey, the floor of which is more than 2m below the mean level of the ground immediately surrounding the building and contiguous to the base of its external walls; c) Any storey consisting solely of lift motor rooms, water storage tanks, electricity sub-station or transformer rooms, ornamental towers and other similar architectural features.
Street Boundary	Means a boundary of an Erf which is contiguous to a public street or public right of way or road reserve, whether existing, or for new street purposes.
Subdivision of Agricultural Land Act	Means the Subdivision of Agricultural Land Act, 1970 (No. 70 of 1970).
<b>T</b>	
Traditional Community Areas (New)	Means a traditional community recognised as such in terms of section 2 of the Traditional Leadership and Governance Framework Act, 2003 (No. 41 of 2003), as amended.
Traditional Council (New)	Means a council established in terms of Section 3 of the Traditional Leadership and Governance Framework Act, 2003 (No. 41 of 2003), as amended.
Traditional Material (New)	Means building materials like mud, stones and thatching used to construct a traditional dwelling.
Transient Guest (New)	Means a person who is provided temporary accommodation on a property that is not their permanent place of residence, for a continuous period not exceeding 30 consecutive days at a time.
<b>W</b>	
Waste	Means all form of waste, the categories of which are defined in the Msunduzi Municipality Waste Management By-Law.
Water Resources (New)	includes a watercourse, surface water, estuary or aquifer.
<b>Z</b>	
Zone	Means a defined category of land use which is shown on the zoning map of a land use scheme.

Commented [ZM25]: New addition

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## 2.2 Land Use Definitions

### 2.2.1 List of Definitions

LIST OF LAND USE DEFINITIONS		
Abattoir	<b>Factory (New)</b>	<b>Passive Public Open Space</b>
<b>Active Public Open Space</b>	Farm Stall	Petrol Filling Station
Adult Premises	Fast Food Outlet	<b>Petroleum Production Operation (New)</b>
Agricultural Building	<b>Fire Station (New)</b>	Place of Instruction
Agricultural Land (Amended)	Flat	Place of Public Assembly
Agri-tourism Facility	Flea Market	Place of Public Entertainment (Amended)
Airport	Forestry	<b>Place of Safety (New)</b>
Ancillary Use	Funeral Parlour	Place of Worship
Art and Crafts Workshop	Game Reserve	<b>Police Station (New)</b>
Bank	Garaging (Amended)	<b>Power Generation Plant (New)</b>
Beauty Studio	Garden Centre	<b>Prison (New)</b>
Bed and Breakfast (Amended)	Garden Nursery	Private Conservation Area
Betting Depot (Amended)	<b>Government Subsidized Housing (New)</b>	Private Open Space
Bird Sanctuary	Government/Municipal Purposes	Private Recreation Area
Boarding House (Amended)	Guest House (New)	Protected Area
Botanical Garden	Health and Beauty Parlour	Public Open Space
Bottle Store	<b>Health Facility (New)</b>	<b>Quarry (New)</b>
Builder's Yard (Amended)	Health Studio	Recreational Purposes
Bus and Taxi Rank	Heritage Purposes	Recycling Centre
<b>Bus Depot (New)</b>	<b>Home Business (Amended)</b>	Residential Building
Business Purposes	Homestead	Restaurant (Amended)
Butchery	Hostel	Restricted Building
Café	Hotel	Retirement Centre
Camping Ground	<b>Household Garden-Isivande (New)</b>	Riding Stables
Canteen	Industrial Building	<b>Royal Residence -Isigodlo (New)</b>
Car Wash	Industry-Light	<b>Saw Mill (New)</b>
Caravan Park	Informal Trading	Scrap Yard
Caretaker's Dwelling	Institution	<b>Self-contained Residential Unit/ Granny's Flat (New)</b>
Casino	<b>Kennels (New)</b>	Service Industrial Building
Cellular Telecommunication	<b>Kraal -Isibaya (New)</b>	Service Workshop
Infrastructure	Landfill	Shop (Amended)
Cemetery	Landing Strip	Shopping Centre
Chalet Development	Launderette	Social Hall
<b>Child Minder</b>	Light industrial Building	Special Building
<b>Commercial Workshop</b>	Livestock Farming	Specialised Office
Community Garden	Market	<b>Sports Field (New)</b>
Conference Facility	Medical Office	<b>Sugar Mill (New)</b>
Conservation Area	Medium Density Housing (Amended)	<b>Tannery (New)</b>
Conservation Purposes	<b>Mining Operation (New)</b>	Tavern
Container Depot	<b>Mobile Home Park</b>	Tourism Activities
Convenience Shop	Mortuary	<b>Traditional Court-Inkantolo YeNkosi (New)</b>
Convention Centre	Motor Sales Premises (Amended)	<b>Traditional Health Practice (New)</b>
Crèche	Motor Workshop	<b>Train Station (New)</b>
Crematorium	Museum	Transitional Settlement Area
Cropping	Night Club	<b>Transport Depot (New)</b>
<b>Dairy (New)</b>	Noxious Industrial Building	Transport Purposes
Dam	Office	Truck Stop
<b>Dipping Tank (New)</b>	Office Park	Tuckshop
Direct Access Service Centre	Outbuilding (Amended)	Utilities Facility
<b>Driving School (New)</b>	<b>Paper Mill (New)</b>	Veterinary Clinic
Dwelling (Amended)	Park Home Estate	Warehouse
Eco-tourism Facility	Parkade	<b>Water Bottling Plant (New)</b>
Educational Purposes	Parking Depot	
<b>Escort Agency (New)</b>	Parking Lot	
Exhibition Centre		
Extractive Industry (Amended)		

**Commented [ZM32]:** Addition from Ashburton scheme

**Commented [ZM26]:** Addition from Ashburton Scheme

**Commented [ZM29]:** Replaces clinic and hospital

**Commented [z30]:** Home activity collapsed under Home Business

**Commented [ZM33]:** New (land use re-introduction)

**Commented [ZM27]:** Addition from Ashburton Scheme

**Commented [ZM28]:** Addition from Ashburton Scheme

**Commented [ZM31]:** Addition from Ashburton Scheme

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## 2.2.2 Definitions

Category	Definition
<b>A</b>	
Abattoir	Means a slaughter facility in respect of which a registration certificate has been issued in terms of section 8(1) and in respect of which a grading has been determined in terms of section 8(2) of the Meat Safety Act, No. 40 of 2000.
Active Public Open Space	Means Land reserved for a sports ground, playing field or Recreation Building which may be used by the general public.
Adult Premises	Means building used for the sale, hiring, display, exhibition, or viewing of publications, films, videos, or other material of an adult nature approved by the Films and Publications Act No. 65 of 1996.
Agricultural Building	Means a building or part of a building designed for use in connection with or incidental to Agricultural Land and includes an ancillary dwelling.
Agricultural Land (Amended)	Means arable, meadow, or pasture land, market gardens, poultry farms, nursery gardens and land used for the purpose of breeding or keeping domestic animals, poultry or bees, or agriculture and includes any buildings associated therewith. <b>[This land use does not include the breeding of animals for commercial production and/or gain.]</b>
Agri-tourism Facility	Means any agriculturally based operation or activity that brings visitors to a property for the purposes of either buying produce directly, navigating the land, picking fruit, feeding animals etc. and any buildings associated therewith.
Airport	Means any defined area of land or water or any building which is intended to be used wholly or in part, for the arrival, departure or surface movement of aircrafts and includes and buildings, structures, equipment in any such area used in connection with the airport or its administration and includes air rights.
Ancillary Use	Means a use incidental to, or customarily associated with a specific primary use.
Art and Crafts Workshop	Means land or buildings wherein the primary purpose is the production of arts and crafts, and may include the selling of such goods. The process carried on and the machinery installed is such that they do not cause nuisance to other properties or are detrimental to the amenities of the surroundings.
<b>B</b>	
Bank	Means an establishment or financial institution that provides financial related services to the general public and may include ancillary uses thereto.
Beauty Studio	Means a building or part of building where hairdresser or beautician conducts business.
Bed and Breakfast (Amended)	Means the provision of short-term accommodation for travellers in, or in conjunction with a dwelling. The Short Term Accommodation may include backpackers lodge and online accommodation bookings but excludes Student Accommodation and a Hotel. The Bed and Breakfast establishment shall comply with the approved policy
Betting Depot (Amended)	Means a building or structure other than a "Casino" and "Racecourse" as defined in this Scheme, that are named or described in a license issued in terms of the National Gambling Act, No. 7 of 2004, or applicable provincial law, and where gambling activities are conducted. It may include:

Commented [ZM34]: New addition

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Category	Definition
	a) Limited pay-out machines; b) Bookmaker Agencies; c) Totalisator Agencies; d) Tattersalls; e) Bingo Hall; f) Gaming Hall; etc. The standards for gambling premises must be maintained, as described in Section 17 of the National Gambling Act, No. 7 of 2004.
Bird Sanctuary	Means land or building used for the care, rehabilitation, protection and conservation of wild and exotic bird species, which includes breeding and research programs, and may be open to the public for educational and recreational purposes.
Boarding House (Amended)	Means a dwelling house where the habitable rooms are rented out for an extended period by the resident owner / occupant to unrelated persons and communal facilities such as the kitchen, lounge, dining room and bathrooms are shared by the boarders. A boarding house shall comply with the approved policy.
Botanical Garden	Means a park intended for the display of rare indigenous or exotic plants or trees and to provide outdoor recreation and may include restaurant, conference hall or wedding venue, administrative office, information centre, ablution facilities and any ancillary use at the discretion of the Municipality.
Bottle Store	Means a licensed premises used for the sale of alcoholic beverages for consumption off the premises.
Builder's Yard (Amended)	Means premises which is used for the storage or sale of building material and equipment including buildings ancillary thereto. <b>This definition includes a hardware store/shop.</b>
Bus and Taxi Rank	Means land or building or part of a building used for the purposes of parking, and loading and offloading of passengers and may include ancillary facilities.
Bus Depot (New)	Means a building or land used for the purposes of parking, maintenance and repairing of buses.
Business Purposes	Means purposes normally or otherwise reasonably associated with the use of land for business activities, including but not limited to shops, offices, showrooms and restaurants other than a scrap yard, place of public entertainment and similar activities at the discretion of the Municipality which may require its consent.
Butchery	Means a building used for the trade or business of selling the flesh and offal of any animal for human consumption.
<b>C</b>	
Café	Means a building or portion of a building or land used primarily for the preparation, sale and consumption of light meals; confectionery, and non-alcoholic beverages, but shall preclude any use as defined under shop. Opening time is restricted to daylight hours only.
Camping Ground	Means any land intended for temporary use by persons for dwelling or sleeping purposes, and on which adequate ablution and sanitary facilities, water points and approved refuse receptacles are provided for to the satisfaction of the Municipality and may include caravans and tents and sufficient open spaces for recreational purpose and may include incidental commercial or other uses at the discretion of the Municipality.

**Commented [ZM35]:** Amended as per comments received- whole definition has been amended

**Commented [ZM36]:** New addition

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Canteen	Means a building or part thereof that is used for the preparation and disposal of foodstuffs and allied products, to the staff of an industrial or commercial undertaking, public office or educational building to which it is related.
Car Wash	Means land or building used for the washing, polishing and or cleaning of motor vehicles and may include ancillary buildings at the discretion of the Municipality.
Caretaker's Dwelling	Means a dwelling unit on the same site as a building, operation, or plant and occupied by a supervisor/caretaker of that building, operation, or plant.
Casino	Means licensed premises within the meaning of Item 5 Schedule 4A to the Constitution including, without derogating from the generality of the foregoing, any premises in which a Casino License is required and includes a building in which gambling is permitted and may include ancillary uses but does not include a bingo hall.
Cellular Telecommunication Infrastructure	Means any telecommunication infrastructure referred to in Section 3.1 of the adopted Msunduzi Municipality's Cellular Telecommunication Infrastructure Policy.
Cemetery	Means any land or part thereof within the municipal area set aside by the Municipality or approved by the Municipality as a cemetery and includes buildings ancillary thereto.
Chalet Development	Means a grouping of a two or more attached or detached habitable buildings used for holiday accommodation.
Child Minder	Means a Building or portion of a Building which is used for the daytime care of six or less children.
Commercial Workshop	Means a Light Industrial Building which caters only for retail trade wherein the primary purpose is the selling of goods or services by retail and where the processes are operated specifically in conjunction with a Shop or office to which the public, as customers, has access. This group includes: <ul style="list-style-type: none"> <li>• blacksmith</li> <li>• valet service</li> <li>• electrician</li> <li>• watch repairer</li> <li>• jobbing printer</li> <li>• wireless and television repairer</li> <li>• shoe repairer</li> </ul>
Community Garden	Means a property in private or public ownership that is managed by local residents and used for the growing of plants.
Conference Facility	Means a building, or portion of a building used for conducting conferences, seminars and meetings and may include offices and ancillary uses relating to the administration of such facility, all of which are ancillary to the primary use of the site to the satisfaction of the Municipality.
Conservation Area	Means public open space which is managed by or on behalf of the Municipality for conservation purposes, and includes (but not limited to) any nature reserve, greenbelt, ravines, bird sanctuary, riparian area, conservation servitude, sensitive eco-systems and site of historic, ecological or archaeological value.
Conservation Purposes	Means purposes normally or otherwise reasonably associated with the use of land for the preservation or protection of the natural or built environment, including the preservation or protection of the physical, ecological, cultural or historical characteristics of land against undesirable change or human activity.

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Category	Definition
Container Depot	Means a place for the handling and storage of containers destined to be transported.
Convenience Shop	Means a building or portion of a building, restricted to the sale of convenience goods and meals such as bread and confectionery, dairy products, fresh produce, beverages, canned foods, cigarettes, magazines and newspapers and may not exceed 400m <sup>2</sup> . This area excludes any area associated with administration, ablutions, staff rooms, food preparation, kitchen, cold rooms, storage areas etc. For a convenience shop exceeding 400m <sup>2</sup> the consent of the Municipality is required.
Convention Centre	Means premises used or adapted to be used for the conducting of conferences, seminars, gatherings, recreation, public entertainment, exhibitions and such other uses which are ancillary to or reasonably necessary for the use of the building as a convention centre.
Crèche	Means any building or premises maintained or used for the custody and care during the whole or part of the day, on all or only some days of the week, of more than 6 children of pre-school going age and which has been registered as a place of care under the Children's Act, 2005.
Crematorium	Means a crematorium as defined in section 1 of the Cemeteries and Crematoria Act, 12 of 1996 (KwaZulu-Natal) and includes the buildings in which the ceremony is conducted and the cremation carried out as well as those considered ancillary to such a facility.
Cropping	Means the use of land and buildings associated with the cultivation and production of edible and harvestable products that are farmed, planted, grown, and harvested for animal and human consumption and includes buildings associated therewith.
<b>D</b>	
Dairy (New)	Means an area of a building that is 100m <sup>2</sup> or more in extent, used for the production and processing of milk.
Dam	Means a barrier to obstruct the flow of water built across a stream, river, or natural overland flow path and can consist of a barrier made of earth, masonry, concrete etc.
Dipping Tank (New)	Means a facility that is used for disinfecting livestock in rural areas.
Direct Access Service Centre	Means a premises with direct access to Provincial or National Roads, used or designed for a Petrol Filling Station and may include restaurant, fast food outlets, a truck stop and accommodation facilities.
Driving School (New)	Means a place of instruction for people learning to drive a motor vehicle (inclusive of cars, motorcycles, trucks and buses).
Dwelling (Amended)	Means a building, with inter-connected suite of rooms containing a kitchen and the applicable ablutions, used for the living accommodation and housing of one household, together with such outbuildings and subsidiary dwelling units as is ordinarily permitted therewith. Save with the Consent of the Municipality a second kitchen may be permitted. Additional dwelling units shall exclude auxiliary units.
<b>E</b>	
Eco-tourism Facility	Means a tourist establishment for nature-based tourism that is managed in an ecologically sustainable manner. It may include public education and entertainment areas and buildings, as well as sanitation facilities, food preparation, and other facilities placed in an ecologically sensitive manner and may include outdoor

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Category	Definition
	recreation and participatory travel experiences to both natural as well as to cultural environments.
Educational Purposes	Means purposes normally or otherwise reasonably associated with the use of land primarily for instruction or teaching purposes, including crèches, schools, lecture halls, monasteries, public libraries, art galleries, museums, colleges and universities. This may include offices for the administration as well as other uses considered by the Municipality to be ancillary to or reasonably necessary for the use of the premises for educational purposes.
Escort Agency (New)	Means a building used to provide an escort service for sexual services.
Exhibition Centre	Means any land or building used or constructed to be used for the display and sale of materials of artistic, cultural, historical nature and may include a museum or art gallery. This centre may include offices for the administration of such a centre as well as other uses considered by the Municipality to be ancillary to, or reasonably necessary for the use of the building as an exhibition centre.
Extractive Industry (Amended)	Means any activity, premises, building and/or land upon which the process of extracting, mining, winning or quarrying of raw materials from the ground is undertaken, including gravel, sand and stone, <b>water and gas</b> , and includes buildings and crushing plant used in connection with such process, but excludes the processing of such minerals by means of smelting, etc. which would be classified under "Industry-High Impact.
<b>F</b>	
Factory (New)	Means an area of a building that is 100m <sup>2</sup> or more in extent or an area of land that is 100m <sup>2</sup> or more in extent, used for the manufacturing of goods.
Farm Stall	Means a building or land used for retailing of fresh farm produce including home-made items, a farm stall may not exceed 1000m <sup>2</sup> save with the consent of Municipality.
Fast Food Outlet	Means a building or portion of a building designed for the quick preparation of food and refreshments for consumption on or off the premises. Where alcohol is served a license is required.
Fire Station (New)	Means a building that houses a fire brigade.
Flat	Means a suite of rooms not comprising a Dwelling or semi-detached house, contained in a building having one or more floors.
Flea Market	Means an occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public.
Forestry	Means the use of land primarily for timber cultivation and production including tree farms, forest nurseries, the gathering of forest products, or the performing of forest related services and may include buildings associated therewith.
Funeral Parlour	Means a building or part of a building used for the purposes of funeral management and may include the sale and display of coffins and related accessories, a funeral chapel, offices. A funeral parlour may include a mortuary by obtaining the consent of the Municipality.
<b>G</b>	
Game Reserve	Means an area of land that is protected and managed to preserve rare or endangered animal or plant species or indigenous game animals and habitats, and in which human activities are limited and the natural environment is protected from man-made interventions.

Commented [ZM37]: New addition

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Garaging (Amended)	Means a building/s for the parking of domestic motor vehicles, and includes a carport but may not include a public garage, motor repair garage, filling station or any commercial use without consent of the Municipality.
Garden Centre	Means premises where plants and gardening equipment are sold.
Garden Nursery	Means land used for the purpose of growing, displaying and selling of plants and items incidental thereto, and includes the erection of buildings and structures ordinarily used therewith.
Government Subsidized Housing (New)	Means a dwelling that is funded or partially funded with funds from the Integrated Residential Development Programme, the Upgrading of Informal Settlements Programme, the Rural Housing Subsidy: Communal Land Rights, or a similar programme of an organ of state, irrespective of where the dwelling is situated.
Government/Municipal Purposes	Means land or building used by or on behalf of Government or the Municipality for the purpose of carrying out of government or municipal related functions.
Guest House (New)	Means a resident owner managed commercial accommodation establishment for not more than (10) lettable rooms, and which is primarily aimed at the tourist and/or business market, operated from a private single Dwelling House, where the facilities and services offered are for the exclusive use and benefit of transient overnight guests. It may include land used for functions such as conferences, promotions, receptions and/or recreation facilities associated with, but secondary to the residential use of land and used exclusively by the residents and guests of the facility. The establishment exceeds the restrictions of a bed and breakfast establishment.
<b>H</b>	
Health and Beauty Parlour	Means a building or portion thereof used for cosmetic and holistic treatment for men and women.
Health Facility (New)	Means a building used by a health agency or a health establishment as defined in Section 1 of the National Health Act for the care and treatment of human illness, including a hospital, clinic and doctor's consulting room.
Health Studio	Means a building or part thereof and/or premises used for the physical development and fitness of individuals and may include ancillary uses thereto.
Heritage Purposes	Means buildings, land and structures used for the remembrance and protection of cultural heritage resources, such as specific grave sites, buildings, artefacts, plaque/monument etc. or any heritage site as defined in the National Heritage Resources Act No. 25 of 1999 as being considered heritage worthy.
Home Business (Amended)	Means a business conducted by the owner of a property, who shall reside thereon, provided that the Municipality may in certain circumstances, upon application to it and provided that the Municipality is satisfied that the primary use of the dwelling as a residence will in no way be prejudiced, permit the activity to be conducted by a person other than the owner. <b>A home business shall exclude activities which in the opinion of the Municipality will interfere with the amenity of the area for example, welding and panel beating etc.</b>
Homestead	Means land, buildings and structures used for the accommodation of an extended traditional family, who has been allocated the land by means of customary law to a traditional community recognized in terms of section 2(5)(b) of the KwaZulu-Natal Traditional

Commented [ZM38]: amended

Commented [ZM39]: New addition

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	Leadership and Governance Act, 2005 (Act No. 5 of 2005), and may include areas for the cultivation of trees and crops, a kraal for livestock and an enclosure for poultry.
Hostel	Means a building used to provide lodging to more than 14 people.
Hotel	Means a building or portion of a building offering transient lodging accommodation to the general public and providing additional services, such as restaurants, meeting rooms and recreational facilities. In respect of which a liquor licence has been issued a bar may be permitted, but excludes any off-sales facility or liquor store and may at the discretion of the Municipality include an entertainment component.
Household Garden-Isivande (New)	Means a portion of land that is used for subsistence farming purposes.
<b>I</b>	
Industrial Building	Means a building or part of a building used for the manufacturing of goods.
Industry-Light	Means an industry which can be carried out without causing nuisance by way of fumes, gases, vapours, dust, smell, noise, excessive vibration or other adverse interferences to other properties or to the public.
Informal Trading	Means a pre-determined area wherein informal economic activity may be permitted, in accordance with the relevant Municipal policy and/or by-laws.
Institution	Means a building used or designed for use as a hospital, nursing home, clinic, rehabilitation centre (physical and mental), orphanage, sanatorium or dispensary, whether public or private.
<b>K</b>	
Kennels (New)	Means the use of land for the keeping of four or more dogs, cats, or other small domestic animals for financial gain.
Kraal –Isibaya (New)	Means a structure that is used to keep livestock.
<b>L</b>	
Landfill	Means a licensed facility where solid waste, such as paper, glass and metal, are buried in such a way so as to reduce contamination of the surrounding land and may include buildings/equipment ancillary thereto.
Landing Strip	Means an artificially surfaced strip of ground designed for landing and the taking-off of aircraft including ancillary facilities and services.
Launderette	Means a building or portion of a building used for the purpose of washing and drying of fabrics. The washing media used in the laundrette shall be of a type that shall not cause any harmful effluent to be discharged into the sewerage or storm water system.
Light Industrial Building	Means a building used for the manufacture or assembly of products with no adverse impact to the adjacent uses and no hazardous materials are used in the production of such products and may include uses ancillary thereto.
Livestock Farming	Means the authorised raising various types of animals such as pigs, chicken, sheep, cows etc. for the purpose of meat, eggs and further production for commercial or domestic purposes within a confined area.
<b>M</b>	
Market	Means premises used for the display and sale of goods from stalls by independent vendors.

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Medical Office	Means an establishment operated by a licensed medical professional or health professional primarily engaged in the provision of medical or health services, but which does not provide overnight care or serve as a base for an ambulance service.
Medium Density Housing (Amended)	Means <del>three or</del> more buildings which has been designed as a harmonious entity together with such Outbuildings as are ordinarily used therewith.
Mining Operation (New)	Means the processing of any mineral as defined in section 1 of the Mineral and Petroleum Resources Development Act on, in or under the earth, water or residue deposit, whether by underground or open working or otherwise – a) if a mining right contemplated in section 22 of the Mineral and Petroleum Resources Development Act is required or has been granted for the operation, but processing has not commenced by 10 October 2008, or b) if a mining right has been granted in terms of a repealed law for the operation, but processing has not commenced by 10 October 2008.
Mobile Home Park	Means a development laid out, to the satisfaction of the Municipality, with roads, essential services, including arrangements for refuse removal, recreational facilities, and communal facilities which may or may not include communal ablution facilities and communal dining facilities and kitchens.
Mortuary	Means a building or part of a building where corpses are stored, may be exposed for identification purposes and where autopsies may be performed, and may include ancillary uses thereto at the discretion of the Municipality.
Motor Sales Premises (Amended)	Means land, a building or part of a building other than a Parking Depot, used or designed for the display, sale and exchange of motor vehicles by way of trade or for the purpose of gain and may include land associated with such uses together with the sale of spares and items ancillary and incidental to the motor trade including the servicing of motor vehicles, all at the discretion of the Municipality but shall specifically exclude a Petrol Filling Station <del>and a Motor Workshop</del> .
Motor Workshop	Means a building or part of a building used or designed for the general repair and servicing of motor vehicles including auto-electrical repairs, panel beating and spray painting, the fitting and sale of fitted motor spares and accessories, or for any one or more of these uses by way of trade or for the purposes of gain and may include items ancillary and incidental to the motor trade. A motor workshop shall exclude a Petrol Filling Station and scrapyard.
Museum	Means a building in which objects illustrating art, history, science, and culture are displayed, and may include a workshop for the repair and restoration of these objects.
<b>N</b>	
Night Club	Means a premises that may be used as a place of public entertainment wherein dancing may occur and music is played, and may include the preparation of food for on-site consumption and selling of alcoholic (provided the premises is licensed for such) and non-alcoholic beverages for consumption within the premises.
Noxious Industrial Building	Means building or part of a building designed or used for the purpose of carrying on a trade by associated with of fumes, gases, vapours, dust, smell, noise, vibration or other causes, which is deemed by the Municipality to be likely to become dangerous or

Commented [ZM40]: Amened from two to three

Commented [ZM41]: Definition now excludes a motoro workshop

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	harmful to the health, welfare and amenity of the general public such as, but not limited to, smelting ores and minerals, works for the production of sulphur dyes, the processing of hides and skins or the sintering of sulphur-bearing mineral. Where the activities are subject to the National Environmental Management: Waste Act, 2008 (No. 59 of 2008), or the National Environmental Management: Air Quality Act, 2004 (No. 39 of 2004), or succeeding legislation or where the materials being handled meet the definition of 'Dangerous Goods', in terms of the South African National Standards No. 10234, supplement 2008: 1.00's designated "List of classification and labelling of chemicals in accordance with the Globally Harmonized System (GHS)" published by Standards South Africa, or any industrial activity, which in the opinion of the Municipality, may be deemed harmful or noisome.
<b>O</b>	
Office	Means a building or part of a building used for the administration of any business, whether public or private.
Office Park	Means a development that may contain two or more office buildings with ancillary uses and open space designed, planned, constructed, and managed on an integrated and co-ordinated basis to the satisfaction of the Municipality.
Outbuilding (Amended)	Means a structure, whether attached or separate from the main building, which is ancillary and subservient to the main building on a land unit. It shall not exceed 25% of the main dwelling coverage. Save with Consent of the Municipality the size may be increased to a maximum of 40% of the main dwelling coverage. The outbuilding shall not be used for business purposes save with the consent of Municipality. Refer to Section 5.34 for additional controls.
<b>P</b>	
Paper Mill (New)	Means a building used for producing paper and cardboard from timber.
Park Home Estate	Means an area of land laid out with adequate roads and essential services and open space and communal facilities which may include incidental commercial use, intended for the accommodation of factory-assembled self-contained Dwellings, each unit of which can be transported from the factory which, when placed in position, is ready for occupation once the essential services have been connected.
Parkade	Means a multi-storey building or land used for the purposes of parking of motor vehicles.
Parking Depot	Means a building or part of a building used or designed for the purpose of parking and washing of 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 petroleum, oil and accessories.
Parking Lot	Means Land utilised for the parking of motor vehicles limited to the ground or below ground level only.
Passive Public Open Space	Means land reserved for recreational purposes, other than formal or organised sporting activities, which may be used by the general public.
Petrol Filling Station	Means a building or part of a building used or designed for the sale of petroleum, oil and other fuels and lubricants and accessories used in connection with motor vehicles, and includes an office and storeroom for use in connection therewith, including a

Commented [ZM42]: As per Comments received

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Category	Definition
	convenience shop together with facilities for the washing and servicing of motor vehicles and a car wash. Freestanding shop/s, restaurant/fast food outlet other than a convenience shop shall require the consent of the Municipality.
Petroleum Production Operation (New)	Means any operation, activity or matter that relates to the exploration, appraisal, development and production of petroleum in accordance with the provisions and requirements of the Mineral and Petroleum Resources Development Act 28 of 2002 .
Place of Instruction	Means a building or part of a building used or designed as a school, college, technical institution, academy, lecture hall, or any other educational centre and includes a monastery, convent, public library, art gallery, museum, crèche, playschool, child minder.
Place of Public Assembly	Means a building or land used for social meetings, gatherings or indoor recreation, but does not include a place of entertainment.
Place of Public Entertainment (Amended)	Means land or a building, or portion of a building, constructed or designed or adapted to be used as a place of entertainment to which members of the public have access to and includes a theatre, cinema, music hall or concert hall, bar premises licensed to sell alcohol for on-site consumption, a shisanyama and may provide eating facilities, an exhibition hall whether of agriculture, trade or industry or otherwise, a public hall used generally for several of such purposes on occasions as and when required a skating rink; a billiard saloon, an amusement park, racecourse or race track for animals or vehicles or sports ground where an admission charge may be applicable. Notwithstanding the above any other uses not listed are at the discretion of the Municipality and may require its consent.
Place of Safety (New)	Means a building or portion of a building used to shelter women and children or shelter used to cater for abandoned infants and/or children or any needy members of society.
Place of Worship	Means land or building used or designed for the purposes of public devotion and includes a place of instruction, hall, institution, administrative office all of which are to be ancillary to the worship activity.
Police Station (New)	Means a building that houses the police force.
Power Generation Plant (New)	Means land, a building or equipment used for the generation of electric energy from an energy source like fossil fuel, gas, wind, water or solar energy: - a) with an electricity output of more than 10 megawatts; or b) a total extent that covers an area in excess of 1 hectare.
Prison (New)	Means a building used for the confinement of detained persons.
Private Conservation Area	Means private open space managed for conservation purposes, and includes (but not limited to) any nature reserve, greenbelt, ravine, bird sanctuary, riparian area and site of historic, ecological or archaeological value.
Private Open Space	Means a privately owned open space for the purposes of play and recreation and may include parking facilities, sporting amenities and other ancillary recreational buildings and facilities, which the public requires consent from the owner in order to gain access.
Private Recreation Area	Means a privately owned sports ground, playing field, swimming pool or other open space of a club, firm, private person or other body, including buildings ancillary to such recreational activities.
Protected Area	Means any protected area including: -

**Commented [ZM43]:** Deleted night club, which is already defined in the scheme.

Inclusion of a shisanyama as per MD comments

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Category	Definition
	<p>(a) Special nature reserves, nature reserves (including wilderness areas) and protected environments</p> <p>(b) World heritage sites;</p> <p>(c) Specially protected forest areas, forest nature reserves and forest wilderness areas declared in terms of the National Forests Act, 1998 (No. 84 of 1998); and</p> <p>(d) Mountain catchment areas declared in terms of the Mountain Catchment Areas Act, 1970 (No. 63 of 1970).</p> <p>As contemplated in the National Environmental Management Act: Protected Areas Act, 2003 (No. 57 of 2003).</p>
Public Open Space	Means an open space or reserve owned by any government institution which the public has a right to use and enjoy in line with the Public Open Spaces Bylaw, and includes all ancillary facilities and buildings associated therewith.
<b>Q</b>	
Quarry (New)	Means a place where rock, ore, stone and similar materials are excavated, processed for sale or for off-site use. (See also Extractive Industry)
<b>R</b>	
Recreational Purposes	Means normally or otherwise reasonably associated with the use of land primarily for recreation, including leisure, sports and amusement facilities at the discretion of the Municipality.
Recycling Centre	Means an area of land, with or without buildings upon which used materials (including garden waste) are separated and processed. The Municipality may at its discretion require such facility to be screened to its satisfaction.
Residential Building	Means a building ordinarily used therewith, and includes blocks of tenements, apartment houses, residential clubs and hostels, but does not include any building mentioned, whether by way of inclusion or exclusion in the definitions of a Place of Instruction or Institution.
Restaurant (Amended)	Means a building or part of a building used for the preparation and sale of food for on or off site consumption and may include (provided it is licensed) the sale of malt, wines and spirits, to customers for consumption on the premises only. <b>[This definition excludes a shisanyama.]</b>
Restricted Building	Means a building used for such purposes as a clinic or hospital for infectious diseases, a jail, mental home or hospital, or reformatory.
Retirement Centre	Means a residential development intended for the accommodation or settlement substantially of elderly persons and which facilities may be provided for a frail care centre and places of communal activity. The premises may include offices, medical consulting rooms, launderette, shops and restaurants, which in each case shall be restricted as required by the Municipality and be for the sole use of occupants and their guests.
Riding Stables	Means premises used for the stabling of horses and includes riding instruction and the care and hiring of such horses.
Royal Residence –Isigodlo (New)	Means a traditional palace for Inkosi and is used for the purposes of residential, administrative and cultural festivities in Traditional Community areas.
<b>S</b>	
Saw Mill (New)	Means a building used for producing planks and boards from timber.

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**Commented [ZM44]:** Addition of exclusion

Category	Definition
Scrap Yard	Means a land or a building associated with storing, dismantling or recycling of motor spares for the purpose of resale and may include buildings associated therewith.
Self-contained residential unit/ Granny's Flat (New)	Means means a self-contained, interleading group of rooms, with not more than one kitchen and used for living accommodation. It shall not contain more than two bedrooms. The Unit shall not be used for business activities, save with the consent of Municipality. It is an Ancillary to the dwelling and shall not exceed 30% of the main dwelling coverage. Save with Consent of the Municipality the size may be increased to a maximum of 50% of the main dwelling coverage.
Service Industrial Building	Means a light industrial building that includes a builder's yard and allied trades, a building contractor business laundry business, bakery, electrical contractor business, dairy, dry-cleaning and similar types of uses aimed at providing a service to the public, at the discretion of the Municipality.
Service Workshop	Means a building or part of building used for the repair and servicing of household appliances or office equipment limited to 150m².
Shop (Amended)	Means a building or part of a building used for the purpose of providing a service and or conducting any retail or wholesale trade where the primary purpose is the display and sale of goods. <b>This definition excludes a motor spares shop.</b>
Shopping Centre	Means a combination of business premises planned constructed and managed as a total entity in accordance with the Municipality's requirements.
Social Hall	Means a building used or designed to be used for social meetings and gatherings, including a community centre, but excludes a "Place of Entertainment".
Special Building	Means a building or use specifically not defined in the scheme.
Specialised Office	Means a room or suite of rooms used for transacting business other than that of a retail or wholesale nature and shall include a consulting room or rooms for a professional or similar person or organisation, or any room or rooms where administrative work or consulting is carried out. The storage or display of goods whether for sale or not is precluded.
Sports Field (New)	Means an area that is used informally for sporting activities with no fixed facilities constructed.
Sugar Mill (New)	Means a building used for the production of sugar from sugar cane and the processing of sugar.
<b>T</b>	
Tannery (New)	Means a processing unit that produces quality finished leathers.
Tavern	Means a licensed building or portion of a building used for the consumption of liquor on the premises and may include facilities associate with the preparation and consumption of food.
Tourism Activities	Means activities and facilities linked to attraction points and can include hiking/biking trails, bungee jumping, tourist accommodation, or any similar activity.
Traditional Court-Inkantolo YeNkosi (New)	Means a customary institution or structure, which is constituted and functions in terms of customary law and custom, for purposes of resolving disputes, in accordance with constitutional imperatives and the Traditional Courts Bill (B1-2017).

Commented [ZM45]: New

Commented [ZM46]: New addition

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Category	Definition
Traditional Health Practice (New)	Means the performance of a function, activity, process or service based on a traditional philosophy that includes the utilisation of traditional medicine or traditional practice and which has as its object: - a) The maintenance or restoration of physical or mental health or function; or b) The diagnosis, treatment or prevention of a physical or mental illness; or c) The rehabilitation of a person to enable that person to resume normal functioning within the family or community; or d) The physical or mental preparation of an individual for puberty, adulthood, pregnancy, childbirth and death, but excludes the professional activities of a person practising any of the professions contemplated in the Pharmacy Act, 1974 (Act No. 53 of 1974), the Health Professions Act, 1974 (Act No. 56 of 1974), the Nursing Act, 1974 (Act No. 50 of 1974), the Allied Health Professions Act, 1982 (Act No. 63 of 1982), or the Dental Technicians Act, 1979 (Act No. 19 of 1979), and any other activity not based on traditional philosophy
Train Station (New)	Means a building or land operated by Transnet where trains load or unload passengers or goods.
Transitional Settlement Area	Means defined land upon which informal settlements are established by the occupation of land and provision of residential accommodation in the form of self-help structures and some ancillary non-residential uses.
Transport Depot (New)	Means land or building used primarily as a stopover facility for commercial vehicles. It may include facilities for the maintenance or repair of commercial vehicles (including but not limited to busses and trucks), the dispensing of motor fuel or other petroleum products directly into motor vehicles and the sale of accessories or equipment for trucks and similar commercial vehicles.
Transport Purposes	Means purposes normally or otherwise reasonably associated with the use of land primarily as a point for the pick-up or off-loading of people or goods, including a taxi rank, bus bays, bus stations, bus terminals, train station and terminals and ancillary uses to the satisfaction of the Municipality.
Truck Stop	Means land or building used primarily as a stopover facility for commercial vehicles. A Truck Stop may include facilities for the maintenance or repair of commercial vehicles, the dispensing of motor fuel or other petroleum products directly into motor vehicles and the sale of accessories or equipment for trucks and similar commercial vehicles. A Truck Stop may also include accommodation and restaurant facilities.
Tuckshop	Means a home-based business or home based activity defined at the discretion of the Municipal Senior Town Planner, depending on the scale of the usage, in the form of a micro or small convenience kiosk or shop situated on or within a residential property which sells basic foodstuffs and other products in response to local needs in a small neighbourhood within walking distance of people's homes.
<b>U</b>	
Utilities Facility	Means land or building used to accommodate utility services such as substations, waterworks, water reservoir, sewerage works and public utilities, sewerage pump stations, telephone exchange, and such other related private, government or municipal utilities.
<b>V</b>	

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Category	Definition
Veterinary Clinic	Means land or building where animals may be stored (such as a kennel) or given medical care and may include a grooming parlour and a retail outlet restricted to the sale of veterinary and animal maintenance products.
<b>W</b>	
Warehouse	Means a building used for the storage of goods and may include ancillary uses thereto.
Water Bottling Plant (New)	Means a building used for the bottling of water for financial gain.

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### 3. SECTION 3: RESERVATION OF LAND

PURPOSE FOR WHICH LAND IS RESERVED	COLOUR NOTATION
Railway Purposes ➤ Train Station	Fill: Grey R:078, G:078, B:078 Outline: Artic White R:255,G:255,B:255
Existing Road and Lane	Fill: N/A Outline: Black R:000,G:000,B:000
New public roads and streets and widening of existing roads and streets	Fill: Tuscan Red Hatch R:168, G:000, B:000 Outline: Black R: 000,G: 000,B: 000
Dam/Water Resource	Fill: Light Vert R:122, G:245, B:202 Border: Black R:000, G:000, B:000

Commented [ZM47]: New addition

#### 3.1 PROVISIONS APPLICABLE TO RESERVATION OF LAND

Commented [ZM48]: Addition from Ashburton Scheme

3.1.1 Save with the consent of the Municipality, no person shall erect a building or execute works, or make excavations on or otherwise use land reserved hereunder other than buildings, works or excavation required for, or incidental to, the purpose for which the land is reserved.

3.1.1.1 Provided that any such land may continue to be used for the purpose for which it was used on the effective date.

3.1.1.2 Provided further, that nothing herein contained shall be deemed to absolve any person from due compliance with the provisions of the Municipality's bylaws/regulations

3.1.2 Save as provided in clause 3.1.1 no person shall spoil or waste land reserved hereunder or otherwise use such land so as to destroy or impair its use for the purpose for which it is reserved.

3.1.2.1 Provided that the Municipality may consent to the deposit on such land of waste materials or refuse.

3.1.3 In giving its consent to the use of Land, reserved under this part of the Scheme, for purposes other than that for which it is reserved for, the Municipality shall be satisfied that the use will not interfere with the intended use and may impose conditions regarding: -

- (a) the removal or the alteration of a Building or Developments,
- (b) the reinstatement of the Land,
- (c) the removal of waste materials or refuse, and
- (d) any other condition that the municipality deems fit.

Commented [ZM49]: Addition from the Ashburton scheme with addition of point (d)

3.1.4 Nothing in this clause shall be construed as prohibiting the reasonable fencing of the land.

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- 3.1.5 Nothing in this clause shall be construed as affecting the rights and powers of the Municipality under any other law, in relation to the making up of roads and the construction of drainage works.
- 3.1.6 Where the Municipality has acquired, either by agreement or expropriation, any land (together with buildings, structures or other erections thereon) reserved hereof, it may execute thereon such works as in the opinion of the Municipality, may be required for, or incidental to the purpose for which the land is reserved or for municipal purposes.
- 3.1.7 Roads or streets to be closed are indicated on the scheme maps by a narrow red cross-hatch. Such closures shall not be effective until the requirements of the local authority's ordinance have been fulfilled.
- 3.1.7.1 Provided that nothing contained in part four of the scheme shall derogate from the powers conferred on the Municipality by the said local authority's ordinance.
- 3.1.8 New public roads and streets and widening of existing roads and streets shall mean an area of land set aside for new roads or the widening or other improvement of existing roads, or for purposes of conservation or other open spaces, the parking of vehicles and other matters generally of a public nature, and may not be used for any other purpose without the consent of the Municipality.

3.1.9 Use of the water resources requires permission from the Department of Water and Sanitation.

Commented [ZM50]: New addition

### 3.2 ACQUISITION OF LAND

- 3.2.1 Land in private ownership that has been reserved for Existing Road and Lane or Railway Purposes may be acquired by the Municipality or other public authority, either by agreement or expropriation, in terms of the provisions of applicable legislation.
- 3.2.2 Where the Municipality has acquired, either by agreement or expropriation, any land (together with buildings, structures or other erections thereon) reserved hereof, it may execute thereon such works as in the opinion of the Municipality, may be required for, or incidental to the purpose for which the land is reserved or for municipal purposes.

### 3.3 ALTERNATIVE USE OF LAND RESERVATIONS

- 3.3.1 In the event that a reservation of Land is rescinded, the use of such Land and Buildings erected thereon, shall be restricted by the provisions of the specified Use Zone in which the Erf is situated.

Commented [ZM51]: Addition from Ashburton Scheme

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#### 4. SECTION 4: LAND USE CATEGORIES, LAND USE ZONES AND CONTROLS

LIST OF LAND USE ZONES		
<ul style="list-style-type: none"> <li>Agriculture 1 (Amended)</li> <li>Agriculture 2 (Amended)</li> <li>Forestry</li> <li>Cemetery</li> <li>Educational (Amended)</li> <li>Municipal and Government (Amended)</li> <li>Health and Welfare (Amended)</li> <li>Institutional (Amended)</li> <li>Worship (Amended)</li> <li>General (Amended)</li> <li>Core Mixed Use 1</li> <li>Convention Centre</li> <li>Commercial</li> <li>Low Impact Mixed Use</li> <li>Medium Impact Mixed Use</li> <li>Mixed Use 1</li> <li>Multi-Purpose Retail and Office</li> <li>Garage and Petrol Filling Station</li> <li>Active Public Open Space (Amended)</li> <li>Environmental Reservation</li> <li>Passive Public Open Space (Amended)</li> <li>Private Open Space</li> <li>Protected Area 1 (Amended)</li> <li>General Industry (Amended)</li> <li>Light Industry</li> <li>Extractive Industry</li> <li>Logistics 1</li> <li>Special Residential 1 (Amended)</li> <li>Special Residential 1A</li> <li>Special Residential 2 (Amended)</li> <li>Special Residential 2A</li> <li>Special Residential 3 (Amended)</li> <li>Special Residential 3A</li> <li>Special Residential 4 (Amended)</li> <li>Special Residential 5 (Amended)</li> <li>General Residential 1</li> <li>General Residential 2</li> <li>General Residential 3</li> <li>General Residential 4 (Hotel)</li> <li>Intermediate Residential</li> <li>Equestrian Residential 1</li> <li>Rapid Urbanisation Management Zone</li> <li>Rural Residential (Amended)</li> <li>Retirement Village</li> <li>Student Village</li> <li>Public Housing</li> <li>Airport</li> <li>Bus and Taxi Rank (Amended)</li> </ul>	<ul style="list-style-type: none"> <li>Car Park</li> <li>Tourism 1</li> <li>Office</li> <li>Transitional Zone 1</li> <li>Transitional Office</li> <li>Refuse Landfill</li> <li>Undetermined</li> <li>Utilities and Services 1 (Amended)</li> <li>Special Area 1: 2 Leinster Road</li> <li>Special Area 2: 1 Beaumont Road</li> <li>Special Area 3: Bulwer/Fleet Street</li> <li>Special Area 4: 63 Pietermaritz Street</li> <li>Special Area 5: Bangalore/Mysore Road</li> <li>Special Area 6: Racecourse</li> <li>Special Area 7: Bird Sanctuary site</li> <li>Special Area 8: 276 Murray Road</li> <li>Special Area 9: Town Bush Road garden centre</li> <li>Special Area 10: 771 Town Bush Road - Waltdorf</li> <li>Special Area 11: Worlds View</li> <li>Special Area 12: Redlands</li> <li>Special Area 13: Camps Drift Park</li> <li>Special Area 14: Boom Street</li> <li>Special Area 15: Wigford/Trent Road</li> <li>Special Area 16: 151 Morcom Road</li> <li>Special Area 17: Northway Mall</li> <li>Special Area 18: RAS Site</li> <li>Special Area 19: Woodburn/Collegians Site</li> <li>Special Area 20: Liberty Mall</li> <li>Special Area 21: 61 Villiers Drive</li> <li>Special Area 22: Victoria Country Club</li> <li>Special Area 23: 1 and 3 Riverton Road</li> <li>Special Area 24: Almond Bank</li> <li>Special Area 25: 528 Chota Motala Rd</li> <li>Special Area 26: Corner of New England Rd and Hesketh Drive</li> <li>Special Area 27: 4 and 6 Gough Road and 11 Hyslop Road</li> <li>Special Area 28: 19, 21 and 23 Hyslop Road: Athlone.</li> <li>Special Area 29: Rita Light Industrial Park</li> <li>Special Area 30: Hayfields Super Spar</li> <li>Special Area 31: 26 New England Road and 14 and 16 Connaught Road: Scottsville</li> <li>Special Area 32: 12 and 14 Gough Road: Athlone</li> <li>Special Area 33: 50 Link Road</li> </ul>	<ul style="list-style-type: none"> <li>Special Area 34: Between Henderson Road and George Macfarlane</li> <li>Special Area 35: 301 Burger Street: Central Area</li> <li>Special Area 36: Acacia Park</li> <li>Special Area 37: Hillcove Hills</li> <li>Special Business Area 1: Southgate</li> <li>Special Business Area 2: Grimthorpe Avenue</li> <li>Special Business Area 3: 210 Ohrtmann Road</li> <li>Special Business Area 4: Knipe/Williams Street</li> <li>Special Business Area 5: Murphy/Garfield Street</li> <li>Special Business Area 6: 244-250 Boom Street</li> <li>Special Business Area 7: Debi Place</li> <li>Special Business Area 8: 50 Durban Road</li> <li>Special Business Area 9: Mill City</li> <li>Special Business Area 10: Brookside Gardens</li> <li>Special Business Area 11: 40 Durban Road</li> <li>Special Business Area 12: 44 Durban Road</li> <li>Special Business Area 13: 60 Durban Road</li> <li>Special Business Area 14: 80 Roberts Road</li> <li>Special Business Area 15: 1 Durban Road</li> <li>Special Business Area 16: Barloworld</li> <li>Special Business Area 17: Wildbreak</li> <li>Special Business Area 18: 86 Roberts Road</li> <li>Special Business Area 19: 94 Roberts Road</li> <li>Special Business Area 20: 90 Roberts Road</li> <li>Special Business Area 21: 88 Roberts Rd</li> <li>Special Business Area 22: Edendale Shopping Centre</li> </ul>

Commented [ZM57]: Addition of Approved Special Area Zone

Commented [ZM52]: New addition from Ashburton Scheme

Commented [ZM53]: New Addition from Ashburton Scheme

Commented [ZM54]: New Addition from Ashburton Scheme

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#### 4.1 Agriculture

##### 4.1.1 Agriculture 1 (Amended)

<b>ZONE:</b>	<b>AGRICULTURE 1</b>		
<b>Statement of Intent:</b>	A land use zone that is intended for the identification, reservation and protection of land that has very high potential agricultural land, where the primary activity is the extensive agricultural production of crops, plantations, mostly free-roaming livestock, poultry, etc.		
<b>Colour Notation:</b>	<b>Fill: Fir Green R:038, G:115, B:000</b> <b>Outline: Black R:000, G:000, B:000</b>		
<b>Applicability:</b>	This Zone applies to the PMB, Northdale, Edendale, Sobantu, Areas under Traditional Authority & Farm Portions, and may at the sole discretion of the Municipality be allowed in other areas.		
<b>Permissible (A)</b>		<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"><li>• Agricultural Building</li><li>• Agricultural Land</li><li>• Conservation Purposes</li><li>• Cropping</li><li>• Dairy</li><li>• Dipping Tank</li><li>• Dwelling</li><li>• Farm Stall</li><li>• Forestry</li><li>• Homestead</li><li>• Household Garden-Isivande</li><li>• Kraal- Isibaya</li><li>• Livestock Farming</li><li>• Riding Stables</li><li>• </li></ul>		<ul style="list-style-type: none"><li>• Abattoir</li><li>• Agri-tourism Facility</li><li>• Ancillary Use</li><li>• Cellular Telecommunication Infrastructure*</li><li>• Garden Nursery</li><li>• Home Business</li><li>• Kennels</li><li>• Outbuilding</li><li>• Residential Building (restricted to accommodate those working at the farm)</li><li>• Self-contained Residential Unit/ Granny's Flat</li><li>• Special Building</li><li>• Sugar Mill</li><li>• Tannery</li></ul>	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>			
<ol style="list-style-type: none"><li>1. No work, including the erection of a building or structural alteration to a building, or the erection or establishment of any sign, shall be executed without the prior consent of the Municipality having first been obtained therefor.</li><li>2. The encroachment of conflicting land uses shall be discouraged within agricultural sites so as to promote food security and protect arable land.</li><li>3. A detailed natural resources/agricultural study must be conducted should an applicant feel he/she has sufficient motivation to propose a change of land use which application must be submitted to the KZN Department of Agriculture and Rural Development for their comment.</li><li>4. Consent uses shall only be considered if they will not negatively impact on the existing farming activities inclusive of surrounding land parcels, nor should they compromise the "right to farm".</li><li>5. Every effort should be made to limit degradation of the natural agricultural resources in accordance with Section 6 and 7 of the Conservation of Agricultural Resources Act, 1983 (No. 43 of 1983).</li></ol>			

**Commented [ZM58]:** Amended statement –Exclusion of KZN DARD Categories

**Commented [ZM59]:** New addition

**Commented [ZM61]:** New Addition

**Commented [ZM60]:** New addition

**Commented [ZM62]:** New addition

**Commented [ZM63]:** New addition

**Commented [ZM64]:** New Addition

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6. All consent applications shall require comments from the Department of Agriculture, Land Reform and Rural Development.
7. Non- agricultural land uses must be clustered in order to limit the impact on and fragmentation of agricultural land and should as far as possible be placed on lower potential land portions.
8. \*Subject to compliance with the Msunduzi Cellular Telecommunication Infrastructure Policy.
9. **Subject to compliance with Clause 5.31,5.35, 5.39 and 5.40 of the Scheme**
10. The Municipality may grant its consent for the erection of a building or structure (including a swimming pool) in front of the Building Line.
11. The Municipality may grant consent for relaxation of the side and rear space requirements.
12. **The existing non- agricultural land uses as indicated by the land use layer will be accommodated within this zone, however any alteration or addition to the existing developments shall require input from relevant Authority. Furthermore, the existing non- agricultural land uses shall not be exempt from complying and/or obtaining approvals in terms of applicable legislation and laws.**
13. **Un-serviced areas to comply with clause 7.5 of the Scheme**
14. **All development shall be subject to obtaining all the necessary approvals in terms of the applicable legislation.**
15. For the purposes of establishing side and rear spaces in terms of this clause, the eaves of any building or structure shall not overhang the side space and rear space by more than 1200mm, excepting that when a greater eaves overhang is provided, the required side space or rear space as the case may be, shall be increased by the amount the eaves overhang exceeds 1200mm.

**Commented [ZM65]:** New addition

**Commented [ZM66]:** New addition

**Commented [ZM67]:** New addition

#### **PARKING REGULATIONS**

1. Refer to Appendix 8 for parking regulations.
2. The technical requirements for on-site parking shall be in accordance with clause 7.2 of the Scheme.

#### **DEVELOPMENT PARAMETERS**

Area	SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
	Building line	Side space	Rear Space					
Pietermaritzburg	6m	1,5m	3m	N/A	N/A	2	50	0,50
Greater Edendale	3m	1m						
Northdale, Sobantu, Areas under Traditional Authority & Farm Portions	At the discretion of the Municipality in terms of the National Building Regulations.							

**Commented [ZM68]:** New addition

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#### 4.1.2 Agriculture 2 (Amended)

<b>ZONE:</b>	<b>AGRICULTURE 2</b>	
<b>Statement of Intent:</b>	A land use zone that consists of land with restricted to low agricultural potential, on which significant interventions would be required to achieve viable and sustainable food production.	
<b>Colour Notation:</b>	<b>Fill: Dark Olive-Green R: 162, G:205, B:090</b> <b>Outline: Black R:000, G:000, B:000</b>	
<b>Applicability:</b>	This Zone applies to the entire Municipal Area.	
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>Agricultural Building</li> <li>Agricultural Land</li> <li>Community Garden</li> <li>Conservation Purposes</li> <li>Cropping</li> <li>Dairy</li> <li>Dipping Tank</li> <li>Dwelling</li> <li>Farm Stall</li> <li>Forestry</li> <li>Garden Nursery</li> <li>Homestead</li> <li>Household Garden-Isivande</li> <li>Kraal-Isibaya</li> <li>Livestock Farming</li> <li>Riding Stables</li> </ul>	<ul style="list-style-type: none"> <li>Abattoir</li> <li>Agri-tourism Facility</li> <li>Ancillary Use</li> <li>Arts and Crafts Workshop</li> <li>Caravan Park</li> <li>Cellular Telecommunication Infrastructure</li> <li>Flea Market</li> <li>Home Business</li> <li>Institution</li> <li>Landing Strip</li> <li>Outbuilding</li> <li>Paper Mill</li> <li>Park Home Estate</li> <li>Place of Instruction (limited to agricultural related training)</li> <li>Place of Worship</li> <li>Residential Building</li> <li>Residential Building (restricted to accommodate those working at the farm)</li> <li>Self-contained Residential Unit/ Granny's Flat</li> <li>Social Hall</li> <li>Special Building</li> <li>Sugar Mill</li> <li>Tannery</li> <li>Tuckshop*</li> <li>Veterinary Clinic</li> <li>Water Bottling Plant</li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>		
<ol style="list-style-type: none"> <li>* A Tuckshop with 50m<sup>2</sup> or less requires written consent from neighbours. If the proposed tuckshop net space area is more than 50m<sup>2</sup> a full consent application will be required.</li> <li>No work, including the erection of a building or structural alteration to a building, or the erection or establishment of any sign, shall be executed without the prior consent of the Municipality having first been obtained therefor.</li> </ol>		

**Commented [ZM69]:** Amended statement of intent– Exclusion of KZN DARD Categories

**Commented [ZM70]:** New addition

**Commented [ZM72]:** New addition

**Commented [ZM71]:** New addition

**Commented [ZM73]:** New addition

**Commented [ZM74]:** New addition

**Commented [ZM75]:** New addition

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3. Every effort should be made to limit degradation of the natural agricultural resources in accordance with Section 6 and 7 of the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983).
4. Consent uses shall only be considered as long as this change does not conflict with the surrounding agricultural activity.
5. A detailed natural resources study must be conducted should an applicant feel he/she has sufficient motivation to propose a change of land use.
6. Non- agricultural land uses must be clustered in order to limit the impact on and fragmentation of agricultural land and should as far as possible be placed on lower potential land portions.
7. The consent uses may be approved by the Municipality, if the application demonstrates that: -
  - (a) There is adequate water supply to support the development;
  - (b) There is adequate sewerage and wastewater disposal to the satisfaction of the Water Services Authority; and
  - (c) The applicant has a water abstraction licence from the Department of Water and Sanitation.
8. Subject to compliance with the Msunduzi Cellular Telecommunication Infrastructure Policy.
9. The Municipality may be approved, if the application demonstrates that: -
  - (a) There is adequate water supply to support the development;
  - (b) There is adequate sewerage and wastewater disposal to the satisfaction of the Municipality; and
  - (c) The applicant has a water abstraction licence from the Department of Water and Sanitation.
10. The Municipality may grant its consent for the erection of a building or structure (including a swimming pool) in front of the Building Line.
11. The existing non- agricultural land uses as indicated by the land use layer will be accommodated within this zone, however any alteration or addition to the existing developments shall require input from relevant Authority. Furthermore, the existing non- agricultural land uses shall not be exempt from complying and/or obtaining approvals in terms of applicable legislation and laws.
12. Un-serviced areas to comply with clause 7,5 of the Scheme.
13. All development shall be subject to obtaining all the necessary approvals in terms of the applicable legislation.
14. For the purposes of establishing side and rear spaces in terms of this clause, the eaves of any building or structure shall not overhang the side space and rear space by more than 1200mm, excepting that when a greater eaves overhang is provided, the required side space or rear space as the case may be, shall be increased by the amount the eaves overhang exceeds 1200mm.
15. An Outbuilding shall be freely permissible within Portion 238 of Erf 1336 Ockerts Kraal (Ashburton).
16. With respect to Portion 238 of Erf 1336 Ockerts Kraal (Ashburton) the following uses may be permitted via consent: -
  - 16.1. Bed and Breakfast
  - 16.2. Child Minder
  - 16.3. Crèche
17. The following controls shall apply to Erfs 992, 993, 994, 995, 1146, 1169, 1170, 1179, 1198, 1217, 1634, 1656, 1675 and 1858 Pietermaritzburg, off Woodhouse and Alice Grange Road: Hayfields: -
  - 17.1. Agricultural Building, Agricultural Land, Dwelling, Institutions, Medium Density Housing and Outbuilding shall be the only freely permissible uses, with consent uses consisting of Place of Instruction and Special Building.

Commented [ZM78]: New addition

Commented [ZM79]: New addition

Commented [ZM80]: Addition from the Ashburton Scheme

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- 17.2. Permissible uses on the site shall be in accordance with Plan TPX 20/86E.
- 17.3. The maximum Floor Area for Residential Buildings and all other uses shall be 0,50.
- 17.4. The maximum coverage shall be 50%.
- 17.5. The maximum height permitted shall be 3 storeys.
- 17.6. Subdivisions to be utilised for residential purposes must contain an area of not less than 650m<sup>2</sup> with a mean width of 17m and a minimum frontage of 4m.
- 17.7. On-site parking shall be provided in accordance with Plan TPX 12/239, to the satisfaction of the Municipality.
- 17.8. The Municipality may grant consent for relaxation of the side and rear space requirements.
- 18. The following controls shall apply to Erf 199 Surry Park: -**
- 18.1. Home Owners Association (HOA) to be created, over all Erven of Portion 1 of Erf 114 Surrey Park which shall provide that no property may be transferred without the consent of the HOA, which consent shall be granted once the transferee agrees to be a member of the HOA, and all levies due to the HOA have been paid by the Transferor. Homeowners Association responsible for maintenance of Private Roadway.
- 18.2. The Owners of the subdivisions shall be jointly responsible in perpetuity for the maintenance of the common property in a clean, tidy and serviceable condition, to the satisfaction of the Council and shall take all steps to ensure that no part of such common property shall become a public street or public place for which the Council may be required to accept responsibility, without the express consent of the Council.
- 18.3. Environmental Management**
- 18.3.1. This application shall be subject to full compliance with all conditions stipulated in the Environmental Authorization (DC22/AMEND/0044/2017) shall be comply with, dated 22 June 2018 together with Environmental Authorization (DC22/0044/08) dated 04 July 2012. Specifically, the following:
- (a) Clause 3.3.1. The Environmental Management Programme (EMPr) dated 25 July 2011 and included in the Final EIAR (prepared by Janet Edmonds Consulting cc and dated 28 September 2011) for the pre-construction, construction, operational and rehabilitation phases of this project as submitted for the Environmental Authorization of this project complies with Section 24N of NEMA and Regulation 33 of the EIA Regulations, 2010. Accordingly, this EMPr is hereby approved and must be implemented.
  - (b) Clause 3.3.2. The EMPr must be kept on site during all phases of the development
  - (c) Clause 3.4.7. Fourteen (14) days written notice must be submitted to the Msunduzi Municipality Conservation and Environment Unit, at the address specified in condition 3.4.4. above that the construction for the next phases, (i.e. Phase 2, 3, and 4) will commence. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the construction will commence, an assurance for the increase in the demands as per condition 3.4.5. above and the EIA reference number of this environmental authorization viz. DC22/0044/08.
  - (d) Clause 3.4.20. Fast growing trees must be planted along the northern boundary with AfriSam Quarry immediately after site clearing to allow the trees to become established and provide a buffer to shield residents from noise and visual impacts of the neighboring quarry. The tree species to be used must be determined in consultation with the Msunduzi Municipality Conservation and Environment Unit.
- 18.4. Environmental Health**
- 18.4.1. All food premises to comply with the Food Regulations R962.

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- 18.4.2. Crèches and school to comply with the Public Health By-laws and Environmental Health Norms and Standards.
- 18.4.3. All industries to comply with the Public Health Act in terms of pollution control (air, water, land and noise).
- 18.4.4. All industries will be restricted to the installation of small emitters (fuel appliances) in terms of the National Environment Air Quality Act.
- 18.5. Water and Sanitation**
- 18.5.1. The owner shall be responsible for all aspects of the permanent supply of water to and within the layout;  
 (a) Engineering design,  
 (b) Implementation and construction,  
 (c) Survey and Registration of praedial and private servitudes if necessary, and  
 (d) Related costs.
- 18.5.2. The Developer shall provide all bulk and link water reticulation required to service the internal services.
- 18.5.3. The Developer shall pay the cost of connecting into the bulk supply and installing all internal water reticulation which shall be designed to comply with fire-fighting requirements.
- 18.5.4. The Developer to connect from existing Copesville Sewer Interceptor (Trunk main).
- 18.5.5. The Developer shall pay the cost of connecting into bulk supply, all services be in accordance with the Msunduzi Municipality's Water and Sanitation Business Unit Guidelines.
- 18.5.6. The Sewer reticulation serving the Erven within the development shall be protected by sewer servitudes of adequate width which are to be registered over the affected subdivisions, in favour of the Home Owners Association at owners cost, prior to or simultaneously with the registration of the respective subdivisions.
- 18.5.7. Any existing water piping which may cross any proposed internal subdivision boundary shall be severed and plugged or removed prior to the transfer of the first subdivision.
- 18.6. Roads and Drainage**
- 18.6.1. Access to the proposed development will be opposite the existing Beacon Hill Estate access through M25. This access is to be designed in such a way that it should intersect Main Road 25 at a right angle or at an acceptable deflection angle (as per Geometric Design Guidelines). Access should be designed as a KZNDOT Type B2 and the intersection be signalized before commencement of Phase 2 construction.
- 18.6.2. Public transport laybys should be provided on both sides of the Site Access/ Main Road 25/ Beacon Hill Estate intersection.
- 18.6.3. 2.5m walkways should be constructed from the public transport laybys to the first internal access road.
- 18.6.4. All the costs for the above road upgrades shall be at the Developer's account.
- 18.6.5. The requirements of the Department of Transport as set out in their letter dated 9th June 2016, referenced T10/2/2/1554/2, shall be strictly complied with.
- 18.6.6. The intersection shall be upgraded to a double Type B2 intersection to be directly opposite the entrance to Beacon Hill.
- 18.6.7. The intersection shall also be provided on both sides of MR25 with public transport laybys, as required by the Department of Transport.
- 18.6.8. Provide 1.5m wide concrete sidewalk from the public transport layby to the intersection of the first internal road.

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18.7. Electricity								
18.7.1.	A 24 hours' access to the Municipal meters is required. A general access servitude shall be registered against all road Erven in favour of the Municipality in order to access municipal services for meter reading, maintenance, repairs and related work.							
18.7.2.	A kiosk equipped with 150A non-adjustable circuit breaker must be provided by you on the road frontage boundary.							
18.7.3.	The above-mentioned estimated charge must be paid in advance at 333 Church Street, A.S. Chetty building. You will be invoiced for the actual cost on completion of the work and debited or credited accordingly.							
18.7.4.	An unobstructed duct way must be provided for the entry of the underground service cable to any new meter position.							
18.7.5.	The minimum charge per month payable by the consumer under Scale C shall be an amount calculated on the basis of 70% of the highest maximum demand in kVA, notified to the Executive Manager: Electricity by the consumer or 70% of the previous twelve months' highest maximum kVA which is the higher. The effective date of the minimum charge i.e. 70% of the Notified Maximum Demand (NMD) in kVA is from the day the electricity supply connection is made and the charge is payable 30 days after the effective date.							
18.7.6.	The council reserves the right to fix the position of the meter board/box, which must be approved by the Electrical Engineer before wiring of the proposed installation commenced.							
18.8.	A condition of title shall be registered over all erven or Erf 114 Surrey Park absolving the Municipality from any and all responsibility for any damage caused by blasting and mining operations of the Farm Natal Crushers No. 14967.							
19. Sweetwaters								
19.1.	Consent Use: Creche, Educational Building, Extractive Industry, Guest House, Place of Public Assembly, Private Recreation Area, Resctrational Purposeses and Restaurant.							
19.2.	Provided the written consent of all abutting owners and any other owners the Municipality may determine, is obtained, the Municipality may waive the consent procedure for Self-contained Residential Unit/ Granny's Flat, Bed and Breakfast and Home Business.							
PARKING REGULATIONS								
1. Refer to Appendix 8 for parking regulations.								
2. The technical requirements for on-site parking shall be in accordance with clause 7.2 of the Scheme.								
DEVELOPMENT PARAMETERS								
Area	SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
	Building line	Side space	Rear Space					
Pietermaritzburg	6m	1,5m	3m	N/A	N/A	2	50	0,50
Greater Edendale	3m	1m						
Ashburton	N/A							
All Other Areas	At the discretion of the Municipality in terms of the National Building Regulations.							

Commented [ZM81]: New addition

Commented [z82]: New addition

Commented [ZM83]: Addition from Ashburton Scheme

Commented [ZM84]: New addition

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#### 4.1.3 Forestry (Amended)

<b>ZONE:</b>	<b>FORESTRY</b>							
<b>Statement of Intent:</b>	A land use zone that provides for land used or authorized for the growing of trees with the valid permission of relevant <b>Government Department</b> and includes some tourism related activities and ancillary uses.							
<b>Colour Notation:</b>	<b>Fill: Green R:000, G:128, B:000</b> <b>Outline: Black R:000, G:000, B:000</b>							
<b>Applicability:</b>	This Zone applies to the PMB, Northdale, Edendale & Sobantu, and may at the sole discretion of the Municipality be allowed in other areas.							
<b>Permissible (A)</b>		<b>Consent (B)</b>			<b>Prohibited (C)</b>			
<ul style="list-style-type: none"><li>• Agri-tourism Facility</li><li>• Conservation Purposes</li><li>• Dwelling</li><li>• Forestry</li><li>• Garden Nursery</li><li>• Residential Building (limited to staff accommodation)</li></ul>		<ul style="list-style-type: none"><li>• Ancillary Use</li><li>• Arts and Craft Workshop</li><li>• Café</li><li>• Caretaker's Dwelling</li><li>• Cellular Telecommunication Infrastructure</li><li>• Eco-tourism Facility</li><li>• <b>Paper Mill</b></li><li>• Place of Instruction (limited to related training)</li><li>• Private Recreation Area</li><li>• <b>Saw Mill</b></li><li>• Special Building</li></ul>			Land uses and buildings not listed in column (A) and (B).			
<b>ADDITIONAL CONTROLS</b>								
1. No work, including the erection of a building or structural alteration to a building, or the erection or establishment of any sign, shall be executed without the prior consent of the Municipality having first been obtained therefor.								
2. All landscaping shall be to the satisfaction of the Municipality.								
3. <b>Waste Management shall be subject to clause 7.4 of the scheme.</b>								
4. <b>Un-serviced areas to comply with clause 7,5 of the Scheme</b>								
5. <b>All development shall be subject to obtaining all the necessary approvals in terms of the applicable legislation.</b>								
6. Subject to compliance with the Msunduzi Cellular Telecommunication Infrastructure Policy.								
<b>PARKING REGULATIONS</b>								
1. Refer to Appendix 8 for parking regulations.								
2. The technical requirements for on-site parking shall be in accordance with clause 7.2 of the Scheme.								
<b>DEVELOPMENT PARAMETERS</b>								
Area	SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
	Building line	Side space	Rear Space					
Pietermaritzburg	7m	2,5m		N/A	At the discretion of the Municipality	2	40	0,40

**Commented [ZM85]:** Amended from Department of Water Affairs and the Department of Agriculture, Forestry and Fisheries

**Commented [ZM86]:** New addition

**Commented [ZM87]:** New addition

**Commented [ZM88]:** New addition

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Northdale, Edendale & Sobantu	At the discretion of the Municipality
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**Commented [ZM89]:** New addition

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## 4.2 Civic and Social

### 4.2.1 Cemetery

<b>ZONE:</b>	<b>CEMETERY</b>	
<b>Statement of Intent:</b>	A land use zone that is intended for public and private cemeteries, memorial parks, funeral chapel and ancillary uses thereto.	
<b>Colour Notation:</b>	<b>Fill: Light Green R:062, G:230, B:162</b> <b>Outline: Medium Sand R:245, G:202, B:122</b>	
<b>Applicability:</b>	This Zone applies to the entire Municipal Area.	
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>Caretaker's Dwelling</li> <li>Cemetery</li> <li>Conservation Purposes</li> <li>Funeral Parlour</li> <li>Place of Worship (limited to a chapel)</li> <li>Social Hall</li> </ul>	<ul style="list-style-type: none"> <li>Cellular Telecommunication Infrastructure</li> <li>Crematorium</li> <li>Mortuary</li> <li>Place of Public Assembly</li> <li>Shop*</li> <li>Special Building</li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>		
<ol style="list-style-type: none"> <li>*A shop shall be limited to the sale of items directly related to funerals and burial purposes such as coffins, flowers and other related accessories.</li> <li>No work, including the erection of a building or structural alteration to a building, or the erection or establishment of any sign, shall be executed without the prior consent of the Municipality having first been obtained therefor.</li> <li>Cemeteries may only be established with the permission of the national Department of Agriculture, Fisheries and Forestry (DAFF) and the provincial Department of Agriculture and Environmental Affairs (DAEA) and are managed by the Local Municipality in terms of the conditions of authorisation and in terms of the KwaZulu-Natal Cemeteries and Crematoria Act (No. 12 of 1996).</li> <li>Where an on-site crematorium is located within a cemetery, its construction, operation and management shall comply with the guidelines prescribed in the KwaZulu-Natal Cemeteries and Crematoria Act (No. 12 of 1996) and the Msunduzi Cemeteries and Crematoria By-Law.</li> <li>The location of a cemetery site is subject to a geo-technical certificate from a suitably qualified engineer, which indicates that the nature of the soil is suitable for burial and will not affect any underground or adjacent water sources.</li> <li>All applications for change of land use are subject to the relevant requirements of the National Environmental Management Act (No. 62 of 2008) which requires a Scoping Report or EIA and an ROD from the Department of Agriculture and Environmental Affairs.</li> <li>Subject to compliance with the provisions of the following policies and/or By-Laws: -               <ol style="list-style-type: none"> <li>Msunduzi Cellular Telecommunication Infrastructure Policy.</li> <li>Msunduzi Public Health Law.</li> <li>Msunduzi Cemeteries and Crematoria Law.</li> </ol> </li> </ol>		
<b>PARKING REGULATIONS</b>		

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1. Refer to Appendix 8 for parking regulations.
2. An internal road system, parking and loading areas for buses, taxis and hearses will be provided on site together with adequate turning circles.
3. The technical requirements for on-site parking shall be in accordance with clause 7.2 of the Scheme.

#### DEVELOPMENT PARAMETERS

Area	SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
	Building line	Side space	Rear Space					
Pietermaritzburg	7m	1,5m		N/A		1	At the discretion of the Municipality	
Greater Edendale	3m	1m						
All Other Areas	At the discretion of the Municipality							

Commented [ZM90]: New addition

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#### 4.2.2 Educational (Amended)

<b>ZONE:</b>	<b>EDUCATIONAL</b>	
<b>Statement of Intent:</b>	A land use zone that provides for a full range of educational facilities, including infants, pre-primary, primary, secondary, tertiary and adult education and training with associated buildings, ancillary recreational facilities and accommodation of students, educators and other staff of the educational establishment.	
<b>Colour Notation:</b>	<b>Fill: Theodolite Rose R:255, G:190, B:232</b> <b>Outline: Black R:000, G:000, B:000</b>	
<b>Applicability:</b>	This Zone applies to the entire Municipal Area.	
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>Boarding House</li> <li>Canteen</li> <li>Caretaker's Dwelling</li> <li>Child Minder</li> <li>Community Garden</li> <li>Conservation Purposes</li> <li>Crèche</li> <li>Dwelling (limited to staff accommodation)</li> <li>Educational Purposes</li> <li>Hostel (limited to staff and limited to student accommodation)</li> <li>Office</li> <li>Place of Instruction</li> <li>Private Recreation Area</li> <li>Residential Building (limited to staff and student accommodation)</li> <li>Social Hall</li> </ul>	<ul style="list-style-type: none"> <li>Cellular Telecommunication Infrastructure</li> <li>Exhibition Centre</li> <li>Health Studio</li> <li>Institution</li> <li>Outbuilding</li> <li>Place of Public Assembly</li> <li>Place of Public Entertainment</li> <li>Place of Worship</li> <li>Special Building*</li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>		
<ol style="list-style-type: none"> <li>*The Municipality shall not approve any Special Building wherein any trade, business, sale, storage or display of goods is involved, whether or not a trade licence is required.</li> <li>All applications for change of land use are subject to the relevant requirements of the Department of Education.</li> <li>The provision of sewerage disposal system shall be to the satisfaction of the Municipality.</li> <li>No work, including the erection of a building or structural alteration to a building, or the erection or establishment of any sign, shall be executed without the prior consent of the Municipality having first been obtained therefor.</li> <li>The side and rear space requirements shall not over-rule the requirements of the National Building Regulations and any greater side or rear space which may be required in terms thereof, shall be observed.</li> <li>The number of units per hectare allowable in any residential use shall be at the discretion of the Municipality.</li> </ol>		

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Commented [ZM92]: New addition

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7. Subject to compliance with Clause 5.35 and 5.36 of the Scheme
8. Subject to compliance with the provisions of the following policies and/or By-laws: -
- (a) Msunduzi Cellular Telecommunication Infrastructure Policy.
  - (b) Msunduzi Crèches and Crèches-Cum-Nursery Schools By-Law.
  - (c) Msunduzi Public Health By-Law.
  - (d) All signage and advertising shall comply with the Msunduzi Advertising Signs By-Law.
9. The Municipality may grant its consent for the erection of buildings or structures (including swimming pools) in front of the Building Line.
10. Outbuildings and other structures including single detached dwellings not being a building accommodating or comprising Residential Buildings, Institutions or Flats, shall observe a side and a rear space of not less than 1,5m.
11. Un-serviced areas to comply with clause 7,5 of the Scheme.
12. All development shall be subject to obtaining all the necessary approvals in terms of the applicable legislation.
13. All development shall be subject to obtaining all the necessary approvals in terms of the applicable legislation, such as registration with Provincial Education Department, following norms and standards on the minimum site size requirements etc.
14. The Municipality may grant its consent for relaxation of the side and rear space requirements, in respect of outbuildings and structures including single detached dwellings not being residential buildings or flats, if it is satisfied that this will not be detrimental to the amenities of the adjoining residential properties, subject always to the requirements of the National Building Regulations.
- 14.1. Provided that, if the written consent of abutting owners and those owners which the Municipality may determine as being affected by any such relaxation is lodged with the Municipality, the Municipality may waive the consent procedure.
15. For the purposes of establishing side and rear spaces in terms of this clause, the eaves of any building or structure shall not overhang the side space and rear space by more than 1200mm, excepting that when a greater eaves overhang is provided, the required side space or rear space as the case may be, shall be increased by the amount the eaves overhang exceeds 1200mm.
16. The Building Line in respect to Erfs fronting onto any Provincial Road, the Provincial Roads Act No. 4 of 2001, and shall be adjusted to meet these requirements accordingly applicable legislation.
17. **Sobantu:**
- (a) Buildings shall not exceed the coverage specified herewith, provided that the Municipality may grant consent for a maximum of 10% additional coverage.
  - (b) On receipt of a written application, the Municipality may permit the erection of a building within the side or rear space, the application which will be valid for the life of the building concerned.
  - (c) No building other than boundary walls, fences or temporary buildings that are required in connection with building operations being conducted on the property shall be erected without a space, free of any building or structure, between it and one of the side boundaries and also between the building and the rear boundary of the property.
18. **Greater Edendale:**
- (a) No buildings shall be erected so as to contain a number of storeys, other than a basement, in excess of 3.
19. **Sweetwaters:**
- 19.1. **Persimmsible Uses: Place of Public Assembly**

**Commented [ZM94]:** New addition

**Commented [ZM95]:** New addition

**Commented [ZM96]:** New addition

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- 19.2. Consent Uses: Agricultural Land, Bed and Breakfast, Guest House, Home Business, Laundrette, Medium Density Housing, Parking Garage and Restaurant.
20. The following controls shall apply to Erf 3238 Copesville: -
- 20.1. Building lines, side and rear spaces:
- A 30.48-metre-wide "no building" servitude, measured from the centerline of the main road 25, shall be registered on all properties fronting onto main road 25 along the frontage with the main road 25.
- 20.2. In terms of section 54(6)(b) of the by-laws, the following servitude shall be registered at the owner's expense against the property being consolidated/subdivided, in favour of the council.
- 20.3. In terms of section 54(6)(b) of the by-laws, the following servitude shall be registered at the owner's expense against the property being consolidated/subdivided, in favour of the council.
- 20.4. The following short term road improvements should be implemented by the developer at the main road 25/Bishopstowe/Maryvale intersection as per the TIA report in order to accommodate the additional traffic to be generated by the proposed development, thereafter the intersection will be monitored before the ultimate option can be implemented.
- Manning Avenue
    - Increased left turning slip lane to 120m with a continuous approach onto the main road
    - Add 120m lane in the exit direction
    - Increase the length of the dedicated right turning lane
  - Main road 25
    - Add a new short exit lane of 60m length receiving traffic from the manning avenue slip
    - Increase the slip lane to 30m
    - Construct additional 90m dedicated right turning lane
  - Bishopstowe road
    - Add a new short 30m long slip lane onto Maryvale road
    - Increase the length of dedicated right turn lane to 90m
- 20.5. Revise traffic signal plans for the whole intersection and include right turn flashing arrow for westbound approach from main road 25 into manning avenue new short 20m long.
- 20.6. The Owner shall, at its own cost, be responsible for the design and construction of any properly surfaced link road/s with associated adequate storm-water drainage system/s that is/are required to link the bulk road network system to the internal road network system.
- 20.7. The Owner shall be responsible, at its cost, for the design and construction of any water supply pipeline (excluding that of the actual connection pipe) that may be required to link the Development to the Municipal water reticulation system. On payment of the prescribed fee, the Municipality will carry out the actual connection work.
- 20.8. The Owner shall be responsible, at its cost, for the design and construction of any sewer pipeline (excluding that of the actual connection pipe) that may be required to link the Development to the Municipal sewer reticulation system. On payment of the prescribed fee, the Municipality will carry out the actual connection work.
- 20.9. Simultaneously with the registration of the first erf of the proposed layout, Erven 3237 shall be transferred to the transferred to the Kwazulu-Natal Department of Public Works.
- 20.10. Any existing electrical mains be affected if the land was to be developed, those affected will be re-routed or repositioned at owner's expense.

Commented [z97]: New addition

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20.11. Should any municipal service be re-routed or re-positioned, such work will be carried out by the council at the owner's expense.

**Commented [ZM98]:** New addition for Copesvill development

**21. The following controls shall apply to Erf 122 Surry Park: -**

21.1. Home Owners Association (HOA) to be created, over all Erven of Portion 1 of Erf 114 Surrey Park which shall provide that no property may be transferred without the consent of the HOA, which consent shall be granted once the transferee agrees to be a member of the HOA, and all levies due to the HOA have been paid by the Transferor. Homeowners Association responsible for maintenance of Private Roadway.

21.2. The Owners of the subdivisions shall be jointly responsible in perpetuity for the maintenance of the common property in a clean, tidy and serviceable condition, to the satisfaction of the Council and shall take all steps to ensure that no part of such common property shall become a public street or public place for which the Council may be required to accept responsibility, without the express consent of the Council.

**21.3. Environmental Management**

21.3.1. This application shall be subject to full compliance with all conditions stipulated in the Environmental Authorization (DC22/AMEND/0044/2017) shall be comply with, dated 22 June 2018 together with Environmental Authorization (DC22/0044/08) dated 04 July 2012. Specifically, the following:

(e) Clause 3.3.1. The Environmental Management Programme (EMPr) dated 25 July 2011 and included in the Final EIAR (prepared by Janet Edmonds Consulting cc and dated 28 September 2011) for the pre-construction, construction, operational and rehabilitation phases of this project as submitted for the Environmental Authorization of this project complies with Section 24N of NEMA and Regulation 33 of the EIA Regulations, 2010. Accordingly, this EMPr is hereby approved and must be implemented.

(f) Clause 3.3.2. The EMPr must be kept on site during all phases of the development

(g) Clause 3.4.7. Fourteen (14) days written notice must be submitted to the Msunduzi Municipality Conservation and Environment Unit, at the address specified in condition 3.4.4. above that the construction for the next phases, (i.e., Phase 2, 3, and 4) will commence. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the construction will commence, an assurance for the increase in the demands as per condition 3.4.5. above and the EIA reference number of this environmental authorization viz. DC22/0044/08.

(h) Clause 3.4.20. Fast growing trees must be planted along the northern boundary with AfriSam Quarry immediately after site clearing to allow the trees to become established and provide a buffer to shield residents from noise and visual impacts of the neighboring quarry. The tree species to be used must be determined in consultation with the Msunduzi Municipality Conservation and Environment Unit.

**21.4. Environmental Health**

21.4.1. All food premises to comply with the Food Regulations R962.

21.4.2. Crèches and school to comply with the Public Health By-laws and Environmental Health Norms and Standards.

21.4.3. All industries to comply with the Public Health Act in terms of pollution control (air, water, land and noise).

21.4.4. All industries will be restricted to the installation of small emitters (fuel appliances) in terms of the National Environment Air Quality Act.

**21.5. Water and Sanitation**

21.5.1. The owner shall be responsible for all aspects of the permanent supply of water to and within the layout;  
(e) Engineering design,

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	(f) Implementation and construction, (g) Survey and Registration of praedial and private servitudes if necessary, and (h) Related costs.
21.5.2.	The Developer shall provide all bulk and link water reticulation required to service the internal services.
21.5.3.	The Developer shall pay the cost of connecting into the bulk supply and installing all internal water reticulation which shall be designed to comply with fire-fighting requirements.
21.5.4.	The Developer to connect from existing Copesville Sewer Interceptor (Trunk main).
21.5.5.	The Developer shall pay the cost of connecting into bulk supply, all services be in accordance with the Msunduzi Municipality's Water and Sanitation Business Unit Guidelines.
21.5.6.	The Sewer reticulation serving the Erven within the development shall be protected by sewer servitudes of adequate width which are to be registered over the affected subdivisions, in favour of the Homeowners Association at owners cost, prior to or simultaneously with the registration of the respective subdivisions.
21.5.7.	Any existing water piping which may cross any proposed internal subdivision boundary shall be severed and plugged or removed prior to the transfer of the first subdivision.
21.6.	<b>Roads and Drainage</b>
21.6.1.	Access to the proposed development will be opposite the existing Beacon Hill Estate access through M25. This access is to be designed in such a way that it should intersect Main Road 25 at a right angle or at an acceptable deflection angle (as per Geometric Design Guidelines). Access should be designed as a KZNDOT Type B2 and the intersection be signaled before commencement of Phase 2 construction.
21.6.2.	Public transport laybys should be provided on both sides of the Site Access/ Main Road 25/ Beacon Hill Estate intersection.
21.6.3.	2.5m walkways should be constructed from the public transport laybys to the first internal access road.
21.6.4.	All the costs for the above road upgrades shall be at the Developer's account.
21.6.5.	The requirements of the Department of Transport as set out in their letter dated 9th June 2016, referenced T10/2/2/1554/2, shall be strictly complied with.
21.6.6.	The intersection shall be upgraded to a double Type B2 intersection to be directly opposite the entrance to Beacon Hill.
21.6.7.	The intersection shall also be provided on both sides of MR25 with public transport laybys, as required by the Department of Transport.
21.6.8.	Provide 1,5m wide concrete sidewalk from the public transport layby to the intersection of the first internal road.
21.7.	<b>Electricity</b>
21.7.1.	A 24 hours' access to the Municipal meters is required. A general access servitude shall be registered against all road Erven in favour of the Municipality in order to access municipal services for meter reading, maintenance, repairs and related work.
21.7.2.	A kiosk equipped with 150A non-adjustable circuit breaker must be provided by you on the road frontage boundary.
21.7.3.	The above-mentioned estimated charge must be paid in advance at 333 Church Street, A.S. Chetty building. You will be invoiced for the actual cost on completion of the work and debited or credited accordingly.

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- 21.7.4. n unobstructed duct way must be provided for the entry of the underground service cable to any new meter position.
- 21.7.5. The minimum charge per month payable by the consumer under Scale C shall be an amount calculated on the basis of 70% of the highest maximum demand in kVA, notified to the Executive Manager: Electricity by the consumer or 70% of the previous twelve months' highest maximum kVA which is the higher. The effective date of the minimum charge i.e. 70% of the Notified Maximum Demand (NMD) in kVA is from the day the electricity supply connection is made and the charge is payable 30 days after the effective date.
- 21.7.6. The council reserves the right to fix the position of the meter board/box, which must be approved by the Electrical Engineer before wiring of the proposed installation commenced.
- 21.8. A condition of title shall be registered over all erven or Erf 114 Surrey Park absolving the Municipality from any and all responsibility for any damage caused by blasting and mining operations of the Farm Natal Crushers No. 14967.

Commented [ZM99]: New addition

#### PARKING REGULATIONS

1. Refer to Appendix 8 for parking regulations.
2. The technical requirements for on-site parking shall be in accordance with clause 7.2 of the Scheme.

#### DEVELOPMENT PARAMETERS

##### PIETERMARITZBURG:

Area	SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
	Building line	Side space	Rear Space					
Pietermaritzburg	7m	3m		N/A	At the discretion of the Municipality	3	75	1,50
Sobantu	3m	1m				3	75	1,50
Greater Edendale	3m					60	1,00	
All Other Areas	At the discretion of the Municipality in terms of the National Building Regulations and the KwaZulu-Natal Norms and Standards for Public Social Facilities.							

Commented [ZM100]: New addition

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#### 4.2.3 Municipal and Government (Amended)

<b>ZONE:</b>	<b>MUNICIPAL AND GOVERNMENT</b>	
<b>Statement of Intent:</b>	A land use zone intended for buildings erected and used for National, Provincial and Municipal administration and services, <b>inclusive of Traditional Council.</b>	
<b>Colour Notation:</b>	<b>Fill: Peach Puff R:255, G:218, B:185</b> <b>Outline: Black R:000, G:000, B:000</b>	
<b>Applicability:</b>	This Zone applies to the entire Municipal Area.	
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>Arts and Craft Centre</li> <li><b>Bus Depot*</b></li> <li>Caretaker's Dwelling</li> <li>Conservation Purposes</li> <li><b>Fire Station</b></li> <li>Flea Market</li> <li>Garden Nursery</li> <li>Government/Municipal Institution</li> <li>Landfill*</li> <li>Market</li> <li>Mortuary*</li> <li>Museum</li> <li>Office</li> <li>Parking Depot</li> <li>Parking Lot</li> <li><b>Place of Safety</b></li> <li><b>Police Station</b></li> <li><b>Prison</b></li> <li>Public Open Space</li> <li>Social Hall</li> <li><b>Traditional Court-Inkantolo YeNkosi</b></li> </ul>	<ul style="list-style-type: none"> <li>Cellular Telecommunication Infrastructure</li> <li>Convention Centre</li> <li>Educational Purposes</li> <li>Exhibition Centre</li> <li>Funeral Parlour</li> <li>Parkade</li> <li>Place of instruction</li> <li>Place of Public Entertainment</li> <li>Recycling Centre</li> <li>Residential Building</li> <li>Special Building</li> <li>Utilities Facility</li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>		
<p>1. <b>*These uses shall only be freely permissible on Municipal or Government owned land.</b></p> <p>2. <b>The following controls shall apply in the case of Erf 240 Ashburton and Portion 3 of Erf 259 Ashburton: -</b></p> <p>2.1. <b>Freely Permissible uses: -</b></p> <p>2.1.1. <b>Child Minder</b></p> <p>2.1.2. <b>Crèche</b></p> <p>2.1.3. <b>Place of Public Entertainment</b></p> <p>2.1.4. <b>Recreational Purposes</b></p> <p>2.1.5. <b>Restricted Building</b></p> <p>2.1.6. <b>Shop</b></p> <p>2.2. <b>Consent Uses: -</b></p> <p>2.2.1. <b>Dwelling* (The maximum number of dwelling units shall be 9 units per hectare)</b></p> <p>2.2.2. <b>Place of Worship</b></p> <p>2.2.3. <b>Restaurant</b></p>		

**Commented [ZM101]:** New addition

**Commented [ZM102]:** New addition

**Commented [ZM103]:** New addition

**Commented [ZM104]:** New addition

**Commented [ZM105]:** New addition

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2.3. The following development controls shall apply: -

2.3.1. Height: 2 storeys

2.3.2. Coverage: 50%

2.3.3. Floor Area Ratio: 0,25

Commented [ZM106]: Addition from Ashburton Scheme

3. Subject to compliance with the following policies and/or By-laws: -

- (a) Msunduzi Cellular Telecommunication Infrastructure Policy
- (b) Msunduzi Market By-law
- (c) Msunduzi Public Health By-law
- (d) Msunduzi Crèches and Crèches-Cum-Nursery Schools By-law.

4. Un-serviced areas to comply with clause 7,5 of the Scheme.

5. All development shall be subject to obtaining all the necessary approvals in terms of the applicable legislation.

Commented [ZM107]: New addition

6. Sobantu:

- (a) Buildings shall not exceed the coverage specified herewith, provided that the Municipality may grant consent for a maximum of 10% additional coverage.
- (b) On receipt of a written application, the Municipality may permit the erection of a building within the side or rear space, the application which will be valid for the life of the building concerned.
- (c) No building other than boundary walls, fences or temporary buildings that are required in connection with building operations being conducted on the property shall be erected without a space, free of any building or structure, between it and one of the side boundaries and also between the building and the rear boundary of the property.

7. Greater Edendale:

- (a) No buildings shall be erected so as to contain a number of storeys, other than a basement, in excess of 3.

8. Ashburton:

- (a) Save with the Municipality's Consent, the Consent procedure to relax the Coverage, Floor Area Ratio and Height requirements may be waived provided that a fully motivated application is submitted to the Municipality and the written consent of the Owners of all abutting and any other properties determined by the Municipality is obtained.
- (b) Save with the Municipality's Consent and, in respect of Erfs fronting onto any Provincial Road, with the permission of the Provincial Roads authority. The Consent procedure may be waived provided that a fully motivated application is submitted to the Municipality and the written consent of the Owners of all abutting and any other properties determined by the Municipality is obtained.
- (c) The Building Line, Side and Rear Space requirements shall not over-rule the requirements of the National Building Regulations and shall be adjusted to meet these requirements accordingly.
- (d) The Building Line in respect to Erfs fronting onto any Provincial Road, the Provincial Roads Act No. 4 of 2001, and shall be adjusted to meet these requirements accordingly applicable legislation.
- (e) The eaves of any building or structure shall not overhang the Front, Side and Rear Space by more than 1200 mm.

Commented [ZM108]: Addition from Ashburton Scheme

9. The following controls shall apply to Erf 3237 Copesville:-

9.1. Building lines, side and rear spaces:

- a) A 30.48-metre-wide "no building" servitude, measured from the centerline of the main road 25, shall be registered on all properties fronting onto main road 25 along the frontage with the main road 25.

9.2. In terms of section 54(6)(b) of the by-laws, the following servitude shall be registered at the owner's expense against the property being consolidated/subdivided, in favour of the council.

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- 9.3. In terms of section 54(6)(b) of the by-laws, the following servitude shall be registered at the owner's expense against the property being consolidated/subdivided, in favour of the council.
- 9.4. The following short term road improvements should be implemented by the developer at the main road 25/Bishopstowe/Maryvale intersection as per the TIA report in order to accommodate the additional traffic to be generated by the proposed development, thereafter the intersection will be monitored before the ultimate option can be implemented.
- d) Manning Avenue
    - (iv) Increased left turning slip lane to 120m with a continuous approach onto the main road
    - (v) Add 120m lane in the exit direction
    - (vi) Increase the length of the dedicated right turning lane
  - e) Main road 25
    - (iv) Add a new short exit lane of 60m length receiving traffic from the manning avenue slip
    - (v) Increase the slip lane to 30m
    - (vi) Construct additional 90m dedicated right turning lane
  - f) Bishopstowe road
    - (iii) Add a new short 30m long slip lane onto Maryvale road
    - (iv) Increase the length of dedicated right turn lane to 90m
- 9.5. Revise traffic signal plans for the whole intersection and include right turn flashing arrow for westbound approach from main road 25 into manning avenue new short 20m long.
- 9.6. The Owner shall, at its own cost, be responsible for the design and construction of any properly surfaced link road/s with associated adequate storm-water drainage system/s that is/are required to link the bulk road network system to the internal road network system.
- 9.7. The Owner shall be responsible, at its cost, for the design and construction of any water supply pipeline (excluding that of the actual connection pipe) that may be required to link the Development to the Municipal water reticulation system. On payment of the prescribed fee, the Municipality will carry out the actual connection work.
- 9.8. The Owner shall be responsible, at its cost, for the design and construction of any sewer pipeline (excluding that of the actual connection pipe) that may be required to link the Development to the Municipal sewer reticulation system. On payment of the prescribed fee, the Municipality will carry out the actual connection work.
- 9.9. Simultaneously with the registration of the first erf of the proposed layout, Erven 3237 shall be transferred to the transferred to the KwaZulu-Natal Department of Public Works.

**Commented [ZM109]:** New addition as per cospesville approval

#### PARKING REGULATIONS

1. Refer to Appendix 8 for parking regulations.
2. The technical requirements for on-site parking shall be in accordance with clause 7.2 of the Scheme.

#### DEVELOPMENT PARAMETERS

Area	SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
	Building line	Side space	Rear Space					
Pietermaritzburg	7m		1,5m	N/A	N/A	At the discretion of the Municipality		
Sobantu	3m		1m					
Greater Edendale	3m		1m					
Ashburton	7,5m		2m	N/A	At the discretion			

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				of the Municipali ty	
All Other Areas	At the discretion of the Municipality in terms of the National Building Regulations and the KwaZulu-Natal Norms and Standards for Public Social Facilities				

- Commented [z110]: Amended from 1000 to now being at the discretion of the municipality
- Commented [ZM111]: New addition

#### 4.2.4 Health and Welfare (Amended)

<b>ZONE:</b>	<b>HEALTH AND WELFARE</b>	
<b>Statement of Intent:</b>	A land use zone that provides for a full range of public and private hospitals, medical centres, clinics, sanatoria, community care, welfare and social requirements, including pension pay points.	
<b>Colour Notation:</b>	<b>Fill: Misty Rose R:255, G:228, B:255</b> <b>Outline: Light Pink R:255, G:174, B:185</b>	
<b>Applicability:</b>	This Zone applies to the entire Municipal Area.	
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>Canteen</li> <li>Caretaker's Dwelling</li> <li>Conservation Purposes</li> <li>Educational Purposes (restricted for research laboratory)</li> <li>Flat (restricted to staff accommodation)</li> <li>Health Facility</li> <li>Institution</li> <li>Laundrette</li> <li>Medical Office</li> <li>Office</li> <li>Residential Building (restricted to staff accommodation)</li> <li>Restricted Building</li> <li>Shop (restricted to ancillary uses such as a pharmacy)</li> <li>Traditional Health Practice</li> </ul>	<ul style="list-style-type: none"> <li>Café (to serve patients, guests and staff)</li> <li>Cellular Telecommunication Infrastructure</li> <li>Crèche (restricted to a child-minding facility)</li> <li>Fast Food Outlet (to serve patients, guests and staff)</li> <li>Place of Public Assembly</li> <li>Private Recreation Area</li> <li>Special Building</li> <li>Utilities Facility</li> <li>Veterinary Clinic</li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>		
<ol style="list-style-type: none"> <li>No work, including the erection of a building or structural alteration to a building, or the erection or establishment of any sign, shall be executed without the prior consent of the Municipality having first been obtained therefor.</li> <li>Un-serviced areas to comply with clause 7.5 of the Scheme.</li> <li>All development shall be subject to obtaining all the necessary approvals in terms of the applicable legislation.</li> <li>All landscaping shall be to the satisfaction of the Municipality.</li> <li>Waste Management shall be subject to clause 7.4 of the scheme.</li> <li>The maintenance of buildings shall be subject to the provisions of clause 7.3 of the scheme.</li> <li>Subject to compliance with the following policies and/or By-laws: -               <ol style="list-style-type: none"> <li>Msunduzi Cellular Telecommunication Infrastructure Policy</li> <li>Msunduzi Crèches and Crèches-Cum-Nursery Schools By-Law.</li> <li>Msunduzi Public Health By-Law.</li> </ol> </li> </ol>		

**Commented [ZM112]:** New land use activity-replaces clinic and hospital

**Commented [ZM113]:** New addition

**Commented [ZM114]:** New addition

**Commented [ZM115]:** New addition

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(d) All signage and advertising shall comply with the Msunduzi Advertising Signs By-Law.	
8. There shall, be no specified minimum side or rear space which shall, however, be determined in terms of the National Building Regulations.	
9. For the purposes of establishing side and rear spaces in terms of this clause, the eaves of any building or structure shall not overhang the side space and rear space by more than 1200mm, excepting that when a greater eaves overhang is provided, the required side space or rear space as the case may be, shall be increased by the amount the eaves overhang exceeds 1200mm.	
10. <u>The Building Line in respect to Erfs fronting onto any Provincial Road, the Provincial Roads Act No. 4 of 2001, and shall be adjusted to meet these requirements accordingly applicable legislation.</u>	Commented [ZM116]: New addition
11. The following controls shall apply to <b>Erf 196 Raisethorpe, being 595 Old Greytown Road: Raisethorpe: -</b>	
11.1 Institution shall be limited to a private 122 bed hospital and ancillary facilities, including operating theatres, recovery area, store rooms, pharmacy, and facilities for staff and visitors.	
11.2 The maximum Floor Area shall be 5 500 m².	
11.3 The maximum Coverage, other than covered parking, shall be 3000 m².	
11.4 The maximum height permitted shall be 4 Storeys.	
11.5 All buildings and structures (including swimming pools), shall observe a 15 metre 'no building servitude' along Old Greytown Road and a building Line of 6 metres along Ramdeen and Bangalore Roads. The latter may be relaxed with the Municipality's consent.	
11.6 The site shall not be subdivided any further.	
11.7 Parking Regulations: -	
11.7.1 A total of 57 on-site parking bays shall be provided.	
11.8 <u>Landscaping</u> : Additional screen planting may be specified as part of the approval of any building plan.	
11.9 <u>Signage</u> : Advertising signage shall be limited to that specified in the Scheme.	
11.10 <u>Access</u> : Entry and exit from the premises shall be via Chota Motala. All traffic flow mitigation measures shall be in accordance with a traffic management plan prepared by an experienced traffic engineer, which shall be designed and approved by the Municipality [Transportation Planning Department] and implemented at the applicant's expense.	
12. The following controls shall apply to <b>Erf 10181 and Portion 21 of Erf 2555 and Portion 17 of Erf 2556 all of Pietermaritzburg, being 162-166 Masukwana Street: Pietermaritzburg: -</b>	
12.1. nAn Institution, Parking Garage, Place of Instruction, Restaurant, Shop (limited to not more than 50m²), Special Building and Specialised Office shall be the only freely permissible uses, with no consent uses.	
12.2. The following development controls shall apply:	
12.2.1. Height: 7 storeys	
12.2.2. Coverage: 100%	
12.2.3. Floor Area: 7,00	
12.2.4. Space about buildings: 0m	

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- 12.2.5. The foregoing side and rear space requirements shall not over-rule the requirements of the National Building Regulations and any greater side or rear space which may be required in terms thereof, shall be observed.
- 12.3. The land shall not be subdivided without the consent of the Municipality.
- 12.4. On-site parking requirements for all uses shall be in accordance with the requirements for those uses, as provided for elsewhere in the scheme.
- 12.5. Prior to the occupation of any building on the properties mention under 4, the developer shall produce a certificate signed by a registered professional engineer, to be submitted to the Municipality, stating that; -
- (a) the building has been connected to a potable water supply installed according to the design approved by the Msunduzi Municipality;
  - (b) the building has been connected to the Msunduzi Municipality sewer reticulation;
  - (c) the electrical reticulation serving the property has been installed according to the design approved by the Msunduzi Municipality;
  - (d) a storm water disposal system for the building, meeting the requirements of the Msunduzi Municipality, has been installed.
- 12.6. The Municipality shall then forthwith produce and sign the certificate required to authorise occupation of the building.
- 12.7. Access shall comply with access conditions that are required in terms of the Traffic Impact Assessment approved by the Transportation business unit dated 14 April 2014.

#### PARKING REGULATIONS

1. Refer to Appendix 8 for parking regulations.
2. The technical requirements for on-site parking shall be in accordance with clause 7.2 of the Scheme.

#### DEVELOPMENT PARAMETERS

Area	SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
	Building line	Side space	Rear Space					
Pietermaritzburg	7m	N/A		N/A	2000	3	60	1,00
Greater Edendale	3m	1m				3	60	1,00
All other Areas	At the discretion of the Municipality in terms of the National Building Regulations and the KwaZulu-Natal Norms and Standards for Public Social Facilities							

Commented [ZM117]: New addition

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#### 4.2.5 Institutional (Amended)

<b>ZONE:</b>	<b>INSTITUTIONAL</b>	
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings for Institutions such as hospitals, nursing homes, sanatorium, clinic, convalescent home, orphanage, retirement centre, or other buildings used as a public or private institution	
<b>Colour Notation:</b>	<b>Fill: Dark Orange R:255, G:102, B:000</b> <b>Outline: Light Pink R:255, G:174, B:185</b>	
<b>Applicability:</b>	This Zone applies to the entire Municipal Area.	
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>• Canteen</li> <li>• Caretaker's Dwelling</li> <li>• Crèche</li> <li>• Government/Municipal Purposes</li> <li>• Institution</li> <li>• Laundrette (restricted to the use of residents)</li> <li>• Office (as an ancillary use)</li> <li>• Place of Instruction</li> <li>• Place of Public Assembly</li> <li>• Place of Safety</li> <li>• Place of Worship</li> <li>• Private Recreation Area</li> <li>• Retirement Centre</li> <li>• Social Hall</li> </ul>	<ul style="list-style-type: none"> <li>• Arts and Craft Workshop</li> <li>• Boarding House</li> <li>• Cellular Telecommunication Infrastructure</li> <li>• Dwelling</li> <li>• Medical office</li> <li>• Outbuilding</li> <li>• Residential Building</li> <li>• Restricted Building</li> <li>• Special Building*</li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>		
<ol style="list-style-type: none"> <li>1. *The Municipality shall not approve any Special Building wherein any trade, business, sale, storage or display of goods is involved, whether or not a trade licence is required.</li> <li>2. No work, including the erection of a building or structural alteration to a building, or the erection or establishment of any sign, shall be executed without the prior consent of the Municipality having first been obtained therefor.</li> <li>3. Waste Management shall be subject to clause 7.4 of the scheme.</li> <li>4. The maintenance of buildings shall be subject to the provisions of clause 7.3 of the scheme.</li> <li>5. All landscaping shall be to the satisfaction of the Municipality.</li> <li>6. Un-serviced areas to comply with clause 7,5 of the Scheme.</li> <li>7. All development shall be subject to obtaining all the necessary approvals in terms of the applicable legislation.</li> <li>8. The Municipality may grant consent for the erection of a building or structure in front of the Building Line.</li> <li>9. The side and rear space requirements shall not over-rule the requirements of the National Building Regulations and any greater side or rear space which may be required in terms thereof, shall be observed.</li> </ol>		

Commented [ZM118]: Moved from consent uses

Commented [ZM119]: New addition

Commented [ZM120]: Moved from consent uses

Commented [ZM121]: Moved from consent uses

Commented [ZM122]: New addition

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10. The Municipality may grant its consent for relaxation of the side and rear space requirements, in respect of outbuildings and structures including single detached dwellings not being residential buildings or flats, if it is satisfied that this will not be detrimental to the amenities of the adjoining residential properties, subject always to the requirements of the national building regulations.
- 10.1 Provided that, if the written consent of abutting owners and those owners which the Municipality may determine as being affected by any such relaxation is lodged with the Municipality, the Municipality may waive the consent procedure.
11. Outbuildings and other structures including single, detached dwellings, not being a building accommodating or comprising Residential Buildings, Institutions or Flats, shall observe a side and a rear space of not less than 1,5m.
12. For the purposes of establishing side and rear spaces in terms of this clause, the eaves of any building or structure shall not overhang the side space and rear space by more than 1200mm, excepting that when a greater eaves overhang is provided, the required side space or rear space as the case may be, shall be increased by the amount the eaves overhang exceeds 1200mm.
13. Subject to compliance with the following policies and/or bylaws: -  
 (a) Msunduzi Cellular Telecommunication Infrastructure Policy  
 (b) Msunduzi Boarding House Policy  
 (c) Msunduzi Crèches and Crèches-Cum-Nursery Schools Bylaws  
 (d) Msunduzi Public Health Bylaws  
 (e) All signage and advertising shall comply with the Msunduzi Advertising Signs Bylaws.
14. Sobantu:  
 (a) Buildings shall not exceed the coverage specified herewith, provided that the Municipality may grant consent for a maximum of 10% additional coverage.  
 (b) On receipt of a written application, the Municipality may permit the erection of a building within the side or rear space, the application which will be valid for the life of the building concerned.  
 (c) No building other than boundary walls, fences or temporary buildings that are required in connection with building operations being conducted on the property shall be erected without a space, free of any building or structure, between it and one of the side boundaries and also between the building and the rear boundary of the property.
15. Greater Edendale:  
 (a) No buildings shall be erected so as to contain a number of storeys, other than a basement, in excess of 3.
16. The number of storeys shall include the storey at ground level but shall not include basement storeys that are below ground level.
17. The Building Line in respect to Erfs fronting onto any Provincial Road, the Provincial Roads Act No. 4 of 2001, and shall be adjusted to meet these requirements accordingly applicable legislation.
- 18. Sweetwaters**
- 18.1. Permissible Uses: Dwelling, Home Business, Medium Density Housing and Recreational Purposes.
- 18.2. Consent Uses: Agricultural Land, Bed and Breakfast, Educational Building, Guest House, Residential Building and Shop (restricted to 100 m²).

#### PARKING REGULATIONS

1. Refer to Appendix 8 for parking regulations.
2. The technical requirements for on-site parking shall be in accordance with clause 7.2 of the Scheme.

#### DEVELOPMENT PARAMETERS

Area	SPACE ABOUT BUILDINGS					F.A.R
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Commented [ZM123]: New addition

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	Building line	Side space	Rear Space	Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	
Pietermaritzburg	7m	3m					50	1,00
Sobantu	3m	1m		N/A		3	50	1,00
Greater Edendale							60	0,70
All Other Areas	At the discretion of the Municipality in terms of the National Building Regulations and the KwaZulu-Natal Norms and Standards for Public Social Facilities							

Commented [ZM124]: Amended

Commented [ZM125]: New addition

Commented [ZM126]: New addition

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#### 4.2.6 Worship (Amended)

<b>ZONE:</b>	<b>WORSHIP</b>	
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings to be used as a church, chapel, oratory, synagogue, mosque, temple, Sunday school, and other places of public devotion including open spaces and ancillary uses ordinarily associated thereto.	
<b>Colour Notation:</b>	<b>Fill: Mars Red Cross Hatch R:255, G:000, B:000</b> <b>Outline: Black R:000, G:000, B:000</b>	
<b>Applicability:</b>	This Zone applies to the entire Municipal Area.	
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>Community Garden</li> <li>Conservation Purposes</li> <li>Dwelling*</li> <li>Institution</li> <li>Place of Instruction</li> <li>Place of Safety</li> <li>Place of Worship</li> <li>Social Hall</li> </ul>	<ul style="list-style-type: none"> <li>Boarding House</li> <li>Café</li> <li>Caretaker's Dwelling</li> <li>Cellular Telecommunication Infrastructure</li> <li>Crèche</li> <li>Garden Nursery</li> <li>Outbuilding</li> <li>Place of Public Assembly</li> <li>Place of Public Entertainment</li> <li>Private Recreation Area</li> <li>Residential building</li> <li>Shop (restricted to religious merchandise)</li> <li>Special Building**</li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b> <ol style="list-style-type: none"> <li>*Not more than one Dwelling occupied in conjunction with a Place of Worship, may be established as an expressly permitted use.</li> <li>**The Municipality shall not approve any Special Building wherein any trade, business, sale, storage or display of goods is involved, whether or not a trade licence is required.</li> <li>A crèche may be freely permissible within Traditional Community Areas subject to obtaining the written consent of Traditional Council.</li> <li>Un-serviced areas to comply with clause 7,5 of the Scheme.</li> <li>Subject to compliance with the provisions of the Msunduzi Boarding House policy.</li> <li>External appearance of buildings shall be subject to clause 5.7 of the scheme.</li> <li>The Municipality may grant consent for the erection of a building or structure in front of the Building Line.</li> <li>No work, including the erection of a building or structural alteration to a building, or the erection or establishment of any sign, shall be executed without the prior consent of the Municipality having first been obtained therefor.</li> <li>The side and rear space requirements shall not over-rule the requirements of the National Building Regulations and any greater side or rear space which may be required in terms thereof, shall be observed.</li> </ol>		

Commented [ZM127]: New addition

Commented [ZM129]: New addition

Commented [ZM128]: New addition

Commented [ZM130]: New addition

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10. Outbuildings and other structures including single, detached Dwellings, not being a building accommodating or comprising Residential Buildings, Institutions or Flats, shall observe a side and a rear space of not less than 1,5m.
11. The Municipality may grant its consent for relaxation of the side and rear space requirements, in respect of outbuildings and structures including single detached dwellings not being residential buildings or flats, if it is satisfied that this will not be detrimental to the amenities of the adjoining residential properties, subject always to the requirements of the national building regulations.
- 11.1 Provided that, if the written consent of abutting owners and those owners which the Municipality may determine as being affected by any such relaxation is lodged with the Municipality, the Municipality may waive the consent procedure.
12. \*\*\*Height requirements as per clause 5.4.4 of the scheme.
13. The number of units per hectare allowable in any residential use shall be at the discretion of the Municipality.
14. For the purposes of establishing side and rear spaces in terms of this clause, the eaves of any building or structure shall not overhang the side space and rear space by more than 1200mm, excepting that when a greater eaves overhang is provided, the required side space or rear space as the case may be, shall be increased by the amount the eaves overhang exceeds 1200mm.
15. Sobantu:
  - (a) Buildings shall not exceed the coverage specified herewith, provided that the Municipality may grant consent for a maximum of 10% additional coverage.
  - (b) On receipt of a written application, the Municipality may permit the erection of a building within the side or rear space, the application which will be valid for the life of the building concerned.
  - (c) No building other than boundary walls, fences or temporary buildings that are required in connection with building operations being conducted on the property shall be erected without a space, free of any building or structure, between it and one of the side boundaries and also between the building and the rear boundary of the property.
16. Greater Edendale:
  - (a) No buildings shall be erected so as to contain a number of storeys, other than a basement, in excess of 3.
17. The following controls shall apply to Erf 3236 Copesville:-
  - 17.1. The minimum Ef size Shall be 1000m²
  - 17.2. Building lines, side and rear spaces:
    - b) A 30.48-metre-wide "no building" servitude, measured from the centerline of the main road 25, shall be registered on all properties fronting onto main road 25 along the frontage with the main road 25.
  - 17.3. In terms of section 54(6)(b) of the by-laws, the following servitude shall be registered at the owner's expense against the property being consolidated/subdivided, in favour of the council.
  - 17.4. In terms of section 54(6)(b) of the by-laws, the following servitude shall be registered at the owner's expense against the property being consolidated/subdivided, in favour of the council.
  - 17.5. The following short term road improvements should be implemented by the developer at the main road 25/Bishopstowe/Maryvale intersection as per the TIA report in order to accommodate the additional traffic to be generated by the proposed development, thereafter the intersection will be monitored before the ultimate option can be implemented.
    - g) Manning Avenue
      - (i) Increased left turning slip lane to 120m with a continuous approach onto the main road
      - (ii) Add 120m lane in the exit direction

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### 4.3 Commercial/Mixed Use

#### 4.3.1 General (Amended)

ZONE:	GENERAL	
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings that offer a wide range of general activities.	
<b>Colour Notation:</b>	<b>Fill: Light Blue Hatch R:151, G:219, B:242</b> <b>Outline: Dark Navy R:000,G:038,B:115</b>	
<b>Applicability:</b>	This Zone applies to the PMB, Northdale, Edendale, Sobantu, Areas under Traditional Authority & Farm Portions, and may at the sole discretion of the Municipality be allowed in other areas.	
Permissible (A)	Consent (B)	Prohibited (C)
<ul style="list-style-type: none"> <li>Bank</li> <li>Beauty Studio</li> <li>Builder's Yard**</li> <li>Business Purposes</li> <li>Butchery</li> <li>Boarding House</li> <li>Car Wash**</li> <li>Conservation Purposes</li> <li>Driving School**</li> <li>Dwelling</li> <li>Exhibition Centre</li> <li>Flat</li> <li>Flea Market**</li> <li>Funeral Parlour**</li> <li>Government/Municipal</li> <li>Health and Beauty Parlour</li> <li>Informal Trading**</li> <li>Light Industrial Building</li> <li>Motor Sales Premises</li> <li>Motor Workshop</li> <li>Museum</li> <li>Office**</li> <li>Outbuilding</li> <li>Parking Depot</li> <li>Parking Lot</li> <li>Petrol Filling Station**</li> <li>Residential Building</li> <li>Restaurant</li> <li>Service Industrial Building</li> <li>Service Workshop</li> <li>Shop</li> <li>Specialised Office</li> <li>Traditional Health Practice**</li> </ul>	<ul style="list-style-type: none"> <li>Adult Premises</li> <li>Agricultural Building</li> <li>Betting Depot**</li> <li>Bottle Store</li> <li>Bus and Taxi Rank</li> <li>Casino (ancillary to a hotel)</li> <li>Cellular Telecommunication</li> <li>Infrastructure</li> <li>Escort Agency</li> <li>Home Business*</li> <li>Industrial Building</li> <li>Institution</li> <li>Night Club</li> <li>Petrol Filling Station</li> <li>Place of Instruction</li> <li>Place of Public Assembly</li> <li>Place of Public Entertainment***</li> <li>Place of Worship</li> <li>Social Hall</li> <li>Special Building</li> <li>Tavern</li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>		
1. *Provided the written consent of all abutting owners and any other owners the Municipality may determine is obtained, the Municipality may waive the consent procedure.		

Commented [ZM135]: New addition

Commented [ZM144]: New addition

Commented [ZM136]: Moved from consent use

Commented [ZM137]: New addition

Commented [ZM138]: New addition

Commented [ZM145]: New addition

Commented [ZM139]: New addition

Commented [ZM140]: New addition

Commented [RR146]: Additional control

Commented [ZM141]: New addition

Commented [ZM142]: New addition

Commented [ZM143]: New addition

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2. **\*\*Applies ONLY to Traditional Community Areas and Rural Areas.**
3. **\*\*\*Free entry within Traditional Community Areas (with Traditional Council consent) and Rural Areas.**
4. **The minimum Erf for a Petrol Filling Station shall be 1800m².**
5. **Un-serviced areas to comply with clause 7,5 of the Scheme.**
6. **All development shall be subject to obtaining all the necessary approvals in terms of the applicable legislation.**
7. A casino shall require a casino license issued in terms of the KwaZulu-Natal Gaming and Betting Act, 2010 (No. 8 of 2010).
8. No work, including the erection of a building or structural alteration to a building, or the erection or establishment of any sign, shall be executed without the prior consent of the Municipality having first been obtained therefor.
9. Non-business uses shall be limited to the first floor and above, of any building.
10. Waste Management shall be subject to clause 7.4 of the scheme.
11. The maintenance of buildings shall be subject to the provisions of clause 7.3 of the scheme.
12. All landscaping shall be to the satisfaction of the Municipality.
13. The number of units per hectare allowable in any residential use shall be at the discretion of the Municipality.
14. Subject to compliance with the following policies and/or bylaws: -
  - (a) Msunduzi Tavern Policy
  - (b) Msunduzi Boarding House Policy
  - (c) Msunduzi Cellular Telecommunication Infrastructure Policy
  - (d) Msunduzi Public Health Bylaws
  - (e) All signage and advertising shall comply with the Msunduzi Advertising Signs Bylaws.
15. The Municipality may grant its consent for the erection of a building or structure in front of the Building Line.
16. There shall, be no specified minimum side or rear space which shall, however, be determined in terms of the National Building Regulations.

Commented [ZM147]: New addition

#### PARKING REGULATIONS

1. Refer to Appendix 8 for parking regulations.
2. The technical requirements for on-site parking shall be in accordance with clause 7.2 of the Scheme.

#### DEVELOPMENT PARAMETERS

DEVELOPMENT PARAMETERS								
Area	SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
	Building line	Side space	Rear Space					
Pietermaritzburg	6m	N/A		N/A	500	3	75	1,50
All Other Areas	At the discretion of the Municipality in terms of the National Building Regulations.							

Commented [ZM148]: New addition

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#### 4.3.2 Core Mixed Use 1

<b>ZONE:</b>	<b>CORE MIXED USE 1</b>	
<b>Statement of Intent:</b>	A land use zone that is intended to provide for the use of retail, entertainment, offices, residential, public facilities and related commercial uses at high intensities within a Town Centre.	
<b>Colour Notation:</b>	<b>Fill: Antwerp Blue R:000, G:064, B:128</b> <b>Outline: Black R:000, G:000, B:000</b>	
<b>Applicability:</b>	This Zone applies to the PMB and may at the sole discretion of the Municipality be allowed in other areas.	
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>Bank</li> <li>Beauty Studio</li> <li>Betting Depot</li> <li>Bus and Taxi Rank</li> <li>Business Purposes</li> <li>Butchery</li> <li>Café</li> <li>Caretakers Dwelling</li> <li>Conservation Purposes</li> <li>Dwelling</li> <li>Exhibition Centre</li> <li>Fast food Outlet</li> <li>Flat</li> <li>Government/ Municipal</li> <li>Health and Beauty Parlour</li> <li>Health Studio</li> <li>Heritage Purposes</li> <li>Laundrette</li> <li>Medical Office</li> <li>Museum</li> <li>Office</li> <li>Parkade</li> <li>Parking Depot</li> <li>Place of Instruction</li> <li>Private Conservation Area</li> <li>Private Recreation Area</li> <li>Residential Building</li> <li>Restaurant</li> <li>Service Workshop</li> <li>Shop</li> <li>Shopping Centre</li> <li>Specialised Office</li> <li>truckshop</li> </ul>	<ul style="list-style-type: none"> <li>Adult Premises</li> <li>Bottle Store</li> <li>Car Wash</li> <li>Car Wash</li> <li>Casino</li> <li>Cellular Telecommunication Infrastructure</li> <li>Conference Facility</li> <li>Convenience Shop</li> <li>Funeral Parlour</li> <li>Home Business</li> <li>Hotel</li> <li>Institution</li> <li>Motor Sales Premises</li> <li>Night Club</li> <li>Petrol Filling Station</li> <li>Place of Instruction</li> <li>Place of Public Assembly</li> <li>Place of Public Entertainment</li> <li>Service Industrial Building</li> <li>Service Workshop</li> <li>Social Hall</li> <li>Special Building</li> <li>Tavern</li> <li>Utilities Facility</li> <li>Veterinary Clinic</li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>		
1. A casino shall require a casino license issued in terms of the KwaZulu-Natal Gaming and Betting Act, 2010 (No. 8 of 2010).		

**Commented [ZM149]:** Bar deleted since the definition is covered under Place of public entertainment

**Commented [RR150]:** Changed from comprise of to within

**Commented [ZM151]:** Moved from consent use

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2. No work, including the erection of a building or structural alteration to a building, exterior painting of a building, or the erection or establishment of any sign, shall be executed without the prior consent of the Municipality having first been obtained therefor.
3. All signs within the area bounded by Loop Street, Pietermaritz Street, Chapel Street and Commercial Road, shall observe such guidelines as may be established by the Municipality.
4. Where any building or structure is to be erected or established, or any major addition is to be made thereto, adjoining a site which contains a building or other item which has been listed in terms of clause 5.8 of the scheme, the Municipality may require such building, structure or addition to be set back from the street boundary or the indicated road widening line notwithstanding any other provision of the scheme.
5. Such setting back mentioned in paragraph 3 above may be required to improve or enhance the setting of the listed building or item. Any person aggrieved by the Municipality's decision under this paragraph may make further application for the Municipality's consent, for the establishment of the proposed building or structure closer to the street boundary than previously decided by the Municipality. Any person aggrieved by the Municipality's decision on such application, may appeal.
6. Any person aggrieved by any decision of the Municipality made in terms of any regulation as made under the provisions of the scheme which regulates the design or external appearance of buildings, may appeal.
7. All landscaping shall be to the satisfaction of the Municipality.
8. The maintenance of buildings shall be subject to the provisions of clause 7.3 of the scheme.
9. The number of units per hectare allowable in any residential use shall be at the discretion of the Municipality.
10. Rear access lanes shall be subject to clause 5.2 of the scheme.
11. Waste Management shall be subject to clause 7.4 of the scheme.
12. The external appearance of all buildings, structures and other works shall be subject to clause 5.7 of the scheme.
13. No person shall commence the erection of any such building until the particulars of the development have been approved with or without conditions by the Municipality or in the case of any Appeal until such Appeal has been finally determined.
14. Subject to compliance with the following policies and/or bylaws: -
  - (a) Msunduzi Tavern Policy
  - (b) Msunduzi Tuckshop Policy
  - (c) Municipality's Public Health Bylaws.
  - (d) All signage and advertising shall comply with the Msunduzi Advertising Signs Bylaws.
15. The maximum permissible height of Buildings shall be 34m and, save with the consent of the Council, Buildings shall be at least 22m in height.
16. In addition to the foregoing, any development on a site fronting on to Church Street or Longmarket Street shall be contained below a vertical angle of 40° originating at ground level on the existing street boundary on the opposite side of the street.
17. There shall, be no specified minimum side or rear space which shall, however, be determined in terms of the National Building Regulations.

#### **PARKING REGULATIONS**

1. Ingress to and egress from all parking and loading areas shall be to the satisfaction of the Municipality, save that no such ingress and egress shall be permitted direct to or from Longmarket Street, Church Street,

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Boshoff Street or Commercial Road, unless the Municipality is satisfied that the site could not otherwise be properly developed and that no undue traffic hazards would result therefrom.							
2. No person shall erect, extend, add to or alter any building or change the use of a building unless the Municipality is satisfied that sufficient parking spaces parking of motor vehicles of persons employed at or occupying the premises and unless facilities approved by the Municipality for the loading and unloading of vehicles are provided on the site.							
3. No new vehicular access shall be provided to any site, nor shall any provision be made within any site or building development for the parking thereon or therein of any motor vehicle, without the consent of the Municipality first having been obtained. Before granting its consent the Municipality shall satisfy itself that the particular street on to which the site fronts is capable of accommodating the additional traffic and that no undue hazard to pedestrian and vehicular traffic will be caused. In granting any such consent the Municipality may impose, inter alia, conditions limiting the number and size of vehicles to be accommodated on the site.							
4. Refer to Appendix 8 for parking regulations.							
5. The technical requirements for on-site parking shall be in accordance with clause 7.2 of the Scheme.							
<b>DEVELOPMENT PARAMETERS</b>							
<b>SPACE ABOUT BUILDINGS</b>			<b>Units per hectare</b>	<b>Min Erf size (m²)</b>	<b>Height (STOREYS)</b>	<b>Coverage (%)</b>	<b>F.A.R</b>
<b>Building line</b>	<b>Side space</b>	<b>Rear Space</b>					
Nil	N/A		N/A	500	34m	100; Residential 50	4,50; Residential 2,00

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#### 4.3.3 Convention Centre

<b>ZONE:</b>	<b>CONVENTION CENTRE</b>						
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings that accommodate convention centres and ancillary uses thereto.						
<b>Colour Notation:</b>	<b>Fill: Dark Navy R:000, G:038, B:115</b> <b>Outline: Apatite Blue R:115, G:223, B:255</b>						
<b>Applicability:</b>	This Zone applies to the PMB and may at the sole discretion of the Municipality be allowed in other areas.						
<b>Permissible (A)</b>			<b>Consent (B)</b>		<b>Prohibited (C)</b>		
<ul style="list-style-type: none"><li>• Café</li><li>• Caretaker's Dwelling</li><li>• Conservation Purposes</li><li>• Convention Centre</li><li>• Exhibition Centre</li><li>• Hotel</li><li>• Museum</li><li>• Office</li><li>• Parkade</li><li>• Parking Lot</li></ul>			<ul style="list-style-type: none"><li>• Ancillary Use</li><li>• Arts and Craft Workshop</li><li>• Casino (ancillary to a hotel)</li><li>• Cellular Telecommunication Infrastructure</li><li>• Educational Purposes</li><li>• Health Studio</li><li>• Place of Public Entertainment</li><li>• Restaurant</li><li>• Special Building</li></ul>		Land uses and buildings not listed in column (A) and (B).		
<b>ADDITIONAL CONTROLS</b>							
<p>1. No work, including the erection of a building or structural alteration to a building, or the erection or establishment of any sign, shall be executed without the prior consent of the Municipality having first been obtained therefor.</p> <p>2. A casino shall require a casino license issued in terms of the KwaZulu-Natal Gaming and Betting Act, 2010 (No. 8 of 2010).</p> <p>3. All landscaping shall be to the satisfaction of the Municipality.</p> <p>4. Subject to compliance with the following policies and/or bylaws: - (a) Msunduzi Cellular Telecommunication Infrastructure Policy (b) Msunduzi Public Health Bylaws. (c) All signage and advertising shall comply with the Msunduzi Advertising Signs Bylaws.</p> <p>5. External appearance of buildings shall be subject to clause 5.7 of the scheme.</p> <p>6. The maintenance of buildings shall be subject to the provisions of clause 7.3 of the scheme.</p> <p>7. The provision of sewerage disposal system shall be to the satisfaction of the Municipality.</p> <p>8. There shall, be no specified minimum side or rear space which shall, however, be determined in terms of the National Building Regulations.</p>							
<b>PARKING REGULATIONS</b>							
<p>1. Refer to Appendix 8 for parking regulations.</p> <p>2. The technical requirements for on-site parking shall be in accordance with clause 7.2 of the Scheme.</p>							
<b>DEVELOPMENT PARAMETERS</b>							
<b>SPACE ABOUT BUILDINGS</b>			<b>Units per hectare</b>	<b>Min Erf size (m²)</b>	<b>Height (STOREYS)</b>	<b>Coverage (%)</b>	<b>F.A.R</b>
<b>Building line</b>	<b>Side space</b>	<b>Rear Space</b>					

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Nil	N/A	N/A	At the discretion of the Municipality
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#### 4.3.4 Commercial (Amended)

**Commented [ZM152]:** Addition from Ashburton Scheme

<b>ZONE:</b>	<b>COMMERCIAL</b>	
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings that offer a wide range of recreational, entertainment, residential, shopping, and business-related activities.	
<b>Colour Notation:</b>	<b>Fill: Blue R:000, G:112, B:255</b> <b>Outline: Chrysoprase R:000, G:230, B:169</b>	
<b>Applicability:</b>	This Zone applies to Ashburton and may at the sole discretion of the Municipality be allowed in other areas.	
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>Bank</li> <li>Beauty Studio</li> <li>Betting Depot</li> <li>Business Purposes</li> <li>Butchery</li> <li>Café</li> <li>Child Minder</li> <li>Commercial Workshop</li> <li>Conservation Purposes</li> <li>Crèche</li> <li>Dwelling*</li> <li>Fast Food Outlet</li> <li>Flat</li> <li>Flea Market</li> <li>Government/Municipal</li> <li>Health and Beauty Parlour</li> <li>Hotel</li> <li>Laundrette</li> <li>Medical Office</li> <li>Motor Sales Premises</li> <li>Museum</li> <li>Office</li> <li>Parking Depot</li> <li>Residential Building</li> <li>Restaurant</li> <li>Service Workshop</li> <li>Shop</li> <li>Shopping Centre</li> <li>Specialised Office</li> <li>Veterinary Clinic</li> </ul>	<ul style="list-style-type: none"> <li>Adult Premises</li> <li>Agricultural Building</li> <li>Agricultural Land</li> <li>Bus and Taxi Rank</li> <li>Car Wash</li> <li>Casino** (ancillary to a hotel)</li> <li>Cellular Telecommunication Infrastructure</li> <li>Funeral Parlour</li> <li>Home Business</li> <li>Institution</li> <li>Motor Workshop</li> <li>Night Club</li> <li>Parkade</li> <li>Petrol Filling Station</li> <li>Place of Instruction</li> <li>Place of Public Assembly</li> <li>Place of Public Entertainment</li> <li>Place of Worship</li> <li>Recreational Purposes</li> <li>Service Industrial Building</li> <li>Special Building</li> <li>Tavern</li> <li>Warehouse</li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>		
<ol style="list-style-type: none"> <li>No work, including the erection of a building or structural alteration to a building, or the erection or establishment of any sign, shall be executed without the prior consent of the Municipality having first been obtained therefor.</li> <li>In the case of <b>Erf 250 Ashburton</b> and <b>Erf 395 Ashburton</b> a Home Business and Bed Breakfast shall be freely permissible.</li> <li>*The maximum number of dwelling units shall be 9 units per hectare.</li> </ol>		

**Commented [ZM153]:** Bar deleted since the definition is covered under Place of public entertainment

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4. \*\*A casino shall require a casino license issued in terms of the KwaZulu-Natal Gaming and Betting Act, 2010 (No. 8 of 2010).
5. All residential uses, except a Hotel, shall be located above the ground floor.
6. Waste Management shall be subject to Clause 7.4 of the Scheme.
7. The maintenance of buildings shall be subject to the provisions of clause 7.3 of the scheme.
8. Un-serviced areas to comply with clause 7.5 of the scheme.
9. All landscaping shall be to the satisfaction of the Municipality.
10. The number of units per hectare allowable in any residential use shall be at the discretion of the Municipality.
11. Subject to compliance with the following policies and/or bylaws: -
  - (a) Msunduzi Tavern Policy
  - (b) Msunduzi Cellular Telecommunication Infrastructure Policy
  - (c) Msunduzi Public Health Bylaws
  - (d) Msunduzi Bed and Breakfast Policy
  - (e) Msunduzi Crèches and Crèches-Cum-Nursery Schools Bylaws.
  - (f) All signage and advertising shall comply with the Msunduzi Advertising Signs Bylaws.
12. Save with the Municipality's Consent, the Consent procedure to relax the Coverage, Floor Area Ratio and Height requirements may be waived provided that a fully motivated application is submitted to the Municipality and the written consent of the Owners of all abutting and any other properties determined by the Municipality is obtained.
13. The Building Line requirements shall not over-rule the requirements of the National Building Regulations or, in respect of Erfs fronting onto any Provincial Road, which shall be in accordance with the Provincial Road Legislation.
14. Save with the Municipality's Consent and, in respect of Erfs fronting onto any Provincial Road, with the permission of the Provincial Roads authority. The Consent procedure to relax the Building line requirements may be waived provided that a fully motivated application is submitted to the Municipality and the written consent of the Owners of all abutting and any other properties determined by the Municipality is obtained.
15. The Side and Rear Space requirements shall not over-rule the requirements of the National Building Regulations and shall be adjusted to meet these requirements accordingly.
16. Architectural features, balconies, bay windows, canopies and porches which are above the level of the first floor of a building shall not overhang the Building Line by more than 1,5 metres.

#### PARKING REGULATIONS

1. Refer to Appendix 8 for parking regulations.
2. The technical requirements for on-site parking shall be in accordance with clause 7.2 of the Scheme.

#### DEVELOPMENT PARAMETERS

SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m <sup>2</sup> )	Height (STOREYS)	Coverage (%)	F.A.R
Building line	Side space	Rear Space					
7,5m	N/A		N/A	500	3	80/ Residential 50	1,00/ Residential 0,50

Commented [z154]: Amended from 1000 to 500swm

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#### 4.3.5 Low Impact Mixed Use (Amended)

<b>ZONE:</b>	<b>LOW IMPACT MIXED USE</b>		
<b>Statement of Intent:</b>	A land use zone that provides for a limited range of commercial activities, offices, restaurants, residential development at residential level intensities of development and with limited impacts.		
<b>Colour Notation:</b>	<b>Fill: Light Blue R:127, G:230, B:255</b> <b>Outline: Black R:000, G:000, B:000</b>		
<b>Applicability:</b>	This Zone applies to the PMB, Northdale, Edendale, Sobantu, Sweetwaters & Ashburton, and may at the sole discretion of the Municipality be allowed in other areas.		
<b>Permissible (A)</b>		<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>Bank</li> <li>Beauty Studio</li> <li>Bed and Breakfast</li> <li>Boarding House</li> <li>Business Purposes</li> <li>Butchery</li> <li>Café</li> <li>Conservation Purposes</li> <li>Dwelling</li> <li>Fast Food Outlet</li> <li>Flat</li> <li>Government/Municipal</li> <li>Guest House</li> <li>Health and Beauty Parlour</li> <li>Health Studio</li> <li>Hotel</li> <li>Medical Office</li> <li>Office</li> <li>Parking Lot</li> <li>Residential Building</li> <li>Restaurant</li> <li>Shop</li> <li>Shopping Centre</li> <li>Specialised Office</li> </ul>		<ul style="list-style-type: none"> <li>Adult Premises</li> <li>Agricultural Building</li> <li>Betting Depot</li> <li>Bus and Taxi Rank</li> <li>Car Wash</li> <li>Casino (ancillary to a hotel)</li> <li>Cellular Telecommunication Infrastructure</li> <li>Conference Facility</li> <li>Convenience Shop</li> <li>Funeral Parlour</li> <li>Home Business*</li> <li>Institution</li> <li>Motor Sales Premises</li> <li>Night Club</li> <li>Parkade</li> <li>Parking Depot</li> <li>Petrol Filling Station</li> <li>Place of Instruction</li> <li>Place of Public Assembly</li> <li>Place of Public Entertainment</li> <li>Place of Worship</li> <li>Social Hall</li> <li>Special Building</li> <li>Tavern</li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>			
<ol style="list-style-type: none"> <li>*Provided the written consent of all abutting owners and any other owners the municipality may determine is obtained, the municipality may waive the consent procedure.</li> <li>A casino shall require a casino license issued in terms of the KwaZulu-Natal Gaming and Betting Act, 2010 (No. 8 of 2010).</li> <li>Waste Management shall be subject to clause 7.4 of the scheme.</li> <li>The maintenance of buildings shall be subject to the provisions of clause 7.3 of the scheme.</li> <li>The number of units per hectare allowable in any residential use shall be at the discretion of the Municipality.</li> <li>All landscaping shall be to the satisfaction of the Municipality.</li> </ol>			

**Commented [ZM155]:** Bar deleted since the definition is covered under Place of public entertainment

**Commented [ZM156]:** New addition

**Commented [ZM157]:** Moved from consent use

**Commented [ZM158]:** New addition

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7. No work, including the erection of a building or structural alteration to a building, or the erection or establishment of any sign, shall be executed without the prior consent of the Municipality having first been obtained therefor.
8. \*\*Height requirements as per clause 5.4.4 of the scheme.
9. Subject to compliance with the following policies and/or bylaws: -
  - (a) Msunduzi Tavern Policy
  - (b) Msunduzi Boarding House Policy
  - (c) Msunduzi Cellular Telecommunication Infrastructure Policy
  - (d) Municipality's Public Health Bylaws
  - (e) All signage and advertising shall comply with the Msunduzi Advertising Signs Bylaws.
10. The Municipality may grant consent for the erection of a building or structure in front of the Building Line.
11. Side and rear spaces for any use not specified herein shall be provided in accordance with the requirements for those uses where they appear elsewhere in the scheme.
12. There shall, be no specified minimum side or rear space which shall, however, be determined in terms of the National Building Regulations.
13. The Building Line in respect to Erfs fronting onto any Provincial Road, the Provincial Roads Act No. 4 of 2001, and shall be adjusted to meet these requirements accordingly applicable legislation.
14. Sobantu:
  - (a) Buildings shall not exceed the coverage specified herewith, provided that the Municipality may grant consent for a maximum of 10% additional coverage.
  - (b) On receipt of a written application, the Municipality may permit the erection of a building within the side or rear space, the application which will be valid for the life of the building concerned.
  - (c) No building other than boundary walls, fences or temporary buildings that are required in connection with building operations being conducted on the property shall be erected without a space, free of any building or structure, between it and one of the side boundaries and also between the building and the rear boundary of the property.
15. Greater Edendale:
  - (a) No buildings shall be erected so as to contain a number of storeys, other than a basement, in excess of 3.
16. Ashburton:
  - (a) Save with the Municipality's Consent, the Consent procedure to relax the Coverage, Floor Area Ratio and Height requirements may be waived provided that a fully motivated application is submitted to the Municipality and the written consent of the Owners of all abutting and any other properties determined by the Municipality is obtained.
  - (b) The Building Line requirements shall not over-rule the requirements of the National Building Regulations or, in respect of Erfs fronting onto any Provincial Road, which shall be in accordance with the Provincial Road Legislation.
  - (c) Save with the Municipality's Consent and, in respect of Erfs fronting onto any Provincial Road, with the permission of the Provincial Roads authority. The Consent procedure to relax the Building line requirements may be waived provided that a fully motivated application is submitted to the Municipality and the written consent of the Owners of all abutting and any other properties determined by the Municipality is obtained.
  - (d) Architectural features, balconies, bay windows, canopies and porches which are above the level of the first floor of a Building shall not overhang the Front Space by more than 1,5 metres.

Commented [ZM159]: New addition

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- (e) The eaves of any Building or structure shall not overhang the Side and Rear Space by more than 1200 mm.
- (f) The Side and Rear Space requirements shall not over-rule the requirements of the National Building Regulations and shall be adjusted to meet these requirements accordingly.

#### 17. Sweetwaters

##### 17.1. Permissible Use: Guest House (above ground floor) and Veterinary Clinic

##### 17.2. Consent Use: Industry-Light, Creche, Educational Building, Private Recreation Area, Recreation Purpose and Warehouse.

##### 17.3. Provided the written consent of all abutting owners and any other owners the Municipality may determine, is obtained, the Municipality may waive the consent procedure for Home Business and Agricultural Land.

Commented [z160]: New addition

#### 18. In the case of Erf 93 Lynnfield Park and Erf 94 Lynnfield Park the following shall be applicable: -

- 18.1. Home Business shall be freely permissible.
- 18.2. Agricultural Land may be permitted by Consent.
- 18.3. The maximum number of dwelling units shall be 9 units per hectare.

#### 19. The following controls shall apply to Erf 196 Raisethorpe, being 595 Old Greytown Road: Raisethorpe: -

- 19.1. The disposition of development on the site shall be generally in accordance with Plan 93/05-100, or any amendment approved by the Municipality;
- 19.2. All interfaces between the development of the "Limited Business" zone, Clayton Avenue and all adjoining "Special Residential" sites shall be appropriately screened to the satisfaction of the Municipality;
- 19.3. The site shall be suitably landscaped in accordance with a landscape plan to the satisfaction of the Municipality;
- 19.4. A solid, architecturally pleasing face brick wall will be built from the entrance point to the Hayfields Centre in Blackburrow Road, closest to Clayton Avenue extending up Clayton Avenue and will integrate the already existing Bougainvillea hedge;
- 19.5. The Bougainvillea hedge shall be retained. The residents of Clayton Avenue will, however, have a choice of either continuing the wall to replace the hedge, or retaining the hedge. The decision will be that of the Clayton Avenue residents;
- 19.6. The wall referred to in paragraph 13.4 and 13.5 above shall be 2,4m high from ground level and must be built prior to the demolition of the existing residential properties;
- 19.7. In respect of the Specialised Medical Facility to be developed on a portion of Portions 30 and 147 of Erf 730 PMB, as depicted on Site Layout Plan No 93/05-100, this building shall be restricted to a single storey building immediately adjacent to residential properties and its design shall be subject to the satisfaction of the Municipality;
- 19.8. In respect of the Specialised Medical Facility, a building line of 6m and a side space of 4,5m shall apply;
- 19.9. A Landscape Consultant must be appointed to advise on all landscaping aspects including the planting of shrubbery on the perimeter of the site adjoining Clayton Avenue and incorporating the landscaping of the wall. This shall be subject to the satisfaction of the Municipality;

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- 19.10. The maintenance of the gardens and the hedge will be the responsibility on the owner/s of the Centre;
- 19.11. Suitable walls between the "Low Impact Mixed Use" zone and the "Special Residential" zone must be constructed at a minimum height of 2,4m to the satisfaction of the Municipality;
- 19.12. The owners of the centre must provide surfaced pedestrian footpaths along the Blackburrow Road frontage towards Cleland Road and along Cleland Road towards the new Medical Facility and where accesses have been re-positioned or closed off. This shall be to the satisfaction of the City Engineer and all costs are to be borne by the developer;
- 19.13. All traffic related and parking requirements shall be subject to the satisfaction of the Municipality.
20. The following controls shall apply to **Rem of Erf 454 Raisethorpe, being 50 Simeon Road: Raisethorpe: -**
- 20.1. A continuous wall/fence shall be erected to the satisfaction of the Municipality along the site frontages to Mysore Road and Simeon Road, except at the agreed point of access off Simeon Road.
- 20.2. Business Purposes, Restaurant and Shop shall be only permissible uses within this erf, with no provision for any consent uses.
- 20.3. The disposition of the elements of the development shall be generally in accordance with the 'planning proposal' drawings contained in the applicant's document dated June 1998, or any modification approved by the Municipality.
- 20.4. Vehicular access to the site shall be from Simeon Road only, to the satisfaction of the Municipality.
21. **The following controls shall apply to Erf 3233-3235 Copesville:-**
- 21.1. The minimum Erf size Shall be 1000m<sup>2</sup>
- 21.2. Building lines, side and rear spaces:
- A 30.48-metre-wide "no building" servitude, measured from the centerline of the main road 25, shall be registered on all properties fronting onto main road 25 along the frontage with the main road 25.
- 21.3. In terms of section 54(6)(b) of the by-laws, the following servitude shall be registered at the owner's expense against the property being consolidated/subdivided, in favour of the council.
- 21.4. In terms of section 54(6)(b) of the by-laws, the following servitude shall be registered at the owner's expense against the property being consolidated/subdivided, in favour of the council.
- 21.5. The following short term road improvements should be implemented by the developer at the main road 25/Bishopstowe/Maryvale intersection as per the TIA report in order to accommodate the additional traffic to be generated by the proposed development, thereafter the intersection will be monitored before the ultimate option can be implemented.
- Manning Avenue**
    - Increased left turning slip lane to 120m with a continuous approach onto the main road
    - Add 120m lane in the exit direction
    - Increase the length of the dedicated right turning lane
  - Main road 25**
    - Add a new short exit lane of 60m length receiving traffic from the manning avenue slip
    - Increase the slip lane to 30m
    - Construct additional 90m dedicated right turning lane
  - Bishopstowe road**
    - Add a new short 30m long slip lane onto Maryvale road
    - Increase the length of dedicated right turn lane to 90m

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- 21.6. Revise traffic signal plans for the whole intersection and include right turn flashing arrow for westbound approach from main road 25 into Manning Avenue new short 20m long.
- 21.7. The Owner shall, at its own cost, be responsible for the design and construction of any properly surfaced link road/s with associated adequate storm-water drainage system/s that is/are required to link the bulk road network system to the internal road network system.
- 21.8. The Owner shall be responsible, at its cost, for the design and construction of any water supply pipeline (excluding that of the actual connection pipe) that may be required to link the Development to the Municipal water reticulation system. On payment of the prescribed fee, the Municipality will carry out the actual connection work.
- 21.9. The Owner shall be responsible, at its cost, for the design and construction of any sewer pipeline (excluding that of the actual connection pipe) that may be required to link the Development to the Municipal sewer reticulation system. On payment of the prescribed fee, the Municipality will carry out the actual connection work.
- 21.10. Simultaneously with the registration of the first erf of the proposed layout, Erven 3237 shall be transferred to the transferred to the KwaZulu-Natal Department of Public Works.
- 21.11. Any existing electrical mains be affected if the land was to be developed, those affected will be re-routed or repositioned at owner's expense.
- 21.12. Should any municipal service be re-routed or re-positioned, such work will be carried out by the council at the owner's expense.
- 22. The following controls shall apply to Erf 120, 121, 203, 597 Surrey Park: -**
- 22.1. Home Owners Association (HOA) to be created, over all Erven of Portion 1 of Erf 114 Surrey Park which shall provide that no property may be transferred without the consent of the HOA, which consent shall be granted once the transferee agrees to be a member of the HOA, and all levies due to the HOA have been paid by the Transferor. Homeowners Association responsible for maintenance of Private Roadway.
- 22.2. The Owners of the subdivisions shall be jointly responsible in perpetuity for the maintenance of the common property in a clean, tidy and serviceable condition, to the satisfaction of the Council and shall take all steps to ensure that no part of such common property shall become a public street or public place for which the Council may be required to accept responsibility, without the express consent of the Council.
- 22.3. Environmental Management**
- 22.3.1. This application shall be subject to full compliance with all conditions stipulated in the Environmental Authorization (DC22/AMEND/0044/2017) shall be comply with, dated 22 June 2018 together with Environmental Authorization (DC22/0044/08) dated 04 July 2012. Specifically, the following:
- (i) Clause 3.3.1. The Environmental Management Programme (EMPr) dated 25 July 2011 and included in the Final EIAr (prepared by Janet Edmonds Consulting cc and dated 28 September 2011) for the pre-construction, construction, operational and rehabilitation phases of this project as submitted for the Environmental Authorization of this project complies with Section 24N of NEMA and Regulation 33 of the EIA Regulations, 2010. Accordingly, this EMPr is hereby approved and must be implemented.
  - (j) Clause 3.3.2. The EMPr must be kept on site during all phases of the development
  - (k) Clause 3.4.7. Fourteen (14) days written notice must be submitted to the Msunduzi Municipality Conservation and Environment Unit, at the address specified in condition 3.4.4. above that the construction for the next phases, (i.e. Phase 2, 3, and 4) will commence. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the construction will commence, an assurance for the increase in the demands as

**Commented [ZM161]:** New addition for Copesvill development

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per condition 3.4.5. above and the EIA reference number of this environmental authorization viz. DC22/0044/08.

- (l) Clause 3.4.20. Fast growing trees must be planted along the northern boundary with AfriSam Quarry immediately after site clearing to allow the trees to become established and provide a buffer to shield residents from noise and visual impacts of the neighboring quarry. The tree species to be used must be determined in consultation with the Msunduzi Municipality Conservation and Environment Unit.

#### 22.4. Environmental Health

22.4.1. All food premises to comply with the Food Regulations R962.

22.4.2. Crèches and school to comply with the Public Health By-laws and Environmental Health Norms and Standards.

22.4.3. All industries to comply with the Public Health Act in terms of pollution control (air, water, land and noise).

22.4.4. All industries will be restricted to the installation of small emitters (fuel appliances) in terms of the National Environment Air Quality Act.

#### 22.5. Water and Sanitation

22.5.1. The owner shall be responsible for all aspects of the permanent supply of water to and within the layout;

- (i) Engineering design,
- (j) Implementation and construction,
- (k) Survey and Registration of praedial and private servitudes if necessary, and
- (l) Related costs.

22.5.2. The Developer shall provide all bulk and link water reticulation required to service the internal services.

22.5.3. The Developer shall pay the cost of connecting into the bulk supply and installing all internal water reticulation which shall be designed to comply with fire-fighting requirements.

22.5.4. The Developer to connect from existing Copesville Sewer Interceptor (Trunk main).

22.5.5. The Developer shall pay the cost of connecting into bulk supply, all services be in accordance with the Msunduzi Municipality's Water and Sanitation Business Unit Guidelines.

22.5.6. The Sewer reticulation serving the Erven within the development shall be protected by sewer servitudes of adequate width which are to be registered over the affected subdivisions, in favour of the Home Owners Association at owners cost, prior to or simultaneously with the registration of the respective subdivisions.

22.5.7. Any existing water piping which may cross any proposed internal subdivision boundary shall be severed and plugged or removed prior to the transfer of the first subdivision.

#### 22.6. Roads and Drainage

22.6.1. Access to the proposed development will be opposite the existing Beacon Hill Estate access through M25. This access is to be designed in such a way that it should intersect Main Road 25 at a right angle or at an acceptable deflection angle (as per Geometric Design Guidelines). Access should be designed as a KZNDOT Type B2 and the intersection be signalized before commencement of Phase 2 construction.

22.6.2. Public transport laybys should be provided on both sides of the Site Access/ Main Road 25/ Beacon Hill Estate intersection.

22.6.3. 2.5m walkways should be constructed from the public transport laybys to the first internal access road.

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- 22.6.4. All the costs for the above road upgrades shall be at the Developer's account.
- 22.6.5. The requirements of the Department of Transport as set out in their letter dated 9th June 2016, referenced T10/2/2/1554/2, shall be strictly complied with.
- 22.6.6. The intersection shall be upgraded to a double Type B2 intersection to be directly opposite the entrance to Beacon Hill.
- 22.6.7. The intersection shall also be provided on both sides of MR25 with public transport laybys, as required by the Department of Transport.
- 22.6.8. Provide 1,5m wide concrete sidewalk from the public transport layby to the intersection of the first internal road.
- 22.7. **Electricity**
- 22.7.1. A 24 hours' access to the Municipal meters is required. A general access servitude shall be registered against all road Erven in favour of the Municipality in order to access municipal services for meter reading, maintenance, repairs and related work.
- 22.7.2. A kiosk equipped with 150A non-adjustable circuit breaker must be provided by you on the road frontage boundary.
- 22.7.3. The above-mentioned estimated charge must be paid in advance at 333 Church Street, A.S. Chetty building. You will be invoiced for the actual cost on completion of the work and debited or credited accordingly.
- 22.7.4. An unobstructed duct way must be provided for the entry of the underground service cable to any new meter position.
- 22.7.5. The minimum charge per month payable by the consumer under Scale C shall be an amount calculated on the basis of 70% of the highest maximum demand in kVA, notified to the Executive Manager: Electricity by the consumer or 70% of the previous twelve months' highest maximum kVA which is the higher. The effective date of the minimum charge i.e. 70% of the Notified Maximum Demand (NMD) in kVA is from the day the electricity supply connection is made and the charge is payable 30 days after the effective date.
- 22.7.6. The council reserves the right to fix the position of the meter board/box, which must be approved by the Electrical Engineer before wiring of the proposed installation commenced.
- 22.8. A condition of title shall be registered over all erven or Erf 114 Surrey Park absolving the Municipality from any and all responsibility for any damage caused by blasting and mining operations of the Farm Natal Crushers No. 14967.

#### PARKING REGULATIONS

- Refer to Appendix 8 for parking regulations.
- The technical requirements for on-site parking shall be in accordance with clause 7.2 of the Scheme.

#### DEVELOPMENT PARAMETERS

Area	SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
	Building line	Side space	Rear Space					
Pietermaritzburg	6m	N/A		N/A	500	N/A**	50	1,00; Residential 0,50
Sobantu, Sweetwaters & Northdale	3m	1m		N/A		3	70; Residential 60	0,70; Residential 0,60

Commented [ZM162]: New addition

Commented [ZM163]: Amended from 1000sqm to 500sqm

Commented [ZM164]: New addition

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Greater Edendale	3m	1m	N/A		3	80; Residential 60	0,80; Residential 0,60
Ashburton	10m	2m	N/A	1200	2	50	1,00; Residential 0,35

Commented [ZM165]: Addition from Ashburton Scheme

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#### 4.3.6 Medium Impact Mixed Use (Amended)

<b>ZONE:</b>	<b>MEDIUM IMPACT MIXED USE</b>	
<b>Statement of Intent:</b>	A land use zone that provides for a restricted range of commercial activities, workshops, offices, restaurants, residential development at medium intensities of development and with limited impacts.	
<b>Colour Notation:</b>	<b>Fill: Blue R:026, G:013, B:189</b> <b>Outline: Black R:000, G:000, B:000</b>	
<b>Applicability:</b>	This Zone applies to the PMB, Northdale, Edendale, Sobantu and Ashburton, and may at the sole discretion of the Municipality be allowed in other areas.	
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>Bank</li> <li>Beauty Studio</li> <li>Bed and Breakfast</li> <li>Business Purposes</li> <li>Butchery</li> <li>Café</li> <li>Canteen</li> <li>Conservation Purposes</li> <li>Dwelling</li> <li>Fast Food Outlet</li> <li>Flat</li> <li>Government/Municipal</li> <li>Guest House</li> <li>Health and Beauty Parlour</li> <li>Health Studio</li> <li>Hotel</li> <li>Laundrette</li> <li>Medical Office</li> <li>Office Park</li> <li>Outbuilding</li> <li>Parking Lot</li> <li>Place of Instruction</li> <li>Private Conservation Area</li> <li>Residential Building</li> <li>Restaurant</li> <li>Retirement Centre</li> <li>Service Workshop</li> <li>Shop</li> <li>Shopping Centre</li> <li>Social Hall</li> <li>Specialised Office</li> </ul>	<ul style="list-style-type: none"> <li>Adult Premises</li> <li>Agricultural Building</li> <li>Betting Depot</li> <li>Bottle Store</li> <li>Builders Yard</li> <li>Car Wash</li> <li>Casino (ancillary to a hotel)</li> <li>Cellular Telecommunication Infrastructure</li> <li>Conference Facility</li> <li>Convenience Shop</li> <li>Funeral Parlour</li> <li>Home Business*</li> <li>Industrial Building</li> <li>Institution</li> <li>Light Industrial Building</li> <li>Motor Sales Premises</li> <li>Motor Workshop</li> <li>Night Club</li> <li>Parkade</li> <li>Parking Depot</li> <li>Petrol Filling Station</li> <li>Place of Public Assembly</li> <li>Place of Public Entertainment</li> <li>Place of Worship</li> <li>Recreational Purposes</li> <li>Service Industrial Building</li> <li>Social Hall</li> <li>Special Building</li> <li>Tavern</li> <li>Veterinary Clinic</li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>		
1. *Provided the written consent of all abutting owners and any other owners the municipality may determine is obtained, the municipality may waive the consent procedure.  2. A casino shall require a casino license issued in terms of the KwaZulu-Natal Gaming and Betting Act, 2010 (No. 8 of 2010).  3. No work, including the erection of a building or structural alteration to a building, or the erection or establishment of any sign, shall be executed without the prior consent of the Municipality having first been obtained therefor.		

**Commented [ZM166]:** Bar deleted since the definition is covered under Place of public entertainment

**Commented [ZM167]:** New addition

**Commented [ZM169]:** New addition

**Commented [ZM170]:** New addition

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4. All landscaping shall be to the satisfaction of the Municipality.
5. The Municipality may grant consent for the erection of a building or structure in front of the Building Line.
6. The number of units per hectare allowable in any residential use shall be at the discretion of the Municipality.
7. Rear access lanes shall be subject to clause 5.2 of the scheme.
8. Waste Management shall be subject to clause 7.4 of the scheme.
9. The maintenance of buildings shall be subject to the provisions of clause 7.3 of the scheme.
10. \*\*Height requirements as per clause 5.4.4 of the scheme.
11. Subject to compliance with the following policies and/or bylaws: -
  - (a) Msunduzi Tavern Policy
  - (b) Msunduzi Cellular Telecommunication Infrastructure Policy
  - (c) Msunduzi Public Health Bylaws
  - (d) All signage and advertising shall comply with the Msunduzi Advertising Signs Bylaws.
12. Side and rear spaces for any use not specified herein shall be provided in accordance with the requirements for those uses where they appear elsewhere in the scheme.
13. There shall, be no specified minimum side or rear space which shall, however, be determined in terms of the National Building Regulations.
14. **The Building Line in respect to Erfs fronting onto any Provincial Road, the Provincial Roads Act No. 4 of 2001, and shall be adjusted to meet these requirements accordingly applicable legislation,**
15. Sobantu:
  - (a) Buildings shall not exceed the coverage specified herewith, provided that the Municipality may grant consent for a maximum of 10% additional coverage.
  - (b) On receipt of a written application, the Municipality may permit the erection of a building within the side or rear space, the application which will be valid for the life of the building concerned.
  - (c) No building other than boundary walls, fences or temporary buildings that are required in connection with building operations being conducted on the property shall be erected without a space, free of any building or structure, between it and one of the side boundaries and also between the building and the rear boundary of the property.
16. Greater Edendale:
  - (a) No buildings shall be erected so as to contain a number of storeys, other than a basement, in excess of 3.
17. Restricted Vehicular Access and On-site Parking
  - 17.1 No new vehicular access shall be provided to any site between West Street and Commercial Road and between East Street and Retief Street, nor shall any provision be made in any site or building development for the parking thereon or therein of any vehicle, without the consent of the Municipality first having been obtained.
  - 17.2 Before granting its consent the Municipality shall satisfy itself that the street is capable of accommodating the extra traffic and will not cause undue hazard to pedestrian and vehicular traffic. In granting its consent, the Municipality may impose, inter alia, conditions limiting the number and size of vehicles to be accommodated on the site.
18. The following controls shall apply to **Portion 246 of Erf 1913 PMB, being the Nedbank Plaza, corner of Durban Road and King Edward Avenue: Scottsville: -**

Commented [ZM171]: New addition

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- 18.1 Business Purposes, Flat and Shop shall be the only freely permissible uses, with consent uses consisting only of Parking Depot, Petrol Filling Station, Place of Public Entertainment and Special Building.
- 18.2 The site shall be developed in accordance with Plan TPX 12/239, dated July 1969, or any amendment approved by the Municipality.
- 18.3 The maximum units per hectare shall be 80 uph.
- 18.4 The maximum coverage shall be as per the approved site development plan.
- 18.5 The maximum height permitted shall be controlled by 60° light angle.
- 18.6 The site shall not be subdivided without the consent of the Municipality.
- 18.7 On-site parking shall be provided in accordance with Plan TPX 12/239, to the satisfaction of the Municipality.
19. The following controls shall apply to **Portions 17, 72 (of 17), 18, 19, 20, 21, 22 (Of 22), 23 and 24 and 24, of Erf 3105 PMB, off Mayors Walk: Prestbury**:-
- 19.1 No redevelopment shall take place nor any non-residential uses established within this zone unless and until all the properties listed above have either been consolidated or have been tied by a National Deed in Restraint of Free Alienation.
- 19.2 Development within this zone shall be generally in accordance with Plan PIE 317.8 which is contained in document PIE 317.1 dated December 1989, submitted by Monte J Rosenberg Incorporated, or any modification thereto, approved by the Municipality.
- 19.3 Not less than 100 parking bays, together with loading/unloading facilities, shall be provided, the arrangement thereof being to the satisfaction of the Municipality.

#### PARKING REGULATIONS

- There shall be, in respect of Business Purposes, Shops and other non-residential uses, including Restaurants, within the Central City Area and in Raisethorpe between Mysore Road/ Allandale Drive and Mosque Road/Baljoos Road, no specified on-site parking requirement.
- The Municipality may permit the increase of the floor area by an amount equal to the total area of the parking area to be established, provided that such increase shall be limited to not more than 1/4 of the maximum floor area which would normally be permitted on the site. Any person aggrieved by the Municipality's decision may appeal.
- Whether or not on-site parking is required, any person proposing to erect any building which will front or abut on any street, or proposed street, and is intended to be used for the purposes of business or industry, shall give not less than forty-two (42) days' notice thereof to the Municipality before commencing to erect the building.
- For the purpose of preventing obstruction to traffic on any street or proposed street on which the proposed building would front or abut, the Municipality may within forty-two (42) days of the receipt of the notice referred to in paragraph 3 above, require the person to submit for its approval proposals for securing, so far as is reasonably practicable, the provision of suitable and sufficient accommodation within the site for any loading, unloading or fuelling of vehicles which are likely to be habitually involved in connection with the use of the building.
- No owner or occupier of the building in respect of which proposals under this paragraph have been required shall undertake or knowingly permit the habitual loading or unloading or fuelling of vehicles otherwise than in accordance with the approved proposals, or unless such requirements have been withdrawn by the Municipality.
- Refer to Appendix 8 for parking regulations.
- The technical requirements for on-site parking shall be in accordance with clause 7.2 of the Scheme.

#### DEVELOPMENT PARAMETERS

Area	SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
	Building line	Side space	Rear Space					
Pietermaritzburg	6m	N/A		N/A	500	N/A**	100; Residential 50	4; Residential 0,50

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Sobantu & Northdale	3m	1m	N/A	500	3	70; Residential 60	1,50; Residential 0,60
Greater Edendale	3m	1m	N/A	500	3	80; Residential 60	1,50; Residential 0,60
Ashburton	3m	1,5m	N/A	500	3	80/ Residential 50	1,00/ Residential 0,50

Commented [ZM172]: New addition

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#### 4.3.7 Mixed Use 1 (Amended)

<b>ZONE:</b>	<b>MIXED USE 1</b>		
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings for a mix of land-uses, as listed below and other ancillary uses related to main activity.		
<b>Colour Notation:</b>	<b>Fill: Light Blue Cross Hatch R:127, G:230, B:255</b> <b>Outline: Antwerp Blue R:000, G:064, B:128</b>		
<b>Applicability:</b>	This Zone applies to the PMB, Northdale, Edendale & Sobantu, and may at the sole discretion of the Municipality be allowed in other areas.		
<b>Permissible (A)</b>		<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"><li>• Arts and Craft Workshop</li><li>• Builder's Yard</li><li>• Bus and Taxi Rank</li><li>• Café</li><li>• Canteen</li><li>• Caretaker's Dwelling</li><li>• Conservation Purposes</li><li>• Dwelling</li><li>• Educational Purposes</li><li>• Fast Food Outlet</li><li>• Government/Municipal</li><li>• Health Studio</li><li>• Heritage Purposes</li><li>• Health Facility (limited to a Hospital)</li><li>• Light Industrial Building</li><li>• Office</li><li>• Parking Depot</li><li>• Parking Lot</li><li>• Place of Instruction</li><li>• Place of Public Assembly</li><li>• Private Conservation Area</li><li>• Private Recreation Area</li><li>• Public Open Space</li><li>• Residential Building (restricted to staff accommodation)</li><li>• Shop</li><li>• Specialised Office</li><li>• Warehouse</li></ul>		<ul style="list-style-type: none"><li>• Ancillary Use</li><li>• Boarding House</li><li>• Car Wash</li><li>• Cellular Telecommunication Infrastructure</li><li>• Conference Facility</li><li>• Exhibition Centre</li><li>• Flea Market</li><li>• Garden Nursery</li><li>• Home Business</li><li>• Informal Trading</li><li>• Institution</li><li>• Outbuilding</li><li>• Place of Public Entertainment</li><li>• Service Workshop</li><li>• Special Building</li><li>• Utilities Facility</li></ul>	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>			
<ol style="list-style-type: none"><li>1. No work, including the erection of a building or structural alteration to a building, or the erection or establishment of any sign, shall be executed without the prior consent of the Municipality having first been obtained therefor.</li><li>2. All landscaping shall be to the satisfaction of the Municipality.</li><li>3. Waste Management to be in line with clause 7.4 of the scheme.</li><li>4. External appearance of buildings shall be subject to clause 5.7 of the scheme.</li></ol>			

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5. Subject to compliance with the following policies and/or bylaws: - (a) Msunduzi Cellular Telecommunication Infrastructure Policy (b) Msunduzi Boarding House Policy (c) Msunduzi Public Health By-Law								
<b>PARKING REGULATIONS</b>								
1. Refer to Appendix 8 for parking regulations.								
2. The technical requirements for on-site parking shall be in accordance with clause 7.2 of the Scheme.								
<b>DEVELOPMENT PARAMETERS</b>								
Area	SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
	Building line	Side space	Rear Space					
Pietermaritzburg	7m	2,5m		N/A	900	4	70	0,80
Sobantu, Edendale & Northdale	At the discretion of the Municipality							

**Commented [ZM174]:** Amende fom 1800 to 900sqm

**Commented [ZM175]:** Amendef from 2 to 4

**Commented [ZM177]:** New addition

**Commented [ZM176]:** New addition

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#### 4.3.8 Multi-Purpose Retail and Office

<b>ZONE:</b>	<b>MULTI-PURPOSE RETAIL AND OFFICE</b>		
<b>Statement of Intent:</b>	A land use zone that provides for the development of a hierarchy of suburbanized multi-use shopping facilities and other such related uses, usually at density levels less than that of a Town Centre.		
<b>Colour Notation:</b>	<b>Fill: Process Blue R:020, G:129, B:188</b> <b>Outline: Golden Yellow R:255, G:204, B:000</b>		
<b>Applicability:</b>	This Zone applies to the PMB and may at the sole discretion of the Municipality be allowed in other areas.		
<b>Permissible (A)</b>		<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"><li>• Business Purposes</li><li>• Café</li><li>• Caretaker's Dwelling</li><li>• Conservation Purposes</li><li>• Fast Food Outlet</li><li>• Government/Municipal</li><li>• Health Studio</li><li>• Medical Office</li><li>• Office</li><li>• Parkade</li><li>• Parking Lot</li><li>• Place of Instruction</li><li>• Private Conservation Area</li><li>• Private Recreation Area</li><li>• Residential Building</li><li>• Restaurant</li><li>• Shop</li><li>• Shopping Centre</li><li>• Specialised Office</li></ul>		<ul style="list-style-type: none"><li>• Ancillary Use</li><li>• Bus and Taxi Rank</li><li>• Car Wash</li><li>• Cellular Telecommunication Infrastructure</li><li>• Convenience Shop</li><li>• Crèche</li><li>• Exhibition Centre</li><li>• Hotel</li><li>• Institution</li><li>• Parking Depot</li><li>• Petrol Filling Station</li><li>• Place of Public Assembly</li><li>• Place of Public Entrainment</li><li>• Place of Worship</li><li>• Retirement Centre</li><li>• Service Workshop</li><li>• Special Building</li><li>• Veterinary Clinic</li></ul>	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>			
<ol style="list-style-type: none"><li>1. All landscaping shall be to the satisfaction of the Municipality.</li><li>2. Waste Management shall be subject to clause 7.4 of the scheme.</li><li>3. External appearance of buildings shall be subject to clause 5.7 of the scheme.</li><li>4. The maintenance of buildings shall be subject to the provisions of clause 7.3 of the scheme.</li><li>5. *Height requirements as per clause 5.4.4 of the scheme.</li><li>6. Subject to compliance with the following policies and/or bylaws: -<ol style="list-style-type: none"><li>(a) Msunduzi Cellular Telecommunication Infrastructure Policy</li><li>(b) Msunduzi Public Health Bylaws</li><li>(c) All signage and advertising shall comply with the Msunduzi Advertising Signs Bylaws.</li></ol></li><li>7. The number of units per hectare allowable in any residential use shall be at the discretion of the Municipality.</li><li>8. The Municipality may grant consent for erection of a building or structure in front of the building line.</li></ol>			

**Commented [ZM178]:** Bar deleted since the definition is covered under Place of public entertainment

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9.	There shall, be no specified minimum side or rear space which shall, however, be determined in terms of the National Building Regulations.
10.	The following provisions shall apply to <b>Portions 14,19 and 20 of Erf 176, Rem of Erf 3816 and Erf 9662 of PMB, being the Cascades Centre off McCarthy Drive and Town Bush Road: Chase Valley:-</b>
10.1	The permissible gross leasable area of all buildings on the site shall not exceed 40 000m <sup>2</sup> and the maximum site coverage shall not exceed 50%.
10.2	All properties shall be initially consolidated.
10.3	The land shall not be subdivided save with the consent of the Municipality and such subdivision shall comply with the requirements of clause 5.6.1.4.
10.4	The following controls shall apply: -
10.4.1	Dwellings shall have a coverage of 33,3% and a FAR of 0,333, and shall accommodate 20 uph.
10.4.2	All other uses shall have a coverage of 50% and a FAR of 0,50
10.4.3	The height limit shall be 2 storeys
10.4.4	Height limit for Places of Worship controlled by 60o light angle
10.5	<b><u>Environmental Management:</u></b> -
10.5.1	The developer shall submit a detailed landscape plan for approval by the Municipality prior to the submission of building plans.
10.5.2	The developer shall submit a detailed specialist (by a professional engineer) geotechnical and hydrological assessments to the satisfaction of the Municipality, which shall take place prior to commencement of any site works or development on the site. The study shall incorporate measures to prevent direct discharge of stormwater runoff into the Town Bush Stream. The study shall also indicate the effects of developments downstream and provide solutions on how to minimise these effects.
10.5.3	The Municipality shall retain ownership of the Town Bush Stream and a stream reserve of no less than 5m from the top of the bank of the stream on either side of the stream shall be provided it being noted that if, for any reason the stream is realigned or canalised or increased in size as a result of increased runoff, the stream reserve will always be measured from the top of the banks of the stream.
10.5.4	A Design Working group comprising the developer's professional representatives and the relevant Municipal Officials, shall meet when necessary to resolve issues relating to the anticipated environmental impacts and the appropriate design solutions.
10.5.5	The developer shall comply with the recommendations proposed in the Environmental Assessment Report, as detailed on item 2.6 of the City Planner's report, reference CP: 1/6/2484, dated 13 August 1999.
10.5.6	The developer shall submit a Waste Management Plan to the satisfaction of the Municipality.
10.6	<b><u>Traffic Management:</u></b> -
10.6.1	Transportation/Traffic Management requirements shall be implemented in accordance with Annexure C1 attached to the City Planner's report, reference CP: 1/6/2484, dated 13 August 1999.
10.7	The developer shall be entirely responsible for ensuring compliance with any other applicable legislation (e.g. Environment Conservation Act, Water Act).
<b>PARKING REGULATIONS</b>	
1.	Refer to Appendix 8 for parking regulations.
2.	The technical requirements for on-site parking shall be in accordance with clause 7.2 of the Scheme.

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3. The following parking regulations relate to Portions 14,19 and 20 of Erf 176, Rem of Erf 3816 and Erf 9662 of PMB:
- (a) Specialised Offices: -
- i. 1 bay for every 25m<sup>2</sup> of nett office space, other than office space occupied by medical or dental practitioners
  - ii. 1 bay for every 15m<sup>2</sup> of nett office space occupied by medical or dental practitioners.

**DEVELOPMENT PARAMETERS**

SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m <sup>2</sup> )	Height (STOREYS)	Coverage (%)	F.A.R
Building line	Side space	Rear Space					
7m	N/A		N/A	1200	N/A*	60	1,00

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#### 4.3.9 Garage and Petrol Filling Station (Amended)

<b>ZONE:</b>	<b>GARAGE AND PETROL FILLING STATION</b>		
<b>Statement of Intent:</b>	A land use zone that provides for the development used or designed for the sale of petroleum, oil and other fuels and lubricants and accessory used in connection with motor vehicles and includes an office and storeroom, together with facilities for the servicing and maintenance of motor vehicles and may also include space devoted to restaurants, shops and related services.		
<b>Colour Notation:</b>	<b>Fill: Royal Blue R:065, G:105, B:255</b> <b>Outline: Black R:000, G:000, B:000</b>		
<b>Applicability:</b>	This Zone applies to the PMB, Northdale, Edendale, Sobantu and Ashburton, and may at the sole discretion of the Municipality be allowed in other areas.		
	<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
	<ul style="list-style-type: none"> <li>Bank (restricted to an ATM)</li> <li>Conservation Purposes</li> <li>Convenience Shop*</li> <li>Fast Food Outlet**</li> <li>Motor Sales Premises</li> <li>Petrol Filling Station</li> </ul>	<ul style="list-style-type: none"> <li>Car Wash</li> <li>Cellular Telecommunication Tower</li> <li>Motor Workshop</li> <li>Office</li> <li>Parking Lot</li> <li>Restaurant</li> <li>Special Building</li> <li>Transport Depot</li> <li>Truck Stop</li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>			
<ol style="list-style-type: none"> <li>*A convenience shop shall be limited to 400m², a convenience shop exceeding 400m² shall require the consent of the Municipality.</li> <li>**Provided that it forms part of the convenience shop, if the fast-food outlet is a stand-alone building then the consent of the Municipality shall be required.</li> <li>No work, including the erection of a building or structural alteration to a building, or the erection or establishment of any sign, shall be executed without the prior consent of the Municipality having first been obtained therefor.</li> <li>All landscaping shall be to the satisfaction of the Municipality.</li> <li>Waste Management shall be subject to clause 7.4 of the scheme.</li> <li>External appearance of buildings shall be subject to clause 5.7 of the scheme.</li> <li>Subject to compliance with the following policies and/or bylaws: -               <ol style="list-style-type: none"> <li>Msunduzi Cellular Telecommunication Infrastructure Policy</li> <li>Msunduzi Public Health Bylaws</li> <li>All signage and advertising shall comply with the Msunduzi Advertising Signs Bylaws.</li> </ol> </li> <li>The Municipality may grant consent for erection of a building or structure in front of the building line.</li> <li>Any site considered for the establishment of a Petrol Filling Station needs to have sufficient area and width/depth that allows the safe parking of delivery tankers and vehicles on site.</li> </ol>			

**Commented [ZM179]:** Now a free entry use due to collapse of motor showroom under use

**Commented [ZM180]:** New addition

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10. The design and layout of garages and service stations shall be to the satisfaction of the Municipality.
11. The establishment of Petrol Filling Station subject to the approval of a detailed Environmental Impact Assessment (EIA) application as required in terms of the regulation related to the National Environmental Management Act (No. 107 of 2000) as amended.
12. The Municipality may request additional controls in relation to ingress and egress and other traffic related matters in conjunction with the Department of Transport regulations and provincial policy guidelines.
13. There shall, be no specified minimum side or rear space which shall, however, be determined in terms of the National Building Regulations.
14. The Building Line in respect to Erfs fronting onto any Provincial Road, the Provincial Roads Act No. 4 of 2001, and shall be adjusted to meet these requirements accordingly applicable legislation:
15. The following controls shall apply to **Rem of 1 of Erf 1012, being 10 Durban Road Scottsville:** -
  - 15.1 Dwelling, Motor Sales Premises, Restaurant and Shop shall be the only uses freely permissible, consent uses shall consist of Place of Public Entertainment.
  - 15.2 The Shop shall be limited to a caravan and camping display area and ancillary sales, subject to: -
    - 15.2.1 The total Building area not exceeding 300m².
    - 15.2.2 On-site parking being provided for not less than 20 cars, to the satisfaction of the Municipality.
    - 15.2.3 Vehicular ingress and egress to the satisfaction of the Municipality.
  - 15.3 The maximum units per hectare shall be 15 uph.
  - 15.4 The maximum Floor area for residential buildings and all other uses shall be 0,50.
  - 15.5 The maximum coverage shall be 50%.
  - 15.6 The maximum height permitted shall be 3 storeys.
  - 15.7 The Building line shall be 7m.
  - 15.8 The side and rear space shall be 1,5m and 3m respectively, save with the consent of the Municipality.
  - 15.9 Subdivisions to be utilised for residential purposes must contain an area of not less than 650m², with a mean width of 17m and a minimum Frontage of 4m.
16. The following controls shall apply to **Portion 25 of Erf 3105 PMB, off Mayors Walk: Prestbury:** -
  - 16.1. No redevelopment shall take place nor any non-residential uses established within this zone unless and until all the properties listed above have either been consolidated or have been tied by a National Deed in Restraint of Free Alienation.
  - 16.2. Development within this zone shall be generally in accordance with Plan PIE 317.8 which is contained in document PIE 317.1 dated December 1989, submitted by Monte J Rosenberg Incorporated, or any modification thereto, approved by the Municipality.

**Commented [ZM181]:** New addition

#### **PARKING REGULATIONS**

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1. Refer to Appendix 8 for parking regulations.
2. The technical requirements for on-site parking shall be in accordance with clause 7.2 of the Scheme.

#### DEVELOPMENT PARAMETERS

Area	SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m <sup>2</sup> )	Height (STOREYS)	Coverage (%)	F.A.R
	Building line	Side space	Rear Space					
Pietermaritzburg	6m	N/A		N/A	1800	3	100	4,00
Greater Edendale, Sobantu & Northdale	3m	1m		N/A		3	100	0,80
Ashburton	3m	1,5m		N/A		2	100	0,80

Commented [ZM182]: New addition

Commented [ZM183]: New addition

Commented [ZM184]: New addition

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#### 4.4 Environmental Services

##### 4.4.1 Active Public Open Space (Amended)

<b>ZONE:</b>	<b>ACTIVE PUBLIC OPEN SPACE</b>	
<b>Statement of Intent:</b>	A land use zone that provides for sporting and recreational needs and permits a limited range of associated development and parking space.	
<b>Colour Notation:</b>	<b>Fill: Chartreuse 2 R:118, G:238, B:000</b> <b>Outline: Verdigris R:036, G:093, B:019</b>	
<b>Applicability:</b>	This Zone applies to the entire Municipal Area.	
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>• <b>Active Public Open Space</b></li> <li>• Bird Sanctuary</li> <li>• Botanical Garden</li> <li>• Conservation Purposes</li> <li>• Eco-tourism Facility</li> <li>• Educational Purposes (limited to environmental education, conservation awareness, research facilities)</li> <li>• Private Conservation Area</li> <li>• <b>Private Recreation Area*</b></li> <li>• Public Open Space</li> <li>• Recreational Purposes</li> </ul>	<ul style="list-style-type: none"> <li>• Café</li> <li>• Caretaker's Dwelling</li> <li>• <b>Cellular Telecommunication Infrastructure</b></li> <li>• Conference Facility</li> <li>• Flea Market (limited to activities associated with tourism, recreation, environment and conservation)</li> <li>• Garden Nursery</li> <li>• Office (limited to day to day administration of a park)</li> <li>• Special Building</li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>		
<ol style="list-style-type: none"> <li>1. <b>*Applies ONLY to Traditional Community Areas and Farm Portions, CBD, Sobantu and Edendale.</b></li> <li>2. No work, including the erection of a building or structural alteration to a building, or the erection or establishment of any sign, shall be executed without the prior consent of the Municipality having first been obtained therefor.</li> <li>3. Public open spaces shall be subject to compliance with the Msunduzi Public Open Space By-Law.</li> <li>4. Land earmarked for active public open space purposes may be utilised by the general public for sports fields and facilities, with any public buildings which are normally ancillary thereto, as well as public buildings utilised for any sport or recreational activities.</li> <li>5. Waste Management shall be subject to clause 7.4 of the scheme.</li> <li>6. <b>All development shall be subject to obtaining all the necessary approvals in terms of the applicable legislation.</b></li> <li>7. Within this land use zone, without the prior written authorisation from the Municipality's Environmental Management division: - <ol style="list-style-type: none"> <li>7.1 No earthworks, development or the erection of any structure, including but not restricted to buildings, fencing, swimming pools, wastewater and stormwater infrastructure (including evapotranspiration areas for on-site sanitation), roads, tracks, driveways, walking or cycling trails or dams, shall be permitted.</li> </ol> </li> </ol>		

**Commented [ZM185]:** Addition from Ashburton Scheme

**Commented [ZM187]:** New addition

**Commented [ZM186]:** New addition to care for sports centre

**Commented [ZM188]:** New addition

**Commented [ZM189]:** New addition

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- 7.2 No landscaping or planting of any vegetation, unless it is a requirement for the rehabilitation of the environment in terms of a management plan agreed with the Municipality, shall be permitted.
- 7.3 No harvesting, collecting, cutting, hunting or otherwise damaging of flora or fauna and soil and water resources, shall be permitted.
- 7.4 No vehicles motorised or unmotorised, other than on established roads, driveways or tracks, shall be permitted.
8. Sobantu:
- Buildings shall not exceed the coverage specified herewith, provided that the Municipality may grant consent for a maximum of 10% additional coverage.
  - On receipt of a written application, the Municipality may permit the erection of a building within the side or rear space, the application which will be valid for the life of the building concerned.
  - No building other than boundary walls, fences or temporary buildings that are required in connection with building operations being conducted on the property shall be erected without a space, free of any building or structure, between it and one of the side boundaries and also between the building and the rear boundary of the property.
9. Greater Edendale:
- No buildings shall be erected so as to contain a number of storeys, other than a basement, in excess of 3.

#### PARKING REGULATIONS

- Refer to Appendix 8 for parking regulations.
- The technical requirements for on-site parking shall be in accordance with clause 7.2 of the Scheme.

#### DEVELOPMENT PARAMETERS

Area	SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
	Building line	Side space	Rear Space					
Pietermaritzburg	7m	2m		N/A		1	At the discretion of the Municipality	
Sobantu	3m	1m						
Greater Edendale	3m	1m				1		
Ashburton	7,5m	2m				1		
All Other Areas	At the discretion of the Municipality in terms of the National Building Regulations							

Commented [ZM190]: Addition from Ashburton Scheme

Commented [ZM191]: New addition

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#### 4.4.2 Environmental Reservation

<b>ZONE:</b>	<b>ENVIRONMENTAL RESERVATION</b>						
<b>Statement of Intent:</b>	A land use zone that provides for a sustainable open space system which includes independent or linked open space areas and permits only limited and specific developments.						
<b>Colour Notation:</b>	<b>Fill: Verdigris Cross Hatch R:036, G:093, B:019</b> <b>Outline: Black R:000, G:000, B:000</b>						
<b>Applicability:</b>	This Zone applies to the PMB & Sweetwaters and may at the sole discretion of the Municipality be allowed in other areas.						
<b>Permissible (A)</b>			<b>Consent (B)</b>		<b>Prohibited (C)</b>		
<ul style="list-style-type: none"><li>• Bird Sanctuary</li><li>• Conservation Purposes</li><li>• Private Conservation Area</li><li>• Public Open Space</li></ul>			<ul style="list-style-type: none"><li>• Caretaker's Dwelling</li><li>• Eco-Tourism Facility</li><li>• Special Building</li></ul>		Land uses and buildings not listed in column (A) and (B).		
<b>ADDITIONAL CONTROLS</b>							
1. No work, including the erection of a building or structural alteration to a building, or the erection or establishment of any sign, shall be executed without the prior consent of the Municipality having first been obtained therefor.							
2. Public open spaces shall be subject to compliance with the Msunduzi Public Open Space By-Law.							
3. Within an Environmental Reserve, without the prior written authorisation from the Municipality's Environmental Management division: -							
3.1 No earthworks, development or the erection of any structure, including but not restricted to buildings, fencing, swimming pools, wastewater and stormwater infrastructure (including evapotranspiration areas for on-site sanitation), roads, tracks, driveways, walking or cycling trails or dams, shall be permitted.							
3.2 No landscaping or planting of any vegetation, unless it is a requirement for the rehabilitation of the environment in terms of a management plan agreed with the Municipality, shall be permitted.							
3.3 No harvesting, collecting, cutting, hunting or otherwise damaging of flora or fauna and soil and water resources, shall be permitted.							
3.4 No vehicles motorised or unmotorised, other than on established roads, driveways or tracks, shall be permitted.							
4. Subject to compliance with the Greater Edendale Ecosystem and Services Management and Implementation Plan.							
<b>PARKING REGULATIONS</b>							
1. Refer to Appendix 8 for parking regulations.							
2. The technical requirements for on-site parking shall be in accordance with clause 7.2 of the Scheme.							
<b>DEVELOPMENT PARAMETERS</b>							
<b>SPACE ABOUT BUILDINGS</b>			<b>Units per hectare</b>	<b>Min Erf size (m²)</b>	<b>Height (STOREYS)</b>	<b>Coverage (%)</b>	<b>F.A.R</b>
<b>Building line</b>	<b>Side space</b>	<b>Rear Space</b>					
3m	1m		N/A	N/A	1	N/A	N/A

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#### 4.4.3 Passive Public Open Space (Amended)

<b>ZONE:</b>	<b>PASSIVE PUBLIC OPEN SPACE</b>	
<b>Statement of Intent:</b>	A land use zone that provides for developed formal and informal parks with associated recreational facilities.	
<b>Colour Notation:</b>	<b>Fill: Forest Green R: 034, G:139, B:034</b> <b>Outline: Barley Beige R:176, G:112, B:080</b>	
<b>Applicability:</b>	This Zone applies to the entire Municipal Area.	
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>Bird Sanctuary</li> <li>Conservation Purposes</li> <li>Eco-Tourism Facility</li> <li>Educational Purposes (limited to environmental education, conservation awareness, research facilities)</li> <li>Passive Public Open Space</li> <li>Private Conservation Area</li> <li>Public Open Space</li> <li>Recreational Purposes Sports Ground</li> </ul>	<ul style="list-style-type: none"> <li>Café</li> <li>Caretaker's Dwelling</li> <li>Cellular Telecommunication Infrastructure</li> <li>Flea Market (limited to activities associated with tourism, recreation, environment and conservation)</li> <li>Garden Nursery</li> <li>Special Building</li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>		
<ol style="list-style-type: none"> <li>No work, including the erection of a building or structural alteration to a building, or the erection or establishment of any sign, shall be executed without the prior consent of the Municipality having first been obtained therefor.</li> <li>Public open spaces shall be subject to compliance with the Msunduzi Public Open Space Bylaws.</li> <li>All development shall be subject to obtaining all the necessary approvals in terms of the applicable legislation.</li> <li>Land earmarked for passive open space may be utilised by the general public for recreational purposes, other than formal or organised sporting activities and no buildings or structures may be erected, save those public buildings or structures which may be required by the Municipality to further the public use of the land.</li> <li>Waste Management shall be subject to clause 7.4 of the scheme.</li> <li>Within this land use zone, without the prior written authorisation from the Municipality's Environmental Management division: - <ol style="list-style-type: none"> <li>No earthworks, development or the erection of any structure, including but not restricted to buildings, fencing, swimming pools, wastewater and stormwater infrastructure (including evapotranspiration areas for on-site sanitation), roads, tracks, driveways, walking or cycling trails or dams, shall be permitted.</li> <li>No landscaping or planting of any vegetation, unless it is a requirement for the rehabilitation of the environment in terms of a management plan agreed with the Municipality, shall be permitted.</li> <li>No harvesting, collecting, cutting, hunting or otherwise damaging of flora or fauna and soil and water resources, shall be permitted.</li> <li>No vehicles motorised or unmotorised, other than on established roads, driveways or tracks, shall be permitted.</li> </ol> </li> </ol>		

**Commented [ZM194]:** New addition

**Commented [ZM192]:** Addition from Ashburton Scheme

**Commented [ZM193]:** New addition to cater for Sports ground within TCA and Rural Areas

**Commented [ZM195]:** New addition

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7. Greater Edendale:  
(a) No buildings shall be erected so as to contain a number of storeys, other than a basement, in excess of 3.

#### PARKING REGULATIONS

1. Refer to Appendix 8 for parking regulations.
2. The technical requirements for on-site parking shall be in accordance with clause 7.2 of the Scheme.

#### DEVELOPMENT PARAMETERS

Area	SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
	Building line	Side space	Rear Space					
Pietermaritzburg	7m	2m		N/A	N/A	1	At the discretion of the Municipality	
Greater Edendale	3m	1m				1		
Ashburton	7,5m	2m						
All Other Areas	At the discretion of the Municipality in terms of the National Building Regulations							

Commented [ZM196]: Addition from Ashburton Scheme

Commented [ZM197]: New addition

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#### 4.4.4 Private Open Space (Amended)

<b>ZONE:</b>	<b>PRIVATE OPEN SPACE</b>	
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings privately owned for recreational purposes and may include ancillary facilities or buildings.	
<b>Colour Notation:</b>	<b>Fill: Leaf Green R:056, G:168, B:000</b> <b>Outline: Black R:000, G:000, B:000</b>	
<b>Applicability:</b>	This Zone applies to the PMB, Northdale, Edendale, Sobantu and Ashburton, and may at the sole discretion of the Municipality be allowed in other areas.	
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>• Caretaker's Dwelling</li> <li>• Conservation Purposes</li> <li>• Private Conservation Area</li> <li>• Private Open Space</li> <li>• Private Recreation Area</li> <li>• Recreational Purposes</li> </ul>	<ul style="list-style-type: none"> <li>• Agricultural Land</li> <li>• Bird Sanctuary</li> <li>• Camping Ground</li> <li>• Cellular Telecommunication Infrastructure</li> <li>• Dwelling</li> <li>• Flea Market</li> <li>• Garden Nursery</li> <li>• Office (ancillary to the main activity)</li> <li>• Restaurant</li> <li>• Shop (ancillary to the primary activities)</li> <li>• Special Building</li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>		
<ol style="list-style-type: none"> <li>1. No work, including the erection of a building or structural alteration to a building, or the erection or establishment of any sign, shall be executed without the prior consent of the Municipality having first been obtained therefor.</li> <li>2. Waste Management shall be subject to clause 7.4 of the scheme.</li> <li>3. All landscaping shall be to the satisfaction of the Municipality.</li> <li>4. Within this land use zone, without the prior written authorisation from the Municipality's Environmental Management division: - <ol style="list-style-type: none"> <li>4.1 No earthworks, development or the erection of any structure, including but not restricted to buildings, fencing, swimming pools, wastewater and stormwater infrastructure (including evapotranspiration areas for on-site sanitation), roads, tracks, driveways, walking or cycling trails or dams, shall be permitted.</li> <li>4.2 No landscaping or planting of any vegetation, unless it is a requirement for the rehabilitation of the environment in terms of a management plan agreed with the Municipality, shall be permitted.</li> <li>4.3 No harvesting, collecting, cutting, hunting or otherwise damaging of flora or fauna and soil and water resources, shall be permitted.</li> <li>4.4 No vehicles motorised or unmotorised, other than on established roads, driveways or tracks, shall be permitted.</li> </ol> </li> <li>5. Subject to compliance with the following policies and/or bylaws: - <ol style="list-style-type: none"> <li>(a) Msunduzi Cellular Telecommunication Infrastructure Policy</li> <li>(b) Msunduzi Public Health Bylaws</li> </ol> </li> </ol>		

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(c) All signage and advertising shall comply with the Msunduzi Advertising Signs Bylaws.								
6. Greater Edendale:								
(a) No buildings shall be erected so as to contain a number of storeys, other than a basement, in excess of 3.								
PARKING REGULATIONS								
1. Refer to Appendix 8 for parking regulations.								
2. The technical requirements for on-site parking shall be in accordance with clause 7.2 of the Scheme.								
DEVELOPMENT PARAMETERS								
Area	SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverag e (%)	F.A.R
	Building line	Side space	Rear Space					
Pietermaritzburg	7m	2m		N/A	At the discretion of the Municipality	2	15	0,15
Greater Edendale, Northdale & Sobantu	3m	1m						
Ashburton	7,5m	2m						
					N/A	1	At the discretion of the Municipality	

Commented [ZM198]: New addition

Commented [ZM199]: Addition from Ashburton Scheme

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#### 4.4.5 Protected Area 1 (Amended)

<b>ZONE:</b>	<b>PROTECTED AREA 1</b>	
<b>Statement of Intent:</b>	A land use zone that provides for land that is formally protected under the National Environmental Management: Protected Areas Act, 2003 (No. 57 of 2003) and also includes areas previously reserved as conservation areas within the municipality <b>that are not formally protected in terms of NEMAPAA</b> .	
<b>Colour Notation:</b>	<b>Fill: Peacock Green Horizontal Hatch R:000, G:115, B:076</b> <b>Outline: Quetzal Green R:076, G:230, B:000</b>	
<b>Applicability:</b>	This Zone applies to the entire Municipal Area.	
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>Bird Sanctuary</li> <li>Conservation Area*</li> <li>Conservation Purposes</li> <li>Dwelling (limited to staff accommodation)</li> <li>Eco-Tourism Facility</li> <li>Game Reserve</li> <li>Heritage Purposes</li> <li>Office (limited to administration of conservation research and ancillary activities)</li> <li>Protected Area</li> </ul>	<ul style="list-style-type: none"> <li>Ancillary Use</li> <li>Café</li> <li>Camping Ground</li> <li>Caretaker's Dwelling</li> <li>Chalet Development (limited to providing eco-tourism related accommodation to guests and ablutions facilities)</li> <li>Conference Facility</li> <li>Educational Purposes</li> <li>Exhibition Centre</li> <li>Shop (limited to the sale of activities associated with tourism, recreation, souvenirs, books or magazines on environmental conservation)</li> <li>Special Building</li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>		
<ol style="list-style-type: none"> <li>No work, including the erection of a building or structural alteration to a building, or the erection or establishment of any sign, shall be executed without the prior consent of the Municipality having first been obtained therefor.</li> <li>Any approval granted by the Municipality does not exempt a developer/owner from seeking other approvals required from a relevant competent authority.</li> <li>The erection of any building within conservation areas shall be subject to environmental appraisal or EIA application.</li> <li>No indigenous flora, fauna or any naturally occurring material shall be disturbed or removed.</li> <li><b>Except where picnic areas and the footpaths through the vegetation have been specially demarcated, the public shall not be admitted.</b></li> <li><b>All development shall be subject to obtaining all the necessary approvals in terms of the applicable legislation.</b></li> <li>*Conservation areas shall not be utilised for any activity nor shall any work be permitted, unless specifically authorised by the Municipality to further the aims of conserving the land. Provided that the Municipality may take such steps, including the control and / or prohibition of entry, as it may deem fit, to secure the preservation and enhancement of the area concerned.</li> </ol>		

Commented [ZM200]: New addition

Commented [ZM201]: New addition

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8.	Consent use or formal authority applications must obtain authorisation from Ezemvelo KZN Wildlife, and must, where required, have been granted environmental authorisation and/or a permit from the National Forest Act and the National Water Act.						
9.	All developments within this land use zone shall be aligned to the development objectives of the Environmental Management Overlay.						
10.	Only ancillary land uses complimentary to the primary aim of the conservation of the natural environment shall be permitted.						
11.	Buildings must be clustered in order to limit the impact on ecosystems and the natural environments as far as possible, and must be placed on less environmentally sensitive portions of the erf.						
12.	Subject to the provisions of a sewage disposal system to the satisfaction of the Municipality.						
13.	Subject to compliance with the Msunduzi Public Open Space By-Law.						
14.	Within this land use zone, without the prior written authorisation from the Municipality's Environmental Management division: -						
14.1	No earthworks, development or the erection of any structure, including but not restricted to buildings, fencing, swimming pools, wastewater and stormwater infrastructure (including evapotranspiration areas for on-site sanitation), roads, tracks, driveways, walking or cycling trails or dams, shall be permitted.						
14.2	No landscaping or planting of any vegetation, unless it is a requirement for the rehabilitation of the environment in terms of a management plan agreed with the Municipality, shall be permitted.						
14.3	No harvesting, collecting, cutting, hunting or otherwise damaging of flora or fauna and soil and water resources, shall be permitted.						
14.4	No vehicles motorised or unmotorised, other than on established roads, driveways or tracks, shall be permitted.						
PARKING REGULATIONS							
1.	Refer to Appendix 8 for parking regulations.						
2.	The technical requirements for on-site parking shall be in accordance with clause 7.2 of the Scheme.						
DEVELOPMENT PARAMETERS							
SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
Building line	Side space	Rear Space					
At the discretion of the Municipality				N/A	1	N/A	N/A

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## 4.5 Industry

### 4.5.1 General Industry (Amended)

ZONE:	GENERAL INDUSTRY	
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings for a full range of industrial uses where the emphasis is on bulk and heavy industry and where due cognizance must be taken of environmental impacts. Ensuring sustainable locations which accommodate the requirements for industrial activities and minimize the impact on surrounding uses. Warehousing of materials considered non-noxious or non-hazardous are permitted in buildings in this land use zone.	
<b>Colour Notation:</b>	<b>Fill: Lavender R:204, G:153, B:255</b> <b>Outline: Black R:000, G:000, B:000</b>	
<b>Applicability:</b>	This Zone applies to the PMB, Northdale, Edendale, Sobantu, Areas under Traditional Authority & Farm Portions, and may at the sole discretion of the Municipality be allowed in other areas.	
Permissible (A)	Consent (B)	Prohibited (C)
<ul style="list-style-type: none"> <li>Builder's Yard</li> <li>Canteen</li> <li>Caretaker's Dwelling</li> <li>Factory***</li> <li>Industrial Building</li> <li>Light Industrial Building</li> <li>Motor Sales Premises</li> <li>Motor Workshop</li> <li>Office</li> <li>Paper Mill***</li> <li>Service Industrial Building</li> <li>Service Workshop</li> <li>Warehouse</li> <li>Warehouse***</li> <li>Water Bottling Plant***</li> </ul>	<ul style="list-style-type: none"> <li>Boarding House</li> <li>Business Purposes</li> <li>Car Wash</li> <li>Cellular Telecommunication</li> <li>Infrastructure</li> <li>Direct Access Service Centre</li> <li>Dwelling</li> <li>Escort Agency</li> <li>Fast Food Outlet</li> <li>Flat</li> <li>Institution</li> <li>Night Club</li> <li>Noxious Industrial Building</li> <li>Parking Depot</li> <li>Parking Lot</li> <li>Petrol Filling Station</li> <li>Place of Instruction (limited to research laboratory and training)</li> <li>Place of Public Entertainment</li> <li>Place of Worship</li> <li>Recycling Centre</li> <li>Residential Building</li> <li>Scrap Yard**</li> <li>Shop*</li> <li>Social Hall</li> <li>Special Building</li> <li>Tavern</li> <li>Transport Depot</li> <li>Truck Stop</li> <li>Utilities Facility</li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>		

Commented [ZM202]: New addition

Commented [ZM206]: New addition

Commented [ZM203]: Moved from consent use

Commented [ZM204]: New addition

Commented [ZM205]: New addition

Commented [ZM207]: New addition

MSUNDUZI MUNICIPALITY

Project No.: 16488  
Description: Draft Single Land Use Scheme for Msunduzi  
Revision: 02

Date: July 2021

1. Reference is made for consent to clause 7.8 for a shop in industrial premises.
2. \*\*A Scrap yard shall not be permitted within the CBD.
3. \*\*\*Applies ONLY to Traditional Community Areas and Rural Areas.
4. Un-serviced areas to comply with clause 7,5 of the Scheme.
5. All development shall be subject to obtaining all the necessary approvals in terms of the applicable legislation.
6. All landscaping shall be to the satisfaction of the Municipality.
7. Outdoor storage, as an ancillary use, may be permitted in the zone, subject to certain restrictions involving the amount of area permitted on a lot, setbacks, screening, and possibly the type of materials permitted to be stored outdoors.
8. The Municipality may at its discretion call for a suitable environmental impact report prior to granting an Industrial Building or use.
9. No work, including the erection of a building or structural alteration to a building, or the erection or establishment of any sign, shall be executed without the prior consent of the Municipality having first been obtained therefor.
10. Waste Management shall be subject to clause 7.4 of the scheme.
11. The number of units per hectare allowable in any residential use shall be at the discretion of the Municipality.
12. The Municipality may grant its consent to the relaxation of the building line.
13. There shall, be no specified minimum side or rear space which shall, however, be determined in terms of the National Building Regulations.
14. Greater Edendale:
- 14.1. No buildings shall be erected so as to contain a number of storeys, other than a basement, in excess of 3.
15. Subject to compliance with the following policies and/or bylaws: -
  - (a) Msunduzi Tavern Policy
  - (b) Msunduzi Boarding House Policy
  - (c) Msunduzi Cellular Telecommunication Infrastructure Policy
  - (d) Msunduzi Public Health Bylaws
  - (e) All signage and advertising shall comply with the Msunduzi Advertising Signs By-Law.
16. The following provision shall apply to Portion 5 of Erf 89 Pietermaritzburg, being 210 Ohrtmann Road: Pietermaritzburg:
  - 16.1. Conservation and Environmental Management
    - a) The Msunduzi Conservation Plan (C Plan) indicates a portion of the proposed site (Portion 5 of Erf 89) to be "totally irreplaceable". The site visit does confirm the presence of a wetland and biodiversity value which indicates the site is environmentally sensitive.
    - b) The Draft Ecosystem Services Plan (ESP) indicates the presence of Key areas, Riparian Corridors and Public Open Space on Portion 5 of Erf 89.
    - c) Environmental Authorisation and a Water Use License must be obtained prior to the construction and commencement of any site works.
  - 16.2. Roads and Drainage

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- a) Any future development will require a Stormwater Management Plan submitted and approved, by this unit prior to construction. Storm Water Management Plan must meet Council's requirements, at the time of development.
- b) The owner shall apply to the Process Manager: Roads and Transportation to connect any storm water drains required to the Municipal Stormwater system, at the owner's cost.
- c) The construction of the storm water drainage shall be in accordance with the Council's guidelines which are available on request from the Process Manager: Roads and Transportation.
- d) The owner shall be responsible to connect any storm water drains to the private storm water drainage system if necessary, at the owner's cost.
- e) Due to road reserve requirements as set out by Department for the dual carriageway of Orthman Road (extension of Manning Avenue). A Traffic Impact Assessment required and must be done by a qualified Transportation Engineer prior to the submission of the building plans.
- f) The owner shall be responsible for the construction of the channel crossing access to Portion A and the Remainder if necessary, at owner's costs.
- g) Existing access to be retained.
- h) The construction of the necessary channel accesses shall be in accordance with the Council's guidelines and constructed by a contractor approved by the Process Manager: Roads & Transportation.

### 16.3. Water and Sanitation

- a) Portion A and the Remainder shall each have separate water and sewer pipes to connect with the water and sewer mains. These pipes shall be located entirely within the boundaries of the properties they serve provided they may for purposes of connection to a main only, cross into a public road reserve or servitude provided for that purpose.
- b) The actual connection to the main shall be carried out by this Business Unit on application and payment of the tariff connection fees.
- c) Any existing water and sewer pipes which may cross any proposed internal sub divisional boundary shall be severed and plugged or removed prior to the transfer of the subdivision. The owner shall notify the Process Manager: Water and Sanitation, in writing, that this has been done.

### 16.4. Electricity

- a) Application must be made to the Process Manager: Electricity for a separate service connection for each Subdivisional at the owner's expense.
- b) The owner shall be responsible for the cost of new supply, increase of supply or re-routing of electrical services affected by the proposed subdivision.

17. Should any Municipal services be re-routed or re-positioned, such work will be carried out by the Council at the owner's expense.

### PARKING REGULATIONS

1. Refer to Appendix 8 for parking regulations.
2. The technical requirements for on-site parking shall be in accordance with clause 7.2 of the Scheme.

### DEVELOPMENT PARAMETERS

Area	SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
	Building line	Side space	Rear Space					
Pietermaritzburg	7m	N/A		N/A	1000	3	90	1,50
Greater Edendale, Sonatu & Norhdale	3m	1m			1000	3	80	1,00
Traditional Authority & Farm portions	At the discretion of the Municipality in terms of the National Building Regulations.							

Commented [ZM209]: addition

Commented [ZM211]: Amended from 3000 to 1000sqm

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#### 4.5.2 Light Industry (Amended)

<b>ZONE:</b>	<b>LIGHT INDUSTRY</b>	
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings for manufacturing uses which are compatible with land uses permitted in adjacent more sensitive land use zones, such as residential, mixed use and open space zones. As a light industrial zone, it would permit manufacturing activities that usually do not involve significant vibration, noise, odour, or high volume of automobile and truck traffic.	
<b>Colour Notation:</b>	<b>Fill: Pale Lilac R:239, G:198, B:255</b> <b>Outline: Black R:000, G:000, B:000</b>	
<b>Applicability:</b>	This Zone applies to the PMB, Northdale, Edendale, Sobantu, Sweetwaters & Ashburton, and may at the sole discretion of the Municipality be allowed in other areas.	
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>Arts and Craft Workshop</li> <li>Caretaker's Dwelling</li> <li>Factory</li> <li>Industry-Light</li> <li>Light Industrial Building</li> <li>Motor Sales Premises</li> <li>Motor Workshop</li> <li>Office</li> <li>Service Industrial Building</li> <li>Service Workshop</li> <li>Warehouse</li> <li>Water Bottling Plant</li> </ul>	<ul style="list-style-type: none"> <li>Adult Premises</li> <li>Boarding House</li> <li>Builder's Yard</li> <li>Business Purposes</li> <li>Car Wash</li> <li>Cellular Telecommunication Infrastructure</li> <li>Convenient Shop</li> <li>Dwelling</li> <li>Fast Food Outlet</li> <li>Flat</li> <li>Funeral Parlour</li> <li>Government/Municipal</li> <li>Health Studio</li> <li>Industrial Building</li> <li>Institution</li> <li>Laundrette</li> <li>Night Club</li> <li>Parking Depot</li> <li>Parking Lot</li> <li>Petrol Filling Station</li> <li>Place of Instruction (limited to research laboratory and training)</li> <li>Place of Public Entertainment</li> <li>Recreational Purposes</li> <li>Residential Building</li> <li>Shop*</li> <li>Social Hall</li> <li>Special Building</li> <li>Specialised Office</li> <li>Tavern</li> <li>Transport Depot</li> <li>Truck Stop</li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>		

Commented [ZM213]: New addition

Commented [ZM214]: New addition

Commented [ZM215]: New addition

Commented [ZM216]: New addition

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Date: July 2021

1. \*Reference is made for consent to clause 7.8 for a shop in industrial premises.
2. All landscaping shall be to the satisfaction of the Municipality.
3. No work, including the erection of a building or structural alteration to a building, or the erection or establishment of any sign, shall be executed without the prior consent of the Municipality having first been obtained therefor.
4. The number of units per hectare allowable in any residential use shall be at the discretion of the Municipality.
5. Waste Management shall be subject to clause 7.4 of the scheme.
6. There shall, be no specified minimum side or rear space which shall, however, be determined in terms of the National Building Regulations.
7. Access onto and building line fronting onto a Provincial Road to be in accordance to the Provincial Road legislation provisions.
8. Un-serviced areas to comply with clause 7.5 of the scheme.
9. Outdoor storage, as an ancillary use, would be extremely limited if not outright prohibited.
10. Subject to compliance with the following policies and/or bylaws: -
  - (a) Msunduzi Cellular Telecommunication Infrastructure Policy
  - (b) Msunduzi Boarding House Policy
  - (c) Msunduzi Tavern Policy
  - (d) Msunduzi Public Health By-Law
  - (e) All signage and advertising shall comply with the Msunduzi Advertising Signs By-Law.
11. There shall, be no specified minimum side or rear space which shall, however, be determined in terms of the National Building Regulations.
12. The following provisions shall apply to **Portion 1 of Erf 3126 PMB, off Prince Alfred Street: City:** -
  - (a) Buildings and structures shall be limited to those essential for the operation of the motor vehicle testing ground.
  - (b) Use of the site shall be limited to a motor vehicle testing ground.
13. The following provisions shall apply to **Erf 2062 PMB, being 2 - 10 Chapel Street and 140 - 150 Victoria Road:** -
  - (a) Development plans for the site shall be substantially in accordance with the submitted sketch plan drawing No 863.
  - (b) No spray painting or panel beating shall be carried out on the site, nor shall any scrap or derelict vehicles be parked or stored on the site.
  - (c) Ingress to and egress from the site shall be limited to one in Chapel Street and one in Victoria Road and to the satisfaction of the City Engineer.
  - (d) All machines used on the site to be operated only within enclosures to ensure that the noise emission measurements on the boundaries of the site do not exceed 80 decibels of such other standard, as the Medical Officer of health may determine from time to time.
  - (e) The subdivisions forming the above site shall be consolidated.
  - (f) A building line of 4,5m shall apply to Chapel Street and Victoria Road.

**Commented [ZM217]:** Addition from Ashburton Scheme

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14. The following provisions shall apply to **Portion 621 (of 592) and Remainder of Portion 592, all of the farm Vaalkop and Dadelfontein No. 885 shall be consolidated and designated Portion 774 of the farm Vaalkop and Dadelfontein No. 885**:-

14.1. The following controls shall be applicable:-

14.1.1. The Number of Units/hectare 80du/ha

14.2.A Property Owners Association (POA) shall be created to own, manage and administer all the private common property in the Township.

14.3.For the purpose of the foregoing paragraph "Property Owners' Association" means a company registered in terms of the Companies Act 61 of 1973, as amended, or at the discretion of the Council, a Close Corporation registered in terms of the Close Corporation Act 69 of 1984, membership of which shall be exclusive to and compulsory for the owners of Subsequent Subdivisions in the scheme referred to above.

14.4.The Subsequent Subdivisions, as well Roads, Private Open Space, Conservation shall be surveyed as numbered subdivisions shown on the General Plan and be registered in the Deeds Office under separate title.

14.5.The POA shall be jointly responsible in perpetuity for the maintenance of the common property in a clean, tidy and serviceable condition, to the satisfaction of the Municipality and shall take all steps to ensure that no part of such common property shall become a public street or public place for which the Municipality may be required to accept responsibility, without the express consent of the Municipality.

14.6.The POA shall be responsible for implementing the Development and Architectural code and design controls while the Municipality shall be responsible for the implementing and enforcing the National Building Regulations and the zoning controls.

14.7.The owner shall ensure that all buildings on the properties are fully compliant with the requirements of the National Building Regulations. The owners are advised to consult with the Manager: Building Control and Signage in this regard prior to the submission of building plans if necessary, and in order to obtain approval thereof. Building plans and design details for each individual property are to be submitted to the Town Planning Unit for comment and approval prior to the commencement of site works on each of the business park areas.

14.8.In addition to the above Appropriate No Building Servitudes, as shown on the approved plan, shall be registered in favour of the relevant controlling authorities, such as the Department of Transport and SANRAL.

14.9. All conditions stipulated in the Environmental Authorization issued by the Department of Economic Development, Tourism and Environmental Affairs (DEDTEA) and Department of Water and Sanitation (DW&S) must be implemented and complied with.

14.10. Building plans and design details for each individual property must be submitted to this unit for comment and approval prior to the commencement of site works on each of the business park areas.

14.11. Each plot I Business Park owner must be provided with a copy of the Environmental Authorization and the EMPr for this development and must be made aware of the Conservation Areas, Conservation Servitudes and the Non-Building Servitudes. Under no circumstances should these areas be impacted or developed on.

14.12. All landscaping shall be to the satisfaction of the Municipality, moreover Indigenous plant tree species must be used and if required, the Municipality would provide a list of preferred species.

14.13. It is recommended that a designated waste area be identified on the site and waste material/s from all business areas must be separated and recycled by a suitably accredited recycling company, and shall further comply with clause 7.3 of the Scheme.

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- 14.14. A Conservation Management Plan for the designated conservation and open spaces areas is required and must be compiled by a suitably qualified specialist and submitted to Ezemvelo KZN Wildlife and the Msunduzi Municipality's Environmental Management Unit for comment and approval prior to the commencement of construction. The Conservation Management Plan, once approved, must be implemented for the life time of this development by the Property Owners Association.
- 14.15. All Alien Invasive Plant Species found within the proposed developmental footprint must be removed, and areas which have been cleared or disrupted should be re-vegetated as soon as possible with indigenous plant species.
- 14.16. A Plant Rescue Plan is required. This plan must be implemented by a suitably qualified specialist prior to the commencement of construction activities or site clearing. The rescued plants must be used in the landscaping of the development or can alternatively be trans-located to appropriate areas within the areas set aside for conservation and/or open space.
- 14.17. Individual Storm Water Management Plans for each erf will be required and must be submitted to the Msunduzi Municipalities Storm Water Management Unit and the Environmental Management Unit. All storm water outlets must incorporate energy dissipaters and gabions should there be evidence of erosion occurring.
- 14.18. All servitudes are registered, including servitudes to be zoned as conservation, in order to safeguard the buffer zones surrounding the wetland, riparian and conservation areas. Maintenance of the Servitude and Conservation Areas must be the responsibility of the developer/body corporate of the Business Park, and the maintenance and management of these areas shall be in accordance with the EMPR and the Conservation Management Plan.
- 14.19. A Water Use Licence may be required for this development and it is the developer's/ applicants responsibility to ensure that the Department of Water and Sanitation (DW&S) are contacted.
- 14.20. Monitoring of the Rehabilitation Program shall be the responsibility of the Environmental Control Officer (ECO), appointed for the proposed development, in consultation with the Environmental Management Unit of the Municipality.
- 14.21. The Developer shall negotiate with ESKOM regarding the provision of bulk electrical infrastructure suitable for the envisaged development.
- 14.22. The Developer shall be responsible for the design and construction of adequate storm-water drainage system, roads, water reticulation and sewer reticulation to the satisfaction of the Municipality.
- 14.23. No direct access onto R103 or onto Norwich Road shall be permitted from any site fronting onto the said roads. Road Access from R103 shall be approved by the Kwa-Zulu Natal Department of Transport.
- 14.24. The Developer must design and construct road access points to the satisfaction of Kwa-Zulu Natal Department of Transport and Msunduzi Municipality. The developer is to comply with conditions imposed by the Head: Transport, Department of Transport in terms of Section 10 of the KwaZulu-Natal Provincial Road Act No. 4 of 2001 as set out in the minute, reference T1 0/2/2/66/82 dated 21 August 2015. The developer is to create a portion to be expropriated by South African Road Agency Limited (SANRAL).
- 14.25. The Developer shall be responsible, at his own cost for the construction of a suitable new pump station/s from the development to the Municipal sewerage pipeline and for the registration of any servitude necessary for existing and new sewerage pipelines. The pump station is to be designed by a profession engineer.
- 14.26. The following parking regulations shall apply to the Industrial Buildings, Light Industrial Buildings, Motor Workshops, Service Industrial Buildings and Service Workshops: -  
 (a) A Gross Area equal to 15 % of the Total Floor Area of the main building or buildings, or equal to 10% of the site area, whichever is the greater.

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**15. The following controls shall apply to Erf 652-659 Surry Park: -**

- 15.1. Home Owners Association (HOA) to be created, over all Erven of Portion 1 of Erf 114 Surrey Park which shall provide that no property may be transferred without the consent of the HOA, which consent shall be granted once the transferee agrees to be a member of the HOA, and all levies due to the HOA have been paid by the Transferor. Homeowners Association responsible for maintenance of Private Roadway.
- 15.2. The Owners of the subdivisions shall be jointly responsible in perpetuity for the maintenance of the common property in a clean, tidy and serviceable condition, to the satisfaction of the Council and shall take all steps to ensure that no part of such common property shall become a public street or public place for which the Council may be required to accept responsibility, without the express consent of the Council.

**15.3. Environmental Management**

- 15.3.1. This application shall be subject to full compliance with all conditions stipulated in the Environmental Authorization (DC22/AMEND/0044/2017) shall be comply with, dated 22 June 2018 together with Environmental Authorization (DC22/0044/08) dated 04 July 2012. Specifically, the following:
- (a) Clause 3.3.1. The Environmental Management Programme (EMPr) dated 25 July 2011 and included in the Final EIAr (prepared by Janet Edmonds Consulting cc and dated 28 September 2011) for the pre-construction, construction, operational and rehabilitation phases of this project as submitted for the Environmental Authorization of this project complies with Section 24N of NEMA and Regulation 33 of the EIA Regulations, 2010. Accordingly, this EMPr is hereby approved and must be implemented.
  - (b) Clause 3.3.2. The EMPr must be kept on site during all phases of the development
  - (c) Clause 3.4.7. Fourteen (14) days written notice must be submitted to the Msunduzi Municipality Conservation and Environment Unit, at the address specified in condition 3.4.4. above that the construction for the next phases, (i.e. Phase 2, 3, and 4) will commence. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the construction will commence, an assurance for the increase in the demands as per condition 3.4.5. above and the EIA reference number of this environmental authorization viz. DC22/0044/08.
  - (d) Clause 3.4.20. Fast growing trees must be planted along the northern boundary with AfriSam Quarry immediately after site clearing to allow the trees to become established and provide a buffer to shield residents from noise and visual impacts of the neighboring quarry. The tree species to be used must be determined in consultation with the Msunduzi Municipality Conservation and Environment Unit.

**15.4. Environmental Health**

- 15.4.1. All food premises to comply with the Food Regulations R962.
- 15.4.2. Crèches and school to comply with the Public Health By-laws and Environmental Health Norms and Standards.
- 15.4.3. All industries to comply with the Public Health Act in terms of pollution control (air, water, land and noise).
- 15.4.4. All industries will be restricted to the installation of small emitters (fuel appliances) in terms of the National Environment Air Quality Act.

**15.5. Water and Sanitation**

- 15.5.1. The owner shall be responsible for all aspects of the permanent supply of water to and within the layout;
- (a) Engineering design,
  - (b) Implementation and construction,
  - (c) Survey and Registration of praedial and private servitudes if necessary, and

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(d) **Related costs.**

- 15.5.2. The Developer shall provide all bulk and link water reticulation required to service the internal services.
- 15.5.3. The Developer shall pay the cost of connecting into the bulk supply and installing all internal water reticulation which shall be designed to comply with fire-fighting requirements.
- 15.5.4. The Developer to connect from existing Copesville Sewer Interceptor (Trunk main).
- 15.5.5. The Developer shall pay the cost of connecting into bulk supply, all services be in accordance with the Msunduzi Municipality's Water and Sanitation Business Unit Guidelines.
- 15.5.6. The Sewer reticulation serving the Erven within the development shall be protected by sewer servitudes of adequate width which are to be registered over the affected subdivisions, in favour of the Home Owners Association at owners cost, prior to or simultaneously with the registration of the respective subdivisions.
- 15.5.7. Any existing water piping which may cross any proposed internal subdivision boundary shall be severed and plugged or removed prior to the transfer of the first subdivision.

**15.6. Roads and Drainage**

- 15.6.1. Access to the proposed development will be opposite the existing Beacon Hill Estate access through M25. This access is to be designed in such a way that it should intersect Main Road 25 at a right angle or at an acceptable deflection angle (as per Geometric Design Guidelines). Access should be designed as a KZNDOT Type B2 and the intersection be signalized before commencement of Phase 2 construction.
- 15.6.2. Public transport laybys should be provided on both sides of the Site Access/ Main Road 25/ Beacon Hill Estate intersection.
- 15.6.3. 2.5m walkways should be constructed from the public transport laybys to the first internal access road.
- 15.6.4. All the costs for the above road upgrades shall be at the Developer's account.
- 15.6.5. The requirements of the Department of Transport as set out in their letter dated 9th June 2016, referenced T10/2/2/1554/2, shall be strictly complied with.
- 15.6.6. The intersection shall be upgraded to a double Type B2 intersection to be directly opposite the entrance to Beacon Hill.
- 15.6.7. The intersection shall also be provided on both sides of MR25 with public transport laybys, as required by the Department of Transport.
- 15.6.8. Provide 1,5m wide concrete sidewalk from the public transport layby to the intersection of the first internal road.

**15.7. Electricity**

- 15.7.1. A 24 hours' access to the Municipal meters is required. A general access servitude shall be registered against all road Erven in favour of the Municipality in order to access municipal services for meter reading, maintenance, repairs and related work.
- 15.7.2. A kiosk equipped with 150A non-adjustable circuit breaker must be provided by you on the road frontage boundary.
- 15.7.3. The above-mentioned estimated charge must be paid in advance at 333 Church Street, A.S. Chetty building. You will be invoiced for the actual cost on completion of the work and debited or credited accordingly.

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- 15.7.4. An unobstructed duct way must be provided for the entry of the underground service cable to any new meter position.
- 15.7.5. The minimum charge per month payable by the consumer under Scale C shall be an amount calculated on the basis of 70% of the highest maximum demand in kVA, notified to the Executive Manager: Electricity by the consumer or 70% of the previous twelve months' highest maximum kVA which is the higher. The effective date of the minimum charge i.e. 70% of the Notified Maximum Demand (NMD) in kVA is from the day the electricity supply connection is made and the charge is payable 30 days after the effective date.
- 15.7.6. The council reserves the right to fix the position of the meter board/box, which must be approved by the Electrical Engineer before wiring of the proposed installation commenced.
- 15.8. A condition of title shall be registered over all erven or Erf 114 Surrey Park absolving the Municipality from any and all responsibility for any damage caused by blasting and mining operations of the Farm Natal Crushers No. 14967.
16. Sweetwater
- 16.1. Permissible Use: Commercial Workshop
- 16.2. Consent Use: Agricultural Land, Agricultural Building, Home Business, Private Recreation Area, Restaurant, Scrap Yard and Veterinary Clinic.

#### PARKING REGULATIONS

- Refer to Appendix 8 for parking regulations.
- The technical requirements for on-site parking shall be in accordance with clause 7.2 of the Scheme.

#### DEVELOPMENT PARAMETERS

Area	SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
	Building line	Side space	Rear Space					
Pietermaritzburg	4m	N/A		N/A	1000	3	75	3,00
Greater Edendale, Northdale, Sweetwaters & Sobantu	3m	1m			1000	3	80	0,80
Ashburton	7,5m	2m			N/A	1000	3	75

Commented [ZM218]: New addition

Commented [z219]: New addition

Commented [ZM221]: Amended from 3000sqm to 1000sqm

Commented [ZM220]: New addition

Commented [z222]: Amended from 300 to 1000

Commented [ZM223]: Addition from Ashburton Scheme

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#### 4.5.3 Extractive Industry (Amended)

<b>ZONE:</b>	<b>EXTRACTIVE INDUSTRY</b>	
<b>Statement of Intent:</b>	A land use zone that provides for land uses associated with the extraction of minerals or raw materials and associated business operations. Adjacent land uses must be compatible with this use which typically has a high impact on amenity.	
<b>Colour Notation:</b>	<b>Fill: Purple R:222, G:209, B:217</b> <b>Outline: Magenta 2 R:238, G:000, B:238</b>	
<b>Applicability:</b>	This Zone applies to the PMB, Northdale, Edendale, Sobantu, Areas under Traditional Authority & Farm Portions, and may at the sole discretion of the Municipality be allowed in other areas.	
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>• Agricultural Building</li> <li>• Agricultural Land</li> <li>• Builder's Yard</li> <li>• Caretaker's Dwelling</li> <li>• Conservation Purposes</li> <li>• Extractive Industry</li> <li>• Government/Municipal</li> <li>• Industrial Building</li> <li>• Light Industrial Building</li> <li>• Mining Operation</li> <li>• Office</li> <li>• Petroleum Production Operation</li> <li>• Quarry</li> <li>• Residential Building (limited to staff accommodation)</li> <li>• Service Industrial Building</li> </ul>	<ul style="list-style-type: none"> <li>• Cellular Telecommunication Infrastructure</li> <li>• Educational Purposes (limited to staff training)</li> <li>• Motor Sales Premises</li> <li>• Motor Workshop</li> <li>• Noxious Industrial Building</li> <li>• Recycling Centre</li> <li>• Service Workshop</li> <li>• Shop*</li> <li>• Special Building</li> <li>• Truck Stop</li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>		
<ol style="list-style-type: none"> <li>1. *Reference is made for consent to clause 7.8 for a shop in industrial premises.</li> <li>2. Nothing in this land use scheme shall prevent an area zoned for extractive industry from being used for agricultural purposes prior to mining taking place. Land use after mining of an area has been completed shall be determined in consultation with the Municipality.</li> <li>3. All applications for an extractive industry will be required to have the necessary approval permits issued by the Department of Minerals Resources in terms of the Mineral and Petroleum Resources Development Act, 2002 (No. 28 of 2002) as amended, an environmental approval issued in terms of the National Environmental Management Act, 1998 (No. 107 of 1998) as amended, and a water use license issued in terms of the National Water Act, 1998 (No. 36 of 1998) as amended.</li> <li>4. All development shall be subject to obtaining all the necessary approvals in terms of the applicable legislation.</li> <li>5. The provisions of the Mineral and Petroleum Resources Development Act, 2002 (No. 28 of 2002) shall further be adhered to.</li> <li>6. No work, including the erection of a building or structural alteration to a building, or the erection or establishment of any sign, shall be executed without the prior consent of the Municipality having first been obtained therefor.</li> </ol>		

Commented [ZM224]: New addition

Commented [ZM225]: New addition

Commented [ZM226]: New addition

Commented [ZM227]: Amended

Commented [ZM228]: New addition

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7. All landscaping shall be to the satisfaction of the Municipality.
8. A detailed remedial plan shall be submitted to the Municipality detailing the rehabilitation process to be followed once the extractive process has been completed. The plan should address the short and long term management and include the details of the agent responsible for the rehabilitation work.
9. Subject to compliance with the following policies and/or bylaws: -
  - (a) Msunduzi Cellular Telecommunication Infrastructure Policy.
  - (b) Msunduzi Public Health By-Law.
  - (c) All signage and advertising shall comply with the Msunduzi Advertising Signs By-Law.

#### PARKING REGULATIONS

1. Refer to Appendix 8 for parking regulations.
2. The technical requirements for on-site parking shall be in accordance with clause 7.2 of the Scheme.

#### DEVELOPMENT PARAMETERS

DEVELOPMENT PARAMETERS

Area	SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
	Building line	Side space	Rear Space					
Pietermaritzburg	3m	1m		N/A	3000	At the discretion of the Municipality		
Greater Edendale, Northdale & Sobantu								
Traditional Authority & Farm portions								
	At the discretion of the Municipality							

Commented [ZM229]: New addition

Commented [ZM230]: New addition

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#### 4.5.4 Logistics 1 (Amended)

<b>ZONE:</b>	<b>LOGISTICS 1</b>	
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings for the storage of goods and related infrastructure intended for transportation. This land use zone intends to integrate the currently disconnected industrial and logistics activities along with marginalised rural production centres surrounding the corridor that are currently isolated from the main logistics system.	
<b>Colour Notation:</b>	<b>Fill: Dove Grey R:102, G:102, B:153</b> <b>Outline: Black R:000, G:000, B:000</b>	
<b>Applicability:</b>	This Zone applies to the PMB & Ashburton and may at the sole discretion of the Municipality be allowed in other areas.	
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>• Caretaker's Dwelling</li> <li>• Container Depot</li> <li>• Direct Access Service Centre</li> <li>• Government/Municipal</li> <li>• Industry-Light</li> <li>• Light Industrial Building</li> <li>• Motor Workshop</li> <li>• Office</li> <li>• Parking Depot</li> <li>• Service Workshop</li> <li>• Transport Purposes</li> <li>• Warehouse</li> </ul>	<ul style="list-style-type: none"> <li>• Car Wash</li> <li>• Cellular Telecommunication Infrastructure</li> <li>• Fast Food Outlet</li> <li>• Medical Office</li> <li>• Petrol Filling Station</li> <li>• Place of instruction (limited to staff training)</li> <li>• Residential Building</li> <li>• Shop*</li> <li>• Special Building</li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>		
<ol style="list-style-type: none"> <li>1. *Reference is made for consent to clause 7.8 for a shop in industrial premises.</li> <li>2. Outdoor storage, as both an independent and an ancillary use, may be permitted in this land use zone, subject to certain restrictions involving the amount of area permitted on a lot, setbacks, screening, and possibly the type of materials permitted to be stored outdoors.</li> <li>3. No work, including the erection of a building or structural alteration to a building, or the erection or establishment of any sign, shall be executed without the prior consent of the Municipality having first been obtained therefor.</li> <li>4. All landscaping shall be to the satisfaction of the Municipality.</li> <li>5. Waste Management shall be subject to clause 7.4 of the scheme.</li> <li>6. Low order convenience goods and service shops catering for the immediate needs of people working within the industrial area shall be permitted.</li> <li>7. Road widths of not less than 18 metres wide will be required to accommodate the movement of transport associated with the type of land uses in this land use zone.</li> <li>8. Access onto and building line fronting onto a Provincial Road to be in accordance to the Provincial Road legislation provisions.</li> <li>9. Un-serviced areas to comply with clause 7.5 of the scheme.</li> </ol>		

Commented [ZM231]: Addition from Ashburton Scheme

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10. All development shall be subject to obtaining all the necessary approvals in terms of the applicable legislation.								
11. The Height restriction may be increased save with the consent of the Municipality.								
12. Subject to compliance with the following policies and/or bylaws: -								
(a) Msunduzi Cellular Telecommunication Infrastructure Policy								
(b) Msunduzi Public Health Bylaws								
(c) All signage and advertising shall comply with the Msunduzi Advertising Signs By-Law.								
PARKING REGULATIONS								
1. Refer to Appendix 8 for parking regulations.								
2. The technical requirements for on-site parking shall be in accordance with clause 7.2 of the Scheme.								
DEVELOPMENT PARAMETERS								
Area	SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
	Building line	Side space	Rear Space					
Pietermaritzburg	7m	N/A		N/A	1000	3	70	1,50
Ashburton	7,5m	N/A						

Commented [ZM232]: New addition

Commented [ZM233]: Addition from Ashburton

Commented [z234]: Amended from 1800 to 1000

Commented [ZM235]: Addition from Ashburton Scheme

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## 4.6 Residential

### 4.6.1 Special Residential 1 (Amended)

<b>ZONE:</b>	<b>SPECIAL RESIDENTIAL 1</b>	
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings for single residential use in a form of a dwelling and where a limited number of compatible ancillary uses which have a non-disruptive impact on a neighbourhood amenity may be allowed.	
<b>Colour Notation:</b>	<b>Fill: Yellow R:255, G:255, B:000</b> <b>Outline: Black R:000, G:000, B:000</b>	
<b>Applicability:</b>	This Zone applies to the PMB, Northdale, Edendale & Sobantu, and may at the sole discretion of the Municipality be allowed in other areas.	
	<b>Permissible (A)</b>	<b>Consent (B)</b>
	<ul style="list-style-type: none"> <li>Conservation Purposes</li> <li>Dwelling</li> <li>Garaging</li> <li>Government Subsidized Housing</li> <li>Outbuilding</li> <li>Self-contained Residential Unit/ Granny's Flat</li> </ul>	<ul style="list-style-type: none"> <li>Agricultural Land</li> <li>Bed and Breakfast</li> <li>Boarding House</li> <li>Caretaker's Dwelling</li> <li>Cellular Telecommunication Infrastructure</li> <li>Crèche</li> <li>Guest House</li> <li>Home Business*</li> <li>Institution</li> <li>Medium Density Housing</li> <li>Place of Worship</li> <li>Social Hall</li> <li>Special Building</li> <li>Specialised Office</li> <li>Tavern</li> <li>Tuckshop**</li> </ul>
		<b>Prohibited (C)</b>
		Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>		
1. *Provided the written consent of all abutting owners and any other owners the Municipality may determine is obtained, the Municipality may waive the consent procedure. 2. **A Tuckshop with 50m <sup>2</sup> or less requires written consent from neighbours. If the proposed tuckshop net space area is more than 50m <sup>2</sup> a full consent application will be required. 3. A Caretaker's Dwelling must be ancillary to a Boarding House. 4. Subject to compliance with the provisions of the following policies and/or bylaws: - (a) Msunduzi Tuckshop Policy (b) Msunduzi Boarding House Policy (c) Msunduzi Bed and Breakfast Policy (d) Municipality's Public Health Bylaws (Chapter 14) (e) Msunduzi Crèches and Crèches-Cum-Nursery Schools By-Law (f) All signage and advertising shall comply with the Msunduzi Advertising Signs By-Law 5. The Municipality shall not approve any Special Building wherein any trade, business, sale, storage or display of goods is involved, whether or not a trade licence is required.		

Commented [ZM239]: New addition

Commented [ZM236]: New addition

Commented [z240]: New addition

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6. The Municipality may grant its consent for the erection of a building or structures in front of the building line.
7. The Municipality may grant its consent for relaxation of the side and rear space requirements.
8. Provided the written consent of all abutting owners and any other owners the Municipality may determine, is obtained, the Municipality may waive the consent procedure provided where not more than 2 dwellings are to be established,
9. For the purposes of establishing side and rear spaces in terms of this clause, the eaves of any building or structure shall not overhang the side space and rear space by more than 1200mm, excepting that when a greater eaves overhang is provided, the required side space or rear space as the case may be, shall be increased by the amount the eaves overhang exceeds 1200mm.
10. The following controls shall apply to Erf 2294-3232 Copesville:-
  - 10.1. Building lines, side and rear spaces:
    - b) A 30.48-metre-wide "no building" servitude, measured from the centerline of the main road 25, shall be registered on all properties fronting onto main road 25 along the frontage with the main road 25.
  - 10.2. In terms of section 54(6)(b) of the by-laws, the following servitude shall be registered at the owner's expense against the property being consolidated/subdivided, in favour of the council.
  - 10.3. In terms of section 54(6)(b) of the by-laws, the following servitude shall be registered at the owner's expense against the property being consolidated/subdivided, in favour of the council.
  - 10.4. The following short term road improvements should be implemented by the developer at the main road 25/Bishopstowe/Maryvale intersection as per the TIA report in order to accommodate the additional traffic to be generated by the proposed development, thereafter the intersection will be monitored before the ultimate option can be implemented.
    - a) Manning Avenue
      - (i) Increased left turning slip lane to 120m with a continuous approach onto the main road
      - (ii) Add 120m lane in the exit direction
      - (iii) Increase the length of the dedicated right turning lane
    - b) Main road 25
      - (i) Add a new short exit lane of 60m length receiving traffic from the manning avenue slip
      - (ii) Increase the slip lane to 30m
      - (iii) Construct additional 90m dedicated right turning lane
    - c) Bishopstowe road
      - (i) Add a new short 30m long slip lane onto Maryvale road
      - (ii) Increase the length of dedicated right turn lane to 90m
  - 10.5. Revise traffic signal plans for the whole intersection and include right turn flashing arrow for westbound approach from main road 25 into manning avenue new short 20m long.
  - 10.6. The Owner shall, at its own cost, be responsible for the design and construction of any properly surfaced link road/s with associated adequate storm-water drainage system/s that is/are required to link the bulk road network system to the internal road network system.
  - 10.7. The Owner shall be responsible, at its cost, for the design and construction of any water supply pipeline (excluding that of the actual connection pipe) that may be required to link the Development to the Municipal water reticulation system. On payment of the prescribed fee, the Municipality will carry out the actual connection work.
  - 10.8. The Owner shall be responsible, at its cost, for the design and construction of any sewer pipeline (excluding that of the actual connection pipe) that may be required to link the Development to the Municipal sewer

Commented [z246]: NEW ADDITION

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reticulation system. On payment of the prescribed fee, the Municipality will carry out the actual connection work.							
10.9. Simultaneously with the registration of the first erf of the proposed layout, Erven 3237 shall be transferred to the transferred to the Kwazulu-Natal Department of Public Works.							
10.10. Any existing electrical mains be affected if the land was to be developed, those affected will be re-routed or repositioned at owner's expense.							
10.11. Should any municipal service be re-routed or re-positioned, such work will be carried out by the council at the owner's expense.							
<b>PARKING REGULATIONS</b>							
1. Refer to Appendix 8 for parking regulations.							
2. The technical requirements for on-site parking shall be in accordance with clause 7.2 of the Scheme.							
<b>DEVELOPMENT PARAMETERS</b>							
<b>SPACE ABOUT BUILDINGS</b>			<b>Units per hectare</b>	<b>Min Erf size (m²)</b>	<b>Height (STOREYS)</b>	<b>Coverage (%)</b>	<b>F.A.R</b>
<b>Building line</b>	<b>Side space</b>	<b>Rear Space</b>					
3m	1,5m		1 per 180 m²	180	2	80	1,50

**Commented [ZM247]:** New addition for Copesvill development

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#### 4.6.2 Special Residential 1A (Amended)

<b>ZONE:</b>	<b>SPECIAL RESIDENTIAL 1A</b>	
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings for single residential use in a form of a dwelling and where a limited number of compatible ancillary uses which have a non-disruptive impact on a neighbourhood amenity may be allowed.	
<b>Colour Notation:</b>	<b>Fill: Yellow R:230, G:230, B:000</b> <b>Outline: Black R:000, G:000, B:000</b>	
<b>Applicability:</b>	This Zone applies to Ashburton and may at the sole discretion of the Municipality be allowed in other areas.	
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>Conservation Purposes</li> <li>Dwelling</li> <li>Garaging</li> <li>Outbuilding</li> <li>Self-contained Residential Unit/ Granny's Flat</li> </ul>	<ul style="list-style-type: none"> <li>Agricultural Building</li> <li>Agricultural Land</li> <li>Bed and Breakfast*</li> <li>Boarding House</li> <li>Caretaker's Dwelling</li> <li>Cellular Telecommunication Infrastructure</li> <li>Child Minder*</li> <li>Crèche</li> <li>Guest House</li> <li>Home Business*</li> <li>Institution</li> <li>Medium Density Housing</li> <li>Place of Worship</li> <li>Special Building</li> <li>Specialised Office</li> <li>Tuckshop**</li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>		
<p>1. *Provided the written consent of all abutting owners and any other owners the Municipality may determine is obtained, the Municipality may waive the consent procedure.</p> <p>2. **A Tuckshop with 50m<sup>2</sup> or less requires written consent from neighbours. If the proposed tuckshop net space area is more than 50m<sup>2</sup> a full consent application will be required.</p> <p>3. A Caretaker's Dwelling must be ancillary to a Boarding House.</p> <p>4. The following additional controls shall apply with regards to Medium Density Housing development: -</p> <p>4.1 All Medium Density Housing development shall be subject to the design requirements contained in clause 7.1 and additional requirements contained in Appendix 2 of the scheme.</p> <p>4.2 The Consent procedure may be waived in respect of Medium Density Housing developments containing not more than two (2) Dwelling Units, provided that a fully motivated application is submitted to the Municipality and the written consent of the Owners of all abutting and any other properties determined by the Municipality is obtained.</p> <p>4.3 The minimum size of an Erf on which a Medium Density Housing development is to be erected shall be 3200 m<sup>2</sup>.</p>		

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Commented [ZM248]: New addition

Commented [z249]: New addition

Commented [z251]: New addition

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- 4.4 The maximum number of Dwelling Units permitted in a Medium Density Housing development shall be 6,25 units per units per hectare adjusted to the nearest whole number.
- 4.5 The Building line requirements shall not apply to the individual curtilages within a Medium Density Housing development except along the Frontage of the Medium Density Housing site.
- 4.6 The minimum frontage a Medium Density Housing development is to be erected shall be 6m.
- 4.7 All Buildings in a Medium Density Housing development, including swimming pools but excluding a boundary wall or fence, shall observe a Side and Rear space of 5m.
- 4.8 The Side and Rear Space requirements shall not apply to: -
  - (a) an existing Dwelling on a Medium Density Housing Site which is incorporated as part of the development, and
  - (b) the individual Curtilages within a Medium Density Housing development except along the Frontage of the Medium Density Housing Site.
5. Save with the Municipality's Consent, the Consent procedure to relax the Coverage, Floor Area Ratio and Height requirements may be waived provided that a fully motivated application is submitted to the Municipality and the written consent of the Owners of all abutting and any other properties determined by the Municipality is obtained.
6. The Building Line requirements shall not over-rule the requirements of the National Building Regulations or, in respect of Erfs fronting onto any Provincial Road, which shall be in accordance with the Provincial Road Legislation.
7. Save with the Municipality's Consent and, in respect of Erfs fronting onto any Provincial Road, with the permission of the Provincial Roads authority. The Consent procedure to relax the Building line requirements may be waived provided that a fully motivated application is submitted to the Municipality and the written consent of the Owners of all abutting and any other properties determined by the Municipality is obtained.
8. The Municipality shall not approve any Special Building wherein any trade, business, sale, storage or display of goods is involved, whether or not a trade licence is required.
9. The Municipality may grant its consent for relaxation of the side and rear space requirements. Save with the Municipality's Consent. The Consent procedure may be waived provided that a fully motivated application is submitted to the Municipality and the written consent of the Owners of all abutting and any other properties determined by the Municipality is obtained.
10. The eaves of any Building or structure shall not overhang the Building Line, Side and Rear Space by more than 1200 mm.
11. All landscaping shall be to the satisfaction of the Municipality.
12. Waste Management shall be subject to clause 7.4 of the scheme.
13. Un-serviced areas to comply with clause 7.5 of the scheme.
14. Subject to compliance with the provisions of the following policies and/or bylaws: -
  - (a) Msunduzi Tuckshop Policy
  - (b) Msunduzi Boarding House Policy
  - (c) Msunduzi Bed and Breakfast Policy
  - (d) Municipality's Public Health Bylaws (Chapter 14)
  - (e) Msunduzi Crèches and Crèches-Cum-Nursery Schools By-Law
  - (f) All signage and advertising shall comply with the Msunduzi Advertising Signs By-Law

#### **PARKING REGULATIONS**

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1. Refer to Appendix 8 for parking regulations. 2. The technical requirements for on-site parking shall be in accordance with clause 7.2 of the Scheme.							
DEVELOPMENT PARAMETERS							
SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
Building line	Side space	Rear Space					
3m	1,5m		1 per 800 m²	800	2	30	0,35

Commented [ZM257]: Amended from 7,5m to 3m

Commented [z258]: Amended from 1600 to 800

Commented [z259]: Amended from 1600 to 800

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#### 4.6.3 Special Residential 2 (Amended)

<b>ZONE:</b>	<b>SPECIAL RESIDENTIAL 2</b>	
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings for single residential use in a form of a dwelling house and ancillary uses. Protection of the quality and character of residential neighbourhood and the well-being of its residents. Limiting multiple uses of buildings to minimize adverse impact on the residential environment.	
<b>Colour Notation:</b>	<b>Fill: Yellow R:247, G:252, B:048</b> <b>Raw Amber Hatch R:168, G:112, B:000</b> <b>Outline: Black R:000, G:000, B:000</b>	
<b>Applicability:</b>	This Zone applies to the PMB, Northdale, Edendale, Sweetwaters & Sobantu, and may at the sole discretion of the Municipality be allowed in other areas.	
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>Conservation Purposes</li> <li>Dwelling</li> <li>Garaging</li> <li>Outbuilding</li> <li>Self-contained Residential Unit/ Granny's Flat</li> </ul>	<ul style="list-style-type: none"> <li>Agricultural Building</li> <li>Agricultural Land</li> <li>Beauty Studio</li> <li>Bed and Breakfast</li> <li>Boarding House</li> <li>Caretaker's Dwelling</li> <li>Cellular Telecommunication Infrastructure</li> <li>Crèche</li> <li>Guest House</li> <li>Home Business *</li> <li>Institution</li> <li>Medical Office**</li> <li>Medium Density Housing***</li> <li>Park Home Estate</li> <li>Place of Instruction</li> <li>Place of Worship</li> <li>Special Building</li> <li>Specialised Office</li> <li>Tavern</li> <li>Tuckshop<sup>A</sup></li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b> <ol style="list-style-type: none"> <li>*Provided the written consent of all abutting owners and any other owners the Municipality may determine is obtained, the Municipality may waive the consent procedure.</li> <li>**The building shall, in the opinion of the Municipality always conform in its external appearance to the definition of a dwelling as contained in the scheme.</li> <li>***Provided the written consent of all abutting owners and any other owners the Municipality may determine, is obtained, the Municipality may waive the consent procedure provided where not more than 2 dwellings are to be established.</li> <li>3.1 Provided further that the design and layout of Medium Density Housing shall be aligned with the requirements of clause 7.1 of the scheme.</li> <li>3.2 All new dwellings comprising a Medium Density Housing development, shall observe a side and arear space of not less than 4,5m.</li> </ol>		

Commented [z260]: Social hall removed from consent uses

Commented [ZM261]: New addition

Commented [z262]: New addition

Commented [ZM263]: New Addition

Commented [z264]: New addition

Commented [ZM265]: New addition

Commented [ZM266]: New addition

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11. A Tuckshop with 50m<sup>2</sup> or less requires written consent from neighbours. If the proposed tuckshop net space area is more than 50m<sup>2</sup> a full consent application will be required.
4. A Caretaker's Dwelling must be ancillary to a Boarding House.
5. The Municipality shall not approve any Special Building wherein any trade, business, sale, storage or display of goods is involved, whether or not a trade licence is required.
6. All landscaping shall be to the satisfaction of the Municipality.
7. Subject to compliance with the provisions of the following policies and/or bylaws: -  
 (a) Msunduzi Tuckshop Policy  
 (b) Msunduzi Boarding House Policy  
 (c) Msunduzi Bed and Breakfast Policy  
 (d) Municipality's Public Health By-Law  
 (e) Msunduzi Crèches and Crèches-Cum-Nursery Schools By-Law  
 (f) All signage and advertising shall comply with the Msunduzi Advertising Signs By-Law
8. The Municipality may grant its consent for the erection of a building or structures (including a swimming pool) in front of the building line.
9. The Municipality may grant its consent for relaxation of the side and rear space requirements.
10. For the purposes of establishing side and rear spaces in terms of this clause, the eaves of any building or structure shall not overhang the side space and rear space by more than 1200mm, excepting that when a greater eaves overhang is provided, the required side space or rear space as the case may be, shall be increased by the amount the eaves overhang exceeds 1200mm.

#### 11. Sweetwaters

##### 11.1 Permissible Uses: Home Business.

##### 11.2 Consent Uses: Educational Building, Place of Public Assembly, Private Recreation Area and Recreational Purposes.

11.3 Provided the written consent of all abutting owners and any other owners the Municipality may determine, is obtained, the Municipality may waive the consent procedure for Agricultural Land, and Bed and Breakfast.

#### PARKING REGULATIONS

- Refer to Appendix 8 for parking regulations.
- The technical requirements for on-site parking shall be in accordance with clause 7.2 of the Scheme.

#### DEVELOPMENT PARAMETERS

SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m <sup>2</sup> )	Height (STOREYS)	Coverage (%)	F.A.R
Building line	Side space	Rear Space					
3m	1,5m		22	450	2	60	0,60

Commented [ZM268]: New addition

Commented [ZM269]: New addition

Commented [ZM270]: New addition

Commented [ZM271]: Amended from 25 to 22 units

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#### 4.6.4 Special Residential 2A (Amended)

<b>ZONE:</b>	<b>SPECIAL RESIDENTIAL 2A</b>	
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings for single residential use in a form of a dwelling house and ancillary uses. Protection of the quality and character of residential neighbourhood and the well-being of its residents. Limiting multiple uses of buildings to minimize adverse impact on the residential environment.	
<b>Colour Notation:</b>	<b>Fill: Yellow R:230, G:252, B:048</b> <b>Raw Amber Cross Hatch R:168, G:112, B:000</b> <b>Outline: Black R:000, G:000, B:000</b>	
<b>Applicability:</b>	This Zone applies to Ashburton and may at the sole discretion of the Municipality be allowed in other areas.	
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>Conservation Purposes</li> <li>Dwelling</li> <li>Garaging</li> <li>Outbuilding</li> <li>Self-contained Residential Unit/ Granny's Flat</li> </ul>	<ul style="list-style-type: none"> <li>Agricultural Building</li> <li>Agricultural Land</li> <li>Beauty Studio</li> <li>Bed and Breakfast</li> <li>Boarding House*</li> <li>Caretaker's Dwelling</li> <li>Cellular Telecommunication Infrastructure</li> <li>Child Minder*</li> <li>Crèche</li> <li>Guest House</li> <li>Home Business*</li> <li>Institution</li> <li>Medical Office**</li> <li>Medium Density Housing</li> <li>Park Home Estate</li> <li>Place of Worship</li> <li>Special Building</li> <li>Specialised Office</li> <li>Tuckshop^</li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>		
1. *Provided the written consent of all abutting owners and any other owners the Municipality may determine is obtained, the Municipality may waive the consent procedure. 2. **The building shall, in the opinion of the Municipality always conform in its external appearance to the definition of a dwelling as contained in the scheme. 3. ^ A Tuckshop with 50m² or less requires written consent from neighbours. If the proposed tuckshop net space area is more than 50m² a full consent application will be required. 4. A Caretaker's Dwelling must be ancillary to a Boarding House. 5. The following additional controls shall apply with regards to Medium Density Housing development: - 5.1 All Medium Density Housing development shall be subject to the design requirements contained in clause 7.1 and additional requirements contained in Appendix 2 of the scheme		

Commented [ZM272]: New addition

Commented [z273]: New addition

Commented [ZM274]: New Addition

Commented [z275]: New addition

Commented [ZM276]: New addition

Commented [ZM277]: New addition

Commented [ZM278]: New addition

Commented [ZM279]: News addition

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#### MSUNDUZI MUNICIPALITY

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- 5.2 The Consent procedure may be waived in respect of Medium Density Housing developments containing not more than **two (2)** Dwelling Units, provided that a fully motivated application is submitted to the Municipality and the written consent of the Owners of all abutting and any other properties determined by the Municipality is obtained.
- 5.3 The minimum size of an Erf on which a Medium Density Housing development is to be erected shall be 4000 m².
- 5.4 The maximum number of Dwelling Units permitted in a Medium Density Housing development shall be 5 units per units per hectare adjusted to the nearest whole number.
- 5.5 The Building line requirements shall not apply to the individual curtilages within a Medium Density Housing development except along the Frontage of the Medium Density Housing site.
- 5.6 The minimum frontage a Medium Density Housing development is to be erected shall be 6m.
- 5.7 All Buildings in a Medium Density Housing development, including swimming pools but excluding a boundary wall or fence, shall observe a Side and Rear space of 5m.
- 5.8 The Side and Rear Space requirements shall not apply to: -
- 5.8.1. an existing Dwelling on a Medium Density Housing Site which is incorporated as part of the development, and
  - 5.8.2. the individual Curtilages within a Medium Density Housing development except along the Frontage of the Medium Density Housing Site.
6. Save with the Municipality's Consent, the Consent procedure to relax the Coverage, Floor Area Ratio and Height requirements may be waived provided that a fully motivated application is submitted to the Municipality and the written consent of the Owners of all abutting and any other properties determined by the Municipality is obtained.
7. The Building Line requirements shall not over-rule the requirements of the National Building Regulations or, in respect of Erfs fronting onto any Provincial Road, which shall be in accordance with the Provincial Road Legislation.
8. Save with the Municipality's Consent and, in respect of Erfs fronting onto any Provincial Road, with the permission of the Provincial Roads authority. The Consent procedure to relax the Building line requirements may be waived provided that a fully motivated application is submitted to the Municipality and the written consent of the Owners of all abutting and any other properties determined by the Municipality is obtained.
9. The Municipality shall not approve any Special Building wherein any trade, business, sale, storage or display of goods is involved, whether or not a trade licence is required.
10. The Municipality may grant its consent for relaxation of the side and rear space requirements. Save with the Municipality's Consent. The Consent procedure may be waived provided that a fully motivated application is submitted to the Municipality and the written consent of the Owners of all abutting and any other properties determined by the Municipality is obtained.
11. The eaves of any Building or structure shall not overhang the Building Line, Side and Rear Space by more than 1200 mm.
12. All landscaping shall be to the satisfaction of the Municipality.
13. Waste Management shall be subject to clause 7.4 of the scheme.
14. Un-serviced areas to comply with clause 7.5 of the scheme.
15. Subject to compliance with the provisions of the following policies and/or bylaws: -  
(a) Msunduzi Tuckshop Policy

**Commented [z281]:** Amended form 5 to 2

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(b) Msunduzi Boarding House Policy (c) Msunduzi Bed and Breakfast Policy (d) Municipality's Public Health By-Law (e) Msunduzi Crèches and Crèches-Cum-Nursery Schools By-Law (f) All signage and advertising shall comply with the Msunduzi Advertising Signs By-Law							
<b>PARKING REGULATIONS</b>							
1. Refer to Appendix 8 for parking regulations. 2. The technical requirements for on-site parking shall be in accordance with clause 7.2 of the Scheme.							
<b>DEVELOPMENT PARAMETERS</b>							
<b>SPACE ABOUT BUILDINGS</b>			<b>Units per hectare</b>	<b>Min Erf size (m²)</b>	<b>Height (STOREYS)</b>	<b>Coverage (%)</b>	<b>F.A.R</b>
<b>Building line</b>	<b>Side space</b>	<b>Rear Space</b>					
3m	1,5m		1 per 1000 m²	1000	2	30	0,35

Commented [ZM282]: Amended from 7,5m to 3m

Commented [ZM283]: Amended from 3m to 1,5m

Commented [z284]: Amended from 2000 to 1000

Commented [z285]: Amended from 200 to 1000

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Project No.: 16488  
 Description: Draft Single Land Use Scheme for Msunduzi  
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#### 4.6.5 Special Residential 3 (Amended)

<b>ZONE:</b>	<b>SPECIAL RESIDENTIAL 3</b>	
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings for single residential use in a form of a dwelling house and ancillary uses. Protection of the quality and character of residential neighbourhood and the well-being of its residents. Limiting multiple uses of buildings to minimize adverse impact on the residential environment.	
<b>Colour Notation:</b>	<b>Fill: Acid Yellow R:255, G:255, B:000</b> <b>Raw Amber Vertical Hatch R:168, G:112, B:000</b> <b>Outline: Black R:000, G:000, B:000</b>	
<b>Applicability:</b>	This Zone applies to the PMB, Northdale, Edendale & Sobantu, and may at the sole discretion of the Municipality be allowed in other areas.	
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>Conservation Purposes</li> <li>Dwelling</li> <li>Garaging</li> <li>Outbuilding</li> <li>Self-contained Residential Unit/ Granny's Flat</li> </ul>	<ul style="list-style-type: none"> <li>Agricultural Building</li> <li>Agricultural Land</li> <li>Beauty Studio</li> <li>Bed and Breakfast</li> <li>Boarding House</li> <li>Caretaker's Dwelling</li> <li>Cellular Telecommunication Infrastructure</li> <li>Crèche</li> <li>Garden Nursery</li> <li>Guest House</li> <li>Health and Beauty Parlour</li> <li>Home Business*</li> <li>Institution</li> <li>Medical Office**</li> <li>Medium Density Housing***</li> <li>Park Home Estate</li> <li>Place of Instruction</li> <li>Place of Worship</li> <li>Special Building</li> <li>Specialised Office</li> <li>Tavern</li> <li>Tuckshop^</li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>		
<p>1. *Provided the written consent of all abutting owners and any other owners the Municipality may determine is obtained, the Municipality may waive the consent procedure.</p> <p>2. **The building shall, in the opinion of the Municipality always conform in its external appearance to the definition of a dwelling as contained in the scheme.</p> <p>3. ***Provided the written consent of all abutting owners and any other owners the Municipality may determine, is obtained, the Municipality may waive the consent procedure provided where not more than 2 dwellings are to be established.</p> <p>4. Provided further that the design and layout of Medium Density Housing shall be aligned with the design requirements of clause 7.1 of the scheme.</p>		

Commented [z286]: Social hall removed from consent uses

Commented [ZM287]: New addition

Commented [z288]: New addition

Commented [ZM289]: New addition

Commented [z290]: New addition

Commented [ZM291]: New addition

Commented [ZM292]: New addition

Commented [z293]: Amended from 3 to 2

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5. All new dwellings comprising a Medium Density Housing development, shall observe a side and rear space of not less than 4,5m.
6. **^ A Tuckshop with 50m² or less requires written consent from neighbours. If the proposed tuckshop net space area is more than 50m² a full consent application will be required.**
7. **A Caretaker's Dwelling must be ancillary to a Boarding House.**
8. All landscaping shall be to the satisfaction of the Municipality.
9. The Municipality shall not approve any Special Building wherein any trade, business, sale, storage or display of goods is involved, whether or not a trade licence is required.
10. Subject to compliance with the provisions of the following policies and/or bylaws: -
  - (a) Msunduzi Tuckshop Policy
  - (b) Msunduzi Boarding House Policy
  - (c) Msunduzi Bed and Breakfast Policy
  - (d) Municipality's Public Health By-Law
  - (e) Msunduzi Crèches and Crèches-Cum-Nursery Schools By-Law
  - (f) All signage and advertising shall comply with the Msunduzi Advertising Signs By-Law
11. The Municipality may grant its consent for the erection of a building or structures (including a swimming pool) in front of the building line.
12. The Municipality may grant its consent for relaxation of the side and rear space requirements.
13. For the purposes of establishing side and rear spaces in terms of this clause, the eaves of any building or structure shall not overhang the side space and rear space by more than 1200mm, excepting that when a greater eaves overhang is provided, the required side space or rear space as the case may be, shall be increased by the amount the eaves overhang exceeds 1200mm.
14. Sobantu:
  - (a) Buildings shall not exceed the coverage specified herewith, provided that the Municipality may grant consent for a maximum of 10% additional coverage.
  - (b) On receipt of a written application, the Municipality may permit the erection of a building within the side or rear space, the application which will be valid for the life of the building concerned.
  - (c) No building other than boundary walls, fences or temporary buildings that are required in connection with building operations being conducted on the property shall be erected without a space, free of any building or structure, between it and one of the side boundaries and also between the building and the rear boundary of the property.
15. **The following controls shall apply to Erf 10355 – 10406 Pietermaritzburg -Signal Hill:**
  - 15.1. Reasonable access shall be provided to such servitude at all times for the purpose of installation, maintenance, removal or extension of such services. The owner of the land shall without compensation be obliged to allow the servicing of any other land or street to be conveyed along such servitude.
  - 15.2. The National Building Regulations and Building Standards will apply on all erven.
  - 15.3. The development of the township is subject to the binding conditions of the KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs Environmental Authorisation reference DC22/AMEND/0078/2016 dated 07 June 2016.
  - 15.4. The development of the Township is to be undertaken in accordance with the development guidelines of the Slope Stability Analysis Report prepared by Geosure (Pty) Ltd.
- 15.5. **Traffic Considerations**

**Commented [ZM294]:** New addition

**Commented [ZM295]:** New Addition

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- 15.5.1. The approval is for only the 52 proposed units which will generate 34 trips in both Am and Pm hours.
- 15.5.2. The developer cannot develop more than 100 units until such time that Mayors Walk and other intersection improvements are constructed.
- 15.5.3. The Developer shall appoint a suitably qualified Civil Engineer to design and supervise the construction of roads and stormwater drainage.
- 15.6. Engineering Considerations**
- 15.6.1. Water and Sanitation**
- 15.6.1.1. The developer shall provide all bulk and link water and sewerage reticulation required to service the internal services.
- 15.6.1.2. The developer shall pay the cost of connecting into Municipal bulk supply, both for water and sewerage in accordance with the Msunduzi municipality's water and sewer business unit guidelines.
- 15.6.1.3. Water meter connection point shall be proposed by the developer to the existing water distribution main along Nienaber Road.
- 15.6.1.4. Sewer manhole connection point shall be proposed by the developer to the existing sewer infrastructure servicing Pineview.
- 15.6.1.5. All infrastructure shall be confirmed by the developer on site. Msunduzi Municipality reserves a right to reserve to request upgrades to infrastructure should the existing infrastructure not meet the capacity requirements.
- 15.6.1.6. The developer shall provide all bulk link water reticulation required to service the internal services.
- 15.6.1.7. The developer shall pay the cost of connecting into bulk supply and installing all internal water and sewer reticulation which shall be designed to comply with fire-fighting requirements.
- 15.6.2. Roads**
- 15.6.2.1. The existing road network consist of gravel roads and tracks with widths varying from 2.5m to 4m the roads are in poor condition. It is proposed that the roads consist of class 5A and 5B gravel surfaced roads, designed as Bus Routes and Local Access Roads respectively designed for future bitumen base surfacing.
- 15.6.3. Storm water Control Systems**
- 15.6.3.1. There are several discharge points within the proposed development that lead to natural watercourses. Storm water discharge may also be discharged into the main pipeline located in Roy Campbell Drive or to nearby pipelines which may ultimately lead to old SAR systems. These possibilities need to be further investigated.
- 15.6.4. Electricity**
- 15.6.4.1. The owner shall be responsible for the cost of re- routing of electrical services affected by the proposed subdivision.
- 15.6.4.2. The owner shall be responsible for all aspects of negotiating the installation of a sustainable electricity supply to and within the layout with municipal electricity department, and inclusive of the following: Engineering design, implementation and construction, Survey and registration of praedial and private servitudes if necessary, and related costs.
- 15.6.4.3. Erven Erven 10355 – 10406 shall each have a separately metered electricity connection.

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**15.6.5. Telkom SA**

15.6.5.1. The owner is responsible to supply Telkom SA with a copy of the approved S.G diagram and Plan.

**PARKING REGULATIONS**

1. Refer to Appendix 8 for parking regulations.
2. The technical requirements for on-site parking shall be in accordance with clause 7.2 of the Scheme.
3. Signal Hill: Residential units: 1 bay/unit

**DEVELOPMENT PARAMETERS**

Area	SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
	Building line	Side space	Rear Space					
Pietermaritzburg	3m	1,5m	1,5m	15	650	2	60	0,60
Sobantu	3m	1m						
Northdale & Edendale	3m	1m						

Commented [ZM296]: New addition

Commented [ZM297]: New addition

Commented [ZM298]: Amended from 7m to 3m

Commented [ZM299]: New addition

Commented [ZM300]: New addition

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#### 4.6.6 Special Residential 3A (Amended)

<b>ZONE:</b>	<b>SPECIAL RESIDENTIAL 3A</b>	
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings for single residential use in a form of a dwelling house and ancillary uses. Protection of the quality and character of residential neighbourhood and the well-being of its residents. Limiting multiple uses of buildings to minimize adverse impact on the residential environment.	
<b>Colour Notation:</b>	<b>Fill: Yellow R:245, G:245, B:122</b> <b>Raw Amber Hatch R:168, G:112, B:000</b> <b>Outline: Black R:000, G:000, B:000</b>	
<b>Applicability:</b>	This Zone applies to Ashburton and may at the sole discretion of the Municipality be allowed in other areas.	
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>Conservation Purposes</li> <li>Dwelling</li> <li>Garaging</li> <li>Outbuilding</li> <li>Self-contained Residential Unit/ Granny's Flat</li> </ul>	<ul style="list-style-type: none"> <li>Agricultural Building</li> <li>Agricultural Land</li> <li>Beauty Studio</li> <li>Bed and Breakfast*</li> <li>Boarding House</li> <li>Caretaker's Dwelling</li> <li>Cellular Telecommunication Infrastructure</li> <li>Child Minder*</li> <li>Crèche</li> <li>Garden Nursery</li> <li>Guest House</li> <li>Health and Beauty Parlour</li> <li>Home Business*</li> <li>Institution</li> <li>Medical Office**</li> <li>Medium Density Housing</li> <li>Park Home Estate</li> <li>Place of Worship</li> <li>Special Building</li> <li>Specialised Office</li> <li>Tuckshop***</li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>		
1. *Provided the written consent of all abutting owners and any other owners the Municipality may determine is obtained, the Municipality may waive the consent procedure. 2. **The building shall, in the opinion of the Municipality always conform in its external appearance to the definition of a dwelling as contained in the scheme. 3. ***A Tuckshop with 50m <sup>2</sup> or less requires written consent from neighbours. If the proposed tuckshop net space area is more than 50m <sup>2</sup> a full consent application will be required. 4. A Caretaker's Dwelling must be ancillary to a Boarding House. 5. The following additional controls shall apply with regards to Medium Density Housing development: -		

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Commented [z303]: New addition

Commented [ZM304]: New addition

Commented [ZM305]: New addition

Commented [ZM306]: New addition

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- 5.1. All Medium Density Housing development shall be subject to the design requirements contained in clause 7.1 and additional requirements contained in Appendix 2 of the scheme.
- 5.2. The Consent procedure may be waived in respect of Medium Density Housing developments containing not more than ~~two~~ (2) Dwelling Units, provided that a fully motivated application is submitted to the Municipality and the written consent of the Owners of all abutting and any other properties determined by the Municipality is obtained.
- 5.3. The minimum size of an Erf on which a Medium Density Housing development is to be erected shall be 8000 m².
- 5.4. The maximum number of Dwelling Units permitted in a Medium Density Housing development shall be 2,5 units per units per hectare adjusted to the nearest whole number.
- 5.5. The Building line requirements shall not apply to the individual curtilages within a Medium Density Housing development except along the Frontage of the Medium Density Housing site.
- 5.6. The minimum frontage a Medium Density Housing development is to be erected shall be 6m.
- 5.7. All Buildings in a Medium Density Housing development, including swimming pools but excluding a boundary wall or fence, shall observe a Side and Rear space of 5m.
- 5.8. The Side and Rear Space requirements shall not apply to: -
  - (a) an existing Dwelling on a Medium Density Housing Site which is incorporated as part of the development, and
  - (b) the individual Curtilages within a Medium Density Housing development except along the Frontage of the Medium Density Housing Site.
6. Save with the Municipality's Consent, the Consent procedure to relax the Coverage, Floor Area Ratio and Height requirements may be waived provided that a fully motivated application is submitted to the Municipality and the written consent of the Owners of all abutting and any other properties determined by the Municipality is obtained.
7. The Building Line requirements shall not over-rule the requirements of the National Building Regulations or, in respect of Erfs fronting onto any Provincial Road, which shall be in accordance with the Provincial Road Legislation.
8. Save with the Municipality's Consent and, in respect of Erfs fronting onto any Provincial Road, with the permission of the Provincial Roads authority. The Consent procedure to relax the Building line requirements may be waived provided that a fully motivated application is submitted to the Municipality and the written consent of the Owners of all abutting and any other properties determined by the Municipality is obtained.
9. The Municipality shall not approve any Special Building wherein any trade, business, sale, storage or display of goods is involved, whether or not a trade licence is required.
10. The Municipality may grant its consent for relaxation of the side and rear space requirements. Save with the Municipality's Consent. The Consent procedure may be waived provided that a fully motivated application is submitted to the Municipality and the written consent of the Owners of all abutting and any other properties determined by the Municipality is obtained.
11. The eaves of any Building or structure shall not overhang the Building Line, Side and Rear Space by more than 1200 mm.
12. All landscaping shall be to the satisfaction of the Municipality.
13. Waste Management shall be subject to clause 7.4 of the scheme.
14. Un-serviced areas to comply with clause 7.5 of the scheme.

Commented [z308]: Amended from 5 to 2

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15. Subject to compliance with the provisions of the following policies and/or bylaws: -							
(a) Msunduzi Tuckshop Policy							
(b) Msunduzi Boarding House Policy							
(c) Msunduzi Bed and Breakfast Policy							
(d) Municipality's Public Health By-Law							
(e) Msunduzi Crèches and Crèches-Cum-Nursery Schools By-Law							
(f) All signage and advertising shall comply with the Msunduzi Advertising Signs By-Law							
<b>PARKING REGULATIONS</b>							
1. Refer to Appendix 8 for parking regulations.							
2. The technical requirements for on-site parking shall be in accordance with clause 7.2 of the Scheme.							
<b>DEVELOPMENT PARAMETERS</b>							
SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
Building line	Side space	Rear Space					
3m		1,5m	1 per 1,500 m²	1,500	2	30	0,35

**Commented [ZM309]:** Amended from 7,5m to 3m

**Commented [ZM310]:** Amended from 3m to 1,5m

**Commented [z311]:** Amended from 4000 to 1500sqm

**Commented [z312]:** Amended from 4000 to 1500

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Date: July 2021



#### 4.6.7 Special Residential 4 (Amended)

<b>ZONE:</b>	<b>SPECIAL RESIDENTIAL 4</b>	
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings for single residential use in a form of a dwelling house and ancillary uses. Protection of the quality and character of residential neighbourhood and the well-being of its residents. Limiting multiple uses of buildings to minimize adverse impact on the residential environment.	
<b>Colour Notation:</b>	<b>Fill: Acid Yellow R:255, G:255, B:000</b> <b>Raw Amber Cross Hatch R:168, G:112, B:000</b> <b>Outline: Black R:000, G:000, B:000</b>	
<b>Applicability:</b>	This Zone applies to the PMB, Northdale, Edendale & Sobantu, and may at the sole discretion of the Municipality be allowed in other areas.	
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>• Conservation Purposes</li> <li>• Dwelling</li> <li>• Garaging</li> <li>• Outbuilding</li> <li>• Self-contained Residential Unit/ Granny's Flat</li> </ul>	<ul style="list-style-type: none"> <li>• Agricultural Building</li> <li>• Agricultural Land</li> <li>• Bed and Breakfast</li> <li>• Boarding House</li> <li>• Caretaker's Dwelling</li> <li>• Cellular Telecommunication Infrastructure</li> <li>• Crèche</li> <li>• Garden Nursery</li> <li>• Guest House</li> <li>• Health and Beauty Parlour</li> <li>• Home Business*</li> <li>• Institution</li> <li>• Medical Office**</li> <li>• Medium Density Housing***</li> <li>• Park Home Estate</li> <li>• Place of Instruction</li> <li>• Place of Worship</li> <li>• Social Hall</li> <li>• Special Building</li> <li>• Specialised Office** (limited to professional office)</li> <li>• Tavern</li> <li>• Tuckshop<sup>A</sup></li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b> <ol style="list-style-type: none"> <li>1. *Provided the written consent of all abutting owners and any other owners the Municipality may determine is obtained, the Municipality may waive the consent procedure.</li> <li>2. **The building shall, in the opinion of the Municipality always conform in its external appearance to the definition of a dwelling as contained in the scheme.</li> <li>3. ***Provided the written consent of all abutting owners and any other owners the Municipality may determine, is obtained, the Municipality may waive the consent procedure provided where not more than 2 dwellings are to be established.</li> <li>3.1. Provided further that the design and layout of Medium Density Housing shall be aligned with the requirements of clause 7.1 of the scheme.</li> </ol>		

Commented [ZM315]: New addition

Commented [ZM313]: New addition

Commented [z314]: New addition

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- 3.2. All new dwellings comprising a Medium Density Housing development, shall observe a side and rear space of not less than 4,5m.
4. ~~A Tuckshop with 50m<sup>2</sup> or less requires written consent from neighbours. If the proposed tuckshop net space area is more than 50m<sup>2</sup> a full consent application will be required.~~
5. ~~A Caretaker's Dwelling must be ancillary to a Boarding House.~~
6. The Municipality shall not approve any Special Building wherein any trade, business, sale, storage or display of goods is involved, whether or not a trade licence is required.
7. All landscaping shall be to the satisfaction of the Municipality.
8. Subject to compliance with the provisions of the following policies and/or bylaws: -  
 (a) Msunduzi Tuckshop Policy  
 (b) Msunduzi Bed and Breakfast Policy  
 (c) Msunduzi Crèches and Crèches-Cum-Nursery Schools By-Law  
 (d) Municipality's Public Health By-Law  
 (e) All signage and advertising shall comply with the Msunduzi Advertising Signs By-Law.
9. The Municipality may grant its consent for the erection of a building or structures (including a swimming pool) in front of the building line.
10. The Municipality may grant its consent for relaxation of the side and rear space requirements.
11. No buildings shall be erected so as to contain a number of storeys, other than a basement, in excess of 3.
12. For the purposes of establishing side and rear spaces in terms of this clause, the eaves of any building or structure shall not overhang the side space and rear space by more than 1200mm, excepting that when a greater eaves overhang is provided, the required side space or rear space as the case may be, shall be increased by the amount the eaves overhang exceeds 1200mm.

#### PARKING REGULATIONS

- Refer to Appendix 8 for parking regulations.
- The technical requirements for on-site parking shall be in accordance with clause 7.2 of the Scheme.

#### DEVELOPMENT PARAMETERS

SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m <sup>2</sup> )	Height (STOREYS)	Coverage (%)	F.A.R
Building line	Side space	Rear Space					
3m	1,5m		11	900	2	60	0,60

Commented [ZM319]: New addition

Commented [ZM320]: New addition

Commented [ZM321]: Amended from 1m to 1,5m

Commented [ZM322]: Amended from 10 to 11du/ha

Commented [ZM323]: Amended from 3 to 2 storeys

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#### 4.6.8 Special Residential 5 (Amended)

<b>ZONE:</b>	<b>SPECIAL RESIDENTIAL 5</b>	
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings for single residential use in a form of a dwelling house and ancillary uses. Protection of the quality and character of residential neighbourhood and the well-being of its residents. Limiting multiple uses of buildings to minimize adverse impact on the residential environment.	
<b>Colour Notation:</b>	<b>Fill: Solar Yellow R:255, G:255, B:000</b> <b>Outline: Raw Amber R:168, G:112, B:000</b>	
<b>Applicability:</b>	This Zone applies to the PMB, Northdale, Edendale & Sobantu, and may at the sole discretion of the Municipality be allowed in other areas.	
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>Conservation Purposes</li> <li>Dwelling</li> <li>Garaging</li> <li>Outbuilding</li> <li>Self-contained Residential Unit/ Granny's Flat</li> </ul>	<ul style="list-style-type: none"> <li>Bed and Breakfast</li> <li>Boarding House</li> <li>Caretaker's Dwelling</li> <li>Cellular Telecommunication Infrastructure</li> <li>Crèche</li> <li>Garden Nursery</li> <li>Guest House</li> <li>Health and Beauty Parlour</li> <li>Home Business*</li> <li>Institution</li> <li>Medical Office**</li> <li>Medium Density Housing**</li> <li>Park Home Estate</li> <li>Place of Instruction</li> <li>Place of Worship</li> <li>Retirement Centre</li> <li>Special Building</li> <li>Specialised Office** (limited to professional offices)</li> <li>Tavern</li> <li>Tuckshop<sup>A</sup></li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>		
<p>1. *Provided the written consent of all abutting owners and any other owners the Municipality may determine is obtained, the Municipality may waive the consent procedure.</p> <p>2. **The building shall, in the opinion of the Municipality always conform in its external appearance to the definition of a dwelling as contained in the scheme.</p> <p>3. ***Provided the written consent of all abutting owners and any other owners the Municipality may determine, is obtained, the Municipality may waive the consent procedure provided where not more than 2 dwellings are to be established.</p> <p>3.1. Provided further that the design and layout of Medium Density Housing shall be aligned with the requirements of clause 7.1 of the scheme.</p> <p>3.2. All new dwellings comprising a Medium Density Housing development, shall observe a side and arear space of not less than 4,5m.</p>		

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4. A Tuckshop with 50m<sup>2</sup> or less requires written consent from neighbours. If the proposed tuckshop net space area is more than 50m<sup>2</sup> a full consent application will be required.
5. A Caretaker's Dwelling must be ancillary to a Boarding House.
6. All landscaping shall be to the satisfaction of the Municipality.
7. The Municipality shall not approve any Special Building wherein any trade, business, sale, storage or display of goods is involved, whether or not a trade licence is required.
8. Offices shall, in the opinion of the Municipality always conform in its external appearance to the definition of a dwelling as contained in the scheme.
9. Subject to compliance with the provisions of the following policies and/or bylaws: -
  - (a) Msunduzi Tuckshop Policy
  - (b) Msunduzi Bed and Breakfast Policy
  - (c) Msunduzi Crèches and Crèches-Cum-Nursery Schools Bylaws
  - (d) Msunduzi Public Health Bylaws
  - (e) All signage and advertising shall comply with the Msunduzi Advertising Signs Bylaws
10. The external appearance of office use shall in the opinion of the Municipality always conform in its external appearance to the definition of a dwelling as contained in the scheme.
11. The Municipality may grant its consent for the erection of a building or structures (including a swimming pool) in front of the building line.
12. The Municipality may grant its consent for relaxation of the side and rear space requirements.
13. For the purposes of establishing side and rear spaces in terms of this clause, the eaves of any building or structure shall not overhang the side space and rear space by more than 1200mm, excepting that when a greater eaves overhang is provided, the required side space or rear space as the case may be, shall be increased by the amount the eaves overhang exceeds 1200mm.
- 14. The following controls shall apply to Erf 154 Surry Park: -**
  - 14.1. Home Owners Association (HOA) to be created, over all Erven of Portion 1 of Erf 114 Surrey Park which shall provide that no property may be transferred without the consent of the HOA, which consent shall be granted once the transferee agrees to be a member of the HOA, and all levies due to the HOA have been paid by the Transferor. Homeowners Association responsible for maintenance of Private Roadway.
  - 14.2. The Owners of the subdivisions shall be jointly responsible in perpetuity for the maintenance of the common property in a clean, tidy and serviceable condition, to the satisfaction of the Council and shall take all steps to ensure that no part of such common property shall become a public street or public place for which the Council may be required to accept responsibility, without the express consent of the Council.
  - 14.3. **Environmental Management**
    - 14.3.1. This application shall be subject to full compliance with all conditions stipulated in the Environmental Authorization (DC22/AMEND/0044/2017) shall be comply with, dated 22 June 2018 together with Environmental Authorization (DC22/0044/08) dated 04 July 2012. Specifically, the following:
      - (i) Clause 3.3.1. The Environmental Management Programme (EMPr) dated 25 July 2011 and included in the Final EIAr (prepared by Janet Edmonds Consulting cc and dated 28 September 2011) for the pre-construction, construction, operational and rehabilitation phases of this project as submitted for the Environmental Authorization of this project complies with Section 24N of NEMA and Regulation 33 of the EIA Regulations, 2010. Accordingly, this EMPr is hereby approved and must be implemented.
      - (ii) Clause 3.3.2. The EMPr must be kept on site during all phases of the development

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(iii) Clause 3.4.7. Fourteen (14) days written notice must be submitted to the Msunduzi Municipality Conservation and Environment Unit, at the address specified in condition 3.4.4. above that the construction for the next phases, (i.e. Phase 2, 3, and 4) will commence. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the construction will commence, an assurance for the increase in the demands as per condition 3.4.5. above and the EIA reference number of this environmental authorization viz. DC22/0044/08.

(iv) Clause 3.4.20. Fast growing trees must be planted along the northern boundary with AfriSam Quarry immediately after site clearing to allow the trees to become established and provide a buffer to shield residents from noise and visual impacts of the neighboring quarry. The tree species to be used must be determined in consultation with the Msunduzi Municipality Conservation and Environment Unit.

#### 14.4. Environmental Health

14.4.1. All food premises to comply with the Food Regulations R962.

14.4.2. Crèches and school to comply with the Public Health By-laws and Environmental Health Norms and Standards.

14.4.3. All industries to comply with the Public Health Act in terms of pollution control (air, water, land and noise).

14.4.4. All industries will be restricted to the installation of small emitters (fuel appliances) in terms of the National Environment Air Quality Act.

#### 14.5. Water and Sanitation

14.5.1. The owner shall be responsible for all aspects of the permanent supply of water to and within the layout;  
(e) Engineering design,  
(f) Implementation and construction,  
(g) Survey and Registration of praedial and private servitudes if necessary, and  
(h) Related costs.

14.5.2. The Developer shall provide all bulk and link water reticulation required to service the internal services.

14.5.3. The Developer shall pay the cost of connecting into the bulk supply and installing all internal water reticulation which shall be designed to comply with fire-fighting requirements.

14.5.4. The Developer to connect from existing Copesville Sewer Interceptor (Trunk main).

14.5.5. The Developer shall pay the cost of connecting into bulk supply, all services be in accordance with the Msunduzi Municipality's Water and Sanitation Business Unit Guidelines.

14.5.6. The Sewer reticulation serving the Erven within the development shall be protected by sewer servitudes of adequate width which are to be registered over the affected subdivisions, in favour of the Home Owners Association at owners cost, prior to or simultaneously with the registration of the respective subdivisions.

14.5.7. Any existing water piping which may cross any proposed internal subdivision boundary shall be severed and plugged or removed prior to the transfer of the first subdivision.

#### 14.6. Roads and Drainage

14.6.1. Access to the proposed development will be opposite the existing Beacon Hill Estate access through M25. This access is to be designed in such a way that it should intersect Main Road 25 at a right angle or at an acceptable deflection angle (as per Geometric Design Guidelines). Access should be designed as a KZNDOT Type B2 and the intersection be signalized before commencement of Phase 2 construction.

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- 14.6.2. Public transport laybys should be provided on both sides of the Site Access/ Main Road 25/ Beacon Hill Estate intersection.
- 14.6.3. 2.5m walkways should be constructed from the public transport laybys to the first internal access road.
- 14.6.4. All the costs for the above road upgrades shall be at the Developer's account.
- 14.6.5. The requirements of the Department of Transport as set out in their letter dated 9th June 2016, referenced T10/2/2/1554/2, shall be strictly complied with.
- 14.6.6. The intersection shall be upgraded to a double Type B2 intersection to be directly opposite the entrance to Beacon Hill.
- 14.6.7. The intersection shall also be provided on both sides of MR25 with public transport laybys, as required by the Department of Transport.
- 14.6.8. Provide 1.5m wide concrete sidewalk from the public transport layby to the intersection of the first internal road.
- 14.7. Electricity**
- 14.7.1. A 24 hours' access to the Municipal meters is required. A general access servitude shall be registered against all road Erven in favour of the Municipality in order to access municipal services for meter reading, maintenance, repairs and related work.
- 14.7.2. A kiosk equipped with 150A non-adjustable circuit breaker must be provided by you on the road frontage boundary.
- 14.7.3. The above-mentioned estimated charge must be paid in advance at 333 Church Street, A.S. Chetty building. You will be invoiced for the actual cost on completion of the work and debited or credited accordingly.
- 14.7.4. An unobstructed duct way must be provided for the entry of the underground service cable to any new meter position.
- 14.7.5. The minimum charge per month payable by the consumer under Scale C shall be an amount calculated on the basis of 70% of the highest maximum demand in kVA, notified to the Executive Manager: Electricity by the consumer or 70% of the previous twelve months' highest maximum kVA which is the higher. The effective date of the minimum charge i.e. 70% of the Notified Maximum Demand (NMD) in kVA is from the day the electricity supply connection is made and the charge is payable 30 days after the effective date.
- 14.7.6. The council reserves the right to fix the position of the meter board/box, which must be approved by the Electrical Engineer before wiring of the proposed installation commenced.
- 14.8. A condition of title shall be registered over all erven or Erf 114 Surrey Park absolving the Municipality from any and all responsibility for any damage caused by blasting and mining operations of the Farm Natal Crushers No. 14967.

#### PARKING REGULATIONS

- Refer to Appendix 8 for parking regulations.
- The technical requirements for on-site parking shall be in accordance with clause 7.2 of the Scheme.

#### DEVELOPMENT PARAMETERS

SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m <sup>2</sup> )	Height (STOREYS)	Coverage (%)	F.A.R
Building line	Side space	Rear Space					
3m	1,5m		8	1200	2	60	0,60

Commented [ZM332]: Carry on from here

Commented [ZM333]: Amended from 7m to 3m

Commented [ZM334]: Amended from 7 to 8du/ha

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#### 4.6.9 General Residential 1 (Amended)

<b>ZONE:</b>	<b>GENERAL RESIDENTIAL 1</b>	
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings for higher density that provides wide range of residential accommodation with an increasing number of appropriate ancillary land uses which service the daily needs of a residential community.	
<b>Colour Notation:</b>	<b>Fill: Light Brown Cross Hatch R:204, G:102, B:000</b> <b>Outline: Black R:000, G:000, B:000</b>	
<b>Applicability:</b>	This Zone applies to the PMB, Northdale, Edendale, Sobantu & Ashburton, and may at the sole discretion of the Municipality be allowed in other areas.	
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>• Bed and Breakfast</li> <li>• Boarding House</li> <li>• <b>Caretaker's Dwelling</b></li> <li>• Dwelling</li> <li>• Flat</li> <li>• Garaging</li> <li>• <b>Guest House</b></li> <li>• Medium Density Housing</li> <li>• Outbuilding</li> <li>• Residential Building</li> <li>• <b>Self-contained Residential Unit/ Granny's Flat</b></li> </ul>	<ul style="list-style-type: none"> <li>• Agricultural Building</li> <li>• Agricultural Land</li> <li>• Cellular Telecommunication</li> <li>• Infrastructure</li> <li>• Health and Beauty Parlour</li> <li>• Health Studio</li> <li>• Home Business</li> <li>• Institution</li> <li>• Office**</li> <li>• Park Home Estate</li> <li>• Parking Lot</li> <li>• Place of Instruction</li> <li>• Place of Worship</li> <li>• Social Hall</li> <li>• Special Building</li> <li>• <b>Tuckshop***</b></li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>		
<ol style="list-style-type: none"> <li>1. *Provided the written consent of all abutting owners and any other owners the Municipality may determine is obtained, the Municipality may waive the consent procedure.</li> <li>2. **The building shall, in the opinion of the Municipality always conform in its external appearance to the definition of a dwelling as contained in the scheme.</li> <li>3. *** <b>A Tuckshop with 50m<sup>2</sup> or less requires written consent from neighbours. If the proposed tuckshop net space area is more than 50m<sup>2</sup> a full consent application will be required.</b></li> <li>4. The Municipality shall not approve any Special Building any trade, business, sale, storage or display of goods is involved, whether or not a trade licence is required.</li> <li>5. All Medium Density Housing development shall be subject to the design requirements contained in clause 7.1 of the scheme.</li> <li>6. All new Dwellings comprising a Medium Density Housing development, shall observe a side and arear space of not less than 4,5m, there being no provision for the relaxation hereof.</li> <li>7. The Municipality may grant its consent for the erection of a building or structure (including a swimming pool) in front of the building line.</li> <li>8. Outbuildings and other structures including single, detached Dwellings, not being a Building accommodating or comprising Residential Buildings or Flats, shall observe a side and a rear space of not less than 1,5m.</li> </ol>		

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9. The Municipality may grant its consent for relaxation of the side and rear space requirements, in respect of **Residential Buildings, Flats**, outbuildings and structures including single detached Dwellings.
10. The side and rear space shall be increased by 1,5m for each additional storey above 3 storeys, for the full height of the building, above 3 storeys.
11. Height limit for Places of Worship controlled by 60° light angle.
12. The Municipality may grant its consent where it is of the opinion, having regard to the location of the site, its shape and other characteristics, the nature of the neighbourhood and the location of existing buildings, that the site concerned is suitable for the erection of Flats, to a relaxation of the above minimum requirements, by an amount not greater than 10% of the minimum specified area and/or frontage, as the case may be.
13. For the purposes of establishing side and rear spaces in terms of this clause, the eaves of any building or structure shall not overhang the side space and rear space by more than 1200mm, excepting that when a greater eaves overhang is provided, the required side space or rear space as the case may be, shall be increased by the amount the eaves overhang exceeds 1200mm.
14. Subject to compliance with the provisions of the following policies and/or bylaws: -  
 (a) Msunduzi Bed and Breakfast Policy  
 (b) Msunduzi Boarding House Policy  
 (c) Msunduzi Cellular Telecommunication Infrastructure Policy  
 (d) All signage and advertising shall comply with the Msunduzi Advertising Signs By-Law
15. The following controls shall apply to **Lower Howick Road** (Plan TPY 2/265): -
- 15.1 The maximum height shall be 4 storeys.
- 15.2 Minimum Erf size shall be as per approved Site Development Plan.
- 15.3 The rear space shall be 9m.
- 15.4 The FAR for Residential buildings shall be 0,666 and the coverage shall be 33,3%.
- 15.5 Dwelling shall have a density of 80uph and a coverage of 33,3%.
- 15.6 Height shall be as per clause 5.4.4 of the scheme.

**Commented [z342]:** New addition

#### PARKING REGULATIONS

- Refer to Appendix 8 for parking regulations.
- The technical requirements for on-site parking shall be in accordance with clause 7.2 of the Scheme.

#### DEVELOPMENT PARAMETERS

Area	SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
	Building line	Side space	Rear Space					
Pietermaritzburg	7m	3m			900			
Edendale, Northdale & Sobantu	3m	1,5m		N/A	450	N/A	70	1,00
Ashburton	3m	1,5m			900		50	0,50

**Commented [ZM343]:** Amended from 7m to 3m

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#### 4.6.10 General Residential 2 (Amended)

<b>ZONE:</b>	<b>GENERAL RESIDENTIAL 2</b>	
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings for higher density that provides wide range of residential accommodation with an increasing number of appropriate ancillary land uses which service the daily needs of a residential community.	
<b>Colour Notation:</b>	<b>Fill: Light Brown R:204, G:102, B:000</b> <b>Outline: Black R:000, G:000, B:000</b>	
<b>Applicability:</b>	This Zone applies to the PMB and may at the sole discretion of the Municipality be allowed in other areas.	
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>• Bed and Breakfast</li> <li>• Boarding House</li> <li>• <b>Caretaker's Dwelling</b></li> <li>• Dwelling</li> <li>• Flat</li> <li>• Garaging</li> <li>• <b>Guest House</b></li> <li>• Medium Density Housing</li> <li>• Outbuilding</li> <li>• Residential Building</li> <li>• <b>Self-contained Residential Unit/ Granny's Flat</b></li> </ul>	<ul style="list-style-type: none"> <li>• Agricultural Building</li> <li>• Agricultural Land</li> <li>• Cellular Telecommunication Infrastructure</li> <li>• Health and Beauty Parlour</li> <li>• Health Studio</li> <li>• Home Business</li> <li>• Institution</li> <li>• Office**</li> <li>• Park Home Estate</li> <li>• Parking Lot</li> <li>• Place of Instruction</li> <li>• Place of Worship</li> <li>• Social Hall</li> <li>• Special Building</li> <li>• <b>Tuckshop***</b></li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>		
<ol style="list-style-type: none"> <li>1. *Provided the written consent of all abutting owners and any other owners the Municipality may determine is obtained, the Municipality may waive the consent procedure.</li> <li>2. **The building shall, in the opinion of the Municipality always conform in its external appearance to the definition of a dwelling as contained in the scheme.</li> <li>3. *** <b>A Tuckshop with 50m<sup>2</sup> or less requires written consent from neighbours. If the proposed tuckshop net space area is more than 50m<sup>2</sup> a full consent application will be required.</b></li> <li>4. The Municipality shall not approve any Special Building any trade, business, sale, storage or display of goods is involved, whether or not a trade licence is required.</li> <li>5. All Medium Density Housing development shall be subject to the design requirements contained in clause 7.1 of the scheme.</li> <li>6. All new Dwellings comprising a Medium Density Housing development, shall observe a side and arear space of not less than 4,5m, there being no provision for the relaxation hereof.</li> <li>7. The Municipality may grant its consent for the erection of a building or structure (including a swimming pool) in front of the building line.</li> <li>8. Outbuildings and other structures including single, detached dwellings, not being a building accommodating or comprising Residential Buildings or Flats, shall observe a side and arear space of not less than 1,5m.</li> </ol>		

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9. The Municipality may grant its consent for relaxation of the side and rear space requirements, in respect of **Residential Buildings, Flats**, outbuildings and structures including single detached Dwellings.
10. The side and rear space shall be increased by 1,5m for each additional storey above 3 storeys, for the full height of the building, above 3 storeys.
11. Height limit for Places of Worship controlled by 60° light angle.
12. The Municipality may grant its consent where it is of the opinion, having regard to the location of the site, its shape and other characteristics, the nature of the neighbourhood and the location of existing buildings, that the site concerned is suitable for the erection of Flats, to a relaxation of the above minimum requirements, by an amount not greater than 10% of the minimum specified area and/or frontage, as the case may be.
13. For the purposes of establishing side and rear spaces in terms of this clause, the eaves of any building or structure shall not overhang the side space and rear space by more than 1200mm, excepting that when a greater eaves overhang is provided, the required side space or rear space as the case may be, shall be increased by the amount the eaves overhang exceeds 1200mm.
14. Subject to compliance with the provisions of the following policies and/or bylaws: -
  - (a) Msunduzi Bed and Breakfast Policy
  - (b) Msunduzi Boarding House Policy
  - (c) Msunduzi Cellular Telecommunication Infrastructure Policy
  - (d) Msunduzi Public Health By-Law
  - (e) All signage and advertising shall comply with the Msunduzi Advertising Signs By-Law
15. The following controls shall apply to **Rem of 3 of Erf 1493 Pietermaritzburg, being 18 Connaught Road: Scottsville: -**
  - 15.1 Notwithstanding the provisions of this land use zone an office, museum and storage space only shall be permitted within the buildings existing on the site at the date of adoption, for the exclusive use of the Comrades Marathon Association for as long as those buildings remain.
  - 15.2 Not more than 6 persons shall be employed (including a resident caretaker who shall reside either within the existing main building or within the existing outbuilding).
  - 15.3 No extensions to the existing buildings or additional buildings will be permitted other than those structures which are indicated on the submitted building Plan No. 2066/86 which may, in any event, only be approved with the consent of the Municipality, provided that on-site parking shall be provided in terms of Office zone requirements, such parking to be constructed and located to the satisfaction of the Municipality having regard to the historical and architectural merits of the existing building.
  - 15.4 No registrations for the Comrades Marathon, nor any function or event which in the opinion of the Municipality is likely to be injurious to the amenity of the General Residential zone shall be held on the site.
  - 15.5 The following controls shall apply:
    - 15.5.1 Dwellings shall permit 80 uph with a coverage of 33,3% and the height shall be controlled by 60°
    - 15.5.2 Residential buildings shall have a FAR of 0,666 with a coverage of 33,3% and the height shall be controlled by light angle.
    - 15.5.3 All other uses shall have a FAR of 1,50 with a coverage of 75% and the height shall be controlled by light angle.
16. The following controls shall apply to **Portion 4, Portion 18 (of 6) and Rem, of Erf 1942 Pietermaritzburg, being 20 Connaught Road, Scottsville: -**

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- 16.1 Notwithstanding the provisions of this land use zone administrative offices shall be permitted within the existing dwelling (main building)/site as indicated in Plan 'B' at the date of adoption, for the exclusive use of the Comrades Marathon Association for as long as this building remains.
- 16.2 The existing outbuildings shall be used for storage purposes associated with the office activities on the site, as indicated on Plan 'B'.
- 16.3 No extensions to the existing buildings or additional buildings will be permitted on the site and all on-site parking requirements shall be located on the adjacent property, Rem of 3 of Lot 1943 Pietermaritzburg, being 18 Connaught Road: Scottsville.
- 16.4 Not more than 5 persons shall be in permanent employment of the site.
- 16.5 No signage shall be permitted on the site.
- 16.6 Portion 4, Portion 18 (of 6) and Rem, of Erf 1942 PMB (18 Connaught Road) shall be tied by means of a Notarial Deed in Restraint of Free Alienation.
- 16.7 No registrations for the Comrades Marathon, nor any function or event which in the opinion of the Municipality is likely to be injurious to the amenity of the General Residential zone, shall be held on the site.
- 16.8 The following controls shall apply:
- 16.8.1 Dwellings shall permit 80 uph with a coverage of 33,3% and the height shall be controlled by 60°.
- 16.8.2 Residential buildings shall have a FAR of 0,666 with a coverage of 33,3% and the height shall be controlled by light angle.
- 16.8.3 All other uses shall have a FAR of 1,50 with a coverage of 75% and the height shall be controlled by light angle.
17. The following controls shall apply to **Rem of Portion 282 (of 169), Portion 302 (of 282) and the Rem of Portion 169 all of Erf 1913 Pietermaritzburg, being 19, 21 and 25 Connaught Road: Scottsville: -**
- 17.1 Business Purposes and /or Specialised Office shall be permitted within the existing main buildings and Outbuildings, and any alterations approved by AMAFA AKwaZulu-Natal and the Municipality, for as long as the buildings, deemed by AMAFA AKwaZulu-Natal to be worthy of conservation, remain.
- 17.2 Specialised office shall have the following controls: -
- 17.2.1 Coverage: 50%
- 17.2.2 FAR: 0,50
- 17.2.3 Height: 3 storeys
- 17.2.4 There shall, in respect of buildings, or portions of buildings, accommodating or comprising Specialised Offices be no specified minimum side or rear space which shall, however, be determined in terms of the National Building Regulations.
- 17.3 The constituent properties shall not be subdivided further.
- 17.4 On-site parking shall be located, constructed and landscaped to the satisfaction of Amafa AKwaZulu-Natal and the Municipality and have regard to the historical and architectural merits of the existing main buildings.

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17.5 No advertisement notice or sign shall be permanently erected in this zone, other than a brass plate or board, not exceeding 450mm by 600mm in size, affixed to the building, in accordance with the relevant Bylaws, save with the consent of the Municipality. Due consideration should be given to the historical and architectural merits of the existing main buildings.

**PARKING REGULATIONS**

1. Refer to Appendix 8 for parking regulations.
2. The technical requirements for on-site parking shall be in accordance with clause 7.2 of the Scheme.

**DEVELOPMENT PARAMETERS**

SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
Building line	Side space	Rear Space					
7m	3m		N/A	900	N/A	40	1,25

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#### 4.6.11 General Residential 3 (Amended)

<b>ZONE:</b>	<b>GENERAL RESIDENTIAL 3</b>	
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings for higher density that provides wide range of residential accommodation with an increasing number of appropriate ancillary land uses which service the daily needs of a residential community.	
<b>Colour Notation:</b>	<b>Fill: Light Brown with Black Vertical Hatch R:204, G:102, B:000</b> <b>Outline: Black R:000, G:000, B:000</b>	
<b>Applicability:</b>	This Zone applies to the PMB and may at the sole discretion of the Municipality be allowed in other areas.	
	<b>Permissible (A)</b>	<b>Consent (B)</b>
	<ul style="list-style-type: none"> <li>• Bed and Breakfast</li> <li>• Boarding House</li> <li>• <b>Caretaker's Dwelling</b></li> <li>• Conservation Purposes</li> <li>• Dwelling</li> <li>• Flat</li> <li>• Garaging</li> <li>• <b>Guest House</b></li> <li>• Hostel</li> <li>• Hotel</li> <li>• Medium Density Housing</li> <li>• Outbuilding</li> <li>• Residential Building</li> <li>• <b>Self-contained Residential Unit/ Granny's Flat</b></li> </ul>	<ul style="list-style-type: none"> <li>• Agricultural Building</li> <li>• Agricultural Land</li> <li>• Cellular Telecommunication Infrastructure</li> <li>• Health and Beauty Parlour</li> <li>• Health Studio</li> <li>• Home Business</li> <li>• Institution</li> <li>• Office**</li> <li>• Park Home Estate</li> <li>• Parking Lot</li> <li>• Place of Instruction</li> <li>• Place of Worship</li> <li>• Private Recreation Area</li> <li>• Retirement Centre</li> <li>• Social Hall</li> <li>• Special Building</li> <li>• <b>Tuckshop***</b></li> </ul>
		<b>Prohibited (C)</b>
		Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>		
<ol style="list-style-type: none"> <li>1. *Provided the written consent of all abutting owners and any other owners the Municipality may determine, is obtained, the Municipality may waive the consent procedure.</li> <li>2. **The building shall, in the opinion of the Municipality always conform in its external appearance to the definition of a dwelling as contained in the scheme.</li> <li>3. <b>***A Tuckshop with 50m<sup>2</sup> or less requires written consent from neighbours. If the proposed tuckshop net space area is more than 50m<sup>2</sup> a full consent application will be required.</b></li> <li>4. The Municipality shall not approve any Special Building wherein any trade, business, sale, storage or display of goods is involved, whether or not a trade licence is required.</li> <li>5. All Medium Density Housing development shall be subject to the design requirements contained in clause 7.1 of the scheme.</li> <li>6. All new dwellings comprising a Medium Density Housing development, shall observe a side and arear space of not less than 4,5m.</li> <li>7. Height limit for Places of Worship controlled by 60° light angle.</li> </ol>		

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8. Side and rear space shall be increased by 1,5m for each additional storey above three storeys, for the full height of the building, above three storeys. Provided that, in the case of the Municipality having granted its consent for relaxation of the minimum mean width, the side and rear spaces may be relaxed by an amount, the sum of which does not exceed the relaxation of mean width.
9. The Municipality may grant its consent for relaxation of the side and rear space requirements, in respect of Residential Buildings, Flats, outbuildings and structures including single detached Dwellings.
10. The Municipality may grant its consent where it is of the opinion, having regard to the location of the site, its shape and other characteristics, the nature of the neighbourhood and the location of existing buildings, that the site concerned is suitable for the erection of Flats, to a relaxation of the minimum erf size requirements, by an amount not greater than 10% of the minimum specified area and/or Frontage, as the case may be.
11. Sobantu:
  - (a) Buildings shall not exceed the coverage specified herewith, provided that the Municipality may grant consent for a maximum of 10% additional coverage.
  - (b) On receipt of a written application, the Municipality may permit the erection of a building within the side or rear space, the application which will be valid for the life of the building concerned.
  - (c) No building other than boundary walls, fences or temporary buildings that are required in connection with building operations being conducted on the property shall be erected without a space, free of any building or structure, between it and one of the side boundaries and also between the building and the rear boundary of the property.
12. Greater Edendale:
  - (a) No buildings shall be erected so as to contain a number of storeys, other than a basement, in excess of 3.
13. For the purposes of establishing side and rear spaces in terms of this clause, the eaves of any building or structure shall not overhang the side space and rear space by more than 1200mm, excepting that when a greater eaves overhang is provided, the required side space or rear space as the case may be, shall be increased by the amount the eaves overhang exceeds 1200mm.
14. Subject to compliance with the provisions of the following policies and/or bylaws: -
  - (a) Msunduzi Boarding House Policy
  - (b) Msunduzi Bed and Breakfast Policy
  - (c) Msunduzi Cellular Telecommunication Infrastructure Policy
  - (d) Msunduzi Public Health By-Law
  - (e) All signage and advertising shall comply with the Msunduzi Advertising Signs By-Law

Commented [z356]: New addition

#### PARKING REGULATIONS

1. Refer to Appendix 8 for parking regulations.
2. The technical requirements for on-site parking shall be in accordance with clause 7.2 of the Scheme.

#### DEVELOPMENT PARAMETERS

SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
Building line	Side space	Rear Space					
7m	3m		N/A	900	N/A	40	1,50

Commented [ZM357]: Controls for Sobantu and Edendale have been removed covered under GR1

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#### 4.6.12 General Residential 4 (Hotel)-Amended

<b>ZONE:</b>	<b>GENERAL RESIDENTIAL 4 (HOTEL)</b>	
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings for higher density that provides wide range of residential accommodation with an increasing number of appropriate ancillary land uses which service the daily needs of a residential community.	
<b>Colour Notation:</b>	<b>Fill: Burnt Amber R:155, G:076, B:000</b> <b>Outline: Cherry Brown R:115, G:038,B:000</b>	
<b>Applicability:</b>	This Zone applies to the PMB and may at the sole discretion of the Municipality be allowed in other areas.	
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>• Bed and Breakfast</li> <li>• Boarding House</li> <li>• <b>Caretaker's Dwelling</b></li> <li>• Conference Facility (ancillary to the hotel)</li> <li>• Conservation Purposes</li> <li>• Dwelling</li> <li>• Flat</li> <li>• Garaging</li> <li>• <b>Guest House</b></li> <li>• Hostel</li> <li>• Hotel</li> <li>• Laundrette (limited to staff and guests)</li> <li>• Medium Density Housing</li> <li>• Recreation Purposes</li> <li>• Residential Building</li> <li>• <b>Self-contained Residential Unit/ Granny's Flat</b></li> </ul>	<ul style="list-style-type: none"> <li>• Arts and Craft Workshop</li> <li>• Beauty Studio</li> <li>• Café</li> <li>• Casino (ancillary to the hotel)</li> <li>• Cellular Telecommunication Infrastructure</li> <li>• Crèche</li> <li>• Health and Beauty Parlour</li> <li>• Health Studio</li> <li>• Institution</li> <li>• Office</li> <li>• Parking Lot</li> <li>• Place of Instruction</li> <li>• Place of Public Assembly</li> <li>• <b>Place of Public Entertainment (limited to a Bar)</b></li> <li>• Private Recreation Area</li> <li>• Restaurant</li> <li>• Shop</li> <li>• Special Building</li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b> 1. A casino shall require a casino license issued in terms of the KwaZulu-Natal Gaming and Betting Act, 2010 (No. 8 of 2010). 2. A Shop and Restaurant areas are to be primarily for the use of guests, are to be of an ancillary nature and not obvious from the exterior of the building. 3. All Medium Density Housing development shall be subject to the design requirements contained in clause 7.1 of the scheme. 4. All new dwellings comprising a Medium Density Housing development, shall observe a side and arear space of not less than 4,5m. 5. No work, including the erection of a building or structural alteration to a building, or the erection or establishment of any sign, shall be executed without the prior consent of the Municipality having first been obtained therefor. 6. The side and rear space shall be increased by 1,5m for each additional storey above 3 storeys, for the full height of the building, above 3 storeys.		

**Commented [ZM358]:** New addition

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7. All landscaping shall be to the satisfaction of the Municipality.	
8. Waste Management shall be subject to clause 7.4 of the scheme.	
9. The maintenance of buildings shall be subject to the provisions of clause 7.3 of the scheme.	
10. Subject to compliance with the provisions of the following policies and/or bylaws: -	
(a) Msunduzi Boarding House Policy	
(b) Msunduzi Bed and Breakfast Policy	
(c) Msunduzi Cellular Telecommunication Infrastructure Policy	
(d) Msunduzi Crèches and Crèches-Cum-Nursery Schools By-Law	
(e) Msunduzi Public Health By-Law	
<b>11. The following controls shall apply to Erf 120, 121, 203, 597 Surry Park: -</b>	
11.1. Home Owners Association (HOA) to be created, over all Erven of Portion 1 of Erf 114 Surrey Park which shall provide that no property may be transferred without the consent of the HOA, which consent shall be granted once the transferee agrees to be a member of the HOA, and all levies due to the HOA have been paid by the Transferor. Homeowners Association responsible for maintenance of Private Roadway.	
11.2. The Owners of the subdivisions shall be jointly responsible in perpetuity for the maintenance of the common property in a clean, tidy and serviceable condition, to the satisfaction of the Council and shall take all steps to ensure that no part of such common property shall become a public street or public place for which the Council may be required to accept responsibility, without the express consent of the Council.	
<b>11.3. Environmental Management</b>	
11.3.1. This application shall be subject to full compliance with all conditions stipulated in the Environmental Authorization (DC22/AMEND/0044/2017) shall be comply with, dated 22 June 2018 together with Environmental Authorization (DC22/0044/08) dated 04 July 2012. Specifically, the following:	
(i) Clause 3.3.1. The Environmental Management Programme (EMPr) dated 25 July 2011 and included in the Final EIAR (prepared by Janet Edmonds Consulting cc and dated 28 September 2011) for the pre-construction, construction, operational and rehabilitation phases of this project as submitted for the Environmental Authorization of this project complies with Section 24N of NEMA and Regulation 33 of the EIA Regulations, 2010. Accordingly, this EMPr is hereby approved and must be implemented.	
(ii) Clause 3.3.2. The EMPr must be kept on site during all phases of the development	
(iii) Clause 3.4.7. Fourteen (14) days written notice must be submitted to the Msunduzi Municipality Conservation and Environment Unit, at the address specified in condition 3.4.4. above that the construction for the next phases, (i.e. Phase 2, 3, and 4) will commence. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the construction will commence, an assurance for the increase in the demands as per condition 3.4.5. above and the EIA reference number of this environmental authorization viz. DC22/0044/08.	
(iv) Clause 3.4.20. Fast growing trees must be planted along the northern boundary with AfriSam Quarry immediately after site clearing to allow the trees to become established and provide a buffer to shield residents from noise and visual impacts of the neighboring quarry. The tree species to be used must be determined in consultation with the Msunduzi Municipality Conservation and Environment Unit.	
<b>11.4. Environmental Health</b>	
11.4.1. All food premises to comply with the Food Regulations R962.	

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- 11.4.2. Crèches and school to comply with the Public Health By-laws and Environmental Health Norms and Standards.
- 11.4.3. All industries to comply with the Public Health Act in terms of pollution control (air, water, land and noise).
- 11.4.4. All industries will be restricted to the installation of small emitters (fuel appliances) in terms of the National Environment Air Quality Act.
- 11.5. **Water and Sanitation**
- 11.5.1. The owner shall be responsible for all aspects of the permanent supply of water to and within the layout;
- (a) Engineering design,
  - (b) Implementation and construction,
  - (c) Survey and Registration of praedial and private servitudes if necessary, and
  - (d) Related costs.
- 11.5.2. The Developer shall provide all bulk and link water reticulation required to service the internal services.
- 11.5.3. The Developer shall pay the cost of connecting into the bulk supply and installing all internal water reticulation which shall be designed to comply with fire-fighting requirements.
- 11.5.4. The Developer to connect from existing Copesville Sewer Interceptor (Trunk main).
- 11.5.5. The Developer shall pay the cost of connecting into bulk supply, all services be in accordance with the Msunduzi Municipality's Water and Sanitation Business Unit Guidelines.
- 11.5.6. The Sewer reticulation serving the Erven within the development shall be protected by sewer servitudes of adequate width which are to be registered over the affected subdivisions, in favour of the Home Owners Association at owners cost, prior to or simultaneously with the registration of the respective subdivisions.
- 11.5.7. Any existing water piping which may cross any proposed internal subdivision boundary shall be severed and plugged or removed prior to the transfer of the first subdivision.
- 11.6. Roads and Drainage**
- 11.6.1. Access to the proposed development will be opposite the existing Beacon Hill Estate access through M25. This access is to be designed in such a way that it should intersect Main Road 25 at a right angle or at an acceptable deflection angle (as per Geometric Design Guidelines). Access should be designed as a KZNDoT Type B2 and the intersection be signalized before commencement of Phase 2 construction.
- 11.6.2. Public transport laybys should be provided on both sides of the Site Access/ Main Road 25/ Beacon Hill Estate intersection.
- 11.6.3. 2.5m walkways should be constructed from the public transport laybys to the first internal access road.
- 11.6.4. All the costs for the above road upgrades shall be at the Developer's account.
- 11.6.5. The requirements of the Department of Transport as set out in their letter dated 9th June 2016, referenced T10/2/2/1554/2, shall be strictly complied with.
- 11.6.6. The intersection shall be upgraded to a double Type B2 intersection to be directly opposite the entrance to Beacon Hill.
- 11.6.7. The intersection shall also be provided on both sides of MR25 with public transport laybys, as required by the Department of Transport.
- 11.6.8. Provide 1.5m wide concrete sidewalk from the public transport layby to the intersection of the first internal road.

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### 11.7. Electricity

- 11.7.1. A 24 hours' access to the Municipal meters is required. A general access servitude shall be registered against all road Erven in favour of the Municipality in order to access municipal services for meter reading, maintenance, repairs and related work.
- 11.7.2. A kiosk equipped with 150A non-adjustable circuit breaker must be provided by you on the road frontage boundary.
- 11.7.3. The above-mentioned estimated charge must be paid in advance at 333 Church Street, A.S. Chetty building. You will be invoiced for the actual cost on completion of the work and debited or credited accordingly.
- 11.7.4. An unobstructed duct way must be provided for the entry of the underground service cable to any new meter position.
- 11.7.5. The minimum charge per month payable by the consumer under Scale C shall be an amount calculated on the basis of 70% of the highest maximum demand in kVA, notified to the Executive Manager: Electricity by the consumer or 70% of the previous twelve months' highest maximum kVA which is the higher. The effective date of the minimum charge i.e. 70% of the Notified Maximum Demand (NMD) in kVA is from the day the electricity supply connection is made and the charge is payable 30 days after the effective date.
- 11.7.6. The council reserves the right to fix the position of the meter board/box, which must be approved by the Electrical Engineer before wiring of the proposed installation commenced.
- 11.8. A condition of title shall be registered over all erven or Erf 114 Surrey Park absolving the Municipality from any and all responsibility for any damage caused by blasting and mining operations of the Farm Natal Crushers No. 14967.

### PARKING REGULATIONS

1. Refer to Appendix 8 for parking regulations.
2. The technical requirements for on-site parking shall be in accordance with clause 7.2 of the Scheme.

### DEVELOPMENT PARAMETERS

SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
Building line	Side space	Rear Space					
7m	3m		N/A	1800	N/A	70	1,75

Commented [ZM362]: New addition

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#### 4.6.13 Intermediate Residential (Amended)

<b>ZONE:</b>	<b>INTERMEDIATE RESIDENTIAL</b>	
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings for a range of residential development at Medium Densities and ancillary uses. Protection of the quality and character of residential neighbourhood and limiting multiple uses of buildings to minimize adverse impact on the residential environment.	
<b>Colour Notation:</b>	<b>Fill: Dark Orange 2 R:227, G:108, B:010</b> <b>Outline: Black R:000, G:000,B:000</b>	
<b>Applicability:</b>	This Zone applies to the PMB, Northdale, Edendale, Sobantu and Ashburton, and may at the sole discretion of the Municipality be allowed in other areas.	
	<b>Permissible (A)</b>	<b>Consent (B)</b>
	<ul style="list-style-type: none"> <li>Caretaker's Dwelling</li> <li>Dwelling</li> <li>Flat</li> <li>Garaging</li> <li>Medium Density Housing</li> <li>Outbuilding</li> <li>Residential Building</li> <li>Self-contained Residential Unit/ Granny's Flat</li> </ul>	<ul style="list-style-type: none"> <li>Agricultural Building</li> <li>Agricultural Land</li> <li>Boarding House</li> <li>Health and Beauty Parlour</li> <li>Home Business</li> <li>Institution</li> <li>Park Home Estate</li> <li>Place of Instruction</li> <li>Place of Worship</li> <li>Private Open Space</li> <li>Private Recreation Area</li> <li>Social Hall</li> <li>Special Building</li> <li>Tuckshop**</li> </ul>
		<b>Prohibited (C)</b>
		Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>		
1. *Provided the written consent of all abutting owners and any other owners the Municipality may determine is obtained, the Municipality may waive the consent procedure. 2. ** A Tuckshop with 50m² or less requires written consent from neighbours. If the proposed tuckshop net space area is more than 50m² a full consent application will be required. 3. The Municipality shall not approve any Special Building wherein any trade, business, sale, storage or display of goods is involved, whether or not a trade licence is required. 4. A Caretaker's Dwelling must be ancillary to a Boarding House. 5. All Medium Density Housing development shall be subject to the design requirements contained in clause 7.1 of the scheme. 6. Waste Management shall be subject to clause 7.4 of the scheme. 7. All landscaping shall be to the satisfaction of the Municipality. 8. Un-serviced areas to comply with clause 7.5 of the scheme. 9. Height limit for Places of Worship controlled by 60° light angle. 10. Outbuildings and other structures not being Dwellings, shall observe a side and a rear space of not less than 1,5m. Provided that the Municipality may grant its consent for relaxation of the side and rear space requirements for Outbuildings and other structures not being dwellings.		

**Commented [z363]:** Statement of intent amended "for single residential use and Medium density developments in the form of dwelling houses"-deleted and replaced with text in red

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**Commented [ZM369]:** New addition

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**Commented [ZM371]:** Addition from Ashburton Scheme

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11. Subject to compliance with the provisions of the following policies and/or bylaws: -
- Msunduzi Tuckshop Policy.
  - Msunduzi Boarding House Policy
  - Msunduzi Cellular Telecommunication Infrastructure Policy
  - Msunduzi Crèches and Crèches-Cum-Nursery Schools By-Law
  - Msunduzi Public Health By-Law
12. For the purposes of establishing side and rear spaces in terms of this clause, the eaves of any building or structure shall not overhang the side space and rear space by more than 1200mm, excepting that when a greater eaves overhang is provided, the required side space or rear space as the case may be, shall be increased by the amount the eaves overhang exceeds 1200mm.
- 13. Ashburton:**
- (a) The following additional controls shall apply with regards to Medium Density Housing development: -
- All Medium Density Housing development shall be subject to the design requirements contained in Appendix 2 of the scheme.
  - The Consent procedure may be waived in respect of Medium Density Housing developments containing not more than five (5) Dwelling Units, provided that a fully motivated application is submitted to the Municipality and the written consent of the Owners of all abutting and any other properties determined by the Municipality is obtained.
  - The minimum size of an Erf on which a Medium Density Housing development is to be erected shall be 2000 m².
  - The maximum number of Dwelling Units permitted in a Medium Density Housing development shall be 15 units per units per hectare adjusted to the nearest whole number.
  - The Building line requirements shall not apply to the individual curtilages within a Medium Density Housing development except along the Frontage of the Medium Density Housing site.
  - The minimum frontage a Medium Density Housing development is to be erected shall be 6m.
  - All Buildings in a Medium Density Housing development, including swimming pools but excluding a boundary wall or fence, shall observe a Side and Rear space of 5m.
  - The Side and Rear Space requirements shall not apply to: -
    - an existing Dwelling on a Medium Density Housing Site which is incorporated as part of the development, and
    - the individual Curtilages within a Medium Density Housing development except along the Frontage of the Medium Density Housing Site.
- (b) The Municipality shall not approve any Special Building wherein any trade, business, sale, storage or display of goods is involved, whether or not a trade licence is required.
- (c) Save with the Municipality's Consent, the Consent procedure to relax the Coverage, Floor Area Ratio and Height requirements may be waived provided that a fully motivated application is submitted to the Municipality and the written consent of the Owners of all abutting and any other properties determined by the Municipality is obtained.
- (d) The Building Line requirements shall not over-rule the requirements of the National Building Regulations or, in respect of Erfs fronting onto any Provincial Road, which shall be in accordance with the Provincial Road Legislation.
- (e) Save with the Municipality's Consent and, in respect of Erfs fronting onto any Provincial Road, with the permission of the Provincial Roads authority. The Consent procedure to relax the Building line

**Commented [ZM372]:** Minimum erf reduced from 3000sqm to 2000sqm

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requirements may be waived provided that a fully motivated application is submitted to the Municipality and the written consent of the Owners of all abutting and any other properties determined by the Municipality is obtained.

- (f) The Municipality may grant its consent for relaxation of the side and rear space requirements. Save with the Municipality's Consent. The Consent procedure may be waived provided that a fully motivated application is submitted to the Municipality and the written consent of the Owners of all abutting and any other properties determined by the Municipality is obtained.

Commented [ZM373]: Addition from Ashburton

14. The following controls shall apply to **Rem of 3 of Erf 92 Pietermaritzburg, being 445 Town Bush Road: Montrose:-**

14.1 The maximum of units per hectare shall be 9 units.

14.2 Consent uses in this erf exclude Health and Beauty Parlour, Private Recreation Area and Private Open Space.

15. The following controls shall apply to a portion of **Portion 75 and Portion 54, of Erf 1866 Pietermaritzburg, off Troon Terrace, Chase Valley:-**

15.1 Development shall be broadly in accordance with Map 6, attached to the application by Messrs Integrated Planning Services dated January 1992 provided that the maximum number of residential units shall be 24.

15.2 That a condition of the approval of the development shall be all roads within development be at least 6m wide, except that the access way on to Troon Terrace shall be not less than 9m wide.

15.3 The area designated No 7 on Map 4 of the application shall be rehabilitated and maintained as a nature conservation area under the direction of the Municipal Parks Department subject to no direct costs accruing to the Municipality.

15.4 **Landscaping:** Prior to the commencement of development on the Site a landscape plan shall be approved by the Manager: Parks and Recreation and the City Planner. Such plan shall indicate, inter alia, which existing indigenous plants shall be maintained and a phasing programme of the implementation of the plan. The general themes of the landscaping shall be to make provision for the establishment of indigenous plants and to blend buildings with the landscape.

15.5 **Street lighting:** The form of lighting in common areas shall be subject to the approval of the City Planner.

15.6 **Building Colours:** The colour of buildings will be subject to the approval of the City Planner.

15.7 Consent uses in this erf exclude Health and Beauty Parlour, Private Recreation Area and Private Open Space.

#### PARKING REGULATIONS

1. Refer to Appendix 8 for parking regulations.

2. The technical requirements for on-site parking shall be in accordance with clause 7.2 of the Scheme.

#### DEVELOPMENT PARAMETERS

Area	SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
	Building line	Side space	Rear Space					
PMB, Northdale, Edendale, Sobantu	7m	3m		20	500	3	60	1,00
Ashburton	7,5m	3m		1 per 1500 m²	1500	2	40	0,40

Commented [ZM375]: Amended from 1200 to 500sqm

Commented [ZM376]: Amended from 2 to 3

Commented [ZM374]: Applicable areas noted

Commented [z377]: Amended form 5m for Ashburtn and 4,5 for all other areas to 3m

Commented [z378]: Amended from 3000 to 1500

Commented [ZM379]: Addition from Ashburton Scheme

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#### 4.6.14 Equestrian Residential 1

<b>ZONE:</b>	<b>EQUESTRIAN RESIDENTIAL 1</b>	
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings for maintaining the equestrian nature and character of the area and providing for activities that are in keeping with the character of the area.	
<b>Colour Notation:</b>	<b>Fill: Seville Orange Cross Hatch R:230, G:152, B:000</b> <b>Outline: Green R:076,G:230,B:000</b>	
<b>Application:</b>	This Zone applies to Ashburton & Farm portions and may at the sole discretion of the Municipality be allowed in other areas.	
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>• Conservation Purposes</li> <li>• Dwelling</li> <li>• Garaging</li> <li>• Outbuilding</li> <li>• Private Recreation Area</li> <li>• Riding Stables</li> <li>• Self-contained Residential Unit/ Granny's Flat</li> </ul>	<ul style="list-style-type: none"> <li>• Agricultural Building</li> <li>• Agricultural Land</li> <li>• Arts and Craft Workshop</li> <li>• Bed and Breakfast*</li> <li>• Caravan Park</li> <li>• Cellular Telecommunication Infrastructure</li> <li>• Chalet Development</li> <li>• Child Minder*</li> <li>• Crèche</li> <li>• Garden Nursery</li> <li>• Guest House</li> <li>• Health and Beauty Parlour</li> <li>• Home Business*</li> <li>• Hotel</li> <li>• Institution</li> <li>• Medium Density Housing</li> <li>• Mobile Home Park</li> <li>• Place of Public Assembly</li> <li>• Place of Worship</li> <li>• Restaurant</li> <li>• Special Building</li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>		
<p>1. *Provided the written consent of all abutting owners and any other owners the Municipality may determine is obtained, the Municipality may waive the consent procedure.</p> <p>2. The following additional controls shall apply with regards to Medium Density Housing development: -</p> <p>2.1. All Medium Density Housing development shall be subject to the design requirements contained in clause 7.1 and additional requirements contained in Appendix 13 of the scheme.</p> <p>2.2. The Consent procedure may be waived in respect of Medium Density Housing developments containing not more than five (5) Dwelling Units, provided that a fully motivated application is submitted to the Municipality and the written consent of the Owners of all abutting and any other properties determined by the Municipality is obtained.</p> <p>2.3. The minimum size of an Erf on which a Medium Density Housing development is to be erected shall be 2000 m<sup>2</sup>.</p>		

Commented [ZM380]: New addition

Commented [ZM381]: New addition

Commented [z382]: Amended from 2ha to 2000sqm

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- 2.4. The maximum number of Dwelling Units permitted in a Medium Density Housing development shall be 1,5 units per units per hectare adjusted to the nearest whole number.
- 2.5. The Building line requirements shall not apply to the individual curtilages within a Medium Density Housing development except along the Frontage of the Medium Density Housing site.
- 2.6. The minimum frontage a Medium Density Housing development is to be erected shall be 6m.
- 2.7. All Buildings in a Medium Density Housing development, including swimming pools but excluding a boundary wall or fence, shall observe a Side and Rear space of 5m.
- 2.8. The Side and Rear Space requirements shall not apply to: -
  - (a) an existing Dwelling on a Medium Density Housing Site which is incorporated as part of the development, and
  - (b) the individual Curtilages within a Medium Density Housing development except along the Frontage of the Medium Density Housing Site.
3. The Municipality shall not approve any Special Building wherein any trade, business, sale, storage or display of goods is involved, whether or not a trade licence is required.
4. Save with the Municipality's Consent, the Consent procedure to relax the Coverage, Floor Area Ratio and Height requirements may be waived provided that a fully motivated application is submitted to the Municipality and the written consent of the Owners of all abutting and any other properties determined by the Municipality is obtained.
5. The Building Line requirements shall not over-rule the requirements of the National Building Regulations or, in respect of Erfs fronting onto any Provincial Road, which shall be in accordance with the Provincial Road Legislation.
6. Save with the Municipality's Consent and, in respect of Erfs fronting onto any Provincial Road, with the permission of the Provincial Roads authority. The Consent procedure to relax the Building line requirements may be waived provided that a fully motivated application is submitted to the Municipality and the written consent of the Owners of all abutting and any other properties determined by the Municipality is obtained.
7. The Municipality may grant its consent for relaxation of the side and rear space requirements. Save with the Municipality's Consent. The Consent procedure may be waived provided that a fully motivated application is submitted to the Municipality and the written consent of the Owners of all abutting and any other properties determined by the Municipality is obtained.
8. All landscaping shall be to the satisfaction of the Municipality.
9. Waste Management shall be subject to clause 7.4 of the scheme.
10. Un-serviced areas to comply with clause 7.5 of the scheme.
11. The eaves of any Building or structure shall not overhang the Front, Side and Rear Space by more than 1200 mm.
12. Subject to compliance with the provisions of the following policies and/or bylaws: -
  - (a) Msunduzi Tuckshop Policy.
  - (b) Msunduzi Bed and Breakfast Policy
  - (c) Msunduzi Crèches and Crèches-Cum-Nursery Schools By-Law
  - (d) Caravan Camping Ground Bylaws
  - (e) Msunduzi Cellular Telecommunication Infrastructure Policy
  - (f) Msunduzi Public Health By-Law
  - (g) All signage and advertising shall comply with the Msunduzi Advertising Signs By-Law

#### **PARKING REGULATIONS**

#### **MSUNDUZI MUNICIPALITY**

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1. Refer to Appendix 8 for parking regulations.								
2. The technical requirements for on-site parking shall be in accordance with clause 7.2 of the Scheme.								
DEVELOPMENT PARAMETERS								
Area	SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
	Building line	Side space	Rear Space					
Ashburton	7,5m	3m	N/A	3000				
				At the discretion of the Municipal it.				
Farm portions								

Commented [ZM383]: Amended from 1Ha to 3000sqm

Commented [ZM384]: New addition

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#### 4.6.15 Rapid Urbanisation Management Zone (Amended)

<b>ZONE:</b>	<b>RAPID URBANISATION MANAGEMENT ZONE</b>						
<b>Statement of Intent:</b>	A land use zone intended to manage informal settlements adjacent to or near to formal urban areas, usually identified for future 'upgrading'.						
<b>Colour Notation:</b>	<b>Fill: Dark Goldenrod R:184, G:134, B:011</b> <b>Outline: Brown R:153, G:051,B:000</b>						
<b>Applicability:</b>	This Zone applies to the PMB, Northdale, Edendale & Sobantu, and may at the sole discretion of the Municipality be allowed in other areas.						
<b>Permissible (A)</b>			<b>Consent (B)</b>		<b>Prohibited (C)</b>		
<ul style="list-style-type: none"><li>• Agricultural Land</li><li>• Crèche</li><li>• Dwelling</li><li>• Garaging</li><li>• Government/Municipal Purposes</li><li>• Heritage Purposes</li><li>• Home Business</li><li>• Outbuilding</li><li>• Transitional Settlement Area</li><li>• Tuckshop</li></ul>			<ul style="list-style-type: none"><li>• Agricultural Building</li><li>• Cellular Telecommunication Infrastructure</li><li>• Community Garden</li><li>• Institution</li><li>• Place of Instruction</li><li>• Place of Worship</li><li>• Shop</li><li>• Social Hall</li><li>• Special Building</li><li>• Tavern</li></ul>		Land uses and buildings not listed in column (A) and (B).		
<b>ADDITIONAL CONTROLS</b>							
1. Subject to compliance with the provisions of the following policies and/or bylaws: - (a) Msunduzi Tuckshop Policy (b) Msunduzi Tavern Policy (c) Msunduzi Cellular Telecommunication Infrastructure Policy (d) Msunduzi Crèches and Crèches-Cum-Nursery Schools By-Law (e) Msunduzi Public Health By-Law							
<b>PARKING REGULATIONS</b>							
1. Refer to Appendix 8 for parking regulations. 2. The technical requirements for on-site parking shall be in accordance with clause 7.2 of the Scheme.							
<b>DEVELOPMENT PARAMETERS</b>							
<b>SPACE ABOUT BUILDINGS</b>			<b>Units per hectare</b>	<b>Min Erf size (m²)</b>	<b>Height (STOREYS)</b>	<b>Coverage (%)</b>	<b>F.A.R</b>
<b>Building line</b>	<b>Side space</b>	<b>Rear Space</b>					
N/A							

**Commented [z385]:** • Height amended from 2 to N/A  
 • Coverage amended from 800% to N/A  
 • FAR amended from 1,50 to N/A

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#### 4.6.16 Rural Residential (Amended)

<b>ZONE:</b>	<b>RURAL RESIDENTIAL</b>	
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings for residential purposes with a predominantly rural character and includes other associated land uses that support livelihoods.	
<b>Colour Notation:</b>	<b>Fill: Light Yellow R:255, G:255, B:153</b> <b>Outline: Green R:000, G:128, B:000</b>	
<b>Applicability:</b>	This Zone applies to the Edendale, Areas under traditional Authority & Farm portions, and may at the sole discretion of the Municipality be allowed in other areas.	
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>Agricultural Building</li> <li>Agricultural Land</li> <li>Community Garden</li> <li>Conservation Purposes</li> <li>Dwelling</li> <li>Government Subsidized Housing</li> <li>Heritage Purposes</li> <li>Homestead</li> <li>Household Garden-Isivande</li> <li>Kraal-Isibaya</li> <li>Livestock Farming</li> <li>Outbuilding</li> <li>Royal Residence-Isigodlo</li> <li>Traditional Health Practice</li> </ul>	<ul style="list-style-type: none"> <li>Beauty Studio</li> <li>Bed and Breakfast</li> <li>Café</li> <li>Cellular Telecommunication Infrastructure</li> <li>Crèche</li> <li>Flea Market</li> <li>Garden Nursery</li> <li>Guest House</li> <li>Home Business*</li> <li>Institution</li> <li>Medium Density Housing</li> <li>Place of Instruction</li> <li>Place of Public Assembly</li> <li>Place of Safety</li> <li>Place of Worship</li> <li>Private Recreation Area</li> <li>Retirement Centre</li> <li>Special Building</li> <li>Tavern</li> <li>Tuckshop**</li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>		
1. *Provided the written consent of all abutting owners and any other owners the Municipality may determine is obtained; the Municipality may waive the consent procedure. 2. **Free entry within Traditional Community Areas (with Traditional Council consent). [A Tuckshop with 50m² or less requires written consent from neighbours. If the proposed tuckshop net space area is more than 50m² a full consent application will be required.] 3. No development shall be permitted in or on flood plains, watercourses, and wetlands. 4. Traditional Health Practice shall comply with the provisions of Traditional Health Practitioners Act, 2007 (No. 22 of 2007). 5. All Medium Density Housing development shall be subject to the design requirements contained in clause 7.1 of the scheme. 6. Future development within this zone shall be guided by the Land Use Management Overlay with respect activities varying from rural residential activities.		

Commented [ZM389]: New addition

Commented [ZM390]: New addition

Commented [ZM386]: New addition

Commented [ZM391]: New addition

Commented [ZM387]: New addition

Commented [ZM392]: New addition

Commented [ZM388]: New addition

Commented [ZM393]: New addition

Commented [ZM394]: New addition

Commented [ZM395]: New addition

Commented [ZM396]: Amended with the deletion of "unless the necessary approval has been obtained from the relevant environmental department and the Municipality"

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7. Un-serviced areas to comply with clause 8.7 of the Scheme.								
8. Subject to compliance Environmental Management Overlay.								
9. Subject to compliance with the provisions of the following policies and/or bylaws: - (a) Msunduzi Tuckshop Policy. (b) Msunduzi Bed and Breakfast Policy. (c) Msunduzi Cellular Telecommunication Infrastructure Policy (d) Msunduzi Crèches and Crèches-Cum-Nursery Schools By-Law (e) Msunduzi Public Health By-Law								
<b>PARKING REGULATIONS</b>								
1. Refer to Appendix 8 for parking regulations.								
2. The technical requirements for on-site parking shall be in accordance with clause 7.2 of the Scheme.								
<b>DEVELOPMENT PARAMETERS</b>								
Area	SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A. R
	Building line	Side space	Rear Space					
Greater Edendale	3m	1,5m		1 per 500 m²	500	2	60	0,60
Traditional Community Areas	N/A	N/A		N/A	N/A	2	N/A	N/A

Commented [ZM397]: New addition

Commented [ZM400]: Amended from 1000 to 500sqm

Commented [ZM398]: Mended from 6m to 3m

Commented [ZM399]: Amended from 2 to 1,5m

Commented [ZM401]: New addition

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#### 4.6.17 Retirement Village (Amended)

<b>ZONE:</b>	<b>RETIREMENT VILLAGE</b>						
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings or appropriate accommodation for retirees and facilities which are ordinarily or incidentally related to retirement villages.						
<b>Colour Notation:</b>	<b>Fill: Lime Dust R:215, G:215, B:158</b> <b>Outline: Electron Gold Hatch R:255, G:170, B:000</b>						
<b>Applicability:</b>	This Zone applies to the PMB and may at the sole discretion of the Municipality be allowed in other areas.						
<b>Permissible (A)</b>			<b>Consent (B)</b>		<b>Prohibited (C)</b>		
<ul style="list-style-type: none"><li>• Caretaker's Dwelling</li><li>• Dwelling</li><li>• Health and Beauty Parlour</li><li>• Institution</li><li>• Laundrette</li><li>• Office (limited to administration and doctor's rooms)</li><li>• Outbuilding</li><li>• Recreation Purposes</li><li>• Retirement Centre</li></ul>			<ul style="list-style-type: none"><li>• Arts and Craft Workshop</li><li>• Cellular Telecommunication Infrastructure</li><li>• Garden Nursery</li><li>• Health Studio</li><li>• Place of Worship</li><li>• Private Recreation Area</li><li>• Restaurant (limited to residents and their guests)</li><li>• Shop*</li><li>• Special Building</li></ul>		Land uses and buildings not listed in column (A) and (B).		
<b>ADDITIONAL CONTROLS</b>							
1. No work, including the erection of a building or structural alteration to a building, or the erection or establishment of any sign, shall be executed without the prior consent of the Municipality having first been obtained therefor.							
2. *Shop and a restaurant shall be limited to 150 m² and are to be used exclusively by the residents and their guests.							
3. The maintenance of buildings shall be subject to the provisions of clause 7.3 of the scheme.							
4. Waste Management shall be subject to clause 7.4 of the scheme.							
5. All landscaping shall be to the satisfaction of the Municipality.							
6. Subject to the provision of a sewerage disposal system to the satisfaction of the Municipality.							
7. Subject to compliance with the provisions of the following policies and/or bylaws: - (a) Msunduzi Cellular Telecommunication Infrastructure Policy (b) Msunduzi Public Health By-Law (c) All signage and advertising shall comply with the Msunduzi Advertising Signs By-Law.							
<b>PARKING REGULATIONS</b>							
1. Refer to Appendix 8 for parking regulations.							
2. The technical requirements for on-site parking shall be in accordance with clause 7.2 of the Scheme.							
<b>DEVELOPMENT PARAMETERS</b>							
<b>SPACE ABOUT BUILDINGS</b>			<b>Units per hectare</b>	<b>Min Erf size (m²)</b>	<b>Height (STOREYS)</b>	<b>Coverage (%)</b>	<b>F.A. R</b>
<b>Building line</b>	<b>Side space</b>	<b>Rear Space</b>					
7m	3m		N/A	2500	2	60	0,60

Commented [z402]: Amended from 5000 to 2500

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#### 4.6.18 Student Village (Amended)

<b>ZONE:</b>	<b>STUDENT VILLAGE</b>	
<b>Statement of Intent:</b>	A land use zone that is intended to cater for student accommodation and similar ancillary uses. This land use zone should be encouraged within the vicinity of educational facilities/precincts and along BRT routes.	
<b>Colour Notation:</b>	<b>Fill: Citron Yellow R:230, G:230, B:000</b> <b>Outline: Dark Olivine R:115, G:115, B:000</b>	
<b>Applicability:</b>	This Zone applies to the PMB and may at the sole discretion of the Municipality be allowed in other areas.	
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>Boarding House</li> <li>Canteen</li> <li>Caretaker's Dwelling</li> <li>Conservation Purposes</li> <li>Flat</li> <li>Hostel</li> <li>Laundrette</li> <li>Outbuilding</li> <li>Place of Instruction</li> <li>Private Recreation Area</li> <li>Residential Building</li> </ul>	<ul style="list-style-type: none"> <li>Cellular Telecommunication Infrastructure</li> <li>Fast Food Outlet</li> <li>Government/Municipal</li> <li>Health Studio</li> <li>Institution</li> <li>Medical Office</li> <li>Office</li> <li>Parking Lot</li> <li>Recreational Purposes</li> <li>Shop</li> <li>Social Hall</li> <li>Special Building</li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>		
<ol style="list-style-type: none"> <li>External appearance of buildings shall be subject to clause 5.7 of the scheme.</li> <li>No work, including the erection of a building or structural alteration to a building, or the erection or establishment of any sign, shall be executed without the prior consent of the Municipality having first been obtained therefor.</li> <li>All landscaping shall be to the satisfaction of the Municipality.</li> <li>Student accommodation should comply with the Higher Education Act: Policy on minimum norms and standards for student housing at public universities.</li> <li>Waste Management shall be subject to clause 7.4 of the scheme.</li> <li>The maintenance of buildings shall be subject to the provisions of clause 7.3 of the scheme.</li> <li><del>The side and rear space shall be increased by 1,5m for each additional storey above 3 storeys, for the full height of the building, above 3 storeys.</del></li> <li>Subject to compliance with the provisions of the following policies and/or bylaws: -               <ol style="list-style-type: none"> <li>Msunduzi Tuckshop Policy</li> <li>Msunduzi Boarding House Policy</li> <li>Msunduzi Cellular Telecommunication Infrastructure Policy</li> <li>Msunduzi Public Health By-Law</li> <li>All signage and advertising shall comply with the Msunduzi Advertising Signs By-Law.</li> </ol> </li> </ol>		
<b>PARKING REGULATIONS</b>		
<ol style="list-style-type: none"> <li>Refer to Appendix 8 for parking regulations.</li> <li>The technical requirements for on-site parking shall be in accordance with clause 7.2 of the Scheme.</li> </ol>		
<b>DEVELOPMENT PARAMETERS</b>		

**Commented [z403]:** Tuckshop replaced with Shop

**Commented [ZM404]:** New addition

**Commented [ZM405]:** Deleted additional control

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SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A. R
Building line	Side space	Rear Space					
3m	1,5m		N/A	1000	N/A	80	4,00

**Commented [ZM406]:** Building line amended form 7 to 3m  
Side and rear space amended form 3m to 1,5m

**Commented [ZM407]:** Minimum erf amended from 2000 sqm to 1000sqm

**Commented [ZM408]:** Increased from 70 to 80

**Commented [ZM409]:** FAR amended from 1,00 to 4,00

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#### 4.6.19 Public Housing (Amended)

<b>ZONE:</b>	<b>PUBLIC HOUSING</b>	
<b>Statement of Intent:</b>	A land use zone that is intended primarily to allow for the development of housing that is funded by a national, provincial, or local government institution or funded through a government accredited institution within the Municipality's jurisdiction.	
<b>Colour Notation:</b>	<b>Fill: Seville Orange R:230, G:152, B:000</b> <b>Outline: Yellow Hatch R:255, G:255, B:000</b>	
<b>Applicability:</b>	This Zone applies to the entire Municipal Area.	
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>Community Garden</li> <li>Conservation Purposes</li> <li>Dwelling</li> <li>Flat</li> <li>Government Subsidized Housing</li> <li>Government/Municipal Purposes</li> <li>Hostel</li> <li>Household Garden-Isivande</li> <li>Medium Density Housing</li> <li>Outbuilding</li> <li>Recreational Purposes</li> <li>Residential Building</li> </ul>	<ul style="list-style-type: none"> <li>Beauty Studio</li> <li>Bed and Breakfast</li> <li>Cellular Telecommunication Infrastructure</li> <li>Crèche</li> <li>Guest House</li> <li>Health Facility (limited to a clinic)</li> <li>Home Business*</li> <li>Medical Office</li> <li>Place of Instruction</li> <li>Place of Worship</li> <li>Special Building</li> <li>Tuckshop**</li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>		
<p>1. *Provided the written consent of all abutting owners and any other owners the Municipality may determine is obtained; the Municipality may waive the consent procedure.</p> <p>2. **A Tuckshop with 50m<sup>2</sup> or less requires written consent from neighbours. If the proposed tuckshop net space area is more than 50m<sup>2</sup> a full consent application will be required.</p> <p>3. No development shall be permitted in or on flood plains, watercourses, and wetlands.</p> <p>4. Subject to compliance with the following policies and/or bylaws: -            (a) Msunduzi Cellular Telecommunication Infrastructure Policy            (b) Msunduzi Public Health By-Law            (c) All signage and advertising shall comply with the Msunduzi Advertising Signs By-Law.</p> <p>5. The following controls shall apply to Erf 1400 Sobantu:</p> <p>5.1. The Subject Property will be subdivided as per the Development Layout Plan reference No: 01/2019 and the Land Survey unit reference Number being 02/19/SPLUMA02. The Layout plan has been prepared by Mabune Consulting and numbered according to numbers to be obtained from the Surveyor-General's Office.</p> <p>5.2. The letter issued by the Department of Economic Development, Tourism and Environmental Affairs reference number Q/2017/41/Msund and the Environmental Management Plan shall be adhered to.</p> <p>5.3. Environmental Health</p>		

Commented [ZM410]: New addition

Commented [ZM412]: New addition

Commented [ZM413]: Clinic collapsed under the new definition

Commented [ZM411]: New addition

Commented [ZM414]: New addition

Commented [ZM415]: New addition

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- 5.3.1. Each residential unit must be provided with the following:
- A pipe supply of potable water.
  - A waterborne flush toilet.
  - A bath/shower and wash hand basin.
  - A separate kitchen with a sink.
  -
- 5.3.2. Compliance with Msunduzi Municipality 'a Public Health Bylaws: Schedule 1: any building room or structure to be used wholly or partly by a greater number of person than will allow less than 12m³ of free air space and 4m² of floor space for each person aged 10 years or more and 6m³ free air space and 2m² of floor space for each person less than 10 years of age.
- 5.3.3. Outdoor standpipes and/or wash troughs must discharge into a wastewater gulley connected to a waste water drainage system.
- 5.3.4. Compliance with Msunduzi Municipality's Public Health.
- 5.4. Services and Building Control**
- 5.4.1. Msunduzi Municipality reserves the right to request upgrades to infrastructure should the existing infrastructure, as confirmed by the developer on site, not meet the capacity requirements at the cost of the developer.
- 5.4.2. The developer shall provide all bulk link water reticulation required to service the internal services.
- 5.4.3. The developer shall pay the cost of connecting into bulk supply and installing all internal water reticulation which shall be designed to comply with fire-fighting requirements.
- 5.4.4. All residential erven shall have separate water and sewer pipes to connect to the Municipal water and sewer mains.
- 5.4.5. The owner shall ensure that all buildings to be erected on the properties are fully compliant with the requirements of the National Building Regulations.
- 5.4.6. No building or structures shall be erected below the 1:100 floodline.
- 5.4.7. A 1m flood protection berm will be constructed on the development's platform edge, along the river, to prevent any flooding of houses as indicated on the Engineer's diagram Reference No: UND 01-GA01.
- 5.4.8. An overflow channel will be constructed adjacent to the development, to act as a storm water overflow routes/bypass, at a level 0.5m below the development area.
- 5.4.9. Erosion protection measures will also be provided at all discharge points.

#### PARKING REGULATIONS

- The provision of parking shall be at the discretion of the Municipality.

#### DEVELOPMENT PARAMETERS

SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A. R
Building line	Side space	Rear Space					
3m	1,5m		250	N/A	N/A	N/A	N/A

**Commented [ZM416]:** New additopn consolidate Sobantu Erf

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## 4.7 Transportation

### 4.7.1 Airport (Amended)

<b>ZONE:</b>	<b>AIRPORT</b>		
<b>Statement of Intent:</b>	This land use zones caters for the Airport Precinct and makes provision for land uses and buildings for Airport purposes, development of buildings for the administration and management of airport facilities for servicing, refuelling and repair of air craft, and accommodation for passengers in the form of hotels, as well various ancillary uses directly related to this land use zone.		
<b>Colour Notation:</b>	<b>Fill: Grey Horizontal Hatch R:78, G:78, B:78</b> <b>Outline: Dark Navy R:000, G:038, B:115</b>		
<b>Applicability:</b>	This Zone applies to the PMB and may at the sole discretion of the Municipality be allowed in other areas.		
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>	
<ul style="list-style-type: none"><li>• Airport</li><li>• Business Purposes (including car rental services)</li><li>• Caretaker's Dwelling</li><li>• Conservation Purposes</li><li>• Dwelling</li><li>• Educational Purposes (including aero club facilities /flight school)</li><li>• Government/Municipal</li><li>• Heritage Purposes</li><li>• Industrial Building</li><li>• Industry-Light</li><li>• Landing Strip</li><li>• Light Industrial Building</li><li>• Office</li><li>• Parkade</li><li>• Place of instruction (research purposes and related activities)</li><li>• Public Open Space</li><li>• Recreation Purposes</li><li>• Shop</li><li>• Transport Purposes</li><li>• Warehouse</li></ul>	<ul style="list-style-type: none"><li>• Ancillary Use</li><li>• Car Wash</li><li>• Cellular Telecommunication Infrastructure</li><li>• Hotel*</li><li>• Institution</li><li>• Petrol Filling Station</li><li>• Place of Public Entertainment</li><li>• Restaurant</li><li>• Special Building</li><li>• Utilities Facility</li></ul>	Land uses and buildings not listed in column (A) and (B).	
<b>ADDITIONAL CONTROLS</b>			
<div>1. The purpose of the zone shall be to accommodate all activities relating to the running of an international airport, provision of facilities for passengers and commercial development related directly to the airport activities such as offices, air freight handling buildings, aircraft maintenance, warehousing, vehicle storage and the like.</div> <div>2. A Restaurant and Shop to be situated within the main building and with no direct access to a public street.</div> <div>3. A Special Building is restricted to uses which are necessary for the operation of the Airport.</div>			

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4. Civil Aviation Authority shall determine permissible height for all consent uses.
5. The establishment of Petrol Filling Station shall be subject to the approval of a detailed Environmental Impact Assessment (EIA) application as required in terms of the regulation related to the National Environmental Management Act (No. 107 of 2000) as amended.
6. Waste Management shall be subject to clause 7.4 of the scheme.
7. Subject to compliance with the Civil Aviation Act, 2009 (No. 13 of 2009) and the associated The Civil Aviation Regulations.
8. Any proposed alterations or demolition to the Aero Club House or any protected building shall require a permit from Amafa KwaZulu-Natal issued in terms of the KwaZulu-Natal Heritage Resources Act, 2008 (No. 4 of 2008).
9. Residential usage other than a Hotel shall be limited to staff accommodation, with the exception of the existing residential developments within the precinct.
10. All landscaping shall be to the satisfaction of the Municipality.
11. Subject to compliance with the provisions of the following policies and/or bylaws: -
  - (a) Msunduzi Cellular Telecommunication Infrastructure Policy
  - (b) Msunduzi Public Health By-Law
  - (c) Municipal Aerodrome By-Law
  - (d) All signage and advertising shall comply with the Msunduzi Advertising Signs By-Law

**Commented [z417]:** Amended whereah height for hotel building was not shall be determined nby relevant Authority

#### PARKING REGULATIONS

1. Refer to Appendix 8 for parking regulations.
2. The technical requirements for on-site parking shall be in accordance with clause 7.2 of the Scheme.

#### DEVELOPMENT PARAMETERS

SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A. R
Building line	Side space	Rear Space					
N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

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#### 4.7.2 Bus and Taxi Rank (Amended)

<b>ZONE:</b>	<b>BUS AND TAXI RANK</b>						
<b>Statement of Intent:</b>	A land use zone that provides for the parking, drop-off, and collection of passengers by public and private bus services and minibus taxis.						
<b>Colour Notation:</b>	<b>Fill: Steel Blue R:070, G:130, B:180</b> <b>Outline: Grey R:130, G:130, B:130</b>						
<b>Applicability:</b>	This Zone applies to the PMB, Northdale, Edendale, Sobantu, Areas under traditional Authority & Farm portions, and may at the sole discretion of the Municipality be allowed in other areas.						
<b>Permissible (A)</b>			<b>Consent (B)</b>		<b>Prohibited (C)</b>		
<ul style="list-style-type: none"><li>• Bus and Taxi Rank</li><li>• Car Wash</li><li>• Government/ Municipal Purposes</li><li>• Informal Trading</li><li>• Office</li><li>• Parkade</li><li>• Parking Depot</li><li>• Parking Lot</li><li>• Shop</li><li>• Special Building (limited to ablution facilities)</li><li>• Transport Purposes</li></ul>			<ul style="list-style-type: none"><li>• Ancillary Use</li><li>• Cellular Telecommunication Infrastructure</li><li>• Fast Food Outlet</li><li>• Residential Building (limited to overnight rest facilities for bus and taxi drivers)</li><li>• Special Building</li><li>• Transport Depot</li></ul>		Land uses and buildings not listed in column (A) and (B).		
<b>ADDITIONAL CONTROLS</b>							
<ol style="list-style-type: none"><li>1. Subject to obtaining the necessary approvals from the Department of Transport.</li><li>2. May include rank manager's offices, ablutions, and small retail facilities for the convenience of passengers.</li><li>3. No work, including the erection of a building or structural alteration to a building, or the erection or establishment of any sign, shall be executed without the prior consent of the Municipality having first been obtained therefor.</li><li>4. Waste Management shall be subject to clause 7.4 of the scheme.</li><li>5. All landscaping shall be to the satisfaction of the Municipality.</li><li>6. Subject to compliance with the provisions of the following policies and/or bylaws: -<ol style="list-style-type: none"><li>(a) Msunduzi Cellular Telecommunication Infrastructure Policy</li><li>(b) Msunduzi Public Health By-Law</li><li>(c) All signage and advertising shall comply with the Msunduzi Advertising Signs By-Law</li></ol></li></ol>							
<b>PARKING REGULATIONS</b>							
<ol style="list-style-type: none"><li>1. Refer to Appendix 8 for parking regulations.</li><li>2. The technical requirements for on-site parking shall be in accordance with clause 7.2 of the Scheme.</li></ol>							
<b>DEVELOPMENT PARAMETERS</b>							
<b>SPACE ABOUT BUILDINGS</b>			<b>Units per hectare</b>	<b>Min Erf size (m²)</b>	<b>Height (STOREYS)</b>	<b>Coverage (%)</b>	<b>F.A. R</b>
<b>Building line</b>	<b>Side space</b>	<b>Rear Space</b>					
N/A	N/A		N/A	N/A	2	50	0,50

Commented [ZM418]: New addition

Commented [z419]: Limitation of 100sqm shop removed

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#### 4.7.3 Car Park

<b>ZONE:</b>	<b>CAR PARK</b>						
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings for vehicular parking purposes, certain commercial activities which do not impact upon the primary use of the land for parking may be permitted.						
<b>Colour Notation:</b>	<b>Fill: Salmon R:233, G:150, B:122</b> <b>Outline: Grey R:192G:192, B:192</b>						
<b>Applicability:</b>	This Zone applies to the PMB and may at the sole discretion of the Municipality be allowed in other areas.						
<b>Permissible (A)</b>			<b>Consent (B)</b>		<b>Prohibited (C)</b>		
<ul style="list-style-type: none"><li>• Business Purposes*</li><li>• Parkade</li><li>• Parking Depot</li><li>• Parking Lot</li><li>• Petrol Filling Station</li><li>• Shop*</li></ul>			<ul style="list-style-type: none"><li>• Car Wash</li><li>• Flats (designed as an integral part of a Parking Depot)</li><li>• Industrial Building</li><li>• Light Industrial Buildings</li><li>• Motor Sales Premises</li><li>• Motor Workshop</li><li>• Place of Public Entertainment</li><li>• Restaurant</li><li>• Service Industrial Building</li><li>• Service Workshop</li><li>• Special Building</li><li>• Specialised Office</li></ul>		Land uses and buildings not listed in column (A) and (B).		
<b>ADDITIONAL CONTROLS</b>							
<p>1. *Not more than 0, 25 of the FAR may, as an expressly permitted use, be occupied by Business Purposes, Shops, or other non-parking uses, save with the consent of the Municipality.</p> <p>2. A Petrol Filling Station may be established, as an expressly permitted use, only in conjunction with, and as an integral part of, a multi-storey Parking Depot. Provided that if the Petrol Filling Station does form part of the Parking Depot the consent of the Municipality shall be required.</p> <p>3. The maintenance of buildings shall be subject to the provisions of clause 7.3 of the scheme.</p> <p>4. Parking Depot shall be subject to the design requirements contemplated in clause 7.2 of the scheme.</p> <p>5. Parking Depot shall be fitted with interior lighting to the satisfaction of the Municipality.</p> <p>6. Side and rear spaces for any use not specified herein shall be provided in accordance with the requirements for those uses where they appear elsewhere in the scheme.</p> <p>7. There shall, be no specified minimum side or rear space which shall, however, be determined in terms of the National Building Regulations.</p> <p>8. In respect of Car Park No. 5, 7 and 8, as per Plan TP 1/475 the FAR shall be 6.</p>							
<b>PARKING REGULATIONS</b>							
<p>1. Refer to Appendix 8 for parking regulations.</p> <p>2. The technical requirements for on-site parking shall be in accordance with clause 7.2 of the scheme.</p>							
<b>DEVELOPMENT PARAMETERS</b>							
<b>SPACE ABOUT BUILDINGS</b>			<b>Units per hectare</b>	<b>Min Erf size (m²)</b>	<b>Height (STOREYS)</b>	<b>Coverage (%)</b>	<b>F.A. R</b>
<b>Building line</b>	<b>Side space</b>	<b>Rear Space</b>					

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60m²	N/A	N/A	N/A	N/A	100	4,00
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## 4.8 Tourism

### 4.8.1 Tourism 1 (Amended)

<b>ZONE:</b>	<b>TOURISM 1</b>	
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings to accommodate a wide range of recreational, entertainment, residential and commercially related activities, in such a way that the uses contribute towards the creation of a dynamic, harmonious and well balanced tourism related zone.	
<b>Colour Notation:</b>	<b>Fill: Cantaloupe Background R:233, G:150, B:122</b> <b>With Light Blue Hatch R:151, G:219, B:242</b> <b>Outline: Black R:000, G:000, B:000</b>	
<b>Applicability:</b>	This Zone applies to the PMB, Northdale, Edendale, Sobantu, & Ashburton, and may at the sole discretion of the Municipality be allowed in other areas.	
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>• Café</li> <li>• Camping Ground</li> <li>• Caretaker's Dwelling</li> <li>• Chalet Development</li> <li>• Conference Facility (ancillary to a hotel)</li> <li>• Conservation Purposes</li> <li>• Crèche</li> <li>• Dam</li> <li>• Eco-Tourism Facility</li> <li>• Exhibition Centre</li> <li>• Health and Beauty Parlour</li> <li>• Health Studio</li> <li>• Heritage Purposes</li> <li>• Hotel</li> <li>• Medium Density Housing</li> <li>• Museum</li> <li>• Office</li> <li>• Private Recreation Area</li> <li>• Recreational Purposes</li> <li>• Shop (as ancillary to the main tourism facility)</li> <li>• Tourism Activities</li> </ul>	<ul style="list-style-type: none"> <li>• Arts and Craft Workshop</li> <li>• Casino (which forms part of a hotel)</li> <li>• Cellular Telecommunication Infrastructure</li> <li>• Institution</li> <li>• Laundrette</li> <li>• Place of Instruction</li> <li>• Place of Public Assembly</li> <li>• Place of Public Entertainment</li> <li>• Restaurant</li> <li>• Special Building</li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>		
<ol style="list-style-type: none"> <li>1. No work, including the erection of a building or structural alteration to a building, or the erection or establishment of any sign, shall be executed without the prior consent of the Municipality having first been obtained therefor.</li> <li>2. A shop is restricted to sale of day-to-day commodities and shall not exceed a total Floor Area of 120m<sup>2</sup> in extent.</li> <li>3. A laundrette may be permitted for the exclusive use of the guests and staff.</li> <li>4. A Health Studio may be permitted for the exclusive use of the guests and staff.</li> </ol>		

**Commented [ZM420]:** Bar deleted since the definition is covered under Place of public entertainment

**Commented [z421]:** Limitation removed

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5. A casino shall require a casino license issued in terms of the KwaZulu-Natal Gaming and Betting Act, 2010 (No. 8 of 2010).
6. Subject to a sewage disposal system to the satisfaction of the Municipality.
7. All Medium Density Housing development shall be subject to the design requirements contained in clause 7.1 of the scheme.
8. All new Dwellings comprising a Medium Density Housing development, shall observe a side and arear space of not less than 4,5m, there being no provision for the relaxation hereof.
9. All landscaping shall be to the satisfaction of the Municipality.
10. Waste Management shall be subject to clause 7.4 of the scheme.
11. Un-serviced areas to comply with clause 7.5 of the scheme.
12. No development will be permitted in or on flood plains, watercourses, and wetlands unless the necessary approval has been obtained from the relevant environmental department and the Municipality.
13. Subject to compliance with the provisions of the following policies and/or bylaws: -
  - (a) Msunduzi Cellular Telecommunication Infrastructure Policy
  - (b) Msunduzi Crèches and Crèches-Cum-Nursery Schools Bylaws
  - (c) Msunduzi Public Health By-Law
  - (d) Caravan Camping Ground By-Law
  - (e) All signage and advertising shall comply with the Msunduzi Advertising Signs By-Law

**Commented [ZM422]:** Addition from Ashburton Scheme

#### **PARKING REGULATIONS**

1. Refer to Appendix 8 for parking regulations.
2. The technical requirements for on-site parking shall be in accordance with clause 7.2 of the Scheme.

#### **DEVELOPMENT PARAMETERS**

Area	SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A. R
	Building line	Side space	Rear Space					
PMB & Ashburton	7m	3m		N/A	1000	2	60	0,60
Northdale, Edendale & Sobantu	3m	1,5m						

**Commented [ZM423]:** New addition

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#### 4.9 Office

##### 4.9.1 Office

<b>ZONE:</b>	<b>OFFICE</b>	
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings for the development of distinct office areas adjacent to other forms of commercial development.	
<b>Colour Notation:</b>	<b>Fill: Golden Yellow R:255, G:204, B:000</b> <b>Outline: Process Blue Horizontal Hatch R:020, G:129, B:188</b>	
<b>Applicability:</b>	This Zone applies to the PMB, Northdale, Edendale, Sobantu, & Ashburton, and may at the sole discretion of the Municipality be allowed in other areas.	
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>• Caretaker's Dwelling</li> <li>• Government/Municipal</li> <li>• Medical Office</li> <li>• Office</li> <li>• Office Park</li> <li>• Shop*</li> <li>• Specialised Office</li> <li>• Outbuilding</li> </ul>	<ul style="list-style-type: none"> <li>• Cellular Telecommunication Infrastructure</li> <li>• Flat (except on the ground floor)</li> <li>• Health Studio</li> <li>• Institution</li> <li>• Medium Density Housing</li> <li>• Parkade</li> <li>• Parking Depot</li> <li>• Parking Lot</li> <li>• Place of Instruction</li> <li>• Place of Worship</li> <li>• Residential Building</li> <li>• Restaurant</li> <li>• Social Hall</li> <li>• Special Building</li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>		
<ol style="list-style-type: none"> <li>1. The Municipality shall not approve any Special Building wherein any trade, business, sale, storage or display of goods is involved, whether or not a trade licence is required.</li> <li>2. All landscaping shall be to the satisfaction of the Municipality.</li> <li>3. The maintenance of buildings shall be subject to the provisions of clause 7.3 of the scheme.</li> <li>4. Waste Management shall be subject to clause 7.4 of the scheme.</li> <li>5. The Municipality may grant consent for the erection of a building or structure in front of the building line.</li> <li>6. Side and rear spaces for any use not specified herein shall be provided in accordance with the requirements for those uses where they appear elsewhere in the scheme.</li> <li>7. There shall, be no specified minimum side or rear space which shall, however, be determined in terms of the National Building Regulations.</li> <li>8. *Height requirements as per clause 5.4.4 of the scheme.</li> <li>9. Subject to compliance with the provisions of the following policies and/or bylaws: -               <ol style="list-style-type: none"> <li>(a) Msunduzi Cellular Telecommunication Infrastructure Policy</li> <li>(b) Msunduzi Public Health By-Law</li> </ol> </li> </ol>		

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(c) All signage and advertising shall comply with the Msunduzi Advertising Signs By-Law

10. No advertisement notice or sign shall be permanently erected in this zone, other than a brass plate or board, not exceeding 450mm by 600mm in size, affixed to the building, in accordance with the Msunduzi Advertising Signs Bylaws, save with the consent of the Municipality.

11. The following controls shall apply to **Portion 1 of Erf 1772 Pietermaritzburg, being 65 Trelawney Road: Masons Mill: -**

11.1. Dwelling, Specialised Office and Public office shall be the only freely permissible uses, with Nil consent uses.

11.2. A dwelling shall be restricted to the main house only.

11.3. Specialised Offices and Public Offices may be established in the existing 'Sans Souci' residence, subject to the following conditions: -

11.3.1. All work carried out in or on the buildings shall be to the mutual satisfaction of the Municipality and the National Monuments Council.

11.3.2. Only one non-illuminated sign, not larger than 1m x 0,6m in extent, other than signage affixed to the building, may be erected.

11.3.3. No precast concrete fencing shall be permitted on the site.

11.3.4. On-site parking shall be provided in accordance of the scheme, namely 1 bay per 25m<sup>2</sup> to the satisfaction of the Municipality.

11.3.5. Parking areas shall be properly graded and drained and shall be surfaced with material such as Beton Grass Slab, or similar. Tarmacadam shall not be permitted.

11.3.6. A landscaping plan with the specific purpose of preserving the views from the house and of providing adequate screening of the parking area(s), shall be submitted, and approved by the Municipality.

11.3.7. Any external security lighting shall be provided from ground level and internal security shall be by electronic devices, not burglar bars.

11.3.8. No external alterations to the building shall be made.

11.3.9. Internal subdivision of the house shall be limited to dry wall or other removable partitioning and no new internal doors shall be permitted, other than in the dry wall or removable partitioning.

11.3.10. All internal woodwork shall be preserved.

11.4. The maximum height of any building shall be two storeys.

11.5. The coverage of the site shall be restricted to a maximum coverage of 1800m<sup>2</sup> of building area, except with the consent of the Municipality.

11.6. The maximum floor area of any Specialised Office and/or Public Office use shall be restricted to 1800m<sup>2</sup>, provided that the Municipality may by consent, consider an application for any additional increase in such Office area provided that the approval of National Monuments Council is first obtained.

**12. The following controls shall apply to Erf 526 Surry Park: -**

12.1. Home Owners Association (HOA) to be created, over all Erven of Portion 1 of Erf 114 Surrey Park which shall provide that no property may be transferred without the consent of the HOA, which consent shall be granted

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once the transferee agrees to be a member of the HOA, and all levies due to the HOA have been paid by the Transferor. Homeowners Association responsible for maintenance of Private Roadway.

- 12.2. The Owners of the subdivisions shall be jointly responsible in perpetuity for the maintenance of the common property in a clean, tidy and serviceable condition, to the satisfaction of the Council and shall take all steps to ensure that no part of such common property shall become a public street or public place for which the Council may be required to accept responsibility, without the express consent of the Council.

### 12.3. Environmental Management

- 12.3.1. This application shall be subject to full compliance with all conditions stipulated in the Environmental Authorization (DC22/AMEND/0044/2017) shall be comply with, dated 22 June 2018 together with Environmental Authorization (DC22/0044/08) dated 04 July 2012. Specifically, the following:

- (a) Clause 3.3.1. The Environmental Management Programme (EMPr) dated 25 July 2011 and included in the Final EIAR (prepared by Janet Edmonds Consulting cc and dated 28 September 2011) for the pre-construction, construction, operational and rehabilitation phases of this project as submitted for the Environmental Authorization of this project complies with Section 24N of NEMA and Regulation 33 of the EIA Regulations, 2010. Accordingly, this EMPr is hereby approved and must be implemented.
- (b) Clause 3.3.2. The EMPr must be kept on site during all phases of the development
- (c) Clause 3.4.7. Fourteen (14) days written notice must be submitted to the Msunduzi Municipality Conservation and Environment Unit, at the address specified in condition 3.4.4. above that the construction for the next phases, (i.e. Phase 2, 3, and 4) will commence. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the construction will commence, an assurance for the increase in the demands as per condition 3.4.5. above and the EIA reference number of this environmental authorization viz. DC22/0044/08.
- (d) Clause 3.4.20. Fast growing trees must be planted along the northern boundary with AfriSam Quarry immediately after site clearing to allow the trees to become established and provide a buffer to shield residents from noise and visual impacts of the neighboring quarry. The tree species to be used must be determined in consultation with the Msunduzi Municipality Conservation and Environment Unit.

### 12.4. Environmental Health

- 12.4.1. All food premises to comply with the Food Regulations R962.
- 12.4.2. Crèches and school to comply with the Public Health By-laws and Environmental Health Norms and Standards.
- 12.4.3. All industries to comply with the Public Health Act in terms of pollution control (air, water, land and noise).
- 12.4.4. All industries will be restricted to the installation of small emitters (fuel appliances) in terms of the National Environment Air Quality Act.

### 12.5. Water and Sanitation

- 12.5.1. The owner shall be responsible for all aspects of the permanent supply of water to and within the layout;
- (a) Engineering design,
  - (b) Implementation and construction,
  - (c) Survey and Registration of praedial and private servitudes if necessary, and
  - (d) Related costs.
- 12.5.2. The Developer shall provide all bulk and link water reticulation required to service the internal services.

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- 12.5.3. The Developer shall pay the cost of connecting into the bulk supply and installing all internal water reticulation which shall be designed to comply with fire-fighting requirements.
- 12.5.4. The Developer to connect from existing Copesville Sewer Interceptor (Trunk main).
- 12.5.5. The Developer shall pay the cost of connecting into bulk supply, all services be in accordance with the Msunduzi Municipality's Water and Sanitation Business Unit Guidelines.
- 12.5.6. The Sewer reticulation serving the Erven within the development shall be protected by sewer servitudes of adequate width which are to be registered over the affected subdivisions, in favour of the Home Owners Association at owners cost, prior to or simultaneously with the registration of the respective subdivisions.
- 12.5.7. Any existing water piping which may cross any proposed internal subdivision boundary shall be severed and plugged or removed prior to the transfer of the first subdivision.
- 12.6. Roads and Drainage**
- 12.6.1. Access to the proposed development will be opposite the existing Beacon Hill Estate access through M25. This access is to be designed in such a way that it should intersect Main Road 25 at a right angle or at an acceptable deflection angle (as per Geometric Design Guidelines). Access should be designed as a KZNDOT Type B2 and the intersection be signalized before commencement of Phase 2 construction.
- 12.6.2. Public transport laybys should be provided on both sides of the Site Access/ Main Road 25/ Beacon Hill Estate intersection.
- 12.6.3. 2.5m walkways should be constructed from the public transport laybys to the first internal access road.
- 12.6.4. All the costs for the above road upgrades shall be at the Developer's account.
- 12.6.5. The requirements of the Department of Transport as set out in their letter dated 9th June 2016, referenced T10/2/2/1554/2, shall be strictly complied with.
- 12.6.6. The intersection shall be upgraded to a double Type B2 intersection to be directly opposite the entrance to Beacon Hill.
- 12.6.7. The intersection shall also be provided on both sides of MR25 with public transport laybys, as required by the Department of Transport.
- 12.6.8. Provide 1,5m wide concrete sidewalk from the public transport layby to the intersection of the first internal road.
- 12.7. Electricity**
- 12.7.1. A 24 hours' access to the Municipal meters is required. A general access servitude shall be registered against all road Erven in favour of the Municipality in order to access municipal services for meter reading, maintenance, repairs and related work.
- 12.7.2. A kiosk equipped with 150A non-adjustable circuit breaker must be provided by you on the road frontage boundary.
- 12.7.3. The above-mentioned estimated charge must be paid in advance at 333 Church Street, A.S. Chetty building. You will be invoiced for the actual cost on completion of the work and debited or credited accordingly.
- 12.7.4. An unobstructed duct way must be provided for the entry of the underground service cable to any new meter position.

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- 12.7.5. The minimum charge per month payable by the consumer under Scale C shall be an amount calculated on the basis of 70% of the highest maximum demand in kVA, notified to the Executive Manager: Electricity by the consumer or 70% of the previous twelve months' highest maximum kVA which is the higher. The effective date of the minimum charge i.e. 70% of the Notified Maximum Demand (NMD) in kVA is from the day the electricity supply connection is made and the charge is payable 30 days after the effective date.
- 12.7.6. The council reserves the right to fix the position of the meter board/box, which must be approved by the Electrical Engineer before wiring of the proposed installation commenced.
- 12.8. A condition of title shall be registered over all erven or Erf 114 Surrey Park absolving the Municipality from any and all responsibility for any damage caused by blasting and mining operations of the Farm Natal Crushers No. 14967.

Commented [ZM424]: New addition

#### PARKING REGULATIONS

1. Refer to Appendix 8 for parking regulations.
2. The technical requirements for on-site parking shall be in accordance with clause 7.2 of the Scheme.

#### DEVELOPMENT PARAMETERS

SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m <sup>2</sup> )	Height (STOREYS)	Coverage (%)	F.A. R
Building line	Side space	Rear Space					
7m	N/A		N/A	1000	N/A*	75	1,50

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#### 4.9.2 Transitional Zone 1

<b>ZONE:</b>	<b>TRANSITIONAL ZONE 1</b>	
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings for office development as the primary development focus in suburban and peripheral locations adjacent to shopping centres or a mixed-use core or as independent zones.	
<b>Colour Notation:</b>	<b>Fill: Golden Yellow R:255, G:204, B:000</b> <b>Outline: Process Blue R:020, G:129, B:188</b>	
<b>Applicability:</b>	This Zone applies to the PMB, Northdale, Edendale, Sobantu, & Ashburton, and may at the sole discretion of the Municipality be allowed in other areas.	
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>Caretaker's Dwelling</li> <li>Crèche</li> <li>Dwelling</li> <li>Health and Beauty Parlour</li> <li>Health Studio</li> <li>Home Business</li> <li>Medical Office</li> <li>Office</li> <li>Outbuilding</li> <li>Specialised Office</li> </ul>	<ul style="list-style-type: none"> <li>Boarding House</li> <li>Educational Building</li> <li>Place of Worship</li> <li>Restaurant</li> <li>Service Industrial Building</li> <li>Service Workshop</li> <li>Shop</li> <li>Special Building</li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>		
<ol style="list-style-type: none"> <li>The Municipality shall not approve any Special Building wherein any trade, business, sale, storage or display of goods is involved, whether or not a trade licence is required.</li> <li>Provided the written consent of all abutting owners and any other owners the Municipality may determine, is obtained, the Municipality may waive the consent procedure.</li> <li>The building shall, in the opinion of the Municipality always conform in its external appearance to the definition of a dwelling as contained in the scheme.</li> <li>The Manager: Transportation Planning shall determine whether a traffic impact assessment is required, the cost of which shall be borne by the property owner.</li> <li>The maximum number of dwellings per hectare which may be permitted shall be dependent upon the zoned area of the site upon which such dwellings are erected, but shall not exceed the number per hectare, to the first whole number, subject to the Municipality's consent. Provided that in the event of three or less dwellings being established on a single subdivision, the consent procedures may be waived if the written consent of all contiguous owners and other such owners the Municipality may determine, are submitted to the Municipality.</li> <li>Subject to compliance with the provisions of the following policies and/or bylaws: -               <ol style="list-style-type: none"> <li>Msunduzi Boarding House Policy</li> <li>Msunduzi Public Health Bylaws</li> <li>All signage and advertising shall comply with the Msunduzi Advertising Signs Bylaws</li> </ol> </li> <li>The Municipality may grant its consent for the erection of a building or structures (including a swimming pool) in front of the building line.</li> <li>The Municipality may grant its consent for relaxation of the side and rear space requirements.</li> <li>For the purposes of establishing side and rear spaces in terms of this clause, the eaves of any building or structure shall not overhang the side space and rear space by more than 1200mm, excepting that when a</li> </ol>		

**Commented [ZM425]:** New addition to cater for permissible uses allowed under Transition Office Zone

**Commented [ZM427]:** New addition for consent use under the Transitional office zone

**Commented [ZM426]:** New addition

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- greater eaves overhang is provided, the required side space or rear space as the case may be, shall be increased by the amount the eaves overhang exceeds 1200mm.
10. No Advertisement notice or sign shall be permanently erected in this zone, other than a brass plate or board, not exceeding 450mm x 600mm in size, affixed to the building, in accordance with the Msunduzi Advertising Signs Bylaws, save with the consent of the Municipality.

#### PARKING REGULATIONS

- On-site parking shall be located behind the building line, save with the consent of the Municipality, provided that the Municipality may impose conditions relating to screening, landscaping etc.
- Refer to Appendix 8 for parking regulations.
- The technical requirements for on-site parking shall be in accordance with clause 7.2 of the Scheme.
- For every shop or restaurant, one car space for every 20m<sup>2</sup> of the total shop or restaurant area, plus at least 1 loading space where and if required by the Municipality.

#### DEVELOPMENT PARAMETERS

DEVELOPMENT PARAMETERS								
Area	SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A. R
	Building line	Side space	Rear Space					
Pietermaritzburg	7m	1,5m	3m	At the discretion of the Municipality		2	50	0,50
Sobantu & Northdale	3m	1m				2	60	0,60
Greater Edendale	3m	1m				3	60	0,60
Ashburton	3m	1,5m				2	50	0,50

Commented [ZM428]: New addition

Commented [ZM429]: New addition

Commented [ZM430]: New addition

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#### 4.10 Utilities and Services

##### 4.10.1 Refuse Landfill

<b>ZONE:</b>	<b>REFUSE LANDFILL</b>					
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings for refuse disposal works and infrastructure necessary for the municipality to dispose of or recycle solid waste.					
<b>Colour Notation:</b>	<b>Fill: Brown Green Hatch R:077, G:089, B:014</b> <b>Outline: Black R:000, G:000, B:000</b>					
<b>Applicability:</b>	This Zone applies to the PMB, Northdale, Edendale & Sobantu, and may at the sole discretion of the Municipality be allowed in other areas.					
<b>Permissible (A)</b>			<b>Consent (B)</b>		<b>Prohibited (C)</b>	
<ul style="list-style-type: none"><li>Government/Municipal Purposes</li><li>Landfill (including garden waste)</li></ul>			<ul style="list-style-type: none"><li>Cellular Telecommunication Infrastructure</li><li>Recycling Centre</li><li>Special Building</li></ul>		Land uses and buildings not listed in column (A) and (B).	
<b>ADDITIONAL CONTROLS</b>						
1. Any application for the establishment of the waste site will need to provide documentation and a plan indicating that the facility is compliant with the requirements of the National Environmental Management: Waste Management Act (No. 59 of 2008) and whether there is to be a recycling programme operating on site.						
2. An application for a refuse site or landfill will need to have an approved Environmental Impact Assessment approved by the by the <u>Department of Environment, Forestry and Fisheries (DEFF)</u> .						
3. A Landfill site is subject to an Environmental Authorisation being obtained <u>in terms of the National Environmental Management Act, 1998, as amended and the National Environmental Management Waste Act, 2008, as amended.</u>						
4. Subject to compliance with the provisions of the following policies and/or bylaws: - (a) Msunduzi Cellular Telecommunication Infrastructure Policy (b) Msunduzi Municipality Waste Management By-Law						
<b>PARKING REGULATIONS</b>						
1. Refer to Appendix 8 for parking regulations.						
2. The technical requirements for on-site parking shall be in accordance with clause 7.2 of the Scheme.						
<b>DEVELOPMENT PARAMETERS</b>						
<b>SPACE ABOUT BUILDINGS</b>			<b>Units per hectare</b>	<b>Min Erf size (m²)</b>	<b>Height (STOREYS)</b>	<b>Coverage (%)</b>
<b>Building line</b>	<b>Side space</b>	<b>Rear Space</b>				
N/A	N/A	N/A	N/A	N/A	To the satisfaction of the Municipality	

**Commented [ZM431]:** New department Name replaces DAFF

**Commented [ZM432]:** Previously noted the department of Agriculture and Environmental Affairs and Rural Development (DAEA&RD).

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#### 4.10.2 Undetermined

<b>ZONE:</b>	<b>UNDETERMINED</b>				
<b>Statement of Intent:</b>	A land use zone makes provision for primarily public or municipal owned land that will be managed in terms of a holding zone until more detailed, permanent zonings are determined.				
<b>Colour Notation:</b>	<b>Fill: Black Cross Hatch R:000, G:000, B:000</b> <b>Outline: Black R:000, G:000, B:000</b>				
<b>Applicability:</b>	This Zone applies to the PMB, Northdale, Edendale & Sobantu, and may at the sole discretion of the Municipality be allowed in other areas.				
<b>Permissible (A)</b>	<b>Consent (B)</b>		<b>Prohibited (C)</b>		
<ul style="list-style-type: none"><li>Government/Municipal Purposes</li></ul>	<ul style="list-style-type: none"><li>Agricultural Building</li><li>Agricultural Land</li><li>Cellular Telecommunication Infrastructure</li><li>Conservation Purposes</li><li>Dwelling</li><li>Home Business</li><li>Institution</li><li>Outbuilding</li><li>Park Home Estate</li><li>Place of Instruction</li><li>Place of Worship</li><li>Residential building</li><li>Social Hall</li><li>Special Building</li></ul>		Land uses and buildings not listed in column (A) and (B).		
<b>ADDITIONAL CONTROLS</b>					
1. No activity shall be permitted within this land use zone without the prior approval of the Municipality.					
2. Subject to compliance with the Msunduzi Cellular Telecommunication Infrastructure Policy.					
3. The Municipality may grant its consent for any building and land use, which, in its opinion is in line with the strategic plan for the area, i.e. the IDP, SDF, local area plan, etc.					
4. The Municipality shall not grant its consent for any land use or building, which, in its opinion, may negatively impact on the residential amenity of existing, adjoining residential properties.					
5. The Municipality may grant its consent for relaxation of the side and rear space requirements.					
6. The Municipality may grant its consent for relaxation of the height requirements.					
7. For the purposes of establishing side and rear spaces in terms of this clause, the eaves of any building or structure shall not overhang the side space and rear space by more than 1200mm, excepting that when a greater eaves overhang is provided, the required side space or rear space as the case may be, shall be increased by the amount the eaves overhang exceeds 1200mm.					
<b>PARKING REGULATIONS</b>					
1. Refer to Appendix 8 for parking regulations.					
2. The technical requirements for on-site parking shall be in accordance with clause 7.2 of the Scheme.					
<b>DEVELOPMENT PARAMETERS</b>					
<b>SPACE ABOUT BUILDINGS</b>					

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Building line	Side space	Rear Space	Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A. R
7m	1,5m	3m	N/A	N/A	2	50	0,50

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#### 4.10.3 Utilities and Services 1 (Amended)

<b>ZONE:</b>	<b>UTILITIES AND SERVICES 1</b>						
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings for the designation and management of land set aside for uses such as substations, waterworks, sewerage works and public utilities, sewerage pump stations. The impact of these uses within servitudes is usually managed through the environmental impact assessment process.						
<b>Colour Notation:</b>	<b>Fill: Black Hatch R:000, G:000, B:000</b> <b>Outline: Black R:000, G:000, B:000</b>						
<b>Applicability:</b>	This Zone applies to the entire Municipal Area.						
<b>Permissible (A)</b>			<b>Consent (B)</b>		<b>Prohibited (C)</b>		
<ul style="list-style-type: none"><li>Government/Municipal Purposes</li><li>Power Generation Plant</li><li>Utilities Facility</li></ul>			<ul style="list-style-type: none"><li>Cellular Telecommunication Infrastructure</li><li>Special Building</li></ul>		Land uses and buildings not listed in column (A) and (B).		
<b>ADDITIONAL CONTROLS</b>							
<ol style="list-style-type: none"><li>Subject to compliance with the Msunduzi Cellular Telecommunication Infrastructure Policy.</li><li>Any application for the establishment of the water works will need to provide documentation and a plan indicating that the facility is compliant with the requirements of the National Water Act, 1998 (Act No. 36 of 1998), <i>as amended</i>.</li><li>Any application for the establishment of the sewage works will need to provide documentation and a plan indicating that the facility is compliant with the requirements of the National Environmental Management: Waste Management Act (No. 59 of 2008), <i>as amended</i>.</li><li>An application for the development of Electrical Substation shall include the appropriate fencing, access controls, appropriate safety measures and notices to ensure public safety.</li></ol>							
<b>PARKING REGULATIONS</b>							
<ol style="list-style-type: none"><li>Refer to Appendix 8 for parking regulations.</li><li>The technical requirements for on-site parking shall be in accordance with clause 7.2 of the Scheme.</li></ol>							
<b>DEVELOPMENT PARAMETERS</b>							
<b>SPACE ABOUT BUILDINGS</b>			<b>Units per hectare</b>	<b>Min Erf size (m²)</b>	<b>Height (STOREYS)</b>	<b>Coverage (%)</b>	<b>F.A. R</b>
<b>Building line</b>	<b>Side space</b>	<b>Rear Space</b>					
N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Commented [ZM433]: New addition

Commented [ZM434]: New addition

Commented [ZM435]: New addition

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#### 4.11 SPECIAL AREA ZONES

\*Refer to Appendix 9 for the list of amendments to the special area zones

##### 4.11.1 Special Area 1: 2 Leinster Road

<b>ZONE:</b>	<b>SPECIAL AREA 1</b>						
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings with a limited mix of land uses as listed below, which shall apply to Rem and Portion 1 of Erf 1482 Pietermaritzburg, being 2 Leinster Road: Scottsville.						
<b>Colour Notation:</b>	<b>Fill: Grey Cross Hatch R:156, G:156, B:156</b> <b>Notation: "1"</b> <b>Outline: Black R:000, G:000, B:000</b>						
<b>Permissible (A)</b>			<b>Consent (B)</b>			<b>Prohibited (C)</b>	
<ul style="list-style-type: none"><li>Place of Public Entertainment</li><li>Social Hall</li></ul>			<ul style="list-style-type: none"><li>Dwelling</li><li>Institution</li><li>Place of Instruction</li><li>Place of Worship</li><li>Residential Building</li></ul>			Land uses and buildings not listed in column (A) and (B).	
<b>ADDITIONAL CONTROLS</b>							
1. The Municipality may grant consent for the erection of a building or structure (including a swimming pool) in front of the building line.							
2. The Municipality may grant consent for relaxation of the side and rear space requirements.							
<b>PARKING REGULATIONS</b>							
1. Places of Public Entertainment: 1 bay for every five seats.							
2. Social Halls: 1 bay for every 5m² of nett hall space.							
3. On-site parking requirements for any other uses shall be in accordance with the requirements for those uses, as provided for elsewhere in the scheme.							
4. The technical requirements for on-site parking shall be in accordance with clause 7.2. of the scheme.							
<b>DEVELOPMENT PARAMETERS</b>							
<b>SPACE ABOUT BUILDINGS</b>			<b>Units per hectare</b>	<b>Min Erf size (m²)</b>	<b>Height (STOREYS)</b>	<b>Coverage (%)</b>	<b>F.A. R</b>
<b>Building line</b>	<b>Side space</b>	<b>Rear Space</b>					
7m (including swimming pools)	1,5m (including swimming pools)	3m (including swimming pools)	15	As per approved Site development plan	3	50	0,50

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#### 4.11.2 Special Area 2: 1 Beaumont Road

<b>ZONE:</b>	<b>SPECIAL AREA 2</b>						
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings with a limited mix of land uses as listed below, which shall apply to Erf 1363 Pietermaritzburg, being 1 Beaumont Road: Blackridge.						
<b>Colour Notation:</b>	<b>Fill: Grey Cross Hatch R:156, G:156, B:156</b> <b>Notation: "2"</b> <b>Outline: Black R:000, G:000, B:000</b>						
<b>Permissible (A)</b>			<b>Consent (B)</b>		<b>Prohibited (C)</b>		
<ul style="list-style-type: none"><li>Dwelling</li><li>Medium Density Housing</li></ul>			<ul style="list-style-type: none"><li>N/A</li></ul>		Land uses and buildings not listed in column (A) and (B).		
<b>ADDITIONAL CONTROLS</b>							
1. No Dwelling or Medium-density Housing, other than the existing Dwelling (whether altered or not), shall be located closer than 25m to the southern boundary thereof.							
2. All Medium Density Housing development shall be subject to the design requirements contained in clause 7.1 of the scheme.							
3. The internal loop road shall be not less than 7m wide and shall allow one-way traffic circulation only. That road shall be constructed by the developer, to the satisfaction of the Municipality.							
4. Satisfactory arrangements shall be made to drain stormwater from the Site, to the satisfaction of the Municipality.							
5. Plans and specifications, prepared by registered civil engineers with appropriate experience, in respect of internal roads, sewerage and stormwater drainage, shall be submitted to and approved by the Municipality before any construction is commenced.							
6. Adequate street lighting shall be provided, to the satisfaction of the Municipality.							
<b>PARKING REGULATIONS</b>							
1. Medium Density Housing: 2 bays for every dwelling at least one of which shall be under cover. In addition, two bay s for visitors shall be provided for every three dwellings. Such on-site parking shall be located behind the building line and free of the side and rear space, save with the consent of the Municipality, provided that the Municipality may impose conditions relating to screening, landscaping, etc.							
2. On-site parking requirements for any other uses shall be in accordance with the requirements for those uses, as provided for elsewhere in the scheme.							
3. The technical requirements for on-site parking shall be in accordance with clause 7.2. The scheme.							
<b>DEVELOPMENT PARAMETERS</b>							
<b>SPACE ABOUT BUILDINGS</b>			<b>Units per hectare</b>	<b>Min Erf size (m²)</b>	<b>Height (STOREYS)</b>	<b>Coverage (%)</b>	<b>F.A. R</b>
<b>Building line</b>	<b>Side space</b>	<b>Rear Space</b>					
7m	4,5m		14	As per approved Site development plan	2	15	0,15

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#### 4.11.3 Special Area 3: Bulwer/Fleet Street

<b>ZONE:</b>	<b>SPECIAL AREA 3</b>							
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings with a limited mix of land uses as listed below, which shall apply to Portions 2, 3 and 4 of Erf 2948 and Erf 2956, of Pietermaritzburg, at the corner of Fleet Street and Bulwer Street.							
<b>Colour Notation:</b>	<b>Fill: Grey Cross Hatch R:156, G:156, B:156</b> <b>Notation: "3"</b> <b>Outline: Black R:000, G:000, B:000</b>							
<b>Permissible (A)</b>			<b>Consent (B)</b>			<b>Prohibited (C)</b>		
<ul style="list-style-type: none"><li>• Business Purposes</li><li>• Dwelling</li><li>• Flat</li><li>• Government/Municipal</li><li>• Light Industrial Building (restricted to a warehouse)</li><li>• Outbuilding</li><li>• Place of Instruction</li><li>• Residential Building</li><li>• Restaurant</li><li>• Service Workshop</li><li>• Shop</li><li>• Social Hall</li><li>• Specialised Office</li></ul>			<ul style="list-style-type: none"><li>• Home Business*</li><li>• Institution</li><li>• Light Industrial Building (other than a warehouse)</li><li>• Parking Depot</li><li>• Parking Lot</li><li>• Place of Public Entertainment</li><li>• Place of Worship</li><li>• Service Industrial Building</li></ul>			Land uses and buildings not listed in column (A) and (B).		
<b>ADDITIONAL CONTROLS</b>								
<p>1. *Provided the written consent of all abutting owners and any other owners the Municipality may determine is obtained; the Municipality may waive the consent procedure.</p> <p>2. The building line along Bulwer and Fleet Streets shall be 2,9m and nil respectively.</p> <p>3. The side space along the western boundary shall be 0,25m in relation to the flats contained within the existing buildings.</p> <p>4. There shall, be no specified minimum side or rear space which shall, however, be determined in terms of the National Building Regulations.</p> <p>5. Portions 2, 3 and 4 of Erf 2948 and Erf 2956 all of Pietermaritzburg shall be consolidated and shall not be subdivided further without the consent of the Municipality.</p>								
<b>PARKING REGULATIONS</b>								
<p>1. Flats: 1 bay for every Flat.</p> <p>2. On-site parking requirements for any other uses shall be in accordance with the requirements for those uses, as provided elsewhere in the scheme.</p> <p>3. The technical requirements for on-site parking shall be in accordance with clause 7.2. of the scheme.</p> <p>4. On-site parking shall be located behind the building line, save with the consent of the Municipality, provided that the Municipality may impose conditions relating to screening, landscaping, etc.</p>								
<b>DEVELOPMENT PARAMETERS</b>								
Use of Land	SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A. R
	Building line	Side space	Rear Space					

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Dwellings (flats) & Residential Buildings	6m	3m	5m	80	As per approved Site development plan	3	50	1,00
All other uses		N/A		-		3	75	1,50

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#### 4.11.4 Special Area 4: 63 Pietermaritz Street

<b>ZONE:</b>	<b>SPECIAL AREA 4</b>	
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings with a limited mix of land uses as listed below, which shall apply to Rem of 10 of Erf 2306 Pietermaritzburg, being 63 Pietermaritz Street: City.	
<b>Colour Notation:</b>	<b>Fill: Grey Cross Hatch R:156, G:156, B:156</b> <b>Notation: "4"</b> <b>Outline: Black R:000, G:000, B:000</b>	
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>Special Building*</li> </ul>	<ul style="list-style-type: none"> <li>Dwelling</li> <li>Institution</li> <li>Place of Instruction</li> <li>Place of Worship</li> <li>Residential Building</li> <li>Social Hall</li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>		
<ol style="list-style-type: none"> <li>*A Special Building shall be for mentally handicapped adults, with a protective workshop, to be accommodated within the Buildings existing on the Site on 1 December 1976, provided that the Municipality may approve of internal alterations and / or additions not exceeding 1/8 of the Floor area existing on 1 December 1976.</li> <li>The Side and Rear Space shall be increased by 1,5m for each additional Storey above three Storeys, for the full height of the Building, above three Storeys.</li> <li>Outbuildings and other structures including single detached Dwellings, not being a building accommodating or comprising Residential Buildings, Places of Instruction, or Flats, shall observe a side and rear space of not less than 1,5m. The foregoing Side and rear space requirements shall not over-rule the requirements of the National Building Regulations and any greater Side or rear space which may be required in terms thereof, shall be observed.</li> <li>For the purposes of establishing side and rear spaces in terms of this clause, the eaves of any building or structure shall not overhang the side and rear space by more than 1200mm, excepting that when a greater eaves overhang is provided, the required side or rear space as the case may be, shall be increased by the amount the eaves overhang exceeds 1200mm.</li> <li>The Municipality may grant consent for relaxation of the side and rear space requirements, in respect of Outbuildings and structures including single detached Dwellings not being Residential Buildings or Flats.</li> <li>The site shall not be subdivided without the consent of the Municipality.</li> </ol>		
<b>PARKING REGULATIONS</b>		
<ol style="list-style-type: none"> <li>Residential Buildings, other than Flats and Hotels: 1 parking space for every 2 habitable rooms.</li> <li>Hotels: 1 parking space for every habitable room and, in addition to the foregoing, a further fifteen parking spaces in the case of hotels having public bars.</li> <li>On-site parking shall be located behind the building line and free of the side and rear space, save with the consent of the Municipality. Provided that the Municipality may then impose conditions relating to screening, landscaping, etc.</li> <li>On-site parking requirements for any other uses shall be in accordance with the requirements for those uses, as provided elsewhere in the scheme.</li> <li>The technical requirements for on-site parking shall be in accordance with clause 7.2. of the scheme.</li> </ol>		

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DEVELOPMENT PARAMETERS								
Use of Land	SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A. R
	Building line	Side space	Rear Space					
Dwellings (flats)	7m (including swimming pools)	3m	5m	80	As per approved plan	3	33,3	-
Residential Buildings				-		3	50	1,00
All other uses				-		Controlled by 60° light angle (Clause 5.4.4)	50	0,50

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#### 4.11.5 Special Area 5: Bangalore/Mysore Road

ZONE:	SPECIAL AREA 5						
Statement of Intent:	A land use zone that provides for land uses and buildings with a limited mix of land uses as listed below, which shall apply to Portion 3 of Erf 454 Raisethorpe, at the corner of Bangalore Road and Mysore Road: Raisethorpe.						
Colour Notation:	Fill: Grey Cross Hatch R:156, G:156, B:156 Notation: "5" Outline: Black R:000, G:000, B:000						
Permissible (A)			Consent (B)		Prohibited (C)		
<ul style="list-style-type: none"><li>Flats*</li><li>Petrol Filling Station*</li></ul>			<ul style="list-style-type: none"><li>N/A</li></ul>		Land uses and buildings not listed in column (A) and (B).		
ADDITIONAL CONTROLS							
1. Provided that these uses are substantially in accordance with Drawings Nos 4985SK 1A and 4985SK 2A, prepared by Franklin Garland and Gibson.							
2. The site shall not be subdivided without the consent of the Municipality.							
PARKING REGULATIONS							
1. As per Drawings Nos 4985SK 1A and 4985SK 2A, prepared by Franklin Garland and Gibson.							
DEVELOPMENT PARAMETERS							
SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A. R
Building line	Side space	Rear Space					
As per Drawings Nos 4985SK 1A and 4985SK 2A, prepared by Franklin Garland and Gibson.							

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#### 4.11.6 Special Area 6: Racecourse

<b>ZONE:</b>	<b>SPECIAL AREA 6</b>	
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings with a limited mix of land uses as listed below, which shall apply to Rem of Erf 440, a portion of Rem of Erf 1913, Rem of 1 of Erf 430 and Portion 2 of Erf 430 Pietermaritzburg, being the Scottsville Racecourse.	
<b>Colour Notation:</b>	<b>Fill: Grey Cross Hatch R:156, G:156, B:156</b> <b>Notation: "6"</b> <b>Outline: Black R:000, G:000, B:000</b>	
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>Residential Building</li> <li>Special Building</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>		
<ol style="list-style-type: none"> <li>The residential building shall be limited to an hotel of not less than 3 - star grading with not more than 160 rooms, a conference room providing not more than 350 seating spaces, smaller conference rooms, family entertainment centre, restaurants, and fast-food outlets.</li> <li>The special buildings shall be limited to buildings and structures ordinarily associated with a racecourse, including an off-course totalisator, casino, science educational facility, equestrian and cultural museums and multi-purpose sport fields which may not be under floodlights and the ablution facilities of the science educational facility shall be shared with the said sports field.</li> <li>The disposition of development on the site shall be substantially in accordance with Plan 7410/TRPC/A1 or any amendment approved by Municipality upon a successful application in terms of the procedures contained in the said Ordinance.</li> <li>The Municipality may grant its consent for the erection of a building or structure (including a swimming pool) in front of the building line.</li> <li>The Municipality may grant consent for relaxation of the side and rear space requirements.</li> <li>A landscaping plan which shall be substantially in accordance with the details contained on the preliminary landscape drawing No 99/01 dated 6/12/99 shall be prepared and submitted to the Municipality prior to the approval of Building Plans. The requirements of this plan shall be implemented by the applicant to the satisfaction of the Municipality in accordance with an implementation programme approved by the Municipality.</li> <li>The architectural style of all new buildings, the disposition of which is shown on Plan 7410/TRPC/A1, shall be substantially in accordance with that of the existing buildings on the site.</li> <li>The developer shall design and construct all road improvements and parking as determined by the Municipality, at the developer's expense, in order to ensure compliance with the requirements of the Land Use Scheme.</li> <li>There shall be established a Residents' Liaison Committee, which Committee shall be consulted by both the Municipality and Developer on an ongoing basis to ensure adherence to the conditions applicable to this zone.</li> <li>In the event of a casino in respect of this site: -               <ol style="list-style-type: none"> <li>Not being awarded, in terms of the KwaZulu-Natal Gaming and Betting Act, 2010 (No. 8 of 2010), to the applicant.</li> </ol> </li> </ol>		

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(b) Having been awarded, such award being withdrawn or forfeited for any reason whatsoever, the amendment shall be deemed to have been rescinded, so that the town planning controls applicable to this property shall revert to those which applied immediately prior to 18 November 1998.						
<b>PARKING REGULATIONS</b>						
1. On-site parking shall be provided to the satisfaction of the Municipality.						
2. The technical requirements for on-site parking shall be in accordance with clause 7.2. of the scheme.						
<b>DEVELOPMENT PARAMETERS</b>						
<b>SPACE ABOUT BUILDINGS</b>			<b>Units per hectare</b>	<b>Min Erf size (m<sup>2</sup>)</b>	<b>Height (STOREYS)</b>	<b>Coverage (%)</b>
<b>Building line</b>	<b>Side space</b>	<b>Rear Space</b>				
7m (including swimming pools)	1,5m	3m	The overall permissible density of all buildings on the site shall not exceed that as shown on Plan 7410/TRPC/A1.	As per approved Site development plan	4	As per Plan 7410/TRPC/A1

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#### 4.11.7 Special Area 7: Bird Sanctuary site

<b>ZONE:</b>	<b>SPECIAL AREA 7</b>	
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings with a limited mix of land uses as listed below, which shall apply to Portion of Erf 1556 Pietermaritzburg, off Armitage Road (Bird Sanctuary site): Athlone.	
<b>Colour Notation:</b>	<b>Fill: Grey Cross Hatch R:156, G:156, B:156</b> <b>Notation: "7"</b> <b>Outline: Black R:000,G:000,B:000</b>	
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>• Business Purposes</li> <li>• Government/Municipal</li> <li>• Informal Trading</li> <li>• Motor Sales Premises</li> <li>• Motor Workshop*</li> <li>• Place of Instruction</li> <li>• Residential Building (limited to a hotel)</li> <li>• Restaurant</li> <li>• Shop</li> <li>• Special Building**</li> <li>• Specialised Office</li> </ul>	<ul style="list-style-type: none"> <li>• Parking Lot</li> <li>• Petrol Filling Station</li> <li>• Service Industrial Building</li> <li>• Service Workshop</li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>		
<ol style="list-style-type: none"> <li>1. *Excluding panel beating, spray painting and chassis straightening</li> <li>2. **Limited to a building or structure necessary to accommodate sporting/ recreational activities acceptable to the Municipality.</li> <li>3. All development shall be in accordance with: -               <ol style="list-style-type: none"> <li>(a) Design guidelines attached to the conditions of sale and any subsequent sale agreement in respect of this property;</li> <li>(b) A site development plan which shall be submitted to and approved by the Municipality prior to the submission of building plans and which shall have regard to the following;                   <ul style="list-style-type: none"> <li>• coarse-grain development;</li> <li>• vehicle orientated land uses;</li> <li>• high road visibility;</li> <li>• bold imagery;</li> <li>• landscaping;</li> <li>• environmental management;</li> <li>• traffic management; and</li> <li>• Parking, density and height controls applicable to this zone.</li> </ul> </li> </ol> </li> <li>4. The total shop floor area applicable to this zone shall be limited to 3200m<sup>2</sup>, which total floor area shall be distributed amongst two areas only, being Portions 17 (of 7) and 44 of Erf 1556 Pietermaritzburg.</li> <li>5. The Municipality may grant its consent for the erection of a building or structure (including a swimming pool) in front of the Building Line.</li> <li>6. The Site shall not be subdivided without the consent of the Municipality.</li> </ol>		

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7. The developer shall be responsible for the construction of the roadworks contained in Fig 4 of the Traffic Impact Report dated September 1999, compiled by BCP Engineers. The phasing of these roadworks to be subject of a separate agreement between the Municipality and the Developer.
8. The developer shall be entirely responsible for ensuring compliance with any other applicable legislation (e.g. Environmental Conservation Act, Water Act, South African Roads Act, etc.).

#### **PARKING REGULATIONS**

1. Motor Sales Premises: 2 per 100m<sup>2</sup> of total floor area
2. Petrol Filling Station: 5 per 100m<sup>2</sup> of total floor area (excluding pump island canopy)
3. Place of Instruction: 1 per classroom, plus 1 per office, plus loading/off-loading area to be agreed with the Responsible Authority.
4. Government/Municipal: 3 per 100m<sup>2</sup> of total floor area
5. Residential Building: 1 per bedroom, plus 10 per 100m<sup>2</sup> of public accessible area (restaurants, bars, conference rooms, etc.)
6. Restaurant: 20 per 100m<sup>2</sup> of total floor area
7. Shop: 5 per 100m<sup>2</sup> of total floor area
8. Special Building: 2,5 per 100m<sup>2</sup> of total floor area
9. Specialised Office: 2,5 per 100m<sup>2</sup> of total floor area/5 per 100m<sup>2</sup> for medical offices
10. The aforementioned requirements must be read in conjunction with the Department of Transport Parking Standards (Second Edition) document (ref. PG 3/85) dated November 1985. The requirements in that document must be employed for all standards not quoted above.
11. The Municipality may, upon receipt of a fully motivated application, and if it considers that there are special and extenuating circumstances, grant its consent to a specified relaxation of the aforementioned requirements.

#### **DEVELOPMENT PARAMETERS**

SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m <sup>2</sup> )	Height (STOREYS)	Coverage (%)	F.A.R
Building line	Side space	Rear Space					
7m (including swimming pools)	4,5m	-	-	As per approved Site development plan	3	26 500m <sup>2</sup>	32 000m <sup>2</sup>

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#### 4.11.8 Special Area 8: 276 Murray Road

<b>ZONE:</b>	<b>SPECIAL AREA 8</b>	
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings with a limited mix of land uses as listed below, which shall apply to Erf 60 Lincoln Meade, being 276 Murray Road: Lincoln Meade.	
<b>Colour Notation:</b>	<b>Fill: Grey Cross Hatch R:156, G:156, B:156</b> <b>Notation: "8"</b> <b>Outline: Black R:000,G:000,B:000</b>	
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>Accommodation units, not exceeding 25 in number, a dormitory, a mini-conference centre, a restaurant-cum-shop for residents only, located in the restored Victorian building, a manager's residence and sundry ancillary buildings and facilities, including camping facilities, limited farming activities, subject to the approval and requirements of the Medical Officer of Health.</li> <li>Medium-Density Housing*</li> <li>Outbuilding</li> </ul>	<ul style="list-style-type: none"> <li>Home Business**</li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>		
<ol style="list-style-type: none"> <li>*The maximum number of Dwellings, inclusive of the accommodation units, existing manager's residence and any converted existing buildings, shall not exceed 110.</li> <li>**Provided the written consent of all abutting owners and any other owners the Municipality may determine, is obtained, the Municipality may waive the consent procedure.</li> <li>The Municipality may grant its consent for the erection of a building or structure (including a swimming pool) in front of the Building Line.</li> <li>An exception to the side and rear space shall apply to the existing laundry to be converted into a Dwelling, which may observe a side space of not less than 2,5m.</li> <li>Outbuildings and other structures not being Dwellings, shall observe a side and a rear space of not less than 1,5m.</li> <li>The Municipality may grant its consent for relaxation of the side and rear space requirements for Outbuildings and other structures not being Dwellings.</li> <li>The consolidated site may not be sub-divided without the consent of the Municipality.</li> </ol>		
<b>PARKING REGULATIONS</b>		
<ol style="list-style-type: none"> <li>Medium Density Housing: 2 bay s for every Dwelling at least 1 of which shall be under cover. In addition, 2 bays for visitors shall be provided for every 3 Dwellings.</li> </ol>		

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2. On-site parking shall be located behind the building line and free of the side and rear space save with the consent of the Municipality, provided that the Municipality may impose conditions relating to screening, landscaping, etc.
3. On-site parking requirements for any other uses shall be in accordance with the requirements for those uses, as provided for elsewhere in the scheme.
4. The technical requirements for on-site parking shall be in accordance with clause 7.2. of the scheme.

#### DEVELOPMENT PARAMETERS

SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
Building line	Side space	Rear Space					
7m (including swimming pools)	4,5m		110	As per approved Site development plan	2	33,3	-

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#### 4.11.9 Special Area 9: Town Bush Road garden centre

ZONE:		SPECIAL AREA 9					
Statement of Intent:		A land use zone that provides for land uses and buildings with a limited mix of land uses as listed below, which shall apply Portion of Erf 1531 Pietermaritzburg, off Town Bush Road, as indicated on plan TPY 6/677.					
Colour Notation:		Fill: Grey Cross Hatch R:156, G:156, B:156 Notation: "9" Outline: Black R:000,G:000,B:000					
Permissible (A)		Consent (B)			Prohibited (C)		
• Garden Centre		• N/A			Land uses and buildings not listed in column (A) and (B).		
ADDITIONAL CONTROLS							
1. Including associated retail sales, subject to - (a) Access and parking requirements to the satisfaction of the Municipality; (b) Open space areas being landscaped and maintained to the satisfaction of the Municipality; (c) Signage/displays being to the satisfaction of the Municipality; (d) All structures on the land being to the satisfaction of the Municipality; and (e) The existing watercourse being maintained in its natural state, to the satisfaction of the Municipality.							
2. The site shall not be subdivided without the consent of the Municipality.							
PARKING REGULATIONS							
1. At least 150 car parking bays shall be provided, the layout and vehicular access arrangements being to the satisfaction of the Municipality.							
2. Provided that the Municipality may also require the provision of loading/un-loading facilities separate from the parking.							
DEVELOPMENT PARAMETERS							
SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
Building line	Side space	Rear Space					
As per Plan TPY6/677					1	20	0,20

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#### 4.11.10 Special Area 10: 771 Town Bush Road – Waltdorf

<b>ZONE:</b>	<b>SPECIAL AREA 10</b>	
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings with a limited mix of land uses as listed below, which shall apply to Erf 244 (now Erf 3358) Pietermaritzburg, being 771 Town Bush Road as shown on Plan TPY 6/743.	
<b>Colour Notation:</b>	<b>Fill: Grey Cross Hatch R:156, G:156, B:156</b> <b>Notation: "10"</b> <b>Outline: Black R:000,G:000,B:000</b>	
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>Dwelling</li> <li>Institution*</li> <li>Medium Density Housing</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>		
<ol style="list-style-type: none"> <li>*Limited to a crèche/Childminder Day-care Centre for not more than 50 children.</li> <li>The disposition of the principle elements of the development shall be in accordance with a site development plan to be approved by the Municipality, prior to the submission of building plans and embodying the constraints and limitations specified herein, and in accordance with the 'planning proposal' drawing 'Fig 2' attached as Annexure 'B2'.</li> <li>The removal of rubble from the site or the use of rubble as fill on the site shall be monitored by the Chief Building Inspector. Where rubble is removed from the site the applicant shall present the wayleaves from the Municipality Waste Disposal site prior to approval of the building plans.</li> <li>A full hydrological study shall be undertaken by a firm of Consulting Civil Engineers who specialise in hydrology to ascertain the impact that the stormwater run-off, created by the development, will have on existing downstream development.</li> <li>The applicant's consulting engineer is required to submit working drawings on all internal roads and stormwater drainage (including the Feature Pond) within the site and from the adjoining property, Erf 450.</li> <li>The watercourse (stream) traversing the site and Erf 450 must not be interfered with as external run-off could be problematic.</li> <li>5m public right-of-way servitude, along the stream bank (in favour of the Municipality), shall be negotiated between the applicant and the Municipality.</li> <li>The applicant shall liaise with Umgeni Water in respect of the board's pipeline that traverses the site.</li> <li>The applicant shall indicate on the Site Development Plan what the intended use of the undeveloped 4 ha of land will be.</li> </ol>		
<b>PARKING REGULATIONS</b>		
<ol style="list-style-type: none"> <li>Medium Density Housing: 2 bay s for every Dwelling at least 1 of which shall be under cover. In addition, 2 bay s for visitors shall be provided for every three Dwellings.</li> <li>On-site parking shall be located behind the building line and free of the side and rear space, save with the consent of the Municipality, provided that the Municipality may impose conditions relating to screening, landscaping, etc.</li> <li>The technical requirements for on-site parking shall be in accordance with clause 7.2. of the scheme, and further, that the parking areas shall be suitable landscaped, to the satisfaction of the Municipality.</li> </ol>		

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DEVELOPMENT PARAMETERS							
SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
Building line	Side space	Rear Space					
7m	As per Plan TPY 6/743		10	As per Plan TPY 6/743	2	33,3	-

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#### 4.11.11 Special Area 11: Worlds View

<b>ZONE:</b>	<b>SPECIAL AREA 11</b>	
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings with a limited mix of land uses as listed below, which shall apply to Erf 926 Pietermaritzburg, off Worlds View Road: Worlds View as shown on Plan TPY 5/744.	
<b>Colour Notation:</b>	<b>Fill: Grey Cross Hatch R:156, G:156, B:156</b> <b>Notation: "11"</b> <b>Outline: Black R:000,G:000,B:000</b>	
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>Dwelling</li> <li>Medium Density Housing</li> <li>Special Building*</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>		
1. *Limited to Broadcasting and ancillary uses  2. The disposition of the principle elements of the development shall be in accordance with a development plan approved by the Municipality and embodying the constraints and limitations specified herein.  3. The removal of rubble from the site or the use of rubble as fill on the site shall be monitored by the Chief Building Inspector. Where rubble is removed from the site the applicant shall present the weighbridge receipts from the Municipality Waste Disposal site prior to approval of the building plans.  4. Appropriate building and roofing materials shall be selected to visually blend in with the natural environment to the satisfaction of the City Planner.  5. The applicant shall provide an 11m access way either as a Public Road or right-of-way servitude for private access to link up with Worlds View Road to the applicant's expense and also to the satisfaction of the City Engineer. The applicant's consulting engineer is required to submit working drawings on all access roads and stormwater drainage within the site and linkages to Worlds View Road.  6. No waterborne sewers are available to the site and septic tanks will be approved subject to successful percolation tests to the satisfaction of the City Engineer.  7. The existing trees (and possible rare species) on the site, worthy of conservation, shall be retained or alternatively handed over to the Municipality for relocation to the adjacent conservation area.  8. The north facing slope below the site are highly erodible and therefore stormwater drainage shall be directed away from these slopes towards the western boundary.  9. The applicant shall landscape the eastern boundary of the site within the 10m building line in order to minimise the visual impact on the skyline.  10. The site, as indicated on Plan TPY 5/744, shall not be subdivided.		
<b>PARKING REGULATIONS</b>		
1. Medium Density Housing: 2 bay s for every Dwelling at least 1 of which shall be under cover. In addition, 2 bay s for visitors shall be provided for every three Dwellings. 2. On-site parking shall be located behind the building line and free of the side and rear space, save with the consent of the Municipality, provided that the Municipality may impose conditions relating to screening, landscaping, etc.		

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3. The technical requirements for on-site parking shall be in accordance with Clause 7.2. of the Scheme, and further, that the parking areas shall be suitable landscaped, to the satisfaction of the Municipality.

**DEVELOPMENT PARAMETERS**

SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
Building line	Side space	Rear Space					
10m	As per Plan TPY 5/744		10	As per Plan TPY 5/744	1	33,3	-

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#### 4.11.12 Special Area 12: Redlands

<b>ZONE:</b>	<b>SPECIAL AREA 12</b>						
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings with a limited mix of land uses as listed below, which shall apply to Erf 321 Pietermaritzburg, off Howick Road : Athlone as shown on Plan TPY 2/736 (Redlands).						
<b>Colour Notation:</b>	<b>Fill: Grey Cross Hatch R:156, G:156, B:156</b> <b>Notation: "12"</b> <b>Outline: Black R:000,G:000,B:000</b>						
<b>Permissible (A)</b>		<b>Consent (B)</b>		<b>Prohibited (C)</b>			
<ul style="list-style-type: none"><li>• Dwelling</li><li>• Flat</li><li>• Institution</li><li>• Medium Density Housing</li><li>• Residential Building</li><li>• Specialised Office</li></ul>		<ul style="list-style-type: none"><li>• N/A</li></ul>		Land uses and buildings not listed in column (A) and (B).			
<b>ADDITIONAL CONTROLS</b>							
1. The disposition of the principal elements of the development shall be in accordance with a development plan approved by the Municipality and embodying the constraints and limitations specified herein, in accordance with the 'planning proposal' drawings contained in the applicant's document dated March 1994 from Monte J. Rosenberg.							
2. The site shall be broken down as follows: (a) Specialised Offices/Institution: 2,8ha (b) Residential Building, Flat Medium Density Housing: 2,8ha (c) Private Open Space: 1,3ha							
3. The site shall not be subdivided without the consent of the Municipality.							
4. A signage policy in respect of the site and all buildings thereon, shall be submitted to and approved by the Municipality before any individual signs may be approved.							
<b>PARKING REGULATIONS</b>							
1. 6 parking bays per 100m² of gross Institutional and Specialised Office Floor area.							
2. On-site parking requirements for any other uses shall be in accordance with the requirements for those uses, as provided for elsewhere in the scheme.							
3. The technical requirements for on-site parking shall be in accordance with clause 7.2. of the scheme, and further, that the parking areas shall be suitable landscaped, to the satisfaction of the Municipality.							
<b>DEVELOPMENT PARAMETERS</b>							
<b>SPACE ABOUT BUILDINGS</b>			<b>Units per hectare</b>	<b>Min Erf size (m²)</b>	<b>Height (STOREYS)</b>	<b>Coverage (%)</b>	<b>F.A.R</b>
<b>Building line</b>	<b>Side space</b>	<b>Rear Space</b>					
7m	As per Plan TPY 2/736				3	40	0,50

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#### 4.11.13 Special Area 13: Camps Drift Park (Amended)

<b>ZONE:</b>	<b>SPECIAL AREA 13</b>	
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings with a limited mix of land uses as listed below, which shall apply to Erfs 222, 486, 487, 780 and 1265 Pietermaritzburg, off Prince Alfred Street : City.	
<b>Colour Notation:</b>	<b>Fill: Grey Cross Hatch R:156, G:156, B:156</b> <b>Notation: "13"</b> <b>Outline: Black R:000,G:000,B:000</b>	
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>• Bank</li> <li>• Beauty Studio</li> <li>• Café</li> <li>• Canteen</li> <li>• Cinservation Purposes</li> <li>• Dwelling</li> <li>• Fast Food outlet</li> <li>• Flat</li> <li>• Health and Beauty Parlour</li> <li>• Health Studio</li> <li>• Hotel</li> <li>• Laundrette</li> <li>• Medical Office</li> <li>• Office Park</li> <li>• Parking Lot</li> <li>• Place of Assembly</li> <li>• Place of Instruction</li> <li>• Place of Public Entertainment</li> <li>• Private Conservation</li> <li>• Residential Building</li> <li>• Restaurant</li> <li>• Shop</li> <li>• Shopping Centre</li> <li>• Social Hall</li> </ul>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>		
<ol style="list-style-type: none"> <li>1. The disposition of the principle elements of the development shall be in accordance with the drawings 'Camps Drift: Pietermaritzburg, Modified Development Proposal' prepared by FGG Architects, dated 12 December 1994.</li> <li>2. A full hydrological study being undertaken by a firm of Consulting Civil Engineers who specialise in hydrology, with specific reference to flood protection measures.</li> <li>3. Prior to the approval of the general plans or diagrams, the layout may be amended with the approval of the Msunduzi Municipality.</li> <li>4. Any future proposed amendments to the scheme for the proposed mixed use will require a formal submission in terms of the applicable legislation.</li> <li>5. The subdivisions within the land development area shall be designated and laid out substantially in accordance with Drawing No.5824C/SPLU MAC dated March 2020. Property descriptions used in this application may be amended by the Surveyor General if required.</li> </ol>		

**Commented [ZM436]:** Amended with new approval dated 14 April 2021

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6. The developer shall ensure that the proposed land uses take into consideration the visual character of the area in terms of its spatial form.
7. All buildings used for occupation shall comply with Tobacco products Control Act. The owner shall comply with Public Health Bylaws.
8. **Environmental Management**
  - 8.1. The development shall comply with the Environmental Authorisation DC22/0001/09 dated 04 February 2015.
  - 8.2. With regards to the wetland in the north western portion of the property, the following is recommended; that the Developer initiates negotiations with adjacent land owner - Transnet, to ensure that the Wetland Management Plan (prepared by Terratest (Pty) Ltd dated November 2014) which is to be implemented - per conditions 5.4.14 of the Environmental Authorisation (DC22/0001 /09 dated 04 February 2015) must be done so in accordance with an integrated and collaborative approach together with Transnet for the purpose of holistic management of the one wetland system.
9. **Provision and Installation of Services**
  - 9.1. The provision of services shall be installed in accordance with the services agreement signed by the land development applicant and the Msunduzi Municipality.
  - 9.2. A professional electrical engineer shall design the electrical reticulation and the design of the electrical reticulation must be submitted to the relevant authority for approval.
10. **Water**
  - 10.1. The Developer shall submit a design to the Water & sanitation department for approval when tying into any existing services
  - 10.2. An efficient supply of potable water shall be provided by the developer to the boundary of each subdivision to be registered to the satisfaction of the Msunduzi Municipality.
  - 10.3. The Developer shall pay the cost of connecting into bulk supply, and installing all internal water reticulation, which shall be designed to comply with fire - fighting requirements.
  - 10.4. Msunduzi Municipality reserves the right to request upgrades to infrastructure should any existing infrastructure, as confirmed by the Developer on site, not meet the capacity requirements, at the cost of the Developer.
  - 10.5. All services be in accordance with the Msunduzi Municipality's water and Sanitation Business Unit Guidelines.
11. **Sewage Disposal**
  - 11.1. An efficient system for the disposal of sewage and wastewater shall be provided for each subdivision to be registered to the satisfaction of the Msunduzi Municipality or its agent.
12. **Electricity**
  - 12.1. An efficient supply of electricity shall be provided to the boundary of each subdivision to be registered. Portions 1- 5 shall each have a separately electricity connection.
  - 12.2. The owner shall appoint a professional Engineer to design and construct the internal electricity supply to the satisfaction of Senior Manager: Electricity.
  - 12.3. The owner shall be responsible for the cost of re-routing of any electrical services affected by the proposed subdivision; the owner is advised to contact the Senior Manager: Electricity in this regard.

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### 13. Telkom

13.1. The owner is responsible to:

- Supply Telkom SA with a copy of the approved consolidated diagram.
- Determine from Telkom SA if any existing or future Telkom services, either on the properties or in the road reserve immediately adjacent to the properties, are affected by the proposal to consolidate. Existing services may have to be relocated or re-routed at the owner's cost.

### 14. Stormwater

14.1. Such facilities as are necessary for the control and disposal of storm water from the development shall be constructed to the satisfaction of the Roads and Drainage Division of the Msunduzi Municipality. Each storm water drainage area will require a separate Storm Water Management Plan (SWMP) development stage.

### 15. Solid Waste

15.1. Satisfactory arrangements must be made for the disposal of solid waste from each bulkdevelopment subdivision by a private contractor and/or the Msunduzi Municipality.

### 16. Private Access, Roads and Parking

16.1. All internal private roads shall be constructed by the developer to the standard stipulated by the Developer.

16.2. The three proposed site access are as follows as shown in the Traffic Impact Assessment dated May 2019.

- Two main access points located along prince Alfred Street.
- Access point A2 is to be signalised. Pedestrian crossing and signal phases to be provided for this intersection.
- Access point A3 to be a stop control access.
- (This Municipality is proposing that a third access A1 located along Camp's drift to be aligned with the intersection of Camps Drift and Edmond place in order to avoid staggered intersections.)
- All access points should be designed in accordance with applicable throat lengths as perTMH16 Volume 2.

### 17. Public transport and pedestrian facilities

17.1. It is proposed that the Bus and Minibus laybys are located on prince Alfred Street on both main access points.

17.2. Sidewalks to be constructed along the Prince Alfred Street for the length of site and tie into the existing infrastructure.

17.3. A detailed design drawing showing the above road upgrades (b & c) should be prepared by a registered Engineer and submitted to Roads and Transportation Department, prior to together with building plans submission.

17.4. All the road improvements are at the developer's cost and should be implemented before issuing of occupation certificate.

17.5. The intersections on the road network require improvement due to current poor level of service. The Developer and the Municipality will have to determine and agree the allocation of cost associated with external intersection upgrades.

18. The Local Municipality shall in perpetuity have the right, without being obliged to pay compensation therefore, to erect, lay and maintain any service, including the provision of water, sewerage electricity and

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storm water drainage, over or under the land within a distance of 2m from any subdivision boundary of Portions 1 - 4 of Erf 10060, Pietermaritzburg. Reasonable access shall be permitted for the purposes of installation, maintenance, removal or extension of such services.

19. The following servitudes shall be registered by the Developer simultaneously with the registration of the General Plan/Diagrams for Portions 1 - 4 and Remainder of Erf 10060, Pietermaritzburg, as shown on Drawing No.5824C/SPLUMA C, dated March 2020:

- a. A 9m wide right of way servitude is to be registered over Portion 1 of Erf 10060, Pietermaritzburg in favour of the Rem of Erf 10060, Pietermaritzburg;
- b. A 3m wide sewer servitude is to be registered over Portion 1 of Erf 10060, Pietermaritzburg in favour of the Msunduzi Municipality;
- c. A 3m wide sewer servitude is to be registered over Portion 2 of Erf 10060 Pietermaritzburg, in favour of the Msunduzi Municipality;
- d. A 12m wide right of way servitude is to be registered over Portion 3 of 10060 Erf Pietermaritzburg, in favour of Portions 2 of Erf 10060, Pietermaritzburg;
- e. A 3m wide sewer servitude is to be registered over Portion 3 of Erf 10060 Pietermaritzburg in favour of the Msunduzi Municipality;
- f. A 12m wide access servitude is to be registered over Portion 3 of Erf 10060, Pietermaritzburg, in favour of the Msunduzi Municipality;
- g. A 3m wide sewer servitude is to be registered over Portion 4 of Erf 10060, Pietermaritzburg in favour of the Msunduzi Municipality;
- h. A canal and weir servitude, 3m wide sewer servitude, power line servitude, 3m wide sewer servitude and sewer servitude are to be registered over the Remainder of Erf 10060, Pietermaritzburg in favour of the Msunduzi Municipality;
- i. 12m wide right of way servitude is to be registered over Rem of Portion 1 of Erf 3126, Pietermaritzburg in favour of Portions 2 and 3 of Erf 10060, Pietermaritzburg;

20. The proposed subdivisions of Erf 10060 Pietermaritzburg into four (4) different portions and a remainder are zoned as follows:

Proposed Portion	Extent	Precinct
Portion 1 of Erf 10060, PMB:	2,49Ha	Mixed Use
Portion 2 of Erf 10060, Pmb	7,23Ha	Residential (Social Housing)
Portion 3 of Erf 10060, Pmb	10,78Ha	Residential (Social Housing)
Portion 4 of Erf 10060, Pmb	11,97Ha	No development
Remainder of Erf 10060, Pmb	30,57Ha	River and open space

#### PARKING REGULATIONS

1. Flats: 1 parking space
2. Hotel: 1 parking space for every habitable rooms +15 parking bays for hotel with public bars.
3. Office and Restaurant: 1 bay for every 25m<sup>2</sup>
4. Medical Offices: 1 parking space
5. Health Studio: 1m<sup>2</sup> of nett parking space for every 1m<sup>2</sup> of gross.
6. On-site parking shall be located behind the building line and free of the side and rear space, save with the consent of the Municipality, provided that the Municipality may also impose conditions relating to screening, landscaping, etc.
7. On-site parking for any use not specified herein shall be provided in accordance with the requirements for those uses where they appear elsewhere in the Scheme.
8. The technical requirements for on-site parking shall be in accordance with clause 7.2. of the scheme, and further, that the parking areas shall be suitable landscaped, to the satisfaction of the Municipality.

#### DEVELOPMENT PARAMETERS

Use of Land	SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
	Building line	Side space	Rear Space					
Hotel	7m	As per approved Site development plan				10	3800m²	3800m²
Medical						3	2000m²	2000m²

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Retail (Shops & Restaurants)			3	5000m²	5000m²
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#### 4.11.14 Special Area 14: Boom Street

<b>ZONE:</b>	<b>SPECIAL AREA 14</b>	
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings with a limited mix of land uses as listed below, which shall apply to fronting Boom Street, between Chapel and Commercial Road.	
<b>Colour Notation:</b>	<b>Fill: Grey Cross Hatch R:156, G:156, B:156</b> <b>Notation: "14"</b> <b>Outline: Black R:000,G:000,B:000</b>	
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>Boarding House</li> <li>Dwelling</li> <li>Flat</li> <li>Home Business</li> <li>Outbuilding</li> <li>Residential Building</li> <li>Specialised Office</li> </ul>	<ul style="list-style-type: none"> <li>Institution</li> <li>Medium Density Housing*</li> <li>Parking Depot</li> <li>Parking Lot</li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>		
<ol style="list-style-type: none"> <li>Specialised Offices which may be established in this zone shall be limited to occupation by accountants, auditors, attorneys, anaesthetists, quantity surveyors, town planners, civil-, mechanical-, structural- and electrical engineers and other similar activities acceptable to the Municipality.</li> <li>*Subject to the design requirements of clause 7.1.</li> <li>Subject to compliance with the provisions of the Msunduzi Boarding House policy.</li> <li>Notwithstanding the maximum allowable floor area and coverage permitted not more than 25% of the existing floor area of any existing building not, at the time of the adoption of this amendment, being lawfully used for Specialised Offices, may be utilised for Specialised Office use, save with the consent of the Municipal.</li> <li>The maximum allowable floor area and coverage permitted shall, in respect of new building developments to be occupied by Specialised Offices shall be related to the areas cross-hatched black on Plan TPY 1/745.</li> <li>In respect of new building developments on the sites hatched black on Plan TPY 1/745, not less than 50% of the total allowable floor area, related to the area of the sites so indicated, shall be occupied by residential use, save with the consent of the Municipality.</li> <li>The Municipality may grant its consent for the erection of a building or structure in front of the Building Line.</li> <li>There shall, in respect of buildings, or portions of buildings, accommodating or comprising Specialised Offices be no specified minimum side or rear space except as may be determine in terms of the National Building Regulations.</li> <li>Side and rear spaces for any use not specified herein shall be provided in accordance with the requirements for those uses where they appear elsewhere in the scheme.</li> <li>There shall be no consolidation, where any such consolidation will result in the creation of an Erf in excess of 3000m<sup>2</sup> in extent, except with the consent of Municipality.</li> </ol>		

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11. No advertisement notice or sign shall be permanently erected in this zone, other than a brass plate or board, not exceeding 450mm x 600mm in size, affixed to the building, in accordance with the Msunduzi Advertising Signs Bylaws, save with the consent of the Municipality.
12. The character, design and external appearance for buildings, including the materials used in their constructions, shall be subject to the approval of the Municipality.
13. In considering any application, the Municipality shall take into account whether or not the building will be injurious to the amenities of the Boom Street streetscape by reason of its external appearance or the materials it is proposed to use.
14. Any person intending to alter extend or erect a building shall submit drawings to the local authority in accordance with the requirements of clause 5.7.
15. A schedule of properties falling within this land use zone shall be accordance with Appendix 7 to the scheme.

#### **PARKING REGULATIONS**

1. Offices: -
  - (a) 1 parking space for every 25m<sup>2</sup> of nett office space, other than offices wherein medical or dental practitioners are to be accommodated.
  - (b) 1 bay for every 15m<sup>2</sup> of nett office space wherein medical or dental practitioners are to be accommodated.
2. On-site parking shall be located behind the building line, save with the consent of the Municipality, provided that the Municipality may impose conditions relating to screening landscaping, etc.
3. On-site parking requirements for any other uses shall be in accordance with the requirements for those uses, as provided for elsewhere in the scheme.
4. The technical requirements for on-site parking shall be in accordance with clause 7.2 of the scheme.

#### **DEVELOPMENT PARAMETERS**

Use of Land	SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m <sup>2</sup> )	Height (STOREYS)	Coverage (%)	F.A.R
	Building line	Side space	Rear Space					
Dwellings (Flats)	7m (including swimming pools)	N/A		155	Refer to clause 5.6.1	3	33,3	-
All other uses				N/A			50	1,00

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#### 4.11.15 Special Area 15: Wigford/Trent Road

ZONE:	SPECIAL AREA 15						
Statement of Intent:	A land use zone that provides for land uses and buildings with a limited mix of land uses as listed below, which shall apply to Erfs 1521, 3070 and 3071 Pietermaritzburg, being 1 and 11 Wigford Road and 8 Trent Road : Masons Mill.						
Colour Notation:	Fill: Grey Cross Hatch R:156, G:156, B:156 Notation: "15" Outline: Black R:000,G:000,B:000						
Permissible (A)		Consent (B)		Prohibited (C)			
<ul style="list-style-type: none"><li>Business Purposes (to include a taxi business)</li><li>Government/Municipal</li><li>Industrial Building</li><li>Informal Trading</li><li>Light Industrial Building</li><li>Motor Sales Premises</li><li>Motor Workshop</li><li>Petrol Filling Station</li><li>Place of Public Entertainment</li><li>Residential Building</li><li>Restaurant</li><li>Service Industrial Building</li><li>Service Workshop</li><li>Shop</li><li>Special Building</li><li>Specialised Office</li></ul>		<ul style="list-style-type: none"><li>N/A</li></ul>		Land uses and buildings not listed in column (A) and (B).			
ADDITIONAL CONTROLS							
1. The Municipality may grant consent for the erection of building or structure in front of the Building Line.							
2. The site shall not be subdivided without the consent of the Municipality, having regard also to the requirements of clause 5.6.1.							
3. The costs of access/road improvements, including traffic signals, shall be borne by the owner and/or applicant and/or developer, as the case may be, to the satisfaction of the Municipality, the final arrangements being resolved upon the submission of building plans for the project.							
4. The site, including the parking areas, shall be landscaped and the cost thereof borne, by the owner and/or applicant and/or developer, as the case may be, to the satisfaction of the Municipality.							
PARKING REGULATIONS							
1. On-site parking shall not be provided for not less than 530 cars, generally as indicated on Dwg. SK 300 Rev. A.							
DEVELOPMENT PARAMETERS							
SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
Building line	Side space	Rear Space					
7m	As required elsewhere in the Scheme, for that particular use.		N/A	As per approved plan Drawing SK003 Rev A, dated Sept 97	3	As per approved plan Drawing SK003 Rev A, dated Sept 97	

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#### 4.11.16 Special Area 16: 151 Morcom Road

<b>ZONE:</b>	<b>SPECIAL AREA 16</b>						
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings with a limited mix of land uses as listed below, which shall apply to Erf 3226 Pietermaritzburg, being 191 Morcom Road : Blackridge.						
<b>Colour Notation:</b>	<b>Fill: Grey Cross Hatch R:156, G:156, B:156</b> <b>Notation: "16"</b> <b>Outline: Black R:000,G:000,B:000</b>						
<b>Permissible (A)</b>			<b>Consent (B)</b>		<b>Prohibited (C)</b>		
<ul style="list-style-type: none"><li>Dwelling, limited to the existing dwelling only</li><li>Special Building*</li></ul>			<ul style="list-style-type: none"><li>N/A</li></ul>		Land uses and buildings not listed in column (A) and (B).		
<b>ADDITIONAL CONTROLS</b>							
1. *The Special Building shall be limited to a facility for the raising (within the indoor ponds only), processing and packaging of fish.							
2. There shall be proper, off-site disposal of any waste, to the satisfaction of Municipality.							
3. Full compliance with the National Building Regulations.							
4. The site shall not be sub-divided without the approval of the Municipality.							
<b>PARKING REGULATIONS</b>							
1. On-site parking shall be provided to the satisfaction of the Municipality and shall be indicated on plans required in terms of the National Building Regulations.							
<b>DEVELOPMENT PARAMETERS</b>							
<b>SPACE ABOUT BUILDINGS</b>			<b>Units per hectare</b>	<b>Min Erf size (m²)</b>	<b>Height (STOREYS)</b>	<b>Coverage (%)</b>	<b>F.A.R</b>
<b>Building line</b>	<b>Side space</b>	<b>Rear Space</b>					
Limited to existing buildings and structures on the site.							

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#### 4.11.17 Special Area 17: Northway Mall

<b>ZONE:</b>	<b>SPECIAL AREA 17</b>	
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings with a limited mix of land uses as listed below, which shall apply to part of Rem of Erf 1291 Pietermaritzburg, and a part of Rem of Townlands, at the corner of Old Greytown Road and Ottos Bluff Road: Woodlands	
<b>Colour Notation:</b>	<b>Fill: Grey Cross Hatch R:156, G:156, B:156</b> <b>Notation: "17"</b> <b>Outline: Black R:000,G:000,B:000</b>	
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>Informal Trading</li> <li>Petrol Filling Station</li> <li>Restaurant</li> <li>Shop</li> </ul>	<ul style="list-style-type: none"> <li>Light Industrial Building</li> <li>Motor Workshop</li> <li>Place of Instruction (limited to a crèche and/or child minder)</li> <li>Service Industrial Building</li> <li>Service Workshop</li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>		
<ol style="list-style-type: none"> <li>The Petrol Filling Station may be positioned on a lesser building line, at the discretion of the Municipality.</li> <li>The Municipality may grant its consent for the erection of a building, other than a petrol filling station, or structure in front of the building line.</li> <li>All properties must be initially consolidated.</li> <li>No subsequent subdivision shall be permitted without the consent of the Municipality.</li> <li>Landscaping shall be undertaken as an integral part of the development of the site, to the satisfaction of the Municipality, and in accordance with the recommendations contained in the Environmental Scoping Report dated October 1999, by Environmental Assessments cc.</li> <li>The developer shall, as an integral part of the development of the site, give effect, to the satisfaction of the Municipality, to the recommendations contained in the Environmental Scoping Report dated October 1999, by Environmental Assessments cc.</li> <li>Stormwater and Solid Waste Management measures shall be undertaken as integral part of the development of the site, to the satisfaction of the Municipality, and in accordance with the recommendations contained in the Environmental Scoping Report dated October 1999, by Environmental Assessments cc.</li> <li>Access shall only be permitted at the intersection of the Old and New Greytown Roads, with improvements to and signalisation of this intersection being carried out to the satisfaction of the Municipality, with all costs being borne by the developer.</li> <li>A site development plan, which takes account of any services that are not relocated, shall be submitted to and approved by the Municipality, prior to the submission of formal building plans.</li> <li>The site development plan shall include building elevations, having regard to the recommendations contained in the Environmental Scoping Report dated October 1999, by Environmental Assessments cc.</li> </ol>		

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11. The developer shall be entirely responsible for ensuring compliance with any other applicable legislation (e.g. Environment Conservation Act, Water Act).
12. There shall be, in respect of all uses, no specified Side Space or Rear Space, which shall be determined in terms of the National Building Regulations.

#### **PARKING REGULATIONS**

1. On-site parking shall be provided on the basis of 1,2m<sup>2</sup> of gross parking for every 1m<sup>2</sup> of gross Floor area.
2. On -site parking requirements for any other uses shall be in accordance with the requirements for those uses, as provided for elsewhere in the scheme.
3. The technical requirements for on-site parking shall be in accordance with clause 7.2. of the scheme.

#### **DEVELOPMENT PARAMETERS**

Use of Land	SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m <sup>2</sup> )	Height (STOREYS)	Coverage (%)	F.A.R
	Building line	Side space	Rear Space					
Petrol Filling Station	10m on Ottos Bluff Roads and 15m on Old Greytown Road	N/A		As per approved Site development plan		1	450m <sup>2</sup>	450m <sup>2</sup>
All other uses						2	6000m <sup>2</sup>	6000m <sup>2</sup>

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#### 4.11.18 Special Area 18: RAS

<b>ZONE:</b>	<b>SPECIAL AREA 18</b>	
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings with a limited mix of land uses as listed below, which shall apply to Portion of Erf 9147 Pietermaritzburg as depicted on Layout Plan P2246A03 (as amended), being a portion of the Royal Agricultural Showgrounds, adjacent to Hyslop and Chatterton Roads : Athlone	
<b>Colour Notation:</b>	<b>Fill: Grey Cross Hatch R:156, G:156, B:156</b> <b>Notation: "18"</b> <b>Outline: Black R:000,G:000,B:000</b>	
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>Any buildings or structures normally ancillary to any of the above.</li> <li>Business Purposes</li> <li>Government/Municipal</li> <li>Motor Sale Premises</li> <li>Motor Workshop*</li> <li>Residential Building</li> <li>Restaurant</li> <li>Shop</li> <li>Specialised Office</li> </ul>	<ul style="list-style-type: none"> <li>Parking Lot</li> <li>Place of Instruction</li> <li>Place of Public Entertainment</li> <li>Place of Worship</li> <li>Social Hall</li> <li>Special Building</li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>		
<ol style="list-style-type: none"> <li>To be read in conjunction with DFA Judgement 2007/1221-11.03.08.</li> <li>*Restricted to being ancillary to the Motor Sales Premises and excluding panel beating, spray painting and major engine and chassis overhauls, and in compliance with the Municipality's Trade and Effluent Bylaws and any other relevant legislation.</li> <li>The disposition of development shall be limited to and generally, in accordance with Plan P2246A03, or an amendment approved by the Municipality.</li> <li>The land shall not be subdivided without the express consent of the Municipality.</li> <li>Appropriate landscaping shall be undertaken in each of the designated areas shown in Plan P2246A03 (as amended), and shall be shown on a site development plan to be submitted for approval prior to the submission of any building plans.</li> <li>A signage policy for the site, or parts thereof, shall be submitted to and approved by the Municipality.</li> <li>The developer shall, at his cost, implement road improvements required, to the satisfaction of the Municipality.</li> <li>A site development plan shall be submitted and approved by the Municipality, prior to the submission of formal building plans. That Site Development Plan shall, inter alia, address the following specific issues, to the satisfaction of the Municipality: - <ol style="list-style-type: none"> <li>A traffic study pertaining to all proposed uses;</li> </ol> </li> </ol>		

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<p>(b) A hydrologist's report, to determine the impact of the proposed development on the existing stormwater system and an appropriate design and implementation of on-site stormwater detention measures as part of the development, if required by the hydrologist report;</p> <p>(c) The development to make provision to either accommodate the existing service mains or these must be relocated at the developer's expense.</p> <p>9. In the event of the developer wishing to submit separate site development plans for different elements of the development, such site development plans must be accompanied by an overall development framework for the entire site.</p> <p>10. Such site development plans shall, inter alia, provide details of the landscaping, signage and road improvements, contemplated in paragraph 5, 6 and 7 above.</p> <p>11. In the case of Portion A of the Zone, the Site Layout Plan Reference Number PIE649BP Map 5 dated 5 September 2007 prepared by Udidi from EPA Architects drawing Reference 07084 DFA Application-02, the Traffic Study prepared by BCP Engineers dated May 2007 and the Services Agreement, all of which formed part of the Tribunal approval, shall be deemed to meet the requirements for a Site Development Plan.</p>							
<b>PARKING REGULATIONS</b>							
<p>1. 1 bay for every 25m<sup>2</sup> of nett office space other than offices wherein medical or dental practitioners are to be accommodated.</p> <p>2. 1 bay for every 15m<sup>2</sup> of nett office space wherein medical or dental practitioners are to be accommodated.</p> <p>3. 1 bay for every 4 seats for premises used for restaurant purposes.</p> <p>4. 1 bay for every 15m<sup>2</sup> of nett shop space.</p> <p>5. On-site parking requirements for any other uses shall be in accordance with the requirements for those uses, as provided elsewhere in the scheme.</p> <p>6. The technical requirements for on-site parking shall be in accordance with clause 7.2. of the scheme.</p>							
<b>DEVELOPMENT PARAMETERS</b>							
SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m <sup>2</sup> )	Height (STOREYS)	Coverage (%)	F.A.R
Building line	Side space	Rear Space					
7m	N/A	N/A	N/A	As per Plan P2246A03 (as amended)	3	As per Plan P2246A03 (as amended)	9 500 m <sup>2</sup>

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#### 4.11.19 Special Area 19: Woodburn/Collegians Site

<b>ZONE:</b>	<b>SPECIAL AREA 19</b>	
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings with a limited mix of land uses as listed below, which shall apply to Erf 4346 Pietermaritzburg on New England Road.	
<b>Colour Notation:</b>	<b>Fill: Grey Cross Hatch R:156, G:156, B:156</b> <b>Notation: "19"</b> <b>Outline: Black R:000,G:000,B:000</b>	
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>Business Purposes</li> <li>Residential Building (including Flats but excluding a Hotel)</li> <li>Restaurant</li> <li>Shop</li> <li>Specialised Office</li> </ul>	<ul style="list-style-type: none"> <li>Motor Sales Premises</li> <li>Motor Workshop*</li> <li>Place of Public Entertainment</li> <li>Residential Building (including Flats but excluding a Hotel)</li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>		
<ol style="list-style-type: none"> <li>To be read in conjunction with DFA Tribunal decision.</li> <li>*Ancillary to a Motor Sales Premises and excluding panel beating, spray painting and engine and chassis overhauls.</li> <li>The total floor area to be occupied by Business Purposes, Motor Sales Premises and ancillary Motor Workshop, Restaurants and Shops, shall not exceed 13 000m².</li> <li>The total floor area to be occupied by Specialised Offices, shall not exceed 7 500m².</li> <li>In the event of Motor Sales Premises and an ancillary Motor Workshop replacing the retail centre indicated on the proposed concept plan attached as Annexure 'D', the area thereof shall not exceed a total floor area of 8000m².</li> <li>The total floor area for the Residential development, shall not exceed 11 000m².</li> <li>The development of the site shall be generally in accordance with the plan submitted and attached as Annexure 'D'. Provided that a site development plan which shall not be inconsistent with the above mentioned plan, indicating the final positioning and extent of the various components and elements of the overall development, shall be submitted to and approved by the Municipality, prior to the submission of building plans. Provided further that the site development plan may also indicate possible subdivisions of the development.</li> <li>The parcels of land on either side of Boshoff Street shall be initially consolidated. Provided that the Municipality may allow the subdivision of the site in a manner not inconsistent with the approved site development plan.</li> <li>Landscaping shall be undertaken as an integral part of the development of the site, and shall be indicated on the approved site development plan.</li> <li>The developer shall, as an integral part of the development of the site, give effect to the requirements of the Department of Agriculture and Environmental Affairs.</li> </ol>		

**Commented [ZM437]:** Corrected applicable Erf Description

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11. The developer shall give effect, to the recommendations contained in the traffic study dated October 1999 by Africon Consulting.
12. A single point of access only shall be permitted between the site and Boshoff Street, the location thereof to be agreed to by the City Engineer.
13. A full hydrological impact assessment must be carried out by competent Professional Engineers early in the design stages of the project and must take into account the interests of upstream and downstream property owners.
14. The study shall indicate where and how the generated runoff can be detained on site through the use of parking areas, sportsgrounds etc. thus ensuring that the post-development runoff does not exceed the pre-development runoff.
15. A site development plan shall be submitted and approved by the Municipality.
16. In the event of the developer wishing to submit separate site development plans for different elements of the development, such site development plans must be accompanied by an overall development framework for the entire site.
17. Such site development plans shall, inter alia, provide details of the landscaping, environmental management and traffic management requirements contemplated in paragraph 9-12 above.
18. The developer shall be entirely responsible for ensuring compliance with any other applicable legislation (e.g. Environment Conservation Act, Water Act).

#### **PARKING REGULATIONS**

1. Business Purposes and Shops: 1,2m<sup>2</sup> of gross parking for every 1m<sup>2</sup> of gross Floor area
2. Residential component: 1 bays for every unit, in addition to 2 conveniently located visitor bays for every 5 units.
3. Specialised Offices: -
  - (a) 1 bay for every 25m<sup>2</sup> of nett office space, other than office space occupied by medical or dental practitioners.
  - (b) 1 bay for every 15m<sup>2</sup> of nett office space occupied by medical or dental practitioners.
4. On-site parking requirements for any other uses shall be in accordance with the requirements for those uses, as provided for elsewhere in the scheme.
5. The technical requirements for on-site parking shall be in accordance with clause 7.2. of the scheme.

#### **DEVELOPMENT PARAMETERS**

Use of Land	SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
	Building line	Side space	Rear Space					
Residential units	As per approved Site Development Plan					3	As per approved Site developm ent plan	11 000m²
Specialised Offices						1		7 500m²
Business Purposes (Including Motor Sales Premises and ancillary Motor Workshop)						1		13 000 m²
Motor Sales Premises						1		8 000 m²

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#### 4.11.20 Special Area 20: Liberty Mall

<b>ZONE:</b>	<b>SPECIAL AREA 20</b>	
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings with a limited mix of land uses as listed below, which shall apply to Erf 10143 Pietermaritzburg (being a consolidation of Portions 38 – 43, 79 – 98 & proposed Portion A all of Erf 1352 Pietermaritzburg and the Remainder of Erf 9169 Pietermaritzburg), off Sanctuary Road (Liberty Midlands Mall & Lifestyle Centre): Chase Valley.	
<b>Colour Notation:</b>	<b>Fill: Grey Cross Hatch R:156, G:156, B:156</b> <b>Notation: "20"</b> <b>Outline: Black R:000,G:000,B:000</b>	
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>• Business Purposes</li> <li>• Government/Municipal (limited to a post office)</li> <li>• Institution</li> <li>• Medium Density Housing,</li> <li>• Motor Sales Premises</li> <li>• Motor Workshop</li> <li>• Parking Depot</li> <li>• Parking Lot</li> <li>• Petrol Filling Station</li> <li>• Place of Public Entertainment</li> <li>• Place of Worship</li> <li>• Private Open Space and Conservation Area</li> <li>• Residential Building</li> <li>• Restaurant</li> <li>• Service Industrial Building,</li> <li>• Service Workshop</li> <li>• Shop</li> <li>• Specialised Office</li> </ul>	<ul style="list-style-type: none"> <li>• Government/Municipal</li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>		
<ol style="list-style-type: none"> <li>1. The total floor area to be occupied by Business Purposes, Institutions, Motor Sales Premises/ Showrooms/Workshops, Service Industrial Buildings, Service Workshops, Restaurants, Places of Public Entertainment and Shops, shall not exceed 88 500m².</li> <li>2. A Place of Worship shall be limited to the area of the residential component.</li> <li>3. The establishment of a Place of Public Entertainment, which shall be accommodated within the total floor area of 88 500m², shall be subject to the prior submission and approval by the Municipality, of a site development plan indicating the positioning and extent thereof.</li> <li>4. The total floor area to be occupied by Specialised Offices, shall not exceed 6 500m².</li> <li>5. The total floor area of the apartment-house for the caretaker and the store-rooms together shall not exceed 150m².</li> <li>6. The Municipality may grant its Consent for the erection of a Building or structure in front of the Building Line.</li> </ol>		

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7. There shall be, in respect of Business Purposes, Shops, Specialised Office, Government/Municipal and other non-residential uses, no specified side or rear space, which shall be determined in terms of the National Building Regulations.
8. Side and rear space for any use not specified herein shall be provided in accordance with the requirements for those uses where they appear elsewhere in the scheme.
9. Caretaker's Dwelling and storeroom above the 3rd Storey.
10. All properties must be initially consolidated and the developer must, at their cost, rectify the position regarding the 3,05m reserve from the top of either stream bank, in favour of the Municipality.
11. A separate subdivision bounded by the N3 Freeway and the watercourse, may be created to accommodate the retail and allied components.
12. A separate subdivision of not less than 1,5ha, to accommodate the office component, may be permitted.
13. A separate subdivision of not less than 4ha, to accommodate the residential component, may be permitted.
14. Any remaining areas (e.g. recreation areas, watercourses) shall remain in private ownership, and any subdivision thereof shall be subject to the consent of the Municipality.
15. Landscaping shall be undertaken as an integral part of the development of the site, in accordance with the 'Landscape Design Strategy' (Para 10) contained in the report dated August 2000, by Environmental Design Partnership (Pty) Ltd and the requirements of the Conservation and Environment Unit.
16. The developer shall, as an integral part of the development of the site, give effect to the recommendations contained in Para 9, of the report dated August 2000, by Environmental Design Partnership (Pty) Ltd and shall adhere to the memorandum of agreement entered into with the Municipality to rehabilitate a portion of the Remainder of Erf 10 000 Pietermaritzburg as indicated on Plan MS/23C/2007 an area of 27.9ha in extent and the requirements of the Lifestyle Centre Environmental Management Programme (DAEARD Ref. No. DC 22/0064/09).
17. The developer shall give effect, to the terms and conditions of the Traffic Report entitled "Extension of Liberty Midlands Mall Phase 3 Traffic Impact Report May 2009" to the satisfaction of Municipality, together with any formal undertakings as may have been agreed to with Municipality.
18. All development shall generally in accordance with Site Development Plan dated November 2011, Ref. J10-722-1 000\_REV-F\_01, prepared by Betel & Associates and Impendulo Design Architects or any amendments thereto approval City Council.
19. The developer shall be entirely responsible for ensuring compliance with any other applicable legislation (e.g. Environment Conservation Act, Water Act).

#### **PARKING REGULATIONS**

1. Business Purposes, Offices and Shops: 1,2m<sup>2</sup> of gross parking for every 1m<sup>2</sup> of gross floor area.
2. Residential Building: 1 parking bay shall be provided for each hotel suite and for the caretaker's apartment-house within the "Residential Building".
3. Specialised Offices: -
  - (a) 1 bay for every 25m<sup>2</sup> of nett office space, other than office space occupied by medical or dental practitioners;
  - (b) 1 bay for every 15m<sup>2</sup> of nett office space occupied by medical or dental practitioners.
4. A total of 55 parking bays shall be provided for the exclusive use of public transport vehicles.
5. Shopper trolley parking areas shall be provided throughout the car parking areas, to the satisfaction of the Municipality.
6. Loading/unloading provision shall be made in accordance with the Department of Transport document "Guidelines for Off-street Loading Facilities".

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7. On-site parking requirements for any other uses shall be in accordance with the requirements for those uses, as provided for elsewhere in the scheme.
8. The technical requirements for on-site parking shall be in accordance with clause 7.2. of the scheme.

**DEVELOPMENT PARAMETERS**

Use of Land	SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
	Building line	Side space	Rear Space					
Residential Building	7m	4,5m		As per approved Site development plan		3	1 550m²	5 000m²
Specialised Office and Government/ Municipal		N/A				2	5 500m²	6 500 m²
All other uses						2	95 000m²	88 500m²

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#### 4.11.21 Special Area 21: 61 Villiers Drive

<b>ZONE:</b>	<b>SPECIAL AREA 21</b>	
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings with a limited mix of land uses as listed below, which shall apply to Erf 9176 Pietermaritzburg, being 61 Villiers Drive : Clarendon.	
<b>Colour Notation:</b>	<b>Fill: Grey Cross Hatch R:156, G:156, B:156</b> <b>Notation: "21"</b> <b>Outline: Black R:000,G:000,B:000</b>	
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>• Dwelling</li> <li>• Flat</li> <li>• Institution</li> <li>• Outbuilding</li> <li>• Place of Instruction</li> <li>• Place of Worship</li> <li>• Social Hall</li> <li>• Specialised Office</li> </ul>	<ul style="list-style-type: none"> <li>• Boarding House</li> <li>• Government/Municipal</li> <li>• Residential Building</li> <li>• Restaurant*</li> <li>• Special Building**</li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>		
<ol style="list-style-type: none"> <li>1. *The Restaurant shall not be used to host major functions such as wedding receptions, large parties and the like and shall not close later than 10.30 pm.</li> <li>2. **The Municipality shall not approve any Special Building wherein any trade, business, sale, storage or display of goods is involved, whether or not a trade licence is required.</li> <li>3. Subject to compliance with the provisions of the Msunduzi Boarding House policy.</li> <li>4. The side and rear space requirements shall not over-rule the requirements of the National Building Regulations.</li> <li>5. The Municipality may grant its consent for relaxation of the side and rear space requirements.</li> <li>6. The height restriction may be increased save with the consent of the Municipality.</li> <li>7. The Municipality may grant its consent for the subdivision of a dwelling built not less than ten (10) years prior to the date of application into not more than two dwellings notwithstanding the density provisions of the scheme, subject to: -               <ol style="list-style-type: none"> <li>(a) The building being made to comply with the relevant provisions of the National Building Regulations;</li> <li>(b) Each portion to be used as a separate unit being self-contained and sealed off from communication with the remainder of the building except for the main entrance;</li> <li>(c) Generally, no additional rooms will be permitted, other than one additional kitchen, bathrooms and toilets.</li> </ol> </li> <li>8. The site shall not be subdivided without the consent of the Municipality.</li> <li>9. The current landscaping shall be retained whilst additional screen planting may be specified as part of the approval of any building plan.</li> <li>10. Advertising signage shall be limited to that specified in the scheme.</li> </ol>		
<b>PARKING REGULATIONS</b>		
<ol style="list-style-type: none"> <li>1. Institutional uses: 1 bay for every three habitable rooms.</li> <li>2. Offices: -</li> </ol>		

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(a) 1 bay for every 25m <sup>2</sup> of nett office space, other than offices wherein medical or dental practitioners are to be accommodated. (b) One bay for every 15m <sup>2</sup> of nett office space wherein medical or dental practitioners are to be accommodated.						
3. On-site parking requirements for any other uses shall be in accordance with the requirements for those uses, as provided elsewhere in the scheme.						
4. The technical requirements for on-site parking shall be in accordance with clause 7.2. of the scheme.						
5. On-site parking shall be located behind the building line, save with the consent of the Municipality provided that the Municipality may impose conditions relating to screening, landscaping, etc.						
<b>DEVELOPMENT PARAMETERS</b>						
<b>SPACE ABOUT BUILDINGS</b>			<b>Units per hectare</b>	<b>Min Erf size (m<sup>2</sup>)</b>	<b>Height (STOREYS)</b>	<b>Coverage (%)</b>
<b>Building line</b>	<b>Side space</b>	<b>Rear Space</b>				
7m (including swimming pool)	4,5m	9m	As per approved Site development plan	2	50	7 000m <sup>2</sup>

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#### 4.11.22 Special Area 22: Victoria Country Club (Amended)

<b>ZONE:</b>	<b>SPECIAL AREA 22</b>	
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings with a limited mix of land uses as listed below, which shall apply to Erven 9194, 9196, 9197, 9198 and 9199 all of Pietermaritzburg and Portions 460 and 461 of Erf 1531 Pietermaritzburg (Victoria Country Club Estate), being off Peter Brown Drive and Sir Percy Spender Road : Montrose.	
<b>Colour Notation:</b>	<b>Fill: Grey Cross Hatch R:156, G:156, B:156</b> <b>Notation: "22"</b> <b>Outline: Black R:000, G:000, B:000</b>	
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>Dwelling</li> <li>Flat</li> <li>Hotel*</li> <li>Insitution*</li> <li>Medium Density Housing</li> <li>Outbuilding</li> <li>Residential Building</li> <li>Specialised Office</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>		
<ol style="list-style-type: none"> <li>The disposition of the principal elements of the development shall in accordance with the Development Plan No. TP 1389 dated 16 April 2004, or an amendment approved by the Municipality.</li> <li>Land uses within the various elements of the development shall be as follows: - <ol style="list-style-type: none"> <li>Village 1-4: Dwelling and Medium Density Housing</li> <li>*Village 1: Hotel and Insitution, which will apply exclusively for Erf 10222</li> <li>Village 5: - <ol style="list-style-type: none"> <li>Special Residential designated area: Dwelling</li> <li>Intermediate Residential designated area: Dwelling and Medium Density Housing</li> <li>General Residential designated area: Dwelling, Medium Density Housing, Flats and Residential Building</li> <li>Office Park designated area: Dwelling, Flats, Specialised Offices (provided that Municipality may by Consent permit ancillary office related uses such as beauty salons, hairdressers, florists, pharmacies, theatre booking agents, laundrettes, restaurants, an hotel, and the like up to a maximum floor area of 6000 m².</li> </ol> </li> </ol> </li> <li>Notwithstanding anything to the contrary contained in these clauses, within this special area zone, since access to any property will be from a private road, the provisions of clause 5.6.4 and 5.6.5 shall not apply.</li> <li>The provision of services to and within the development shall be in accordance with a service level agreement entered into between the developer and the municipality.</li> <li>All signage and advertising shall comply with the Msunduzi Advertising Signs Bylaws.</li> <li>The indicative 'no build zones' as depicted in Village 5 on the proposed layout plan No. TP 1389PA dated 16 April 2004-Plan 8 Rev 2, shall be adjusted to accommodate the actual position of water courses or open space corridors and shall be surveyed for incorporation into the title deeds as environmental 'no build zones' for protection and maintenance purposes. Notwithstanding anything to the contrary contained in these clauses, the floor area ratios for each property so affected by these 'no build zones' shall be calculated on the gross area of the erf.</li> </ol>		

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7. The side and rear space requirements may be relaxed provided that both the adjoining landowners and the relevant homeowners association/s provide prior written consent thereto and provide further that this side or rear space requirement is not required for the provision of any services.
8. The side and rear space within the office designated areas may be relaxed to not less than 2 metres with the prior written consent of the affected landowners.
9. The site shall not be subdivided without the consent of the Municipality.
10. Notwithstanding anything to the contrary contained in these clauses, the maximum height of a dwelling in respect of Erven 9202 to 9212 in Village 2 shall be 3 storeys.
11. Notwithstanding anything to the contrary contained in these clauses, the maximum floor area ratio in respect of Erven 9202 to 9213 in Village 2 shall be 0,7.
12. Geotechnical Report shall be approved prior to any construction commencing on site.
13. Please ensure that the National Environmental Management Act (NEMA Act No. 107, 1998) Duty of care and remediation of environmental damage (Section 28) regulation is enforced and complied with.
14. It is recommended that Indigenous plant / tree species should be used for landscaping purposes and if required, this unit would provide a list of preferred species.
15. All proposed buildings must comply with the requirements specified in SANS 10400-XA: 2011 Part X Environmental Sustainability and Part XA Energy Usage in Buildings as well as SANS 204: 2011 Energy Efficiency in Buildings.
16. All proposed buildings must comply with the requirements specified in SANS 10400-XA: 2011 Part X Environmental Sustainability and Part XA Energy Usage in Buildings as well as SANS 204: 2011 Energy Efficiency in Buildings.
17. There should be no net loss of riparian area resulting from the development.
18. The owner shall in addition comply with all existing Environmental Management controls in terms of authorisation issued by the EMPr.
19. Extension for bulk water and sewer services, and the costs thereof, shall be borne by the developer.
20. The recommendations of Traffic Impact Assessment must be adhered to.
21. The council shall only provide one bulk electricity service connection to each registered property. The costs of work undertaken will be borne by the owner.
22. The owner is responsible to:
  - 22.1. Supply Telkom SA with a copy of the approved subdivided and consolidated diagrams.
  - 22.2. Determine from Telkom SA if any existing or future Telkom services, either on the properties or in the road reserve immediately adjacent to the properties, are affected by the proposal to consolidate. Existing services may have to be relocated or re-routed at the owner's cost.

#### **PARKING REGULATIONS**

1. On-site parking shall be provided at a ratio of 1 parking bay per 40m<sup>2</sup> of total floor area for professional offices, at a ratio of 1 parking bay per 25m<sup>2</sup> of total floor area for medical offices, at a ratio of 1 m<sup>2</sup> of parking per 1m<sup>2</sup> of total floor area for any shop use and 1 parking bay for every bedroom for an hotel.
2. Village 1 Parking Requirements:
  - a) 1 Parking bay per Hospital Bed
  - b) 1 parking bay per 25 m2 of medical suits

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3. On-site parking requirements for any other uses shall be in accordance with the requirements for those uses, as provided for elsewhere in the scheme.
4. The technical requirements for on-site parking shall be in accordance with clause 7.2. of the scheme.

#### DEVELOPMENT PARAMETERS

##### VILLAGE 1

SPACE ABOUT BUILDINGS			Units per hectare	Site Area (m²)	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
Building line	Side space	Rear Space						
7m public road; 5m private road	2m		15	24 000	N/A	3	50	1,00

##### VILLAGE 2

SPACE ABOUT BUILDINGS			Units per hectare	Site Area (m²)	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
Building line	Side space	Rear Space						
7m public road; 5m private road	2m		10	36 500	450	2	50	0,50

##### VILLAGE 3

SPACE ABOUT BUILDINGS			Units per hectare	Site Area (m²)	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
Building line	Side space	Rear Space						
7m public road; 5m private road	2m		10	215 000	750	2	50	0,50

##### VILLAGE 4

SPACE ABOUT BUILDINGS			Units per hectare	Site Area (m²)	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
Building line	Side space	Rear Space						
7m public road; 5m private road	2m		10	86 500	750	2	50	0,50

##### VILLAGE 5

Use of Land	SPACE ABOUT BUILDINGS			Units per hectare	Site Area (m²)	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
	Building line	Side space	Rear Space						
Special Residential	7m public road; 5m private road	2m		10	66 000	As per approved Site development plan	2	50	0,50
Intermediate Residential		2m		20	34 000		2	50	0,50
General Residential		2m		60	24 000		3	50	0,50
Office		4,5m		N/A	121 000		3	25	0,25

Commented [ZM438]: Amended from 0,50 to 1,00

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#### 4.11.23 Special Area 23: 1 and 3 Riverton Road

<b>ZONE:</b>	<b>SPECIAL AREA 23</b>							
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings with a limited mix of land uses as listed below, which shall apply to Portion 2 (of 1) of Erf 194, the Remainder of 14 of Erf 340 and Portion 14 of Erf 567 all of Pietermaritzburg, being 1 and 3 Riverton Road : Scottsville.							
<b>Colour Notation:</b>	<b>Fill: Grey Cross Hatch R:156, G:156, B:156</b> <b>Notation: "23"</b> <b>Outline: Black R:000,G:000,B:000</b>							
<b>Permissible (A)</b>	<b>Consent (B)</b>		<b>Prohibited (C)</b>					
<ul style="list-style-type: none"><li>Dwelling</li><li>Residential Building*</li><li>Specialised Office**</li></ul>	<ul style="list-style-type: none"><li>N/A</li></ul>		Land uses and buildings not listed in column (A) and (B).					
<b>ADDITIONAL CONTROLS</b>								
<p>1. *The Residential Building shall be limited to a bed-and-breakfast establishment comprising not more than 8 bedrooms and ancillary domestic Outbuilding, contained within the existing buildings, originally approved as a Dwelling and ancillary Outbuilding, on Portion 5 of Erf 343 Pietermaritzburg.</p> <p>2. **The Specialised Office shall be limited to a dental practice and associated dental workshop, as indicated on the drawings DENT 01/P01 and DENT 01/P02, dated August 2003, prepared by Tennant and Tennant cc Architects.</p> <p>3. There shall be no provision for the relaxation of space about buildings.</p> <p>4. All existing Portions shall be consolidated prior to any development taking place and the consolidated erf shall not be further sub-divided.</p> <p>5. Access arrangements and on-site traffic circulation shall be to the satisfaction of the Municipality.</p> <p>6. The site shall be appropriately landscaped, particularly along the interface with residential development along Riverton Road, to the satisfaction of the Municipality.</p>								
<b>PARKING REGULATIONS</b>								
<p>1. No less than 2 parking bays shall be provided for the main Dwelling.</p> <p>2. No less than 18 conveniently located parking bays shall be provided for the bed-and-breakfast establishment.</p> <p>3. No less than 35 conveniently located parking bays shall be provided for the Specialised Office component.</p>								
<b>DEVELOPMENT PARAMETERS</b>								
<b>Use of Land</b>	<b>SPACE ABOUT BUILDINGS</b>			<b>Units per hectare</b>	<b>Min Erf size (m²)</b>	<b>Height (STOREYS)</b>	<b>Coverage (%)</b>	<b>F.A.R</b>
	<b>Building line</b>	<b>Side space</b>	<b>Rear Space</b>					
Dwelling	7m	3m		As per approved Site development plan		1	Existing buildings, on Portion 2 (of 1) of Erf 194 PMB	Existing buildings, on Portion 2 (of 1) of Erf 194 PMB.
Residential Building All other uses						2	Existing building, on Portion 5 of Erf 343 PMB	8 bedrooms within the existing building, on Portion 5 of Erf 343 PMB.
Specialised Offices						2	600 m²	920 m²

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#### 4.11.24 Special Area 24: Almond Bank

ZONE:	SPECIAL AREA 24						
Statement of Intent:	A land use zone that provides for land uses and buildings with a limited mix of land uses as listed below, which shall apply to Portions 1 and 5 of the Farm Leliefontein No 1175 (Almond Bank), being off Main Road 120.						
Colour Notation:	Fill: Grey Cross Hatch R:156, G:156, B:156 Notation: "24" Outline: Black R:000,G:000,B:000						
Permissible (A)			Consent (B)		Prohibited (C)		
<ul style="list-style-type: none"><li>• Agricultural Building</li><li>• Agricultural Land</li><li>• Dwelling</li><li>• Outbuilding</li><li>• Restaurant</li><li>• Shop</li><li>• Social Hall</li><li>• Specialised Office</li></ul>			<ul style="list-style-type: none"><li>• Home Business</li></ul>		Land uses and buildings not listed in column (A) and (B).		
ADDITIONAL CONTROLS							
1. The space about buildings may be relaxed save with the written consent of the Home Owners' Association.							
2. The space about buildings requirements shall not over-rule the requirements of the National Building Regulations and any greater side and rear space which may be required in terms thereof, shall be observed.							
3. No further subdivision shall be permitted without the written authority of the Home Owners' Association and the Municipality.							
PARKING REGULATIONS							
1. Dwelling: 1 bay per Dwelling							
2. Specialised Offices, Shops, Social Hall: 1.2 m² of gross parking area per 1 m² of gross floor area							
DEVELOPMENT PARAMETERS							
SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
Building line	Side space	Rear Space					
7m	5m (including swimming pools)		4	As per approved Site development plan	2	75	0,50

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#### 4.11.25 Special Area 25: 528 Chota Motala Rd

ZONE:		SPECIAL AREA 25						
Statement of Intent:		A land use zone that provides for land uses and buildings with a limited mix of land uses as listed below, which shall apply to Erf 519 Raisethorpe, being 528 Chota Motala Road: Raisethorpe.						
Colour Notation:		Fill: Grey Cross Hatch R:156, G:156, B:156 Notation: "25" Outline: Black R:000,G:000,B:000						
Permissible (A)		Consent (B)				Prohibited (C)		
<ul style="list-style-type: none"><li>• Business Purposes</li><li>• Flat (except on the ground floor)</li><li>• Government/Municipal</li><li>• Parking Depot</li><li>• Place of Instruction</li><li>• Residential Building (except on the ground floor)</li><li>• Restaurant</li><li>• Service Workshop</li><li>• Shop</li><li>• Specialised Office</li></ul>		<ul style="list-style-type: none"><li>• Home Business</li><li>• Institution</li><li>• Motor Sales Premises</li><li>• Motor Workshop</li><li>• Place of Public Entertainment</li><li>• Place of Worship</li><li>• Special Building</li></ul>				Land uses and buildings not listed in column (A) and (B).		
ADDITIONAL CONTROLS								
<ol style="list-style-type: none"><li>1. The Municipality may grant its consent for the erection of a building or structure (including swimming pools) in front of the building line.</li><li>2. All new buildings, or portions of buildings, accommodating or comprising dwellings, residential building or flats, shall observe a side and rear spaces provided for in accordance with the requirements for those uses where they appear elsewhere in the scheme, including any limitations on the relaxation of those requirements.</li><li>3. Side and rear space for any use not specified herein shall be provided for in accordance with the requirements for those uses where they appear elsewhere in the scheme.</li><li>4. There shall be, in respect of Business Purposes, Shops, Specialised Offices and other non-residential uses, no specified side or rear space, which shall be determined in terms of the National Building Regulations.</li><li>5. The minimum site areas, frontages and mean widths for residential, offices and other non-residential uses shall be in accordance with clause 5.6.1 and 5.1 respectively.</li></ol>								
PARKING REGULATIONS								
<ol style="list-style-type: none"><li>1. There shall be, in respect of business purposes, shops, specialised offices and other non-residential uses, no specified on-site parking requirement.</li><li>2. On-site parking requirements for any other uses shall be in accordance with the requirements for those uses, as provided for elsewhere in the scheme.</li><li>3. The Municipality may, upon receipt of a fully motivated application, and if it considers that there are special and extenuating circumstances, grant its consent to a specified relaxation of the requirements set out above.</li><li>4. The technical requirements for on-site parking shall be in accordance with clause 7.2. of the scheme.</li><li>5. Ingress and egress from the site, parking and the movement of delivery vehicles shall be provided to the satisfaction of Municipality.</li></ol>								
DEVELOPMENT PARAMETERS								
Use of Land	SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
	Building line	Side space	Rear Space					

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Residential Building	6m (including swimming pools)	N/A	As per approved Site development plan	Controlled by 60°	50	1,00
All other uses				Light angle (clause 5.4.4)	75	1,50

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#### 4.11.26 Special Area 26: Corner of New England Rd and Hesketh Drive

ZONE:		SPECIAL AREA 26						
Statement of Intent:		A land use zone that provides for land uses and buildings with a limited mix of land uses as listed below, which shall apply to Portion 2 of Erf 3044 Pietermaritzburg and Erf 20 Hayfields as depicted on Drawing No. L/901 Revision A situated on the corner of New England Road and Hesketh Drive.						
Colour Notation:		Fill: Grey Cross Hatch R:156, G:156, B:156 Notation: "26" Outline: Black R:000,G:000,B:000						
Permissible (A)			Consent (B)			Prohibited (C)		
<ul style="list-style-type: none"><li>Medium Density Housing</li><li>Outbuilding</li><li>Residential Building*</li></ul>			<ul style="list-style-type: none"><li>Home Business</li></ul>			Land uses and buildings not listed in column (A) and (B).		
ADDITIONAL CONTROLS								
<p>1. *Restricted to a Hotel and any buildings or structures normally ancillary to any of the above.</p> <p>2. The disposition of development shall be limited to and generally in accordance with Drawing No. L/901 Revision A, or an amendment approved by the Municipality.</p> <p>3. Appropriate landscaping shall be undertaken and maintained in accordance with the Environmental Authorisation and to the satisfaction of the Municipality.</p> <p>4. A signage policy for the site, or parts thereof, shall be submitted to and approved by the Municipality.</p> <p>5. The approved Environmental Management Plan (EMP) shall be adhered to.</p> <p>6. The gate house shall have a nil building line.</p> <p>7. Space about buildings may be relaxed save with Municipality's consent.</p> <p>8. The disposition of development shall be limited to and generally in accordance with Drawing No. L/901 Revision A. The land shall not be further subdivided without the express consent of Municipality.</p>								
PARKING REGULATIONS								
<p>1. Two parking spaces for every dwelling.</p> <p>2. 0.67 (2 bays per 3 rooms) bay for every Hotel room.</p> <p>3. On-site parking requirements for any other uses shall be in accordance with the requirements for those uses, as provided for elsewhere in the scheme.</p> <p>4. The technical requirements for on-site parking shall be in accordance with clause 7.2. of the scheme.</p>								
DEVELOPMENT PARAMETERS								
Use of Land	SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
	Building line	Side space	Rear Space					
Dwellings	7,5m	4,5m		20	As per approved Site development plan	2	33,3	As per approved Site development plan
Residential Building				-		3	33,3	

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#### 4.11.27 Special Area 27: 4 and 6 Gough Road and 11 Hyslop Road

<b>ZONE:</b>	<b>SPECIAL AREA 27</b>	
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings with a limited mix of land uses as listed below, which shall apply to Remainder of Portion 27, Portion 14 (of 9), and Portion 28 (of 27) all of Erf 233 Pietermaritzburg, being 4 and 6 Gough Road and 11 Hyslop Road, : Athlone.	
<b>Colour Notation:</b>	<b>Fill: Grey Cross Hatch R:156, G:156, B:156</b> <b>Notation: "27"</b> <b>Outline: Black R:000,G:000,B:000</b>	
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>• Business Purposes</li> <li>• Dwelling</li> <li>• Outbuilding</li> <li>• Shop*</li> <li>• Specialised Office</li> </ul>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>		
<ol style="list-style-type: none"> <li>1. A Business Purposes, Shop and Specialised Office shall be permitted within the existing main buildings and outbuildings, and any alterations and additions approved by Amafa AKwaZulu-Natali and the Municipality, for as long as the buildings deemed by Amafa AKwaZulu-Natali to be worthy of conservation remain.</li> <li>2. *A Shop shall be limited to: -               <ol style="list-style-type: none"> <li>(a) tailoring and the retailing of home décor and clothing, that is ancillary to the beauty salon, within the existing main Building located on the Remainder of Erf 233 Pietermaritzburg, being 4 Gough Road; and</li> <li>(b) The retailing of home décor, furniture and art within the existing main Building located on Portion 28 (of 27) of Erf 233 Pietermaritzburg, being 11 Hyslop Road.</li> </ol> </li> <li>3. All buildings and structures shall observe a building line determined as being the distance between the existing main buildings and outbuildings and the frontages of the erven along Gough and Hyslop Roads.</li> <li>4. The building line may be relaxed save with the written consent of the Home Owners' Association.</li> <li>5. Side and rear space may be relaxed save with the Municipality's consent.</li> <li>6. **The Height restriction may be increased save with the consent of the Municipality.</li> <li>7. The side and rear space requirements shall not over-rule the requirements of the National Building Regulations.</li> <li>8. Portions of the properties constituting Special Area 40 shall be subdivided and consolidated to form a common property.</li> <li>9. The common property shall provide access to the properties constituting Special Area and on-site parking and shall have a Frontage to a public street and a mean width determined by Municipality.</li> <li>10. The individual subdivisions and common property shall be registered in the Deeds Office under separate title with the common property being registered in the name of an Owner's Association with perpetual succession.</li> <li>11. The Owners' Association shall be responsible in perpetuity for the maintenance of the common property in a clean, tidy and serviceable condition, to the satisfaction of the Municipality and shall take all steps to ensure that no part of such common property shall become a public street or public place for which the Municipality may be required to accept responsibility, without the express consent of the Municipality.</li> </ol>		

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12. The Owners' Association shall be responsible for all dealings with the Municipality for the purposes of complying with the obligations imposed in terms of the provisions of paragraph 10 above and the levying of rates in respect of the common property. The affairs of such Owners' Association shall be regulated by a Memorandum and Articles of Association or founding statement, as the case may be, which shall have been approved by the Municipality before the common property may be registered under a certificate of consolidated title.
13. Membership of the Owners' Association shall be exclusive to and compulsory for the owners of the subdivisions located within the boundaries of Special Area 40 who shall, at their expense, cause all deeds, servitudes and the like that may be required to be registered in the Deeds Office, to be so registered, whether in favour of the Municipality or otherwise.
14. The constituent properties shall not be subdivided further without the consent of the Municipality.
15. The approval of any subdivision shall also be subject to any conditions that may be imposed by the Municipality in terms of Section 18 of Ordinance No 14 of 1936 or the provisions of Chapter 3 of the KZN Provincial Planning and Development Act (No 6 of 2008).
16. Advertising signage shall be limited to that specified in the Msunduzi Advertising Signs Bylaws and have regard to the historical and architectural merits of the existing main Buildings.

#### **PARKING REGULATIONS**

1. Business Purposes and Shop: 1 bay for every 25m<sup>2</sup> of net floor space occupied by a Business Purposes and Shop.
2. Dwelling: 2 bay s per Dwelling.
3. Specialised Office: -
  - (a) 1 bay for every 25m<sup>2</sup> of nett office space, other than offices wherein medical or dental practitioners are to be accommodated.
  - (b) 1 bay for every 15 m<sup>2</sup> of nett office space wherein medical or dental practitioners are to be accommodated.
4. The technical requirements for on-site parking shall be in accordance with clause 7.2. of the Scheme.
5. On-site parking shall be located, constructed and landscaped to the satisfaction of Amafa AKwaZulu-Natali and the Municipality and have regard to the historical and architectural merits of the existing main Buildings.
6. A servitude shall be registered in favour of a constituent property in respect of any required on-site parking that is located within the boundaries of the common property.

#### **DEVELOPMENT PARAMETERS**

Use of Land	SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m <sup>2</sup> )	Height (STOREYS)	Coverage (%)	F.A.R
	Building line	Side space	Rear Space					
Dwellings	3m	1,5m		10	As per approved Site development plan	2	50	As per approved Site development plan
All other uses				NA				1,00

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#### 4.11.28 Special Area 28: 19, 21 and 23 Hyslop Road: Athlone

<b>ZONE:</b>	<b>SPECIAL AREA 28</b>	
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings with a limited mix of land uses as listed below, which shall apply to Remainder of 16 (of 4), the Remainder of 3 and the Remainder of 5 (of 4) and the Remainder of 7 (of 3) all of Erf 233 Pietermaritzburg, being 19, 21 and 23 Hyslop Road: Athlone.	
<b>Colour Notation:</b>	<b>Fill: Grey Cross Hatch R:156, G:156, B:156</b> <b>Notation: "28"</b> <b>Outline: Black R:000,G:000,B:000</b>	
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>• Business Purposes</li> <li>• Dwelling</li> <li>• Outbuilding</li> <li>• Shop*</li> <li>• Specialised Office</li> </ul>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>		
<ol style="list-style-type: none"> <li>1. A Business Purposes, Shop and Specialised Office shall be permitted within the existing main Buildings and Outbuildings, and any alterations and additions approved by Amafa AKwaZulu-Natali and the Municipality, for as long as the Buildings deemed by Amafa AKwaZulu-Natali to be worthy of conservation remain.</li> <li>2. *A Shop shall be limited to: -               <ol style="list-style-type: none"> <li>(c) the retailing of clothing, that is ancillary to the hairdresser and beauty salon, within the existing main Building located on the Remainder of 7 (of 3) of Erf 233 Pietermaritzburg, being 23 Hyslop Road; and</li> <li>(d) the retailing of art supplies, paper and stationery within the existing main Building located on the Remainder of 3 and the Remainder of 5 (of 4) of Erf 233 Pietermaritzburg, being 21 Hyslop Road.</li> </ol> </li> <li>3. The Building line may be relaxed save with the written consent of the Home Owners' Association.</li> <li>4. The building line requirements shall not over-rule the requirement of a 6.0 metre Building Line along Hyslop Road.</li> <li>5. Side and Rear Space may be relaxed save with the Municipality's consent.</li> <li>6. **The Height restriction may be increased save with the consent of the Municipality.</li> <li>7. The side and rear space requirements shall not over-rule the requirements of the National Building Regulations.</li> <li>8. Portions of the properties constituting Special Area 41 shall be subdivided and consolidated to form a common property.</li> <li>9. The common property shall provide access to the properties constituting Special Area 41 and on-site parking and shall have a frontage to a public street and a mean width determined by Municipality.</li> <li>10. The individual subdivisions and common property shall be registered in the Deeds Office under separate title with the common property being registered in the name of an Owner's Association with perpetual succession.</li> <li>11. The Owners' Association shall be responsible in perpetuity for the maintenance of the common property in a clean, tidy and serviceable condition, to the satisfaction of the Municipality and shall take all steps to ensure that no part of such common property shall become a public street or public place for which the Municipality may be required to accept responsibility, without the express consent of the Municipality.</li> </ol>		

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12. The Owners' Association shall be responsible for all dealings with the Municipality for the purposes of complying with the obligations imposed in terms of the provisions of paragraph 10 above and the levying of rates in respect of the common property. The affairs of such Owners' Association shall be regulated by a Memorandum and Articles of Association or founding statement, as the case may be, which shall have been approved by the Municipality before the common property may be registered under a certificate of consolidated title.
13. Membership of the Owners' Association shall be exclusive to and compulsory for the owners of the subdivisions located within the boundaries of Special Area 41 who shall, at their expense, cause all deeds, servitudes and the like that may be required to be registered in the Deeds Office, to be so registered, whether in favour of the Municipality or otherwise.
14. The constituent properties shall not be subdivided further without the consent of the Municipality.
15. The approval of any subdivision shall also be subject to any conditions that may be imposed by the Municipality in terms of Section 18 of Ordinance No 14 of 1936 or the provisions of Chapter 3 of the KZN Provincial Planning and Development Act (No. 6 of 2008).
16. Advertising signage shall be limited to that specified in the Msunduzi Advertising Signs Bylaws and have regard to the historical and architectural merits of the existing main buildings.

#### **PARKING REGULATIONS**

1. Business Purposes and Shop: 1 bay for every 25m<sup>2</sup> of net floor space occupied by a Business Purposes and Shop.
2. Dwelling: 2 bay s per Dwelling.
3. Specialised Office: -
  - (c) 1 bay for every 25m<sup>2</sup> of nett office space, other than offices wherein medical or dental practitioners are to be accommodated.
  - (d) 1 bay for every 15m<sup>2</sup> of nett office space wherein medical or dental practitioners are to be accommodated.
4. The technical requirements for on-site parking shall be in accordance with clause 7.2. of the scheme.
5. On-site parking shall be located, constructed and landscaped to the satisfaction of Amafa AKwaZulu-Natali and the Municipality and have regard to the historical and architectural merits of the existing main Buildings.
6. A servitude shall be registered in favour of a constituent property in respect of any required on-site parking that is located within the boundaries of the common property.

#### **DEVELOPMENT PARAMETERS**

Use of Land	SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m <sup>2</sup> )	Height (STOREYS)	Coverag e (%)	F.A.R
	Building line	Side space	Rear Space					
Dwellings	3m	1,5m	3m	10	As per approved Site developme nt plan	2	50	As per approved Site developme nt plan
All other uses				N/A				1,00

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#### 4.11.29 Special Area 29: Rita Light Industrial Park

<b>ZONE:</b>	<b>SPECIAL AREA 29</b>	
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings with a limited mix of land uses as listed below, which shall apply to Portion 300 (of 268) of the Farm Vaalkop & Dadelfontontein Nr. 885, FT], OFF the R102. As per Layout 1228.00.AA.02A002.	
<b>Colour Notation:</b>	<b>Fill: Grey Cross Hatch R:156, G:156, B:156</b> <b>Notation: "29"</b> <b>Outline: Black R:000,G:000,B:000</b>	
<b>LIGHT INDUSTRIAL ZONE : PORTIONS 865, 877,879,884,885 AND 886</b>		
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"><li>• Light Industrial Building</li><li>• Motor Sales Premises</li><li>• Motor Workshop</li><li>• Service Workshop</li><li>• Services Industrial Building</li></ul>	<ul style="list-style-type: none"><li>• Boarding House</li><li>• Business Purposes</li><li>• Dwelling</li><li>• Flat</li><li>• Government/Municipal</li><li>• Home Business*</li><li>• Industrial Building</li><li>• Institution</li><li>• Outbuilding</li><li>• Parking Depot</li><li>• Parking Lot</li><li>• Petrol Filling Station**</li><li>• Place of Instruction</li><li>• Place of Public Entertainment</li><li>• Residential Building</li><li>• Restaurant</li><li>• Shop</li><li>• Social Hall</li><li>• Special Building</li><li>• Specialised Office</li></ul>	Land uses and buildings not listed in column (A) and (B).
<b>GENERAL BUSINESS ZONE: PORTION 883</b>		
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"><li>• Business Purposes</li><li>• Dwelling</li><li>• Flat</li><li>• Government/Municipal</li><li>• Outbuilding</li><li>• Place of Instruction</li><li>• Restaurant</li><li>• Service Workshop</li><li>• Shop</li><li>• Social Hall</li><li>• Specialised Office</li></ul>	<ul style="list-style-type: none"><li>• Agricultural Building</li><li>• Home Business*</li><li>• Industrial Building</li><li>• Institution</li><li>• Light Industrial Building</li><li>• Motor Sales Premises</li><li>• Motor Workshop</li><li>• Parking Depot</li><li>• Parking Lot</li><li>• Petrol Filling Station**</li><li>• Place of Worship</li><li>• Service Industrial Building</li><li>• Social Hall</li><li>• Special Building</li></ul>	Land uses and buildings not listed in column (A) and (B).

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<b>CONSERVATION AREA: PORTIONS 878,881 AND 888</b>		
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>Land reserved for Conservation Area shall not be utilised for any for any activity nor shall any work be permitted, unless specifically authorised by the Municipality to further the aims of conserving the Land. Provided that the Municipality may take such steps, including the control and / or prohibition of entry, as it may deem fit, to secure the presentation and enhancement of the area concerned.</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>PASSIVE PUBLIC OPEN SPACE: PORTION 882</b>		
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>Land reserved for Passive Public Open Space may be utilised by the general public for recreational purposes, other than formal or organised sporting activities and no Building or structures may be erected, save those Public Buildings or structures which may be required by the Municipality to further the public uses of the Land.</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>MUNICIPAL PURPOSES: PORTIONS 880 AND 887</b>		
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>Sewerage Treatment Works and reservoir</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>		
<ol style="list-style-type: none"> <li>To be read in conjunction with DFA Tribunal decision.</li> <li>*Provided the written consent of all abutting owners and any other owners the Municipality may determine is obtained, the Municipality may waive the consent procedure.</li> <li>**Subject to Environmental authorisation being granted by the KZN Department of Agriculture, Environmental Affairs and Rural Development.</li> </ol>		

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4. Subject to compliance with the provisions of the Msunduzi Boarding House policy.
5. Prior to the commencement of developed on the Site a landscape plan shall be approved by the Manager: Parks and Recreation and the City Planner. Such plan shall indicate a phasing programme of the implementation of the plan. The general themes of the landscaping shall be to make provision for the establishment of indigenous plants and to blend buildings with the landscaping.
6. The landscape standards should ensure a coherent relationship between the overall Open Space/ Conservation area and the individual development sites. These standards must set the parameters for the selection and planting of indigenous shrubs and trees on the individual properties.
7. Prior to the development of any light industrial portions, a Basic Architectural Code/ Property Development Code needs to be developed. This code should as far as possible limit visual impact of the development. The code must dictate explicit elements of all structures, and carefully arrange these in a coherent and carefully arrange these in a coherent formal interrelationship. The objective of Rita Light Industrial Park Architectural development material should be a constructive attempt to achieve a coherent and pleasing overall architectural character, which is consistent with the surrounding setting.
8. The developer shall give effect, to the satisfaction of the Municipality, to the Road Network Improvements indicated in the Traffic Impact Report dated November 2008, by Bigen Africa Services (PTY) Ltd.
9. A site development plan shall be submitted and approved for a portion by the Municipality, prior to the submission of formal building plans.
10. In the event of the developer wishing to submit separate site development plans for different elements of the development, such site development plans must be accompanied by an overall development framework for the entire site.
11. Such site development plans shall, inter alia, provide details of the landscaping, environmental management and traffic management requirements contemplated in paragraph 4, 5 and 7 above.
12. The developer shall be entirely responsible for ensuring compliance with any other applicable legislation (e.g. National Environmental Management: Waste Act, 2008 (Act No 59 of 2008), Water Act).
13. The Municipality may grant its consent for the erection of a building or structure in front of the Building Line.
14. Portion 865,866,867.887 and 888 are subject to a 20m rear space with open parking and access roads provided between 10 and 20m from the National Road Reserve boundary with the area between 10 and 10m from the National Road Reserve Boundary shall remain clear for other services owners.
15. Side and rear space for any use not specified herein shall be provided in accordance with the requirements for those uses where they appear elsewhere in the scheme.
16. The subdivision of Portion 300 (of 268) of the Farm Vaalkop and Dadelfontein No 885, FT will be done in accordance with layout Plan 1228.00.AA.02A002 version 1.2
17. Over and above the subdivisions as set out on Layout Plan 1228.00.AA.02A002 version 1.2 no further subdivisions may be done without the consent of the Municipality. Furthermore, the Municipality shall not consent to the subdivision of any Land if such subdivision would result in the specified floor area and coverage for the particular building in this land use zone being contravened.
18. Conservation Area and Passive Public Open Space: save with the consent of the Municipality, no person shall erect a Building or execute works, or make excavations on or otherwise use Land reserved hereunder other than Buildings works or excavation required for, or incidental to the purpose for which the land is reserved.
19. Municipal Purposes: save with the consent of the Municipality, no person shall erect a building or execute works, or make excavations on or otherwise use land reserved hereunder other than building works or

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excavation required for, or incidental to the purpose for which the land is reserved for proposed reservations for new roads.							
20. Land uses for Passive Public Open Space may be utilised by the general public for recreational purposes, other than formal or organised sporting activities and no buildings or structures may be erected, save the public buildings or structures which may be required by the municipality to further the public use of the land.							
PARKING REGULATIONS							
1. Industrial Buildings, Light Industrial Buildings and Service Workshops: A gross area to 15% of the total Floor area of the main Building or Buildings, or equal to 10% of the Site area, whichever is the greater.							
2. On-site parking requirements for any other uses shall be in accordance with the requirements for those uses, as provided for elsewhere in the Scheme.							
3. The technical requirements for on-site parking shall be in accordance with Clause 7.2. of the Scheme.							
DEVELOPMENT PARAMETERS							
LIGHT INDUSTRIAL ZONE							
SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
Building line	Side space	Rear Space					
7m	As required elsewhere in the Scheme, for that particular use.		N/A	3000	3	75	N/A
GENERAL BUSINESS ZONE							
SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
Building line	Side space	Rear Space					
7m	As required elsewhere in the Scheme, for that particular use.		N/A	500	As per approved Site development plan		
CONSERVATION AREA							
SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
Building line	Side space	Rear Space					
N/A							
PASSIVE PUBLIC OPEN SPACE							
SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
Building line	Side space	Rear Space					
7m	N/A						
MUNICIPAL PURPOSES							
SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
Building line	Side space	Rear Space					
7m	N/A						

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#### 4.11.30 Special Area 30: Hayfields Super Spar

<b>ZONE:</b>	<b>SPECIAL AREA 30</b>	
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings with a limited mix of land uses as listed below, which shall apply to proposed consolidation of Portions 1, 2, 3 & 4 of Erf 1113, Portion 4 (of 1) and the Remainder of Portion 1 of Erf 1135 and Portions 1 & 2 of Erf 1160, all of Pietermaritzburg, corner of Mills Circle and Blackburn Road, Hayfields (to be designated as Erf 10174, Pietermaritzburg).	
<b>Colour Notation:</b>	<b>Fill: Grey Cross Hatch R:156, G:156, B:156</b> <b>Notation: "30"</b> <b>Outline: Black R:000,G:000,B:000</b>	
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>Business Purposes*</li> <li>Shop*</li> </ul>	<ul style="list-style-type: none"> <li>Specialised Office</li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>		
<ol style="list-style-type: none"> <li>*All development shall be in accordance with: - <ol style="list-style-type: none"> <li>Design guidelines attached to the Conditions of Sale and any subsequent sale agreement in respect of this property;</li> <li>A site development plan which shall be submitted to and approved by Municipality prior to the submission of building plans and which shall have regard to the following: <ul style="list-style-type: none"> <li>coarse-grain development;</li> <li>vehicle orientated land uses;</li> <li>high road visibility;</li> <li>bold imagery;</li> <li>landscaping;</li> <li>environmental management;</li> <li>traffic management; and</li> <li>parking, density and height controls applicable to this zone.</li> </ul> </li> </ol> </li> <li>All development shall be substantially in accordance with: - <ol style="list-style-type: none"> <li>The Floor Layout Plan dated February 2011 and Site Plan dated March 2011.</li> <li>The total floor area applicable to this zone shall be limited to 6000 square metres.</li> </ol> </li> <li>Acting on the advice of a professional engineer, and in Consultation with the Municipality, the developer of Erf 10174 shall increase the pipe size of the existing eastern storm water pipe from the edge of the development to its exit to the stream.</li> <li>The development of Erf 10174 shall lay permeable paving wherever possible over the parking area, allowing rain water to percolate into the soil as it is currently the case.</li> <li>Simultaneously with the registration of the consolidation referred to in the statement of intent above the developer of Erf 10174 shall create and register, in favour of the Municipality, 3,00-meter-wide sewer servitudes over Erf 10174, along the eastern and south –eastern boundaries of Erf 10174, and 2,00 metres away from the common boundaries with Portion 5 of Erf 1113 Pietermaritzburg in order to link up with the existing sewer servitude over Portion 3 of Erf 1160 Pietermaritzburg.</li> <li>The developer of Erf 10174 shall re-route the existing municipal sewer main to within the sewer servitude indicated in paragraph 5 above.</li> </ol>		

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7. The street perimeter of Erf 10174 should be fenced or walled, wherever possible, by the developer of Erf 10174 before the development on Erf 10174 is opened to the public. Acting on the advice of a professional engineer an appropriate, aesthetically pleasing and structurally stable 2,40-metre-high wall shall be erected, by the developer of Erf 10174, along the common boundaries between Erf 10174 and Portion 5 of Erf 1113 & Portion 3 of Erf 1160, all Pietermaritzburg. The wall must be designed and erected in consultation with and to the satisfaction of the owners of such adjacent properties. Such erection must take place prior to any other work on site.
8. Simultaneously with the registration of the consolidation referred to the statement of intent above, the developer of Erf 10174 shall create and register, in favour of the Municipality, a 2,00-meter-wide planter servitude over Erf 10174, along the common boundaries with Portion 5 of Erf 1113 and Portion 3 of Erf 1160, all Pietermaritzburg. Acting on the advice of a professional horticulturist, foliage and / or trees shall be planted, by the developer of Erf 10174, along the full length of the planter servitude to screen off Erf 10174 from the adjacent properties. Such planting should take place after the erection of the 2,40m high wall referred to in paragraph 7 above and prior to any other work on site, and the developer shall ensure that the planted foliage/ trees is protected and nurtured during the construction stage of the project and thereafter. The obligation to protect and nurture the foliage/ trees must be entrenched in any and all future lease / sale agreements between the developer of Erf 10174 and future tenants / owners of Erf 10174.
9. In conjunction with the Municipality, the developer of Erf 10174 shall effect all the road works in Mills Circle and Blackburrow Roads as depicted in the draft engineer's drawing number: WO1.PZB.000200/GAO1, including the layby's and new synchronised traffic signalisation in Blackburrow Road. These works shall be completed before the development on Erf 10174 is opened to the public.
10. In conjunction with the Municipality, the developer of Erf 10174 shall erect a physical median on Blackburrow Road, to prevent taxis and other vehicles from affecting U-turns. This work shall be completed before the development of Erf 10174 is opened to the public.
11. In conjunction with the Municipality, and after the expiry of the requisite notice period (which notice is to be initiated forthwith by the Municipality,) the developer of Erf 10174 shall erect a physical barriers across Mills Circle West, Along the prolongation of the common boundary between Erf 10174 and Portion 3 of Erf 1160; in such a manner that motor vehicles will not be able to proceed beyond such barrier the developer, in conjunction with the Municipality, shall construct a turning circle or turning device large enough to facilitate the turning of municipal refuse removal vehicles. The barrier and the turning circle / device must be erected/ constructed and completed before the development on Erf 10174 is occupied by the retailer.
12. The developer must apply for and obtain all the usual clearance certificates pertaining to a development of this nature.
13. Apart from the usual requirements, an occupation certificate may not be issued by the Municipality unless all the above conditions have been fully complied with.
14. The building line 30m from the National Road Reserve boundary unless South African National Road Agency consents to relaxation.
15. The Municipality may grant its consent for the erection of a building structure in front of the Building Line.
16. The site shall not be subdivided without the consent of the Municipality.
17. The developer shall be responsible for the traffic improvements recommended in Section 7 of the Traffic Impact Report dated August 2010, compiled by SSI Engineers and Environmental Consultants.
18. The Developer shall introduce specific measures to restrict heavy vehicles from driving around Mills Circle. Access and exit should be in accordance with the site development plan.

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19. The Developer shall, at his own cost, implement required improvements on the site, to the satisfaction of the Municipality: -  
 (a) Lay-bys should be listed on Blackburrow Road  
 (b) A Pedestrian crossing should be provided opposite the lay-by's  
 (c) The proposed new signalised traffic intersection should be synchronised with the existing signalised intersection.  
 (d) A physical median should be erected on Blackburrow Road to prevent taxis and other vehicles from effecting U-turns.
20. Development shall be in accordance with Roads conditions which constitute that: -  
 (a) Increase the pipe size of the existing eastern storm water pipe from the edge of the development to its exit to the stream.  
 (b) Permeable paving over a large of the parking area, allowing rain water to percolate into the soil as it currently the case.  
 (c) Installing an attenuation tank at the back of the development to remove any peak flow that may still occur before discharge to existing storm water system.
21. Application to disconnect meters shall be submitted at the time of construction.
22. Re-routing of the Municipal sewer main and creation and registration of 3-meter servitude within Erf 10174 Pietermaritzburg, shall be done prior to any commencement.
23. The developer should ensure that removed street trees are replaced with indigenous trees.
24. The Developer shall be entirely responsible for ensuring compliance with any other applicable legislation (e.g. Environmental Conservation Act, Water Act, South African Roads Act, etc.).

#### PARKING REGULATIONS

- Shop: 5 per 100m<sup>2</sup> of total floor area
- Special Office: -  
 (a) 2, 5 per 100m<sup>2</sup> of total floor area.  
 (b) 5 per 100m<sup>2</sup> for medical offices
- The requirements given in the above table must be read in conjunction with the Department of Transport Parking Standards (Second Edition) document (ref. PG 3/85) dated November 1985. The requirements in that document must be employed for all standards not quoted above.
- On-site parking requirements for any other uses shall be in accordance with the requirements for those uses, as provided for elsewhere in the Scheme.

#### DEVELOPMENT PARAMETERS

SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m <sup>2</sup> )	Height (STOREYS)	Coverage (%)	F.A.R
Building line	Side space	Rear Space					
7m	8m	As per approved Site Development Plan	N/A	As per approved Site development plan	2	6000m <sup>2</sup>	6000m <sup>2</sup>

#### WOODBURN SHOPPING CENTRE: PORTION 5 OF ERF 4345, PIETERMARITZBURG AND PORTION 17 OF ERF 567, PIETERMARITZBURG

Permissible (A)	Consent (B)	Prohibited (C)
<ul style="list-style-type: none"> <li>Business Purposes (including a Motor Sales Premises and Ancillary Motor Workshop)</li> <li>Health Studio</li> </ul>	N/A	Land uses and buildings not listed in column (A) and (B).

#### ADDITIONAL CONTROLS

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**1. Designation and Layout**

(a) Upon approval of the diagrams, the layout may be amended or cancelled in terms of the Land Survey Act No. 8 / 1997, with the prior consent of the Authorized Officer of the Municipality.

(b) The consolidation within the land development area shall be designated and laid out substantially in accordance with Layout Consol/2016 dated March 2016 as attached to the Consent. Property descriptions used in this application may be amended by the Surveyor General if required

2. A consolidation diagram for the consolidation of Portion 5 of Erf 4346 and Portion 17 of Erf 567, Pietermaritzburg shall be lodged for approval with the Surveyor-General, as contemplated in terms of the Section 43 of the Spatial Planning and Land Use Management Act No.16 of 2013.

**3. Registration Procedures**

(a) After compliance with the above conditions, and upon lodgement of a copy of these conditions and the title deed under which the land is held, the Registrar of Deeds shall register the consolidation as contemplated in terms of Section 53 of the Spatial Planning and Land Use Management Act No.16 of 2013.

(b) (ii) In respect of the development, the Municipality shall issue a certificate informing the Registrar of Deeds in writing, that any conditions of approval relating to the particular phases of the application which must be complied have been complied with.

(c) (iii) After compliance with the above conditions, and upon lodgment of a copy of these conditions and the title deed under which the land is held, the Registrar of Deeds shall register the consolidation as contemplated in terms of Section 53 of the Spatial Planning and Land Use Management Act No.16 of 2013.

4. The Msunduzi Municipality shall issue a certificate stating that no services are required to be provided for the registration of the consolidation of Portion 5 of Erf 4346 and Portion 17 of Erf 567, Pietermaritzburg.

**5. Traffic**

(a) The proposed access from the New England/Woodburn Road intersection should be signalized with lane configurations as shown on Royal Haskoning No.T01.P2B.000464-RD-01

(b) Traffic signal at the proposed access should be coordinated with Alan Paton/Alexandra, Alan Paton/New England and New England/Woodhouse Road traffic signals. Traffic operations will be monitored for 2 months. Then should there be a need to include the Alan Paton/King Edward Road intersection on the traffic signals coordination that will be the developer's responsibility.

(c) The exclusive right turn lane on the westbound approach of Alan Paton Drive/Woodhouse/Linster intersection should be extended to the minimum of 40m.

(d) The above intersection is currently operating at overcapacity and it will not be able to cope with the additional traffic from the proposed development. In order to mitigate the situation, the following upgrades will have to be implemented:

(e) 60m exclusive right turn lane on the northbound approach of Alan Paton/Alexandra Road intersection should be constructed.

(f) 60m second exclusive right turn lane on the eastbound approach of Alan Paton/Alexandra Road intersection should be constructed.

(g) Approximately 60m receiving lane on the southbound approach of Alan Paton/Alexandra road to join on the existing road widening should be constructed.

(h) A detailed design plan prepared by a registered civil engineer for all the proposed road upgrading, public transport laybys, and 2.5m wide sidewalk linked to a pedestrian gate and traffic calming should be submitted to Roads and Transportation Planning Department for approval.

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- (i) Traffic signals design should be submitted to the Transportation and Planning Department for approval.
- (j) Msunduzi Municipality Traffic signals Operation Department should be consulted with regards to the type of traffic signals controller to be used and cabling diagrams.
- (k) All the above upgrades should be at the developer's cost.
- (l) The Erf 10278 shall be restricted to single water and electricity service connections, and existing / proposed service connections to the storm-water mains. No structural development will be permitted over or on the near vicinity of the sewer main.
- (m) A Storm Water Management Plan shall be required for the entire site when any further development is done.

#### 6. Electricity

- (a) Any existing services residual to the main services shall be severed and made safe or removed prior to the registration of consolidated property. The owner shall notify the Manager: Land Survey, in writing, that this has been done.
- (b) No building or trees (other than shrubs) shall be erected within 15m from the centre of the line of the servitude. A typical servitude width for the 132kV single line is 30m.
- (c) The occupational Health and Safety Act, Regulation 15 relating to 132kV lines specifies that minimum clearance of 3.8m must be maintained between the conductor operating at their designed maximum continuous temperature and any building, pole or structure not forming part of the power lines. In addition, Provincial Notice No.3, 1975 permit the occupant of any dwelling to erect, without prior consent, a television aerial or a mast to a height not exceeding 3 metres above the highest point of the building.
- (d) Therefore, the proposed development or access to the development within overhead power line servitude will not be permitted to encroach within a radial distance of (3.8 +3)m that's 7m beneath 132 kV line respectively, under the statutory sag and swing conditions.
- (e) The developer shall put a formal application to Electricity Department stating the estimated final load demand of the proposed development.
- (f) Should any existing electrical mains be affected by the development, those services shall be or repositioned at owner's expense.
- (g) The Council shall only provide one bulk electricity service connection to each registered Erf once the consolidation application is approved by Municipality, then the formal application to consolidate electricity services must be made at 333 Church Street. The costs of work undertaken shall be borne by the owner
- (h) The developer shall build a substation to municipal Specifications in order to supply electricity to the new Development and provide the 11kV switch in accordance with Municipal Specifications.

#### 7. Conditions of Title

##### (a) Omnibus servitude for services

- (i) The Municipality shall in perpetuity have the right, without being obliged to pay compensation therefore, to erect, lay and maintain any service, including the provision of water, sewerage electricity and storm water drainage, over or under the land within a distance of 2m from any subdivision boundary. Reasonable access shall be permitted for the purposes of installation, maintenance, removal or extension of such services.
- (ii) Cancellation of Servitudes and Conditions of Title  
The following servitudes and conditions of title shall be cancelled at the cost of the Developer:
  - Delete Conditions 1.1. ; 2.1. ; 2.4 and 2.5. from Title Deed T23610/2015.

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**8. Environmental Management**

- (a) The Developer shall prepare an Environmental Management Plan for the development prior to the commencement of development and to the satisfaction of the Municipality.
- (b) There shall be full compliance with the Environmental Authorisation (ref: DC22/0059/2011 dated 26 February 2015) and Addendum to the Environmental Authorisation (ref: DC22/AMEND/0059/2015 dated 26 January 2016). Full compliance with the EMPr dated March 2014. Full compliance with any other approved plans/agreements.
9. The development shall be developed in phases. The development of phases or portions of phases shall be subject to the availability of bulk infrastructure and market demands and the phasing may be amended with the written approval of the Municipality.

**10. Building Plans**

- (a) The owner shall ensure that all buildings in the properties are fully compliant with the requirements of the National Building Regulations. The owner is advised to consult with the Manager: Building Control and Signage in this regard prior to the submission of building plans if necessary, and in order to obtain approval thereof.
- (b) Applicant to apply for demolition of the existing house on Portion 17 of Erf 567 and obtain approval prior to any demolition.
11. The Site Development Plan be revised to give recognition to the servitude on page 243 point F being "Subject to a Right of Way servitude 6,00 meters wide along the boundaries lettered B – C and C – D commencing at the boundary AB and ending at the boundary DE as depicted on the Diagram S.G. No. 2966/2008 in favour of Remainder of Erf 4346 Pietermaritzburg as created in Deed of Transfer No. T17495/1999."
12. The Company Resolution on page 279 of the agenda be more precise so that it identifies the signatory and that it be certified.

Commented [ZM439]: Addition

**DEVELOPMENT PARAMETERS**

SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
Building line	Side space	Rear Space					
As per approved Site Development Plan					4	As per approved Site Development Plan	16 020m²

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#### 4.11.31 Special Area 31: 26 New England Road and 14 and 16 Connaught Road: Scottsville

<b>ZONE:</b>	<b>SPECIAL AREA 31</b>	
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings with a limited mix of land uses as listed below, which shall apply to Rem of Portion 1, Portion 11 (of 3) all of Erf 1943 Pietermaritzburg, being 26 New England Road and 14 and 16 Connaught Road: Scottsville.	
<b>Colour Notation:</b>	<b>Fill: Grey Cross Hatch R:156, G:156, B:156</b> <b>Notation: "31"</b> <b>Outline: Black R:000,G:000,B:000</b>	
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>Boarding House</li> <li>Dwelling</li> <li>Flat</li> <li>Medium Density Housing</li> <li>Outbuilding</li> <li>Residential Building</li> </ul>	<ul style="list-style-type: none"> <li>Agricultural Building</li> <li>Agricultural Land</li> <li>Home Business</li> <li>Institution</li> <li>Park Home Estate</li> <li>Parking Lot</li> <li>Place of Instruction</li> <li>Place of Worship</li> <li>Social Hall</li> <li>Special Building**</li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>		
<ol style="list-style-type: none"> <li>*Provided the written consent of all abutting owners and any other owners the Municipality may determine, is obtained, the Municipality may waive the consent procedure.</li> <li>**The Municipality shall not approve any Special Building wherein any trade, business, sale, storage or display of goods is involved, whether or not a trade licence is required.</li> <li>Business Purposes and/or Specialised Office shall be permitted within the existing main buildings and outbuildings, and any other alterations and addition approved by Amafa AKwaZulu Natali and the Municipality, for as long the buildings, deemed by Amafa AKwaZulu-Natali to be worthy of conservation, remain.</li> <li>Subject to compliance with the provisions of the Msunduzi Boarding House policy.</li> <li>All Medium Density Housing development shall be subject to the design requirements contained in clause 7.1 of the scheme.</li> <li>The development parameters applicable to the Office Zone) shall be applicable to a Business Purposes and/or specialised office use with the provision that the Building Lines shall be 7m on Portion 1 of Erf 1943 Pietermaritzburg (26 New England Road) and shall be deemed to have been relaxed, in respect of the use of the existing main Building and the rondaval shaped Outbuilding for office purpose, to the current distance between these buildings and the street boundaries of the property.</li> <li>The provisions relating to minimum site areas shall not be applicable with the provision that the constituent properties shall not be subdivided further.</li> <li>Advertising signage shall be limited to that specified in the Office Zone and have regard to the historical and architectural merits of the existing main buildings.</li> <li>Height limit for Places of Worship controlled by 60° light angle (clause 5.4.4.)</li> </ol>		

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10. The Municipality may grant its consent for the erection of a building or structure (including a swimming pool) in front of the building line.
11. The side and rear space shall be increased by 1,5m for each additional storey above three storeys, for the full height of the building, above three storeys. Provided further that, in the case of the municipality having granted its consent for relaxation of the minimum mean width, as provided for in clause 5.1, the side spaces may be relaxed by an amount, the sum of which does not exceed the relaxation of mean width.
12. There shall be no provision for the relaxation of the side and rear space in buildings comprising residential buildings, or flats.
13. The Municipality may grant its consent for relaxation of the side and rear space requirements, in respect of outbuildings and structures including single detached dwellings not being residential buildings or flats.
14. Outbuildings and other structures including single, detached dwellings, not being a building accommodating or comprising residential buildings or flats, shall observe a side and arear space of not less than 1,5m.
15. The foregoing side and rear space requirements shall not over-rule the requirements of the national building regulations and any greater side or rear space which may be required in terms thereof, shall be observed.
16. Minimum site areas, frontages and mean widths for other uses shall be in accordance with clauses 5.6.1 and 5.1 respectively, as the case may be.

#### **PARKING REGULATIONS**

1. Business Purposes and/or specialised office:
2. On-site parking shall be located, constructed and landscaped to the satisfaction of Amafa AKwaZulu-Natali and the Municipality and have regard to the historical and architectural merit of the existing main Buildings.
3. On-site parking for any use not specified herein shall be provided in accordance with the requirements for those uses where they appear elsewhere in the scheme.
4. The technical requirements for on-site parking shall be in accordance with clause 7.2. of the scheme.

#### **DEVELOPMENT PARAMETERS**

Use of Land	SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m <sup>2</sup> )	Height (STOREYS)	Coverage (%)	F.A.R
	Building line	Side space	Rear Space					
Dwellings (flats)	7m (including swimming pool)	4,5m	9m	80	As per approved Site Development Plan	Controlled by 60° light angle	33,3	-
Residential Buildings				N/A		3	33,3	0,66
All other uses				N/A		3	50	1,00

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#### 4.11.32 Special Area 32: 12 and 14 Gough Road: Athlone

ZONE:	SPECIAL AREA 32						
Statement of Intent:	A land use zone that provides for land uses and buildings with a limited mix of land uses as listed below, which shall apply to Rem of 1 of Erf 313 Pietermaritzburg, being 12 Gough Road, and Portion 4 (of 1) of Erf 313 Pietermaritzburg, being 14 Gough Road, Pietermaritzburg.						
Colour Notation:	Fill: Grey Cross Hatch R:156, G:156, B:156 Notation: "32" Outline: Black R:000,G:000,B:000						
Permissible (A)		Consent (B)		Prohibited (C)			
<ul style="list-style-type: none"><li>Business Purposes</li><li>Specialised Office</li></ul>		N/A		Land uses and buildings not listed in column (A) and (B).			
ADDITIONAL CONTROLS							
1. The current facade of the main dwelling shall be retained.							
2. The site shall be landscaped to the satisfaction of the Municipality.							
3. Any advertising signage shall be limited to that specified in the scheme and shall be to the satisfaction of the Municipality.							
4. A building plan for a change of use shall be submitted in terms of the National Building Regulations and the applicant shall comply with all the requirements to which the approval of the plan may be subject.							
5. The Municipality may consent to an increase in height and the relaxation of the existing space about buildings requirements.							
6. The foregoing side and rear space requirements shall not over-rule the requirements of the National Building Regulations.							
PARKING REGULATIONS							
1. On-site parking for any use not specified herein shall be provided in accordance with the requirements for those uses where they appear elsewhere in the scheme.							
2. The technical requirements for on-site parking shall be in accordance with clause 7.2. of the scheme.							
DEVELOPMENT PARAMETERS							
SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
Building line	Side space	Rear Space					
As per approved Site Development Plan			N/A	As per approved Site Development Plan	2	100	As per approved Site Development Plan

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#### 4.11.33 Special Area 33: 50 Link Road

<b>ZONE:</b>	<b>SPECIAL AREA 33</b>	
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings with a limited mix of land uses as listed below, which shall apply to Portion 101 (of 4) of Erf 1865, Pietermaritzburg and Remainder of Erf 4 Pietermaritzburg, being 50 Link Road.	
<b>Colour Notation:</b>	<b>Fill: Grey Cross Hatch R:156, G:156, B:156</b> <b>Notation: "33"</b> <b>Outline: Black R:000,G:000,B:000</b>	
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>• Dwelling</li> <li>• Office</li> <li>• Outbuilding</li> <li>• Residential Building</li> </ul>	<ul style="list-style-type: none"> <li>• Agricultural Building</li> <li>• Agricultural Land</li> <li>• Boarding House</li> <li>• Home Business*</li> <li>• Institution</li> <li>• Medium Density Housing**</li> <li>• Park Home Estate</li> <li>• Place of Worship</li> <li>• Social Hall</li> <li>• Special Building</li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>		
<ol style="list-style-type: none"> <li>1. *Provided the written consent of all abutting owners and any other owners the Municipality may determine is obtained, the Municipality may waive the consent procedure.</li> <li>2. **Provided the written consent of all abutting owners and any other owners the Municipality may determine, is obtained, the Municipality may waive the consent procedure provided where not more than three Dwellings are to be established. Provided further that where more than three Dwellings are to be established, the requirements of clause 7.1 of the scheme shall also apply. Provided further that the maximum coverage permitted shall be 33,3%.</li> <li>3. The Municipality shall not approve any Special Building wherein any trade, business, sale, storage or display of goods is involved, whether or not a trade licence is required.</li> <li>4. All Medium Density Housing development shall be subject to the design requirements contained in clause 7.1 of the scheme.</li> <li>5. Existing dwelling to be used for offices, a dwelling or 4 apartments.</li> <li>6. The Municipality may consent to an increase in height and the relaxation of the existing space about buildings requirements.</li> <li>7. The side space shall be determined in accordance with the scheme requirements for residential and office uses.</li> <li>8. Additional screen planting may be specified as part of the approval of any building plan.</li> <li>9. Subject to compliance with the provisions of the following bylaws: -               <ol style="list-style-type: none"> <li>(a) Msunduzi Boarding House Policy</li> <li>(b) Msunduzi Tuckshop Policy</li> <li>(c) Municipality's Public Health Bylaws</li> </ol> </li> </ol>		

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(d) Msunduzi Crèches and Crèches-Cum-Nursery Schools Bylaws						
<b>PARKING REGULATIONS</b>						
1. On-site parking for any use not specified herein shall be provided in accordance with the requirements for those uses where they appear elsewhere in the scheme.						
2. The technical requirements for on-site parking shall be in accordance with clause 7.2. of the scheme.						
<b>DEVELOPMENT PARAMETERS</b>						
<b>SPACE ABOUT BUILDINGS</b>			<b>Units per hectare</b>	<b>Min Erf size (m²)</b>	<b>Height (STOREYS)</b>	<b>Coverage (%)</b>
<b>Building line</b>	<b>Side space</b>	<b>Rear Space</b>				
6m (including swimming pool)	As per approved Site Development Plan		As per approved Site Development Plan		2	50
						0,50

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#### 4.11.34 Special Area 34: Between Henderson Road and George Macfarlane

<b>ZONE:</b>	<b>SPECIAL AREA 34</b>	
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings with a limited mix of land uses as listed below, which shall apply to Remainder of Erf 1417 PMB, being Between Henderson Road and George Macfarlane.	
<b>Colour Notation:</b>	<b>Fill: Grey Cross Hatch R:156, G:156, B:156</b> <b>Notation: "34"</b> <b>Outline: Black R:000,G:000,B:000</b>	
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>• Business Purposes</li> <li>• Dwelling</li> <li>• Flat</li> <li>• Institution</li> <li>• Outbuilding</li> <li>• Place of Instruction</li> <li>• Government/Municipal</li> <li>• Residential Building</li> <li>• Restaurant</li> <li>• Shop</li> <li>• Specialised Office</li> </ul>	N/A	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>		
1. Development shall be in accordance with the Site Development Plan No. BG-SK-A Revision J dated 19 September 2014, or an amendment approved by the Municipality. 2. A Business Purposes, Institution and Residential Building shall be restricted to being located on Portions 2 to 6 and 11 to 14. 3. A Place of Instruction (childminder/ playschool and gymnasium) shall be restricted to being located on Portions 2, 3, 4 and 5. 4. A Restaurant (including any take-away food outlet) and Shop shall be restricted to being located on Portions 4 and 5. 5. Subject to compliance with the provisions of the following bylaws: - (a) Municipality's Public Health Bylaws (b) Msunduzi Crèches and Crèches-Cum-Nursery Schools Bylaws 6. The number of Flats permitted shall be calculated on the basis of substituting 1.5 units per 100 m² of permitted Bulk and rounded up to the next whole number. 7. A Place of Instruction (childminder /playschool) shall be restricted to a maximum of 60 children. 8. An updated schedule indicating the take up and distribution of permitted floor area and coverage shall be submitted with each building plan. 9. *Height requirements shall be as follows; - 9.1. Portions 2 and 3: 3 Storeys 9.2. Portions 4 and 5: 4 storeys 9.3. Portion 6: 3 Storeys 9.4. Portions 7 to 10: 2 Storeys		

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9.5. Portions 11 to 14: 3 Storeys

10. The Municipality may consider the relaxation of the Building Line.
11. The Building Line requirements in respect of a private road shall be governed by the provisions of the National Building Regulations and Building Standards Act (No. 103 of 1977) and the building guidelines administered by the Owners' Association.
12. A side and rear space of not less than 5m shall apply except along the common boundary with Redlands Estate where a 10 metre planted 'no development servitude' shall be surveyed and registered and the following Rear Spaces shall apply to individual subdivisions subject to: -
  - 12.1. Portion 7: 3,5m
  - 12.2. Portion 8: 7,5m
  - 12.3. Portion 9: 25,5m
  - 12.4. Portion 10: 36m save for a single level parking deck which shall observe a rear space of 7,5 metres
  - 12.5. The individual rear spaces for Portions 7 to 10 may be relaxed with the written consent of the owners of the adjoining residential properties located within the Redlands Estate.
13. The side and rear space requirements shall be governed by the provisions of the National Building Regulations and Building Standards Act (No 103 of 1977) except as provided for in [paragraph 12.](#)
14. The site shall be subdivided in accordance with in accordance with the Site Development Plan No. BG-SK-A Revision J dated 19 September 2014, or an amendment approved by the Municipality.
15. The subdivisions and common property shall not be subdivided further without the consent of the Owners' Association.
16. The common property shall provide, inter alia, access to the subdivisions and common on-site parking areas.
17. The individual subdivisions and common property shall be registered in the Deeds Office under separate title with the common property being registered in the name of an Owner's Association with perpetual succession.
18. The Owners' Association shall be responsible in perpetuity for the maintenance and management of the common property.
19. The affairs of the Owners' Association shall be regulated by a Memorandum and Articles of Association or Founding statement, as the case may be, which shall have been approved by the Municipality before the common property may be registered under separate title.
20. The Memorandum and Articles of Association shall incorporate the conditions of the Environmental Authorisation (DC 22/0033/2013) or any amendment thereto and shall be filed with the Companies and Intellectual Property Commission.
21. The membership of the Owners' Association shall be exclusive to and compulsory for the owners of the subdivisions shall, at their expense, cause all deeds, servitudes and the like that may be required to be registered in the Deeds Office, to be so registered, whether in favour of the Municipality or otherwise.
22. Landscaping, including the planting of the 10 metre no development servitude, shall being undertaken in accordance with the provisions of a Landscape Plan which shall be prepared in accordance with the conditions of Environmental Authorisation, DC 22/0033/2013 or any amendment thereto.
23. The component of the Landscape Plan concerning the planting of the 10 metre no development servitude between Portions 7 – 10 and the Redlands Estate shall be prepared by the Redlands Estate Homeowners Association in association with the Owners' Association.
24. The Memorandum and Articles of Association shall make provision for the planting and maintenance of the 10 metre no development servitude to be the shared responsibility of the Owners' Association and the

**Commented [z440]:** Correction made from paragraph 11 to 12

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Redlands Estate Homeowners Association. This provision, including any provisions for review and amendment, shall be mutually agreed to by resolution between the two parties and be included as a condition in the Memorandum of Incorporation of the Property Owners Association.								
25. The provision of engineering services to and within the development and the management of stormwater shall be in accordance with a Services Agreement entered into with the Municipality.								
26. The road modifications required to the Howick Road/Cordwalles Road/George MacFarlane Intersection recommended in the Traffic Impact Assessment report prepared by Asanta Sana (Revision B), dated September 2012, shall be undertaken prior to any occupation.								
27. The remaining road modifications shall be undertaken once one third (1/3) of the permissible bulk has been constructed or in accordance with either the conditions of approval or the provisions of Services Agreement with the Municipality.								
28. Advertising signage shall be approved by the Owners' Association and shall be in accordance with the Architectural Design Code for the development, Scheme requirements and Municipal Signs By-Laws.								
29. The site shall be developed and managed in accordance with the conditions of Environmental Authorisation, DC 22/0033/2013, or any amendment thereto, which shall include a Green Design assessment.								
30. An Architectural Design Code shall be prepared in accordance with the conditions of Environmental Authorisation, DC 22/0033/2013, or any amendment thereto.								
31. The Architectural Design Code shall make provision for the design and finish of buildings located on Portions 7 to 10 to be sympathetic to the Redlands Estate neighbours. These buildings shall be designed to be neither monolithic nor to have more than 30% glazing on the facades that face Redlands Estate. The external finish of the portions of these buildings facing the Redlands Estate shall be natural-tone paint colours and materials, including greys, or red facebrick and the roofing shall be non-reflective.								
<b>PARKING REGULATIONS</b>								
1. 6 parking bays per 100m <sup>2</sup> of net floor area in respect of Shops.								
2. 5 parking bays per 100m <sup>2</sup> of net floor area in respect of Business Premises and Institutional, Public Office and Specialised Office uses.								
3. 1 parking bay for every 4 seats in a Restaurant premises.								
4. 2 parking bays for every Flat Unit.								
5. 1 parking bay for every bedroom in a Residential Building (Hotel).								
6. On-site parking for any use not specified herein shall be provided in accordance with the requirements for those uses where they appear elsewhere in the scheme.								
7. Provision shall be made for loading and unloading spaces in accordance with the Municipality's requirements.								
8. The technical requirements for on-site parking shall be in accordance with clause 7.2. of the scheme.								
<b>DEVELOPMENT PARAMETERS</b>								
Use of Land	SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m <sup>2</sup> )	Height (STOREYS)	Coverage (%)	F.A.R
	Building line	Side space	Rear Space					
Shop	7m	**See paragraph 11 above		As per approved Site Development Plan		*See paragraph 8 above	40	2000m <sup>2</sup>
All other Uses	7m						40	40 000m <sup>2</sup>

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#### 4.11.35 Special Area 35: 301 Burger Street: Central Area

<b>ZONE:</b>	<b>SPECIAL AREA 35</b>		
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings with a limited mix of land uses as listed below, which shall apply to Erf 9917 Pietermaritzburg, being 301 Burger Street : Central Area.		
<b>Colour Notation:</b>	<b>Fill: Grey Cross Hatch R:156, G:156, B:156</b> <b>Notation: "35"</b> <b>Outline: Black R:000,G:000,B:000</b>		
<b>Permissible (A)</b>		<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"><li>• Boarding House</li><li>• Business Purposes</li><li>• Dwelling</li><li>• Flat</li><li>• Home Business</li><li>• Institution</li><li>• Outbuilding</li><li>• Government/Municipal</li><li>• Residential Building</li><li>• Specialised Office</li></ul>		<ul style="list-style-type: none"><li>• Parking Depot</li><li>• Parking Lot</li><li>• Place of Instruction</li><li>• Place of Worship</li></ul>	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>			
<div>1. All new buildings accommodating residential uses shall be as specified for the land use type elsewhere in the scheme.</div> <div>2. Space about buildings shall be subject to the provisions of National Building Regulations and Building Standards Act (No. 103 of 1977).</div> <div>3. Advertising signage shall be in accordance with the Municipal Signs By-Laws.</div> <div>4. Subject to compliance with the provisions of the following policies and/or bylaws: -<div>(a) Msunduzi Boarding House Policy</div><div>(b) Municipality's Public Health Bylaws</div><div>(c) Msunduzi Crèches and Crèches-Cum-Nursery Schools Bylaws.</div></div>			
<b>PARKING REGULATIONS</b>			
<div>1. 1 parking bay per bed, in addition to parking required for medical or dental consulting rooms, in respect of an Institution (hospital, rehabilitation centre, nursing home).</div> <div>2. 1 parking bay per 3 habitable rooms in respect of all other Institutional uses.</div> <div>3. 1 parking bay for every 15m² of nett office space used for medical or dental consulting rooms.</div> <div>4. 1 parking bay for every 25m² of nett office space, other than offices wherein medical or dental practitioners are to be accommodated.</div> <div>5. 1 parking bay for every bedroom in a Residential Building (Hotel).</div> <div>6. 1 parking bay for every flat unit.</div> <div>7. On-site parking for any use not specified herein shall be provided in accordance with the requirements for those uses where they appear elsewhere in the scheme.</div> <div>8. Provisions shall be made for loading and unloading spaces in accordance with the Municipality's requirements.</div> <div>9. The technical requirements for on-site parking shall be in accordance with clause 7.2. of the scheme.</div>			
<b>DEVELOPMENT PARAMETERS</b>			
<b>SPACE ABOUT BUILDINGS</b>			

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Building line	Side space	Rear Space	Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
N/A	N/A	N/A	N/A	As per approved Site Development Plan	Controlled by 60° light angle	3700m²	6000m²

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#### 4.11.36 Special Area 36: Acacia Park

<b>ZONE:</b>	<b>SPECIAL AREA 36</b>	
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings with a limited mix of land uses as listed below, which shall apply on portion of Remainder of Erf 832 Pietermaritzburg (Portion 10 of Erf 832 Pietermaritzburg).	
<b>Colour Notation:</b>	<b>Fill: Grey Cross Hatch R:156, G:156, B:156</b> <b>Notation: "36"</b> <b>Outline: Black R:000,G:000,B:000</b>	
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>• Convenience Shop</li> <li>• Dwelling</li> <li>• Flat</li> <li>• Medium Density Housing</li> <li>• Place of Instruction</li> <li>• Private Open Space</li> </ul>	N/A	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>		
<ol style="list-style-type: none"> <li>1. The area of the Convenience Shop shall not exceed 100m².</li> <li>2. As indicated on the layout plan an area of not less than 5600m² shall be reserved as private open space and shall be maintained as such.</li> <li>3. The land development applicant and the relevant local government body shall provide and install the services in the land development area, as provided for in the services agreement in terms of Section 40 of the Development Facilitation Act.</li> <li>4. The proposed development shall meet the specifications and standards as prescribed in the National Building Regulations and Building Standards Act, 1977 (as amended), or any law authorising a local government body to make building regulations or bylaws.</li> <li>5. The operation of the section 47 of the Town Planning Ordinance No 27 of 1949, section 2 (1) (a) of the Removal of Restrictions Act, No. 84 of 1967 and section 18 of the Pietermaritzburg Extended Powers Ordinance No. 14 of 1936 shall be suspended in respect of the land development, however upon registration of a certificate of consolidated title in respect of Portion 10 of Erf 832 Pietermaritzburg, the aforementioned legislation shall again, where applicable, become operative.</li> <li>6. Upon the transfer of land from the Transitional Local Council the Land Development Area shall be owned and maintained by the Msunduzi Housing Association (MHA) for a minimum period of four years after which the units could be sold to private owners.</li> <li>7. The development shall yield not more than 300 units Which shall be divided as follows: -               <ol style="list-style-type: none"> <li>(i) 30 single storey three bedroom units</li> <li>(ii) 30 one-bedroom double storey units</li> <li>(iii) 240 two-bedroom double storey units</li> </ol> </li> <li>8. The development shall be fenced properly with only two controlled points of access being provided from both Phillip Nel Crescent and Oribi Road.</li> <li>9. The land development applicant shall in the event of the area shown on the layout plan or settlement plan approved as part of the relevant land development application comprising more than one piece of land, show that all such pieces of land are owned by one person or body or all such owners have granted a power</li> </ol>		

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<p>of attorney in favour of the same person or body, including one of such owners, authorising the latter to transfer initial ownership on their behalf.</p> <p>10. The approval granted herein is subject to formal approval of the Department of Agriculture and Environmental Affairs being obtained.</p> <p>11. Residential units being built in accordance with the minimum sizes initially proposed: -</p> <ul style="list-style-type: none"> <li>• One bedroom units - 33 m<sup>2</sup></li> <li>• Two bedroom units - 45 m<sup>2</sup></li> <li>• Three bedroom units - 54 m<sup>2</sup></li> </ul> <p>12. No direct access from the houses onto Oribi Road, and a road widening (not at Philip Nel, but at another point on Oribi Road) to create one more lane through which the traffic would feed either onto or off Oribi Road, through the single access/exit point so as not to hinder traffic.</p> <p>13. Recommendations set out in the Geotechnical investigation prepared by Terratest Incorporated being adhered to.</p> <p>14. Recommendations as set out in Preliminary Environmental Scoping Report by Dr D G Slade must be followed especially with regard to an Environmental Management Plan.</p> <p>15. All Medium Density Housing development shall be subject to the design requirements contained in clause 7.1 of the scheme.</p> <p>16. Subject to compliance with the provisions of the following policies and/or bylaws: -</p> <p>(a) Municipality's Public Health Bylaws</p>							
<b>PARKING REGULATIONS</b>							
<p>1. 1 parking bay per unit and 1 visitors parking bay per 6 units shall be provided.</p> <p>2. On-site parking for any use not specified herein shall be provided in accordance with the requirements for those uses where they appear elsewhere in the scheme.</p> <p>3. Provisions shall be made for loading and unloading spaces in accordance with the Municipality's requirements.</p> <p>4. The technical requirements for on-site parking shall be in accordance with clause 7.2. of the scheme.</p>							
<b>DEVELOPMENT PARAMETERS</b>							
<b>SPACE ABOUT BUILDINGS</b>			<b>Units per hectare</b>	<b>Min Erf size (m<sup>2</sup>)</b>	<b>Height (STOREYS)</b>	<b>Coverage (%)</b>	<b>F.A.R</b>
<b>Building line</b>	<b>Side space</b>	<b>Rear Space</b>					
N/A	N/A	N/A	50	As per approved Site Development Plan	2	As per approved Site Development Plan	As per approved Site Development Plan

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#### 4.11.37 Special Area 37: Hillcove Hills (New)

<b>ZONE:</b>	<b>SPECIAL AREA 37</b>	
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings with a limited mix of land uses as listed below, which shall apply on Erf 10130 Pietermaritzburg (Consolidation of Erf 10119 Pietermaritzburg and Portion 1 of Erf 10122 Pietermaritzburg (to be re-designated Erf 1 Hillcove Hills. All land uses shall be in accordance with plan no. 2495/WD28 dated 30 October 2018 or any amendment to this plan approved by the Municipality.	
<b>Colour Notation:</b>	<b>Fill: Grey Cross Hatch R:156, G:156, B:156</b> <b>Notation: "37"</b> <b>Outline: Black R:000,G:000,B:000</b>	
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>• Agricultural Building</li> <li>• Agricultural Land</li> <li>• Agri-tourism Facility</li> <li>• Bank</li> <li>• Beauty Studio</li> <li>• Botanic Garden</li> <li>• Bottle Store</li> <li>• Builders Yard</li> <li>• Business Purposes</li> <li>• Butchery</li> <li>• Cafe</li> <li>• Canteen</li> <li>• Car wash</li> <li>• Caretaker's dwelling</li> <li>• Community Garden</li> <li>• Conference Facility</li> <li>• Conservation Purposes</li> <li>• Convenience Shop (400m²)</li> <li>• Convention Centre</li> <li>• Crèche</li> <li>• Cropping</li> <li>• Dam</li> <li>• Dwelling</li> <li>• Eco-Tourism Facility</li> <li>• Educational Facility</li> <li>• Exhibition Centre</li> <li>• Farm Stall</li> <li>• Fast Food Outlet</li> <li>• Flat</li> <li>• Flea Market</li> <li>• Game Reserve</li> <li>• Garden Centre</li> <li>• Garden Nursery</li> <li>• Government and Municipal</li> <li>• Health and Beauty Parlour</li> <li>• Health Studio</li> <li>• Heritage Purposes</li> </ul>	<ul style="list-style-type: none"> <li>• Home Business, subject to the provisions of Clause 5.31</li> <li>• Light Industrial Building</li> <li>• Parking Garage</li> <li>• Parking Lot</li> <li>• Petroleum Filling Station (subject to Environmental Authorisation)</li> <li>• Public Garage</li> <li>• Shopping Centre</li> </ul>	Land uses and buildings not listed in column (A) and (B).

**Commented [ZM441]:** Bar deleted since the definition is covered under Place of public entertainment

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<ul style="list-style-type: none"> <li>• Health Facility (limited to a Hospital)</li> <li>• Hotel</li> <li>• Industrial Building</li> <li>• Industry Light</li> <li>• Institution</li> <li>• Livestock Farming</li> <li>• Market</li> <li>• Medical Office</li> <li>• Medium Density Housing, subject to the requirements of Appendix 13 to the scheme</li> <li>• Motor Sales Premises</li> <li>• Motor Show room</li> <li>• Motor Workshop (excluding panel beating and spray painting)</li> <li>• Office</li> <li>• Office Park</li> <li>• Outbuilding</li> <li>• Place of Instruction</li> <li>• Place of Public Entertainment</li> <li>• Place of Worship</li> <li>• Private Conservation Area</li> <li>• Private Open Space Area</li> <li>• Private Recreation Area</li> <li>• Public Open Space</li> <li>• Recreational Purposes</li> <li>• Recycling Centre</li> <li>• Residential Building</li> <li>• Restaurant</li> <li>• Retirement Centre</li> <li>• Riding Stables</li> <li>• Self-contained residential unit</li> <li>• Service Industrial Building</li> <li>• Service Workshop</li> <li>• Shop</li> <li>• Social Hall</li> <li>• Specialised Office</li> <li>• Tourism Activities</li> <li>• Transport Purposes</li> <li>• Utility Facility</li> <li>• Veterinary Clinic</li> <li>• Warehouse</li> </ul>		
<b>VILLAGE 1 : RESIDENTIAL</b>		
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>• "Caretaker's Dwelling (limited to erf 15, 27 &amp; 59)"</li> <li>• Dwelling</li> <li>• "Game Reserve"</li> <li>• Outbuilding</li> <li>• "Office (limited to erf 27)"</li> </ul>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>	Land uses and buildings not listed in column (A) and (B).

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<ul style="list-style-type: none"> <li>Self-contained residential unit,</li> <li>Specialised Office (Limited to Village administration and security on erven 15 &amp; 59 and other offices on erf 27)</li> <li>Place of Instruction (Limited on erf 15, 27 &amp; 59)</li> <li>Place of Worship (Limited to erf 27)</li> <li>Private Conservation Area</li> <li>Shop (Limited to erf 27 and must not exceed 100m² GLA)</li> <li>Social Hall (Limited to erven 15, 27 &amp; 59)</li> </ul>		
<b>RESERVATION OF LAND</b>		
(a) New Private Roads and Streets		
(b) "New Public Roads"		
<b>VILLAGE 2 : RESIDENTIAL</b>		
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>Active Public Open Space</li> <li>Dwelling</li> <li>Medium Density Housing</li> <li>Outbuilding</li> <li>Passive Public Open Space</li> <li>Place of Instruction (Limited to erf 73 &amp; 140)</li> <li>Place of Worship (Limited to erf 73)</li> <li>Public Open Space</li> <li>Recreational Purposes</li> <li>Social Hall (Limited to erf 73)</li> </ul>	<ul style="list-style-type: none"> <li>Self-contained residential unit</li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>RESERVATION OF LAND</b>		
(a) Public Road		
<b>VILLAGE 3 : RESIDENTIAL</b>		
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>Dwelling</li> <li>Medium Density Housing</li> <li>Outbuilding</li> </ul>	<ul style="list-style-type: none"> <li>Self-contained residential unit</li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>RESERVATION OF LAND</b>		
(a) New Private Roads and Streets		
<b>VILLAGE 4 : RESIDENTIAL (RETIREMENT VILLAGE)</b>		
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>Dwelling</li> <li>Institution (Limited to erf 181)</li> <li>"Medical Offices (Limited to erf 181)"</li> <li>Medium Density Housing</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>	Land uses and buildings not listed in column (A) and (B).

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<ul style="list-style-type: none"> <li>• Outbuilding</li> <li>• Place of Instruction (Limited to erf 179)</li> <li>• Place of Worship (Limited to erf 179)</li> <li>• "Private Recreation Area</li> <li>• "Retirement Centre"</li> <li>• o Shop (Limited to 200m² on erf 179)</li> <li>• Social Hall (Limited to erf 179)</li> </ul>		
<b>RESERVATION OF LAND</b>		
(a) New Public Road and Streets		
(b) New Private Roads and Streets		
<b>VILLAGE 5 : RESIDENTIAL (RETIREMENT VILLAGE)</b>		
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>• Dwelling</li> <li>• Medium Density Housing</li> <li>• Outbuilding</li> <li>• "Private Open Space"</li> </ul>	<ul style="list-style-type: none"> <li>• Self-contained residential unit</li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>RESERVATION OF LAND</b>		
(a) New Private Roads and Streets		
<b>VILLAGE 6 : RESIDENTIAL</b>		
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>• Dwelling</li> <li>• Outbuilding</li> <li>• Place of Instruction (Limited to erven 213,214, 215 &amp; 216)</li> <li>• Place of Worship (Limited to erven 213, 214, 215 &amp; 216)</li> <li>• "Private Open Space"</li> <li>• Self-contained residential unit</li> <li>• Social Hall (Limited to erven 213, 214, 215 &amp; 216)</li> </ul>	<ul style="list-style-type: none"> <li>• "Convenience Shop (Limited to erven 213,214,215 &amp; 216)"</li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>RESERVATION OF LAND</b>		
(a) New Private Roads and Streets		
(b) New Public Road		
<b>VILLAGE 7: MIXED USE/DEVELOPMENT</b>		
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>• Cafe</li> <li>• Caretaker's Dwelling</li> <li>• Motor Sales Premises</li> <li>• Motor Sales Room</li> <li>• Motor Workshop (excluding panel beating and spray painting)</li> <li>• Parking Garage</li> <li>• Parking Lot</li> <li>• Place of Instruction</li> </ul>	<ul style="list-style-type: none"> <li>• "Farm Stall</li> <li>• "Livestock Farming</li> <li>• Agri-tourism Facility</li> <li>• Arts and Crafts Workshop</li> <li>• Bank (limited to ATM)</li> <li>• Beauty Studio</li> <li>• Tavern</li> <li>• Business Purposes</li> <li>• Butchery</li> <li>• Canteen</li> </ul>	Land uses and buildings not listed in column (A) and (B).

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<ul style="list-style-type: none"> <li>• Place of Public Entertainment</li> <li>• "Private Conservation Area</li> <li>• "Private Open Space</li> <li>• "Office"</li> <li>• Restaurant</li> <li>• Service Industry Building</li> <li>• Service Workshop</li> <li>• Specialised office</li> </ul>	<ul style="list-style-type: none"> <li>• Car wash</li> <li>• Community Garden</li> <li>• Conference Centre</li> <li>• Convention Centre</li> <li>• Cropping</li> <li>• Dwelling</li> <li>• Fast Food Outlet</li> <li>• Flea Market</li> <li>• Garden Centre</li> <li>• Garden Nursery</li> <li>• Home Business</li> <li>• Market</li> <li>• Medium Density Housing, subject to the requirements of Appendix 13 to the scheme</li> <li>• Petroleum Filling Station (Subject to Environmental Authorisation)</li> <li>• Place of Worship</li> <li>• Residential Building</li> <li>• Self-contained residential unit</li> <li>• Shop</li> <li>• Social Hall</li> <li>• Special Building</li> </ul>	
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#### RESERVATION OF LAND

- (a) New Private Road  
(b) New Public Road

#### VILLAGE 8 : MIXED USE/OFFICE

Permissible (A)	Consent (B)	Prohibited (C)
<ul style="list-style-type: none"> <li>• Cafe</li> <li>• Caretaker's Dwelling</li> <li>• Canteen</li> <li>• Conference Centre</li> <li>• Health Facility (limited to a Hospital only on erf 209)</li> <li>• Medical Offices (Limited to erf 211)</li> <li>• Place of Instruction</li> <li>• Office</li> <li>• Office Park</li> <li>• Private Conservation Area</li> <li>• Restaurant</li> <li>• Specialised Office</li> </ul>	<ul style="list-style-type: none"> <li>• Business Purposes</li> <li>• Fast Food Outlet</li> <li>• Business Premises</li> <li>• Dwelling</li> <li>• Medium Density Housing, subject to the requirements of Appendix 13 to the scheme</li> <li>• Place of Worship</li> <li>• Private Conservation Area</li> <li>• Residential Building</li> <li>• Self-contained residential unit</li> <li>• Shop</li> <li>• Social Hall</li> <li>• Special Building</li> </ul>	Land uses and buildings not listed in column (A) and (B).

#### RESERVATION OF LAND

- (a) New Private Roads and Streets  
(b) New Public Road

#### VILLAGE 9 : LIMITED MIXED USE/BUSINESS

Permissible (A)	Consent (B)	Prohibited (C)
<ul style="list-style-type: none"> <li>• Agricultural Building</li> <li>• Agricultural Land</li> <li>• Agri-tourism Facility</li> </ul>	<ul style="list-style-type: none"> <li>• Dwelling</li> <li>• Flat</li> </ul>	Land uses and buildings not listed in column (A) and (B).

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<ul style="list-style-type: none"> <li>Arts and Crafts Workshop</li> <li>Botanic Garden (Limited to indigenous plants)</li> <li>Business Purposes</li> <li>Bank (Limited to an ATM)</li> <li>Cafe</li> <li>Canteen</li> <li>Community Garden</li> <li>Convenience Shop</li> <li>Eco-tourism Facility</li> <li>Garden Nursery</li> <li>Garden Centre</li> <li>Health &amp; Beauty Parlour</li> <li>Health Studio</li> <li>Hotel (limited to erf 534 for a 30 suite lodge/max. 100 beds)</li> <li>Medium Density Housing</li> <li>Office</li> <li>Place of Public Entertainment</li> <li>Place of Worship</li> <li>Riding Stables</li> <li>Restaurant</li> <li>Service Industry Building</li> <li>Shop</li> <li>Social Hall</li> <li>Specialised Office</li> <li>Veterinary Clinic (limited to animal rehabilitation)</li> </ul>	<ul style="list-style-type: none"> <li>Home Business (subject to the provisions of Clause 5.31)</li> <li>Medium Density Housing</li> <li>Petroleum Filling Station (Subject to Environmental Authorisation)</li> <li>Residential Building</li> <li>Special Building</li> </ul>	
<b>RESERVATION OF LAND</b>		
(a) New Private Roads and Streets		
<b>VILLAGE 10 : WILDLIFE RESERVE</b>		
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>Caretaker's Dwelling</li> <li>Game Reserve</li> <li>Tourism Activities</li> <li>Utility Facility (Limited to Portion 51 &amp; 52)</li> <li>Private Conservation Area</li> <li>Special Building (Limited to structures such as bird hides, rain shelters, toilets, and a residents club house not exceeding 400m²)</li> </ul>	<ul style="list-style-type: none"> <li>Botanic Garden (Limited to Indigenous Plants)</li> <li>Eco-tourism Facility</li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>RESERVATION OF LAND</b>		
(a) New Private Roads and Streets		
<b>ADDITIONAL CONTROLS</b>		
<p>1. All erven which allow more than 1 "expressly permissible" land use shall be subject to the following clause which reads as follows: -</p> <p>"Where a Building is used, or a proposed Building is designed, for more than one purpose, it shall be treated for the purpose of this Clause as being used or designed partly for each of those purposes, but where the several purposes cannot be clearly defined, it shall be treated as being used or designed for its predominant use, and the Council may, if the person having control of, or proposing to erect the Building, makes</p>		

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application for the purpose, decide which is the predominant use. The Council shall give notice of any decision under this clause to the applicant, and the person notified, if aggrieved, may Appeal."

2. Arterial Roads

(a) All phases not included within villages 1-9 above

(i) Reservation of land

- New Public Roads

3. Private Roads

3.1. Notwithstanding anything to the contrary contained in these clauses, within this Special Area Zone, the provisions of Clause 5.6.4 and 5.6.5 shall not apply to any property gaining access from a private road.

4. **Village 1:**

4.1. Site Areas Total= 44.27ha

(a) Residential = 32.22ha

(b) All other uses = 12.05ha

4.2. Maximum gross residential density: 7uph

4.3. No further subdivisions of any erf may take place, for the purposes of creating any new residential erven.

4.4. The maximum coverage for residential uses applicable only to building footprint area of 1600m<sup>2</sup>

4.5. No further subdivision of erven within Village 1 may be permitted.

4.6. Building shall only occur within the 1600m<sup>2</sup> building footprint.

4.7. All land on individual erven falling outside the 1600m<sup>2</sup> building footprint, which may be fenced, shall be subject to a "non-building conservation servitude" to be registered in terms of the relevant local home owner's association and used solely as driveways by the home owner.

Erf 15, 27 & 59 may have multiple expressly permissible land uses.

5. **Village 2:**

5.1. Site Areas Total = 21.58ha

(a) Residential = 13.50ha

(b) All other uses = 8.08ha

6. **Village 3**

6.1. Site Area Total=10.53ha

(a) Residential = 9.67ha

(b) All other uses = 0.86ha

7. **Village 4**

7.1. Site Area Retirement village = 22.13ha

(a) Medium Density Housing = 18.17ha

(b) All other uses = 3.96ha

8. **Village 5**

8.1. Site Area Total= 19.99ha

(a) Residential = 18.17ha

(b) All other uses = 1.82ha

9. **Village 6**

9.1. Site Area Total= 56.10ha

(a) Residential = 39.06ha

(b) All other uses = 16.95ha

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**10. Village 7**

- 10.1. Site Area Total= 21.34ha  
(a) Mixed use = 14.41 ha  
(b) All other uses= 6.93ha

**11. Village 8**

- 11.1. Site Area Total= 49.78ha  
(a) Mixed use & Institution = 23.24ha  
(b) All other uses = 26.54ha

**12. Village 9**

- 12.1. Site Area Total= 4.10ha  
(a) Mixed use = 3.99ha  
(b) All other uses = 0.11 ha

**13. Village 10**

- 13.1. Site Area Total= 226.14ha  
(a) Private Conservation Area = 224.9ha  
(b) All other uses = 1.16ha

**14. Building lines, side and rear spaces**

- 14.1. Building line of not less than 7 metres shall apply in respect of any public road. This building line may only be relaxed in terms of the other provisions of this scheme.
- 14.2. A Building line of 5 metres shall apply in respect of any private road, although this requirement may be relaxed provided that both the adjoining landowners and the relevant Management Association/s provide prior written consent thereto.
- 14.3. A Side and Rear Space requirement of 2 metres shall apply, provided that this side and rear space requirement shall not apply in respect of dwelling unit curtilages. The side and rear space requirements may be relaxed provided that both adjoining land owners and the relevant Homeowners Association/s provide prior written consent thereto and provide further that this side and rear space requirement is not required for the provision of any services.
- 14.4. In respect of any office designated properties which abut residential designated properties, a 4,5 metre side and rear space requirement shall apply in relation to any common boundaries, provided that may be relaxed to not less than 2 metres with the prior written consent of the affected landowners.

**15. Minimum site areas/frontages**

- 15.1. No erf may be subdivided other than in accordance with layout plan no. 2915/WD28 dated 30 October 2018 without the written consent of the Management Association and the relevant approval procedure required by the Municipality.
16. The provision of services to and within the development shall be in accordance with a Services Agreement entered into between the developer and the Municipality.
17. Signage shall comply with the relevant Municipal Bylaws.

**18. Plan approval**

- 18.1. A Management Association shall be formed and every site owner and occupier shall belong to, ascribe to the objects of, abide by, and be bound by, the requirements of this Association.
- 18.2. Each site shall have a Site Development Plan and Landscaping Plan prepared for it by the individual site developer prior to any construction on the site and development on each individual site shall be in accordance with such Plans.

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- 18.3. All individual Site Development and Landscaping Plans will be reviewed by the Master Management Association's Design Review Panel prior to submission of Building Plans to the Municipality for approval.
- 18.4. Open areas not required for parking and circulation shall be landscaped in accordance with the details in the Landscaping Plan.
- 18.5. The Municipality will be responsible for approving all individual Site Development Plans, Landscaping Plans and Building Plans with the provision that no Building Plan may be approved unless such a building plan together with a Site Development Plan and a Landscaping Plan which have been reviewed and accepted, in writing, by the MMA Design Review Panel and provided that the Building Plan has been recommended, in writing, for approval by the Design Review Panel.
19. The Environmental Management Plan prepared for the development by Guy Nicolson Consulting shall be strictly complied with.

#### **PARKING REGULATIONS**

1. On-site parking requirements shall be in accordance with the requirements for those uses, as provided elsewhere in the Scheme.

#### **DEVELOPMENT PARAMETERS**

##### **VILLAGE 1**

SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m <sup>2</sup> )	Height (STOREYS)	Coverage (%)	F.A.R
Building line	Side space	Rear Space					
As per the approved Site Development Plan				2250	2	50	N/A Residential; 0,50 All Other Uses

##### **VILLAGE 2**

SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m <sup>2</sup> )	Height (STOREYS)	Coverage (%)	F.A.R
Building line	Side space	Rear Space					
As per the approved Site Development Plan			20 (MDH)	250 MDH; 650 Other Residential	2	50	0,50

##### **VILLAGE 3**

SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m <sup>2</sup> )	Height (STOREYS)	Coverage (%)	F.A.R
Building line	Side space	Rear Space					
As per the approved Site Development Plan			20	250 MDH; 650 Other Residential	2	50	0,50

##### **VILLAGE 4**

SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m <sup>2</sup> )	Height (STOREYS)	Coverage (%)	F.A.R
Building line	Side space	Rear Space					
As per the approved Site Development Plan			21	250	2	40 Residential; 50 All Other Uses	N/A Residential; 0,50 All Other Uses

##### **VILLAGE 5**

SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m <sup>2</sup> )	Height (STOREYS)	Coverage (%)	F.A.R
Building line	Side space	Rear Space					
As per the approved Site Development Plan			20	200	2	50	0,50

##### **VILLAGE 6**

SPACE ABOUT BUILDINGS							F.A.R
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Building line	Side space	Rear Space	Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	
As per the approved Site Development Plan			7	1500	2	50	N/A Residential; 0,50 All Other Uses
<b>VILLAGE 7</b>							
SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
Building line	Side space	Rear Space					
As per the approved Site Development Plan			N/A	N/A	Controlled by 60° light angle; 3	50	0,50 Institution (hospital); 0,35 All Other Uses
<b>VILLAGE 8</b>							
SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
Building line	Side space	Rear Space					
As per the approved Site Development Plan			N/A	N/A	Controlled by 60° light angle; 3	50	0,50 Institution (hospital); 0,35 All Other Uses
<b>VILLAGE 9</b>							
SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
Building line	Side space	Rear Space					
As per the approved Site Development Plan			N/A	-	Controlled by 60° light angle; 3	50	0,35
<b>VILLAGE 10</b>							
SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
Building line	Side space	Rear Space					
As per the approved Site Development Plan			N/A	N/A	1	2000m²	1000m²

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#### 4.12 SPECIAL BUSINESS AREA ZONES

\*Refer to Appendix 9 for list of amendment to special business area zones

##### 4.12.1 Special Business Area 1: Southgate

<b>ZONE:</b>	<b>SPECIAL BUSINESS AREA 1</b>							
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings with a limited mix of land uses as listed below, which shall apply to Portion 15 and Rem ,of Erf 411 PMB, being the Southgate Centre, Trelawney Road : Bisley.							
<b>Colour Notation:</b>	<b>Fill: Blue Cross Hatch R:000, G:112, B:255</b> <b>Notation: "1"</b> <b>Outline: Black R:000,G:000,B:000</b>							
<b>Permissible (A)</b> <ul style="list-style-type: none"><li>Petrol Filling Station*</li><li>Shop**</li></ul>	<b>Consent (B)</b> <ul style="list-style-type: none"><li>N/A</li></ul>	<b>Prohibited (C)</b>  Land uses and buildings not listed in column (A) and (B).						
<b>ADDITIONAL CONTROLS</b>								
1. *The Petrol Filling Station shall not occupy more than 1000m² of Site area. Vehicular access thereto shall be shared with that for the shopping centre which shall be not be closer than 20m from the intersection of Trelawney Road and Richmond Road.								
2. **The total gross Floor area of shopping shall not exceed 5000m².								
3. The site shall not be subdivided without the consent of the Municipality.								
<b>PARKING REGULATIONS</b>								
1. Loading for the Shops shall be to the satisfaction of the Municipality.								
2. At least 300 car parking bays shall be provided, the layout thereof being to the satisfaction of the Municipality.								
<b>DEVELOPMENT PARAMETERS</b>								
<b>Use of Land</b>	<b>SPACE ABOUT BUILDINGS</b>			<b>Units per hectare</b>	<b>Min Erf size (m²)</b>	<b>Height (STOREYS)</b>	<b>Coverage (%)</b>	<b>F.A.R</b>
	<b>Building line</b>	<b>Side space</b>	<b>Rear Space</b>					
Petrol Filling Station	7m	As per approved Site Development Plan		N/A	As per approved Site Development Plan	-	1000m²	1000m²
Shop	40m from Trelawney and Richmond Road					-	5000m²	5000m²

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#### 4.12.2 Special Business Area 2: Grimthorpe Avenue

<b>ZONE:</b>	<b>SPECIAL BUSINESS AREA 2</b>						
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings with a limited mix of land uses as listed below, which shall apply to Erf 8 Lincoln Meade, at the corner of Grimthorpe Avenue and Dunsby Avenue: Lincoln Meade.						
<b>Colour Notation:</b>	<b>Fill: Blue Cross Hatch R:000, G:112, B:255</b> <b>Notation: "2"</b> <b>Outline: Black R:000, G:000, B:000</b>						
<b>Permissible (A)</b>		<b>Consent (B)</b>		<b>Prohibited (C)</b>			
• Shop		• N/A		Land uses and buildings not listed in column (A) and (B).			
<b>ADDITIONAL CONTROLS</b>							
1. The Municipality may grant consent for the erection of a building or structure in front of the Building Line.							
2. There shall, be no specified minimum side or rear space which shall, however, be determined in terms of the National Building Regulations.							
3. Minimum Site areas, Frontages and mean widths shall be in accordance with 4.6.2.							
<b>PARKING REGULATIONS</b>							
1. Parking on the basis of 3m² of parking for every 1m² of retail shopping area shall be provided, in addition to loading facilities, to the satisfaction of the Municipality.							
<b>DEVELOPMENT PARAMETERS</b>							
<b>SPACE ABOUT BUILDINGS</b>			<b>Units per hectare</b>	<b>Min Erf size (m²)</b>	<b>Height (STOREYS)</b>	<b>Coverage (%)</b>	<b>F.A.R</b>
<b>Building line</b>	<b>Side Space</b>	<b>Rear Space</b>					
6m	N/A		N/A	As per approved Site Development Plan	1	50	1,00

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4.12.3 Special Business Area 3: Deleted: Superseded by the General Industrial Zone

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#### 4.12.4 Special Business Area 4: Knipe/Williams Street

<b>ZONE:</b>	<b>SPECIAL BUSINESS AREA 4</b>	
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings with a limited mix of land uses as listed below, which shall apply to Portions of Erfs 2549 and 2551 PMB, on Longmarket Street between Knipe Street and Williams Street : City, as shown on Plan TPY 1/526.	
<b>Colour Notation:</b>	<b>Fill: Blue Cross Hatch R:000, G:112, B:255</b> <b>Notation: "4"</b> <b>Outline: Black R:000,G:000,B:000</b>	
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>• Business Purposes</li> <li>• Dwelling</li> <li>• Flats</li> <li>• Government/Municipal</li> <li>• Outbuilding</li> <li>• Residential Building</li> <li>• Restaurant</li> <li>• Service Workshop</li> <li>• Shop*</li> <li>• Social Hall</li> <li>• Specialise Office*</li> </ul>	<ul style="list-style-type: none"> <li>• Home Business**</li> <li>• Institution</li> <li>• Light Industrial Building*</li> <li>• Motor Sales Premises*</li> <li>• Motor Workshop*</li> <li>• Parking Depot</li> <li>• Parking Lot</li> <li>• Petrol Filling Station</li> <li>• Place of Instruction</li> <li>• Place of Public Entertainment*</li> <li>• Place of Worship</li> <li>• Service Industrial Building*</li> <li>• Service Workshop</li> <li>• Social Hall</li> <li>• Special Building*</li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>		
<ol style="list-style-type: none"> <li>1. *The uses mentioned shall be limited to the ground floor, provided further that at least an equal area of residential accommodation shall be provided if any of these uses are established.</li> <li>2. **Provided the written consent of all abutting owners and any other owners the Municipality may determine is obtained, the Municipality may waive the consent procedure.</li> <li>3. The Municipality may grant consent for the erection of a building or structure in front of the Building Line.</li> <li>4. There shall be, in respect of Business Purposes, Shops, Specialised Offices and other non-residential uses, no specified side or rear space, which shall be determined in terms of the National Building Regulations.</li> <li>5. All new buildings, or portions of buildings, accommodating or comprising Dwellings, Residential Buildings or Flats, shall observe a side and rear space as provided for in accordance with the requirements for those uses where they appear elsewhere in the scheme, including any limitations on relaxation of those requirements.</li> <li>6. Side and Rear Space for any use not specified herein shall be provided in accordance with the requirements for those uses where they appear elsewhere in the scheme.</li> <li>7. Minimum site areas, frontages or mean widths shall be in accordance with clause 5.6.1 and 5.1 respectively.</li> </ol>		
<b>PARKING REGULATIONS</b>		
<ol style="list-style-type: none"> <li>1. Business Purposes, Offices and Shops: 1m<sup>2</sup> of gross parking for every 1m<sup>2</sup> of gross Floor area, other than the Floor area of any use for which on-site parking must be provided in accordance with the requirements for those uses where they appear elsewhere in the scheme.</li> </ol>		

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2. On-site parking requirements for any other uses shall be in accordance with the requirements for those uses, as provided for elsewhere in the scheme.
3. The technical requirements for on-site parking shall be in accordance with clause 7.2. of the scheme.

#### DEVELOPMENT PARAMETERS

Use of Land	SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m <sup>2</sup> )	Height (STOREYS)	Coverage (%)	F.A.R
	Building line	Side space	Rear Space					
Dwelling (Flats)	6m	As per Plan TPY 1/526	155	N/A	As per Plan TPY 1/526	Controlled by 60°	33,3	-
Residential Buildings			N/A			light angle	50	0,50
All other uses			N/A			(Clause 5.4.4)	50	1,00

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#### 4.12.5 Special Business Area 5: Murphy/Garfield Street

<b>ZONE:</b>	<b>SPECIAL BUSINESS AREA 5</b>	
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings with a limited mix of land uses as listed below, which shall apply to Portions of Erfs 2536, 2537, 2538, 2539 and 2572, PMB, in Longmarket Street between Boshoff Street and Garfield Street : City, as shown on Plan TPY 1/585 B.	
<b>Colour Notation:</b>	<b>Fill: Blue Cross Hatch R:000, G:112, B:255</b> <b>Notation: "5"</b> <b>Outline: Black R:000,G:000,B:000</b>	
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>• Business Purposes*</li> <li>• Parking Depot</li> <li>• Parking Lot</li> <li>• Petrol Filling Station</li> <li>• Place of Public Entertainment</li> <li>• Restaurant*</li> <li>• Shop*</li> <li>• Specialised Office*</li> </ul>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>		
<ol style="list-style-type: none"> <li>1. *The disposition of the principle elements of the Development shall be in accordance with a plan approved by the Municipality and embodying the constraints and limitations specified herein, in accordance with the submitted Plan UE - 00 - P005. Provided further that the two existing Dwellings at 381 and 385 Longmarket Street shall be retained and refurbished, to the satisfaction of the Municipality.</li> <li>2. The design and finish of Buildings, on the Longmarket Street frontage in particular, shall be in sympathy with the character of the area.</li> <li>3. The Place of Public Entertainment shall be limited to a cinema.</li> <li>4. The maximum permitted gross floor area of the multi-storey Parking Depot, shall not exceed 20 000m<sup>2</sup> provided that no Parking Depot with a gross Floor area of less than 15000m<sup>2</sup> shall be built, save with the Consent of the Municipality.</li> <li>5. A Petrol Filling Station may only be established in conjunction with, and as an integral part of, a multi-storey Parking Depot.</li> <li>6. The area between any buildings and / or hardened parking area, shall be landscaped, to the satisfaction of the Municipality.</li> <li>7. There shall, in respect of buildings, or portions of buildings, accommodating or comprising Business Purposes, Specialised Offices and any other non-residential uses, be no specified minimum Side or rear space which shall, however, be determined in terms of the National Building Regulations.</li> <li>8. The various subdivisions constituting the "Special Business Area" shall be consolidated prior to any development or use being implemented and no part of the site may be subdivided or disposed of in any way, or developed separately, without the consent of the Municipality.</li> </ol>		
<b>PARKING REGULATIONS</b>		
<ol style="list-style-type: none"> <li>1. On-site parking shall be provided at a ratio of 6 parking bays per 100m<sup>2</sup> of gross shopping Floor area.</li> <li>2. On-site parking requirements for any other uses shall be in accordance with the requirements for those uses, as provided for elsewhere in the scheme.</li> </ol>		

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3. The technical requirements for on-site parking shall be in accordance with clause 7.2. of the scheme, and further, that the parking areas shall be suitably landscaped, to the satisfaction of the Municipality.

**DEVELOPMENT PARAMETERS**

Use of Land	SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
	Building line	Side space	Rear Space					
Shops (including restaurant and cinema)	6m	As per Plan TPY 1/585 B	N/A	As per Plan TPY 1/585 B	Controlled by 60°	15 000m²	15 000m²	
Specialised Offices					light angle	5500m²	5500m²	
Parking Depot (including Petrol Filling station)					(Clause 5.4.4)	50	20 000m²	

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#### 4.12.6 Special Business Area 6: 244-250 Boom Street

ZONE:	SPECIAL BUSINESS AREA 6							
Statement of Intent:	A land use zone that provides for land uses and buildings with a limited mix of land uses as listed below, which shall apply to Portion 4, Portion 8 (of 5) and Rem of 5, of Erf 2224, Portion 13 (of 7) and Portion 15 of Erf 2225, PMB, being 244 - 250 Boom Street and 60 Commercial Road : City.							
Colour Notation:	Fill: Blue Cross Hatch R:000, G:112, B:255 Notation: "6" Outline: Black R:000,G:000,B:000							
Permissible (A)	Consent (B)	Prohibited (C)						
<ul style="list-style-type: none"><li>Flat</li><li>Restaurant Shop</li><li>Specialised Office</li></ul>	<ul style="list-style-type: none"><li>N/A</li></ul>	Land uses and buildings not listed in column (A) and (B).						
ADDITIONAL CONTROLS								
<p>1. All sites shall be consolidated, or a Notarial Deed in Restraint of Free Alienation, being registered in respect of all the sites, prior to any development or redevelopment taking place.</p> <p>2. The Municipality may grant its Consent for the erection of a Building or structure in front of the Building Line.</p> <p>3. There shall be, in respect of Shops, Specialised Offices and other non-residential uses, no specified Side or rear space, which shall be determined in terms of the National Building Regulations.</p> <p>4. All new buildings, or portions of buildings, accommodating or comprising Dwellings, Residential Buildings or Flats, shall observe a side and arear space as provided for in accordance with the requirements for those uses where they appear elsewhere in the scheme, including any limitations on relaxation of those requirements.</p> <p>5. The site shall not be sub-divided or, as the case may be, nor shall the Notarial Deed specified in paragraph 1 above be altered in any way.</p>								
PARKING REGULATIONS								
<p>1. On-site parking for Restaurants and Shops shall be provided on the basis of 1m² of parking for every 1,5m² of gross floor area.</p> <p>2. On-site parking for Specialised Offices shall be provided on the basis of 1m² of parking for every 1m² of nett floor area.</p> <p>3. On-site parking requirements for any other uses shall be in accordance with the requirements for those uses, as provided for elsewhere in the scheme.</p> <p>4. Access to the parking area shall be off Boom Street only and the parking are shall be graded, surfaced and landscaped, to the satisfaction of the Municipality.</p> <p>5. The technical requirements for on-site parking shall be in accordance with clause 7.2. of the scheme.</p>								
DEVELOPMENT PARAMETERS								
Use of Land	SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
	Building line	Side space	Rear Space					
Dwellings (flats)	6m (including swimming pools)	As required elsewhere in the Scheme, for that particular use.		155	As per Plan TPY 1/585 B	Controlled by 60°	33,3	-
All other Uses				N/A		Light angle (clause 5.4.4)	75	5,50

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#### 4.12.7 Special Business Area 7: Debi Place

<b>ZONE:</b>	<b>SPECIAL BUSINESS AREA 7</b>						
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings with a limited mix of land uses as listed below, which shall apply to Portion of Rem of Townlands, adjacent to Debi Place: Northdale as indicated on plan TPY 9/678.						
<b>Colour Notation:</b>	<b>Fill: Blue Cross Hatch R:000, G:112, B:255</b> <b>Notation: "7"</b> <b>Outline: Black R:000,G:000,B:000</b>						
<b>Permissible (A)</b>		<b>Consent (B)</b>		<b>Prohibited (C)</b>			
<ul style="list-style-type: none"><li>Informal Trading</li><li>Parking Lot</li></ul>		<ul style="list-style-type: none"><li>N/A</li></ul>		Land uses and buildings not listed in column (A) and (B).			
<b>ADDITIONAL CONTROLS</b>							
1. The site shall not be subdivided without the consent of the Municipality.							
2. There shall be no provision to relax the Building Line.							
3. There shall, be no specified minimum side or rear space which shall, however, be determined in terms of the National Building Regulations.							
<b>PARKING REGULATIONS</b>							
1. In addition to the parking area indicated on Plan TPY 9/678, the Municipality may require the provision of loading/unloading facilities on the site.							
<b>DEVELOPMENT PARAMETERS</b>							
<b>SPACE ABOUT BUILDINGS</b>			<b>Units per hectare</b>	<b>Min Erf size (m²)</b>	<b>Height (STOREYS)</b>	<b>Coverage (%)</b>	<b>F.A.R</b>
<b>Building line</b>	<b>Side space</b>	<b>Rear Space</b>					
4m	N/A		N/A	As per Plan TPY 9/678	1	50	0,50

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#### 4.12.8 Special Business Area 8: 50 Durban Road

ZONE:		SPECIAL BUSINESS AREA 8					
Statement of Intent:		A land use zone that provides for land uses and buildings with a limited mix of land uses as listed below, which shall apply to Portion 383 of Erf 1913 PMB, being 50 Durban Road : Scottsville.					
Colour Notation:		Fill: Blue Cross Hatch R:000, G:112, B:255 Notation: "8" Outline: Black R:000,G:000,B:000					
Permissible (A)		Consent (B)		Prohibited (C)			
<ul style="list-style-type: none"><li>Business Purposes</li><li>Place of Instruction (restricted to a Health Studio)</li><li>Place of Public Entertainment</li><li>Restaurant</li><li>Shop</li></ul>		<ul style="list-style-type: none"><li>N/A</li></ul>		Land uses and buildings not listed in column (A) and (B).			
ADDITIONAL CONTROLS							
1. The site may not be subdivided.							
2. Access and internal vehicular circulation arrangements shall be to the satisfaction of the Municipality.							
3. Landscaping shall be provided to the satisfaction of the Municipality. Furthermore, the existing trees on the site shall be retained wherever possible.							
4. The interface between the site and the adjoining uses along Coronation Road and Connaught Road, shall be suitably treated through the use of landscaping, screening, building setbacks, elevational techniques, selective architectural finishes and designs elements, to the satisfaction of the Municipality.							
5. Air-conditioning and refrigeration units shall be located informally within the development itself, away from the Coronation Road and Connaught Road frontages.							
PARKING REGULATIONS							
1. Business Purposes and Shops: 1m² of gross parking area for every 1m² of gross floor area.							
2. Restaurants: 1 parking bay for every four seating spaces or part thereof.							
3. Places of Public Entertainment: 1 parking space for every 10 seating spaces or part thereof.							
4. The technical requirements for on-site parking shall be in accordance with clause 7.2. of the Scheme.							
DEVELOPMENT PARAMETERS							
SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
Building line	Side space	Rear Space					
Refer to Plan 1402 230, prepared by Michael Todd Architects, for building limitations.			N/A	As per approved Site Development Plan	13m above mean ground level	4500m²	6000m²

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#### 4.12.9 Special Business Area 9: Mill City

<b>ZONE:</b>	<b>SPECIAL BUSINESS AREA 9</b>						
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings with a limited mix of land uses as listed below, which shall apply to Erf 3346 PMB, off Edendale Road (Masons Mill Bus Depot) : Masons Mill, as shown on Plan TPY 14/710.						
<b>Colour Notation:</b>	<b>Fill: Blue Cross Hatch R:000, G:112, B:255</b> <b>Notation: "9"</b> <b>Outline: Black R:000,G:000,B:000</b>						
<b>Permissible (A)</b>			<b>Consent (B)</b>		<b>Prohibited (C)</b>		
<ul style="list-style-type: none"><li>• Business Purposes</li><li>• Motor Sales Premises</li><li>• Motor Workshop</li><li>• Petrol Filling Station</li><li>• Place of Public Entertainment</li><li>• Restaurant</li><li>• Service Industrial Building</li><li>• Shop</li><li>• Specialised Office</li></ul>			<ul style="list-style-type: none"><li>• N/A</li></ul>		Land uses and buildings not listed in column (A) and (B).		
<b>ADDITIONAL CONTROLS</b>							
1. The subdivision shall be permitted without the consent of the Municipality.							
<b>PARKING REGULATIONS</b>							
1. 4 parking bays per 100m² of gross Floor Area.							
2. The technical requirements for on-site parking shall be in accordance with clause 7.2. of the scheme.							
<b>DEVELOPMENT PARAMETERS</b>							
<b>SPACE ABOUT BUILDINGS</b>			<b>Units per hectare</b>	<b>Min Erf size (m²)</b>	<b>Height (STOREYS)</b>	<b>Coverage (%)</b>	<b>F.A.R</b>
<b>Building line</b>	<b>Side space</b>	<b>Rear Space</b>					
7,5m	5m		N/A	As per Plan TPY 14/710	2	-	-

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#### 4.12.10 Special Business Area 10: Brookside Gardens

<b>ZONE:</b>	<b>SPECIAL BUSINESS AREA 10</b>	
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings with a limited mix of land uses as listed below, which shall apply to Erf 3273, Erf 1261, Part of Portion 6 of Erf 199, Part of Portion 5 of Erf 199, Part of Portion 2 of Erf 199, Part of Portion 3 of 1) of Erf 201, Part of Portion 4(of 1) of Erf 201, Rem of 5(of 1) of Erf 20, Rem of 1 of Erf 201, Portion 8(of 1) of Erf 201, Part of Rem of Erf 201, Part of Rem of 2 of Erf 253, Part of Portion 2 of Erf 254, Part of Erf 368, Part of Portion 4 of Erf 510, Portion 3 of Erf 510, Part of Rem of Erf 929, Rem of 1 of Erf 1343, Portion 2 of Erf 1343, Rem of Erf 1343, Pietermaritzburg Rem of Townlands, A Part of the existing road reserves of Fitzsimmons Road and Willow Road, and the whole road reserve of Gumtree Road, including Portion 6 (of 1) of Erf 201, Portion 3 and Portion 4 of Erf 199, Pietermaritzburg, Bounded by the N3, Church Street, the Dorpspruit and Manning Avenue: City	
<b>Colour Notation:</b>	<b>Fill: Blue Cross Hatch R:000, G:112, B:255</b> <b>Notation: "10"</b> <b>Outline: Black R:000,G:000,B:000</b>	
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>• Business Purposes</li> <li>• Flats</li> <li>• Petrol Filling Station</li> <li>• Place of Public Entertainment</li> <li>• Residential Building</li> <li>• Restaurant</li> <li>• Shop</li> </ul>	<ul style="list-style-type: none"> <li>• Specialised Office</li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>		
<ol style="list-style-type: none"> <li>1. The Petrol Filling Station may not be built until such time that substantial work on the shopping centre has been commenced and the location thereof shall, in any event, be to the satisfaction of the City Planner.</li> <li>2. The site shall be consolidated, and may not be further subdivided.</li> <li>3. All costs of access/road improvements, including traffic signalisation, shall be borne by the applicant and carried out to the satisfaction of the Municipality, the final arrangements being resolved upon submission of the building plans for the project.</li> <li>4. The upgrading and landscaping of the adjacent Dorpspruit Open Space System shall be undertaken by the applicant at his cost, to the satisfaction of the Municipality. The site, including the parking areas, shall be landscaped to the satisfaction of the Municipality.</li> <li>5. The interface between the site and the existing residential sites to the east, shall be suitably treated through the use of screening, landscaping and building setback techniques, to the satisfaction of the Municipality.</li> </ol>		
<b>PARKING REGULATIONS</b>		
<ol style="list-style-type: none"> <li>1. Business Purposes, Shops and Specialised Offices: 1,2m<sup>2</sup> of gross parking area for every 1m<sup>2</sup> of gross floor area, other than the floor area of any use for which on-site parking must be provided in accordance with the requirements for those uses where they appear elsewhere in the Scheme.</li> <li>2. Flats: 1 parking bay for every flat.</li> <li>3. Residential Buildings (other than Flats and Hotels): 1 parking space for every 2 habitable rooms.</li> <li>4. Hotels: 1 parking space for every habitable room and, in addition to the foregoing, a further fifteen parking spaces in the case of a hotel having a public bar.</li> <li>5. On-site parking for any use not specified herein shall be provided in accordance with the requirements for those uses where they appear elsewhere in the scheme.</li> </ol>		

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6. The technical requirements for on-site parking shall be in accordance with clause 7.2. of the Scheme.

**DEVELOPMENT PARAMETERS**

Use of Land	SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m <sup>2</sup> )	Height (STOREYS)	Coverage (%)	F.A.R
	Building line	Side space	Rear Space					
Dwellings (flats)	Refer to Drawing Project 2358 dated June 1996 by Bentel Abrahamson and Partners, for general building layout limitations.			80	As per approved Site Development Plan	Controlled by 60°	33,3	-
Residential Buildings				N/A		Light angle	50	1,00
All other Uses				N/A		(clause 5.4.4)	85	5,50

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#### 4.12.11 Special Business Area 11: 40 Durban Road

ZONE:	SPECIAL BUSINESS AREA 11						
Statement of Intent:	A land use zone that provides for land uses and buildings with a limited mix of land uses as listed below, which shall apply to Rem of Erf 734 PMB, being 40 Durban Road; Scottsville.						
Colour Notation:	Fill: Blue Cross Hatch R:000, G:112, B:255 Notation: "11" Outline: Black R:000,G:000,B:000						
Permissible (A)		Consent (B)		Prohibited (C)			
• Restaurant		• N/A		Land uses and buildings not listed in column (A) and (B).			
ADDITIONAL CONTROLS							
1. The Restaurant facilities shall be limited to the existing dwelling on Rem of Erf 734 PMB, being 40 Durban Road, provided that the City Council may allow minor additions to that building as may be necessary.							
2. The Municipality may grant consent for the erection of a building or structure (including a swimming pool) in front of the Building Line.							
3. The Municipality may grant its consent for relaxation of the side space requirements.							
4. The site be site shall not be subdivided without the consent of the Municipality.							
5. The residential appearance of the house is to be retained.							
6. A verandah may be added to the house to a maximum of 3,0m wide.							
7. No vehicular or pedestrian access shall be permitted off Durban Road.							
8. Vehicular access shall be restricted to Coronation Road and shall be in accordance with the requirements of the Chief Transportation Engineer.							
9. An appropriate boundary screen wall shall be erected around the property to the satisfaction of the City Planner.							
10. The service yard and Staff areas shall be suitably screened to the satisfaction of the City Planner.							
11. All signage shall be in accordance with the requirements of the City Planner.							
12. All service and delivery vehicles and/or operation are to be restricted to the hours between 08:00 and 17:00.							
13. All clientele are to vacate the premises by 23h30.							
PARKING REGULATIONS							
1. A minimum of 21 parking bays shall be provided on the site.							
DEVELOPMENT PARAMETERS							
SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
Building line	Side space	Rear Space					
7m (including swimming pools)	4,5m	-	N/A	As per approved Site Development Plan	1	50	1,00

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#### 4.12.12 Special Business Area 12: 44 Durban Road

<b>ZONE:</b>	<b>SPECIAL BUSINESS AREA 12</b>						
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings with a limited mix of land uses as listed below, which shall apply to Rem of Erf 732 PMB, being 44 Durban Road: Scottsville.						
<b>Colour Notation:</b>	<b>Fill: Blue Cross Hatch R:000, G:112, B:255</b> <b>Notation: "12"</b> <b>Outline: Black R:000,G:000,B:000</b>						
<b>Permissible (A)</b>		<b>Consent (B)</b>		<b>Prohibited (C)</b>			
<ul style="list-style-type: none"><li>Restaurant, limited to the building on the site, existing as at 26 August 1996 and as indicated on Building Plan 1537/95, together with the verandah area indicated on Building Plan 974/2000.</li></ul>		<ul style="list-style-type: none"><li>N/A</li></ul>		Land uses and buildings not listed in column (A) and (B).			
<b>ADDITIONAL CONTROLS</b>							
<p>1. A site layout plan indicating the revised seating and on-site parking arrangements shall be submitted to the Municipality for approval.</p> <p>2. No live bands or disco-type music shall be permitted.</p> <p>3. The owner of the property and proprietor of the restaurant shall be jointly responsible for ensuring that the provisions of all relevant Bylaws, regulations and other statutes, particularly those relating to noise, nuisance, disturbance and drunkenness and licentious conduct are fully complied with, in particular the provisions of the Municipality's General Bylaws, the Regulations under the Environment Conservation Act, and the Liquor Act, 2010 (No.6 of 2010), as amended.</p> <p>4. Closing times as follows shall be strictly adhered to: - (a) Sunday to Thursday nights: 24h00 (midnight) (b) Friday/Saturday nights: 01h00 (1.00am) (c) Provided that the aforementioned closing hours may, after consultation with the neighbouring property owners, be varied by the Municipality, and provided further that it is accepted that on special occasions (such as during the Christmas period, St Patrick's Day, the Currie Cup final, World Cup Final, etc.), some latitude can be applied regarding these closing times, on condition that this provision is not abused.</p> <p>5. The site shall not be subdivided.</p>							
<b>PARKING REGULATIONS</b>							
<p>1. 1 parking bay for every 4 seating spaces.</p> <p>2. The technical requirements for on-site parking shall be in accordance with clause 7.2. of the Scheme.</p> <p>3. The parking layout and traffic management shall be in accordance with the site layout plan, as approved.</p>							
<b>DEVELOPMENT PARAMETERS</b>							
<b>SPACE ABOUT BUILDINGS</b>			<b>Units per hectare</b>	<b>Min Erf size (m²)</b>	<b>Height (STOREYS)</b>	<b>Coverage (%)</b>	<b>F.A.R</b>
<b>Building line</b>	<b>Side space</b>	<b>Rear Space</b>					
As per approved Building Plans 1537/95 and 974/2000.							

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#### 4.12.13 Special Business Area 13: 60 Durban Road

<b>ZONE:</b>	<b>SPECIAL BUSINESS AREA 13</b>	
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings with a limited mix of land uses as listed below, which shall apply to Portions 113 (of 109), 213 (of 109), 327 (of 111), 288 (of 87) and 340, of Erf 1913 PMB, being 60 Durban Road-Scottsville.	
<b>Colour Notation:</b>	<b>Fill: Blue Cross Hatch R:000, G:112, B:255</b> <b>Notation: "13"</b> <b>Outline: Black R:000,G:000,B:000</b>	
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>Business Purposes</li> <li>Restaurant</li> <li>Shop</li> <li>Specialised Office</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>		
<ol style="list-style-type: none"> <li>The disposition of the principle elements of the development shall be substantially in accordance with Plan 96/38 - SK002.</li> <li>The height restriction shall be 2 provided that any buildings adjoining the boundary of Portion 88 of Erf 1913 shall be restricted to a single storey.</li> <li>The Municipality may grant its consent for the erection of a building or structure in front of the Building Line.</li> <li>There shall be no specified side or rear space. In respect of the development adjoining Portion 88 of Erf 1913, development shall take place on the boundary.</li> <li>All existing subdivisions shall be consolidated prior to any development taking place.</li> <li>The Municipality's requirements, at the developer's cost, shall be indicated on the submitted building plans.</li> <li>Provision of a median island (600mm wide) shall be made in Durban Road along the site frontage.</li> <li>Provision shall be made for right-turning vehicles from Durban Road into Milner Road.</li> <li>The developer shall widen Milner Road in agreement with and to the satisfaction of the City Engineer.</li> <li>The design layout, access arrangements, building line arrangements and parking layout shall be in accordance with Plan 96/38 - SK002.</li> <li>The interface between Sub 88 and the development must be carefully treated such that the developer shall erect a suitable screen wall along the site boundary, adjacent to Sub 88 and no restaurant use shall be located in the development close to this boundary.</li> <li>The site shall be appropriately landscaped so as to enhance the development and ensure a suitable interface for the adjacent residential developments.</li> </ol>		
<b>PARKING REGULATIONS</b>		
<ol style="list-style-type: none"> <li>On-site parking shall be clearly demarcated on the building plans submitted.</li> <li>Business Purposes and Shops: 1,2m<sup>2</sup> of gross parking area for every 1m<sup>2</sup> of gross floor area.</li> <li>Restaurant: 1 parking bay for every four seating spaces or part thereof.</li> <li>Specialised Offices: 1 parking bay for every 100m<sup>2</sup> floor area.</li> <li>The technical requirements for on-site parking shall be in accordance with clause 7.2. of the Scheme.</li> </ol>		

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6. On-site loading to be provided to the satisfaction of the Municipality shall be demarcated on the building plan and on the ground.

**DEVELOPMENT PARAMETERS**

SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
Building line	Side space	Rear Space					
6m	N/A		N/A	As per Plan 96/38 - SK002	2	50	1,00

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#### 4.12.14 Special Business Area 14: 80 Roberts Road

<b>ZONE:</b>	<b>SPECIAL BUSINESS AREA 14</b>	
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings with a limited mix of land uses as listed below, which shall apply to Portion 10 of Erf 396 Pietermaritzburg, being 80 Roberts Road : Athlone as depicted on Map 4 dated May 2000.	
<b>Colour Notation:</b>	<b>Fill: Blue Cross Hatch R:000, G:112, B:255</b> <b>Notation: "14"</b> <b>Outline: Black R:000,G:000,B:000</b>	
<b>Permissible (A)</b>	<b>Consent (B)</b>	<b>Prohibited (C)</b>
<ul style="list-style-type: none"> <li>• Dwelling</li> <li>• Outbuilding.</li> <li>• Place of Public Entertainment</li> <li>• Restaurant</li> </ul>	<ul style="list-style-type: none"> <li>• Boarding House</li> <li>• Home Business*</li> <li>• Institution</li> <li>• Medium Density Housing</li> <li>• Place of Instruction</li> <li>• Place of Worship</li> <li>• Social Hall</li> </ul>	Land uses and buildings not listed in column (A) and (B).
<b>ADDITIONAL CONTROLS</b>		
<ol style="list-style-type: none"> <li>1. The disposition of development shall be limited to and be generally in accordance with that shown on Map 4 dated May 2000, or an amendment approved by the Municipality, with the Restaurant use being limited to being operated from within the main Dwelling.</li> <li>2. The Restaurant seating area shall be limited to the 47m² dining area shown on Map 4.</li> <li>3. The Restaurant shall not close later than 20h30.</li> <li>4. The Restaurant shall not be used to host major functions such as wedding receptions, large parties and the like.</li> <li>5. Subject to compliance with the provisions of the Msunduzi Boarding House policy.</li> <li>6. The Place of Public Entertainment shall be restricted to providing live entertainment such as musical, theatrical, comic and poetry recital performances which are ancillary to the dining activity and confined to being provided from within the main Dwelling.</li> <li>7. Use of the 30m² display area shown on Map 4 shall be limited to the display of artwork.</li> <li>8. The current facade of the main Dwelling shall be retained and the building shall not be altered in a manner which would prevent it from being converted back to a Dwelling.</li> <li>9. The Restaurant use shall be restricted to being conducted by the present owner and staff shall remain resident on the property.</li> <li>10. A building plan for a change of use shall be submitted in terms of the National Building Regulations and the applicant shall comply with all the requirements to which the approval of the plan may be subject.</li> <li>11. *Provided the written consent of all abutting owners and any other owners the Municipality may determine is obtained, the Municipality may waive the consent procedure.</li> <li>12. Provided the written consent of all abutting owners and any other owners the Municipality may determine, is obtained, the Municipality may waive the consent procedure provided where not more than three dwellings</li> </ol>		

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are to be established. Provided further that where more than three dwellings are to be established, the requirements of Appendix 1 of the Scheme shall also apply. Provided further that the maximum coverage permitted shall be 33, 3%.
13. The maximum number of dwellings per hectare which may be permitted shall be dependent upon the zoned area of the Erf, but shall not exceed 10 units per hectare calculated to the first whole number and subject to the Municipality's consent.
13.1 Provided that in the event of three or less dwellings being established on the Erf, the consent procedure may be waived if the written consent of all contiguous owners and other such owners the Municipality may determine, are submitted to the Municipality.
14. All free-standing buildings and structures shall observe a rear space 1,5m save with the Municipality's consent.
15. The side and rear space requirements shall not over-rule the requirements of the National Building Regulations.
16. The Municipality may grant its consent for the subdivision of a dwelling built not less than ten (10) years prior to the date of application into not more than two dwellings notwithstanding the density provisions of the scheme, subject to: - (a) The building being made to comply with the relevant provisions of the National Building Regulations; (b) Each portion to be used as a separate unit being self-contained and sealed off from communication with the remainder of the Building except for the main entrance; (c) Generally, no additional rooms will be permitted, other than one additional kitchen, bathrooms and toilets.
17. Generally, no dwelling shall be erected on any site which has a smaller area, frontage or mean width than is required in terms of clause 5.6.1 and 5.1 respectively (Special Residential).
17.1 Provided in exceptional circumstances the Municipality may permit the erection of a dwelling on an existing lot not complying with those minima, if the applicant satisfies the Municipality that, having regard to the situation of the site in question, its shape, extent and other features and the provisions of this Scheme, that the erection of a dwelling thereon would not in the circumstances be detrimental to or prejudicially affect any neighbouring properties.
18. In the case of an existing site having no frontage, other than as provided for in clause 5.1 the Municipality may permit the erection of a dwelling thereon provided that a right-of-way servitude is registered in the Deeds Registry in favour of such property. Such servitude shall not be cancelled nor altered in any way without the consent of the Municipality and a clause to that effect shall be embodied in the relevant servitude document. The Municipality shall not consent to such cancellation or alteration unless it is satisfied that alternative means of access are available.
19. The current landscaping shall be retained, whilst additional screen planting of the parking area may be specified as part of the approval of the building plan.
20. All signage and advertising shall comply with the Msunduzi Advertising Signs Bylaws.

#### **PARKING REGULATIONS**

1. Restaurant: Not less than 10 parking bays shall be provided
2. Dwelling: 1 bay for each Dwelling.
3. On-site parking requirements for any other uses shall be in accordance with the requirements for those uses, as provided elsewhere in the scheme.
4. The technical requirements for on-site parking shall be in accordance with clause 7.2. of the scheme.

#### **DEVELOPMENT PARAMETERS**

SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
Building line	Side space	Rear Space					
7m (including	1,5m (including	3m	10	As per approved	2	50	0,50

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swimming pools)	swimming pools)			Site Development Plan			
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#### 4.12.15 Special Business Area 15: 1 Durban Road

<b>ZONE:</b>	<b>SPECIAL BUSINESS AREA 15</b>						
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings with a limited mix of land uses as listed below, which shall apply to 2500m <sup>2</sup> portion of Erf 752 PMB, shown on plan number 2183A/SK03 dated 23 November 2001, drawn by DeLeeu Cather Emtateni (1 Durban Road).						
<b>Colour Notation:</b>	<b>Fill: Blue Cross Hatch R:000, G:112, B:255</b> <b>Notation: "15"</b> <b>Outline: Black R:000,G:000,B:000</b>						
<b>Permissible (A)</b>		<b>Consent (B)</b>		<b>Prohibited (C)</b>			
• Petrol Filling Station*		• N/A		Land uses and buildings not listed in column (A) and (B).			
<b>ADDITIONAL CONTROLS</b>							
1. *Excluding facilities for the washing and servicing of motor vehicles which do not require the attention of more than one qualified mechanic or artisan and a tearoom with retiring rooms; and including Restaurant, and Shop (which shall not exceed a floor area of 150m <sup>2</sup> )							
2. Landscaping of the site shall be to the satisfaction of Municipality and in accordance with plan number 2183A/SK03 dated 23 November 2001, drawn by DeLeeu Cather Emtateni.							
3. The site shall not be used for a Petrol Filling Station until the applicant/developer has, as he at the hearing undertook to do should the Commission so require:							
(a) designed and constructed a tarmac road of appropriate specification, to permit heavy duty buses to egress (i.e. limited to one-way traffic as and when such need arises, given the high volumes of vehicular traffic to which certain functions at the stadium give rise) from the pedestrian entrance to the Erol Mantle Building, up the south-eastern boundary of the parent property, past the existing house, past point B and then to point C, both shown on Plan number 2183A/SK03 dated 23 November 2001 drawn by DeLeeu Cather Emtateni, and to the satisfaction of The Msunduzi Municipality;							
(b) Provided the 5 and 8 parking bays (which bays, not being part of the Petrol Filling Station site, shall be reserved for the exclusive use of the residents, guests and patrons of the YMCA and the facilities it provides, and shall have the necessary signage and management to ensure that reservation) shown on Plan number 2183A/SK03 dated 23 November 2001 drawn by DeLeeu Cather Emtateni, and to the satisfaction of The Msunduzi Municipality.							
<b>PARKING REGULATIONS</b>							
1. A minimum of 7 on-site parking bays shall be provided for the Restaurant and Shop.							
<b>DEVELOPMENT PARAMETERS</b>							
<b>SPACE ABOUT BUILDINGS</b>			<b>Units per hectare</b>	<b>Min Erf size (m<sup>2</sup>)</b>	<b>Height (STOREYS)</b>	<b>Coverage (%)</b>	<b>F.A.R</b>
<b>Building line</b>	<b>Side space</b>	<b>Rear Space</b>					
As shown on plan number 2183A/SK03 dated 23 November 2001, drawn by DeLeeu Cather Emtateni, as determined by the local authority.			N/A	2500m <sup>2</sup>	1	820m <sup>2</sup>	310m <sup>2</sup>

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#### 4.12.16 Special Business Area 16: Barloworld

ZONE:	SPECIAL BUSINESS AREA 16							
Statement of Intent:	A land use zone that provides for land uses and buildings with a limited mix of land uses as listed below, which shall apply to Portions 14, 15 and 16, of Erf 1556 Pietermaritzburg, off Chatterton Road and Armitage Road (Barloworld): Athlone.							
Colour Notation:	Fill: Blue Cross Hatch R:000, G:112, B:255 Notation: "16" Outline: Black R:000,G:000,B:000							
Permissible (A)		Consent (B)	Prohibited (C)					
<ul style="list-style-type: none"><li>Motor Sales Premises</li><li>Motor Workshop</li></ul>		<ul style="list-style-type: none"><li>N/A</li></ul>	Land uses and buildings not listed in column (A) and (B).					
ADDITIONAL CONTROLS								
1. The maximum floor area shall be calculated in accordance with the provisions of clause 5.4.3 of the scheme.								
2. The Municipality may grant consent for the erection of a building or structure in front of the Building Line.								
3. There shall, be no specified minimum side or rear space which shall, however, be determined in terms of the National Building Regulations.								
4. The site shall not be further subdivided.								
5. The developer shall be responsible for the construction of the roadworks contained in Fig 3 (Access Plan of the Traffic Impact Report dated May 2002, compiled by BCP Engineers).								
6. Development shall be in accordance with: - (a) Design guidelines attached to the Conditions of Sale, and any subsequent sale agreement, in respect of this property; (b) A site development plan per the plan prepared by Boogertman Krige Architects, attached to the application.								
7. The developer shall be entirely responsible for ensuring compliance with any other applicable legislation (e.g. Environment Conservation Act, Water Act).								
PARKING REGULATIONS								
1. At least 2 bays shall be provided on each site for each 100m² of total floor area, to the satisfaction of the Municipality.								
DEVELOPMENT PARAMETERS								
Use of Land	SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
	Building line	Side space	Rear Space					
Portion 14	6m	N/A	N/A	As per approved Site Development Plan	2	50	4800m²	
Portion 15							4900m²	
Portion 16							4300m²	

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#### 4.12.17 Special Business Area 17: Wildbreak

<b>ZONE:</b>	<b>SPECIAL BUSINESS AREA 17</b>						
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings with a limited mix of land uses as listed below, which shall apply to Portion 38 of Erf 1556 Pietermaritzburg, off Chatterton Road. : Athlone						
<b>Colour Notation:</b>	<b>Fill: Blue Cross Hatch R:000, G:112, B:255</b> <b>Notation: "17"</b> <b>Outline: Black R:000,G:000,B:000</b>						
<b>Permissible (A)</b>		<b>Consent (B)</b>		<b>Prohibited (C)</b>			
<ul style="list-style-type: none"><li>• Business Purposes</li><li>• Motor Sales Premises</li><li>• Restaurant</li><li>• Shop</li><li>• Specialised Office</li></ul>		<ul style="list-style-type: none"><li>• N/A</li></ul>		Land uses and buildings not listed in column (A) and (B).			
<b>ADDITIONAL CONTROLS</b>							
1. The Municipality may grant consent for the erection of a building or structure in front of the building line.							
2. There shall be no specified minimum side or rear space which shall, however, be determined in terms of the National Building Regulations.							
3. The site shall not be further subdivided.							
4. Transportation/Traffic management requirements shall be implemented in accordance with the Traffic report compiled by BCP Engineers (Pty) Ltd, Project Number 1518-A dated September 2002.							
5. The development shall be in accordance with the revised Site Development Plan, M150/07/DEV.PLAN.							
6. The developer shall be entirely responsible for ensuring compliance with any other applicable legislation (e.g. Environment Conservation Act, Water Act).							
7. There shall, be no specified minimum side or rear space which shall, however, be determined in terms of the National Building Regulations.							
<b>PARKING REGULATIONS</b>							
1. A minimum of 492 on-site parking bays shall be provided.							
2. Imposition of the following range of parking ratios in relation to the development on the application site, i.e. 2, 5 bays per 100m <sup>2</sup> of the floor area for Specialised Office, 5 bays per 100m <sup>2</sup> of the floor area for Motor Sales Premises.							
3. Loading facilities for all Shops shall be provided to the satisfaction of the Municipality.							
<b>DEVELOPMENT PARAMETERS</b>							
<b>SPACE ABOUT BUILDINGS</b>			<b>Units per hectare</b>	<b>Min Erf size (m<sup>2</sup>)</b>	<b>Height (STOREYS)</b>	<b>Coverage (%)</b>	<b>F.A.R</b>
<b>Building line</b>	<b>Side space</b>	<b>Rear Space</b>					
6m	N/A		N/A	Per site development plan M150/07/DEV.PLAN	2	Per site development plan M150/07/DEV.PLAN	11 000m <sup>2</sup>

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#### 4.12.18 Special Business Area 18: 86 Roberts Road

ZONE:	SPECIAL BUSINESS AREA 18						
Statement of Intent:	A land use zone that provides for land uses and buildings with a limited mix of land uses as listed below, which shall apply to Remainder of Erf 396 Pietermaritzburg, being 86 Roberts Road. : Clarendon						
Colour Notation:	Fill: Blue Cross Hatch R:000, G:112, B:255 Notation: "18" Outline: Black R:000,G:000,B:000						
Permissible (A)		Consent (B)		Prohibited (C)			
<ul style="list-style-type: none"><li>Business Purposes</li><li>Dwelling</li><li>Home Business*</li><li>Specialised Office</li></ul>		<ul style="list-style-type: none"><li>Shop</li></ul>		Land uses and buildings not listed in column (A) and (B).			
ADDITIONAL CONTROLS							
1. *Provided the written consent of all abutting Owners and any other Owners the Municipality may determine is obtained, the Municipality may waive the Consent procedure.							
2. The current façade of the main Dwelling shall be retained.							
3. The site shall be landscaped to the satisfaction of the Municipality.							
4. An advertising signage shall be limited to that specified in the scheme and shall be to the satisfaction of the Municipality.							
5. The only shopping permitted shall be related to the sale of medical related products i.e. pharmacy.							
6. A building plan for a change of use shall be submitted in terms of the National Building Regulations and the applicant shall comply with all the requirements to which approval of the plan may be subject.							
7. The space about building may be relaxed save with the consent of the Municipality.							
8. The Height restriction may be increased save with the consent of the Municipality.							
9. All other free-standing buildings and structures shall observe a rear space 1,5m save with the Municipality's consent.							
10. The side and rear space requirements shall not over-rule the requirements of the National Building Regulations.							
PARKING REGULATIONS							
1. On-site parking requirements for all uses shall be in accordance with the requirements for those uses, as provided elsewhere in the scheme.							
2. The technical requirements for on-site parking shall be in accordance with clause 7.2. of the scheme.							
DEVELOPMENT PARAMETERS							
SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
Building line	Side space	Rear Space					
7m (including swimming pools)	1,5m (including swimming pools)	3m	As per approved Site Development Plan	2	50	0,50	

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#### 4.12.19 Special Business Area 19: 94 Roberts Road

ZONE:	SPECIAL BUSINESS AREA 19						
Statement of Intent:	A land use zone that provides for land uses and buildings with a limited mix of land uses as listed below, which shall apply to Portion 20 of Erf 473 Pietermaritzburg, being 94 Roberts Road. : Clarendon						
Colour Notation:	Fill: Blue Cross Hatch R:000, G:112, B:255 Notation: "19" Outline: Black R:000,G:000,B:000						
Permissible (A)		Consent (B)		Prohibited (C)			
<ul style="list-style-type: none"><li>Business Purposes</li><li>Dwelling</li><li>Home Business*</li><li>Specialised Office</li></ul>		<ul style="list-style-type: none"><li>N/A</li></ul>		Land uses and buildings not listed in column (A) and (B).			
ADDITIONAL CONTROLS							
1. *Provided the written consent of all abutting Owners and any other Owners the Municipality may determine is obtained, the Municipality may waive the Consent procedure.							
2. The current façade of the main Dwelling shall be retained.							
3. The site shall be landscaped to the satisfaction of the Municipality.							
4. An advertising signage shall be limited to that specified in the scheme and shall be to the satisfaction of the Municipality.							
5. The only shopping permitted shall be related to the sale of medical related products i.e. pharmacy.							
6. A building plan for a change of use shall be submitted in terms of the National Building Regulations and the applicant shall comply with all the requirements to which approval of the plan may be subject.							
7. The space about building may be relaxed save with the consent of the Municipality.							
8. The Height restriction may be increased save with the consent of the Municipality.							
9. All other free-standing buildings and structures shall observe a rear space 1,5m save with the Municipality's consent.							
10. The side and rear space requirements shall not over-rule the requirements of the National Building Regulations.							
PARKING REGULATIONS							
1. On-site parking requirements for all uses shall be in accordance with the requirements for those uses, as provided elsewhere in the Scheme.							
2. The technical requirements for on-site parking shall be in accordance with clause 7.2. of the Scheme.							
DEVELOPMENT PARAMETERS							
SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
Building line	Side space	Rear Space					
7m (including swimming pools)	1,5m (including swimming pools)	3m	As per approved Site Development Plan		2	50	0,50

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#### 4.12.20 Special Business Area 20: 90 Roberts Road

<b>ZONE:</b>	<b>SPECIAL BUSINESS AREA 20</b>						
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings with a limited mix of land uses as listed below, which shall apply to Portion 21 (of 9) of Erf 396 Pietermaritzburg, being 90 Roberts Road. : Clarendon.						
<b>Colour Notation:</b>	<b>Fill: Blue Cross Hatch R:000, G:112, B:255</b> <b>Notation: "20"</b> <b>Outline: Black R:000,G:000,B:000</b>						
<b>Permissible (A)</b>		<b>Consent (B)</b>		<b>Prohibited (C)</b>			
<ul style="list-style-type: none"><li>• Business Purposes</li><li>• Dwelling</li><li>• Home Business*</li><li>• Outbuilding</li><li>• Specialised Office</li></ul>		<ul style="list-style-type: none"><li>• N/A</li></ul>		Land uses and buildings not listed in column (A) and (B).			
<b>ADDITIONAL CONTROLS</b>							
1. *Provided the written consent of all abutting Owners and any other Owners the Municipality may determine is obtained, the Municipality may waive the Consent procedure.							
2. The current façade of the main Dwelling shall be retained.							
3. The site shall be landscaped to the satisfaction of the Municipality.							
4. An advertising signage shall be limited to that specified in the Scheme and shall be to the satisfaction of the Municipality.							
5. The only shopping permitted shall be related to the sale of medical related products i.e. pharmacy.							
6. A building plan for a change of use shall be submitted in terms of the National Building Regulations and the applicant shall comply with all the requirements to which approval of the plan may be subject.							
7. The space about building may be relaxed save with the consent of the Municipality.							
8. The Height restriction may be increased save with the consent of the Municipality.							
9. All other free-standing buildings and structures shall observe a rear space 1,5m save with the Municipality's consent.							
10. The side and rear space requirements shall not over-rule the requirements of the National Building Regulations.							
<b>PARKING REGULATIONS</b>							
1. On-site parking requirements for all uses shall be in accordance with the requirements for those uses, as provided elsewhere in the Scheme.							
2. The technical requirements for on-site parking shall be in accordance with clause 7.2. of the Scheme.							
<b>DEVELOPMENT PARAMETERS</b>							
<b>SPACE ABOUT BUILDINGS</b>			<b>Units per hectare</b>	<b>Min Erf size (m²)</b>	<b>Height (STOREYS)</b>	<b>Coverage (%)</b>	<b>F.A.R</b>
<b>Building line</b>	<b>Side space</b>	<b>Rear Space</b>					
7m (including swimming pools)	1,5m (including swimming pools)	3m	As per approved Site Development Plan	2	50	0,50	

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#### 4.12.21 Special Business Area 21: 88 Roberts Rd

<b>ZONE:</b>	<b>SPECIAL BUSINESS AREA 21</b>						
<b>Statement of Intent:</b>	A land use zone that provides for land uses and buildings with a limited mix of land uses as listed below, which shall apply to Portion 22 (of 9) of Erf 396 Pietermaritzburg, being 88 Roberts Road: Clarendon.						
<b>Colour Notation:</b>	<b>Fill: Blue Cross Hatch R:000, G:112, B:255</b> <b>Notation: "21"</b> <b>Outline: Black R:000,G:000,B:000</b>						
<b>Permissible (A)</b>		<b>Consent (B)</b>		<b>Prohibited (C)</b>			
<ul style="list-style-type: none"><li>• Business Purposes</li><li>• Dwelling</li><li>• Home Business</li><li>• Outbuilding</li><li>• Specialised Office</li></ul>		<ul style="list-style-type: none"><li>• N/A</li></ul>		Land uses and buildings not listed in column (A) and (B).			
<b>ADDITIONAL CONTROLS</b>							
1. The current façade of the main dwelling shall be retained.							
2. The site shall be landscaped to the satisfaction of the Municipality.							
3. Any advertising signage shall be limited to that specified in the scheme and shall be to the satisfaction of the Municipality.							
4. The only shopping permitted shall be related to the sale of hair salon products.							
5. A building plan for a change of use shall be submitted in terms of the National Building Regulations and the applicant shall comply with all the requirements to which the approval of the plan may be subject.							
6. The space about building may be relaxed save with the consent of the Municipality.							
7. The Height restriction may be increased save with the consent of the Municipality.							
8. The side and rear space requirements shall not over-rule the requirements of the National Building Regulations.							
<b>PARKING REGULATIONS</b>							
1. On-site parking requirements for all uses shall be in accordance with the requirements for those uses, as provided elsewhere in the scheme.							
2. The technical requirements for on-site parking shall be in accordance with clause 7.2. of the scheme.							
<b>DEVELOPMENT PARAMETERS</b>							
<b>SPACE ABOUT BUILDINGS</b>			<b>Units per hectare</b>	<b>Min Erf size (m²)</b>	<b>Height (STOREYS)</b>	<b>Coverage (%)</b>	<b>F.A.R</b>
<b>Building line</b>	<b>Side space</b>	<b>Rear Space</b>					
7m (including swimming pools)	1,5m (including swimming pools)	3m	As per approved Site Development Plan		2	50	0,50

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#### 4.12.22 Special Business Area 22: Edendale Shopping Centre

ZONE:	SPECIAL BUSINESS AREA 22						
Statement of Intent:	A land use zone that provides for land uses and buildings with a limited mix of land uses as listed below, which shall apply to Portions 3 of Erf 441 Plessislaer, off Moses Mabhida and Mt Partridge Road (Edendale)						
Colour Notation:	Fill: Blue Cross Hatch R:000, G:112, B:255 Notation: "22" Outline: Black R:000,G:000,B:000						
Permissible (A)			Consent (B)		Prohibited ©		
<ul style="list-style-type: none"><li>• Business Purposes</li><li>• Government/Municipal</li><li>• Informal Trading</li><li>• Light Industrial Building</li><li>• Motor Sales Premises</li><li>• Parking Depot</li><li>• Parking Lot</li><li>• Petrol Filling Station</li><li>• Place of Instruction</li><li>• Place of public Entertainment</li><li>• Restaurant</li><li>• Service Industrial Building</li><li>• Service Workshop</li><li>• Shop</li><li>• Special Building</li><li>• Specialised Office</li></ul>			<ul style="list-style-type: none"><li>• N/A</li></ul>		Land uses and buildings not listed in column (A) and (B).		
ADDITIONAL CONTROLS							
1. To be read in conjunction with the DFA Tribunal decision.							
2. There shall be no provision to relax the side and rear space.							
3. The site shall not be further subdivided.							
4. The developer shall be responsible for all roadworks the roadwork's required to make the traffic flow in the area around the development extent which will be determined by the Roads and Transportation Sub-Unit and the Traffic Impact Report dated May 2009, compiled by SSI Engineers and Consultants (PTY) Ltd.							
5. Development shall be in accordance with the design guidelines attached to the Conditions of Sale, and any subsequent sale agreement, in respect of this property.							
6. The developer shall be entirely responsible for ensuring compliance with any other applicable legislation (e.g. NEMA - including the Record of Decision and Environmental Management Plan, OHS Act etc.).							
PARKING REGULATIONS							
1. At least 4 bays per 100m² of GLA shall be provided on the site, to the satisfaction of the Municipality.							
DEVELOPMENT PARAMETERS							
SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
Building line	Side space	Rear Space					
15m Moses Mabhida Road; 7m Mt.	3m		As per approved Site Development Plan		2	50	1,00

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Partridge Road.					
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## 5. SECTION 5: DEVELOPMENT PARAMETERS AND REGULATIONS

### 5.1 FRONTAGES OR MEAN WIDTH

The following frontages shall apply to the specified Land Use Zones; -

Land Use Zone	Minimum Frontage or Mean Width
Agriculture 1	N/A
Agriculture 2	N/A
Forestry	N/A
Cemetery	N/A
Educational	N/A
Government/Municipal	N/A
Health and Welfare	N/A
Institution	N/A
Worship	25m
General	15m
Core Mixed Use 1	N/A
Convention Centre	N/A
Commercial	15m
Low Impact Mixed Use	15m
Medium Impact Mixed Use	15m
Mixed Use 1	N/A
Multi-Purpose Retail and Office	N/A
Garage and Petrol Filling Station	N/A
Active Public Open Space	N/A
Environmental Reservation	N/A
Passive Public Open Space	N/A
Private Open Space	N/A
Protected Area 1	N/A
General Industry	20m (Central Area);25m (other areas)
Light Industry	20m (Central Area);25m(other areas)
Extractive Industry	25m
Logistics 1	20m
Special Residential 1	6m
Special Residential 1A	4m; 20m
Special Residential 2	10m
Special Residential 2A	4m; 20m
Special Residential 3	10m
Special Residential 3A	4m; 20m
Special Residential 4	10m
Special Residential 5	15m
General Residential 1	15m
General Residential 2	15m
General Residential 3	15m

Commented [ZM442]: Addition from Ashburton Scheme

Commented [ZM443]: Addition from Ashburton Scheme

Commented [ZM444]: Addition from Ashburton Scheme

Commented [ZM445]: Addition from Ashburton Scheme

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Land Use Zone	Minimum Frontage or Mean Width
General Residential 4 (Hotel)	15m
Intermediate Residential	15m
Equestrian Residential 1	4m; 30m
Rapid Urbanisation Management Zone	N/A
Rural Residential	N/A
Retirement Village	15m
Student Village	15m
Airport	N/A
Bus and Taxi Rank	N/A
Car Park	N/A
Tourism 1	N/A
Office	15m
Transitional Zone 1	N/A
Transition Office	N/A
Refuse Landfill	N/A
Undetermined	N/A
Utilities and Services 1	N/A
All Special Area Zones	As per approved Site Development Plan
All Special Business Area Zones	As per approved Site Development Plan

Commented [ZM446]: Addition from Ashburton Scheme

- 5.1.1 In considering the relaxation of the frontage, the Municipality may approve frontages of not less than 4m, 6m and 9m, for "Special Residential", "Intermediate Residential" and "General Residential" land use zones, respectively.
- 5.1.2 Where a township is established for the erection of dwelling units wholly or partly financed by the State **or areas within Traditional Community Areas**, the Municipality may authorise a reduction in the minimum prescribed frontages.
- 5.1.3 In the case of the subdivision of land for uses other than residential the Municipality may consent to frontages and widths as it may determine, upon application to it, having regard to the nature of the area concerned, the shape and situation of the proposed subdivisions and the avoidance of conditions which in the opinion of the Municipality would be detrimental to the amenities of the area or would result in such subdivisions being unsuitable for the use proposed.
- 5.1.4 The Municipality may permit upon application to it, in any zone any building to be erected closer to any boundary than the distance specified above if it is satisfied that the shape and situation of the proposed subdivisions would not be detrimental to the amenities of the area and would not result in such subdivisions being unsuitable for the use concerned.

Commented [ZM447]: New addition

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5.1.5 The Municipality, upon application to it, may grant its approval for the relaxation of any frontage if it is satisfied that such relaxation will ultimately enhance the appearance of the street and contribute to the public amenity.

5.1.6 Provided that, if the written consent of all abutting owners and those owners which the Municipality may determine as being affected by any such relaxation is lodged with the Municipality, the Municipality may waive the consent procedure.

## 5.2 REAR ACCESS LANES

5.2.1 Rear Access lanes shall only apply within the Medium Impact Mixed Use and Core Mixed Use 1 Zones.

### 5.2.2 Medium Impact Mixed Use: -

5.2.2.1 The rear access lanes indicated on plan TPX 1/504b shall not be deemed to be streets for the purposes of the subdivision of land.

5.2.2.2 The Municipality may, upon application being made for its consent, permit a building, including display windows to front on to a rear access lane.

5.2.2.3 If such consent is granted, the Municipality may require any new building to be set back from the boundary of the rear access lane reserve. The area between such boundary and the building shall be hardened to the satisfaction of the Municipality.

5.2.2.4 Notwithstanding the provisions of this clause where, in the opinion of the Municipality, circumstances exist which would render impracticable the establishment of a rear access lane, the Municipality may, at its discretion, amend the position, alignment and dimensions of such lane in relation to the boundary or boundaries of the erf or erfs concerned, to an extent not exceeding 6m in any dimension or direction.

5.2.2.5 Where, in the opinion of the Municipality, the intent or purpose or operation of such rear access lanes would not be unduly hindered, the Municipality may, notwithstanding any other, provisions of the scheme regulating the height of buildings, authorise the erection of corridors connecting opposing buildings across such rear access lanes, above the first floor level, provided that such connecting corridors shall allow a clearance of at least 4,5m above the rear access lane at that point.

### 5.2.3 Core Mixed Use 1: -

5.2.3.1 The rear access lanes indicated on the scheme map shall not be deemed to be streets for the purposes of the subdivision of land.

5.2.3.2 The Municipality may, upon application being made for its consent, permit a building, including display windows to front on to a rear access lane.

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5.2.3.3 If such consent is granted, the Municipality may require any new building to be set back from the boundary of the rear access lane reserve. The area between such boundary and the building shall be hardened to the satisfaction of the Municipality.

5.2.3.4 Notwithstanding the provisions of this clause where, in the opinion of the Municipality, circumstances exist which would render impracticable the establishment of a rear access lane the Municipality may, at its discretion, amend the position, alignment and dimensions of such lane in relation to the boundary or boundaries of the erf or erfs concerned, to an extent not exceeding 6m in any dimension or direction.

5.2.3.5 Where, in the opinion of the Municipality, the intent or purpose or operation of such rear access lanes would not be unduly hindered the Municipality may, notwithstanding any other provisions of the scheme regulating the height of buildings, authorise the erection of corridors connecting opposing buildings across such rear access lanes, above the first floor level, provided that such connecting corridors shall allow a clearance of at least 4,5m above the rear access lane at that point.

### 5.3 SIDE AND REAR SPACE (Amended)

5.3.1 The side and rear spaces in respect of all land use zones, except where otherwise stated, shall be as reflected in the Development Parameters Tables in Section 4 of the scheme.

5.3.2 No building shall be erected nearer than 8.0m to a railway reserve boundary.

5.3.3 Where access to parking courts is required, the side space of affected erf shall be calculated from the boundaries of such access road.

5.3.4 Where any servitude, i.e. a right-of-way, sewer and drain, etc. runs parallel and on any boundary, then the building line shall be measured from such boundary, provided that where a road servitude or road widening is proposed, then the side or rear space shall be measured from same.

5.3.5 Where a side or rear space is laid down no building other than boundary/retaining walls, fences (not exceeding 3.0m in height), pergolas or architectural and garden features shall be erected between the side or rear space and the boundary. The construction of boundary/retaining walls and fences in excess of three metres may be permitted subject to the consent of Municipality being applied for and obtained.

Commented [z448]: Amended from 2 to 3m

5.3.6 The Municipality may, in all zones 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.

5.3.6.1 Provided that the prior written consent of the registered owner/occupant of each adjoining property, and such other properties as the Municipality may direct, has first

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been obtained. Where such written consent is not forthcoming, the applicant shall, in seeking the relaxation, be required to apply for the Municipality's consent.

- 5.3.7 Where two or more adjacent properties are joined by means of a notarial deed in restraint of free alienation, the side and rear space requirements applicable to the common boundaries between such properties as set out above shall automatically lapse. This does not absolve any developer from taking into account particular conditions of title applicable to the relevant boundaries.

#### 5.4 CALCULATION OF FLOOR AREA, COVERAGE AND HEIGHT

##### 5.4.1 No building shall be erected, altered or extended so as to: -

- 5.4.1.1 Exceed the total floor area applicable to that building specified in the appropriate table applicable to the particular land use zone.
- 5.4.1.2 Exceed at any level the coverage applicable to that building, specified in the appropriate table applicable to the particular land use zone.
- 5.4.1.3 Exceed the number of storeys or height specified in the appropriate clause applicable to the particular land use zone;
- 5.4.1.4 Exceed the number of dwellings specified in the appropriate clause applicable to the particular land use zone.
- 5.4.1.5 Notwithstanding the requirements in respect of floor area and coverage, the Municipality may in special circumstances consider by consent the erection of a building of a greater floor area and/or coverage, if it is satisfied that such increase will not result in any significant detriment to the amenities of the area and furthermore that the general intent of the floor area and coverage restrictions imposed within the particular land use zone is not being deliberately circumvented by such application.
- 5.4.1.6 The Municipality may consider the relaxation of the floor area and coverage provided that the increase: -
- 5.4.1.6.1. Will not have a negative impact on services;
- 5.4.1.6.2. Will be in keeping with the scale of development in the immediate neighbourhood;
- 5.4.1.6.3. Will not negatively impact on the built environment;
- 5.4.1.6.4. Will lead to a regeneration of the building on the site and enhancement of the surrounding built environment;
- 5.4.1.6.5. Will not impact on the neighbouring properties by reason of its location on the site;

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- 5.4.1.6.6. Will meet the parking requirements as provided for in Appendix 8 of this scheme;
- 5.4.1.6.7. Will result in a more coordinated and efficient functioning of the land use; and
- 5.4.1.6.8. Will not unduly interfere with the amenities of the neighbourhood, existing or as contemplated by this scheme;
- 5.4.2 For the purpose of determining the Floor Area and Coverage of any building the following provisions shall apply: -**
- 5.4.2.1 Where two or more buildings exist, are to be erected on any one subdivision of land, the total floor area and coverage of those buildings, shall be taken into account.
- 5.4.2.2 The floor area and coverage of any existing building or buildings on any one subdivision of land shall be added to the floor area and coverage of any new buildings, alteration or extension to be erected on the land, unless the existing building or buildings are to be demolished as a consequence of such building work.
- 5.4.2.3 In the case of a building designed or used for more than one purpose, the floor area ratio applicable to the whole building shall be the mean of the floor area ratio applicable to each use which occupies more than 25% of the floor area of the building. Provided that in no case shall any portion of the building designed or used for a particular use be permitted to exceed in floor area the maximum for that use prescribed in the appropriate clause in respect of the site concerned.
- 5.4.2.4 In the case of a building designed or used for more than one purpose, and where a dwelling is, or dwellings are, accommodated in that building, the overall floor area ratio applicable to the major use, other than residential, prescribed in the appropriate clause in respect of the site concerned shall apply, provided that the floor area of any use shall not exceed the maximum area permitted, or number of dwellings prescribed in the appropriate clauses.
- 5.4.2.5 The said provisions of clauses 5.4.2.3 and 5.4.2.4 hereof shall apply mutatis mutandis to and in respect of the coverage of any building at any one floor level.
- 5.4.3 In calculating the Floor Area of any building no account shall be taken of: -**
- 5.4.3.1 The area of the floor of any part of a building, which floor is more than 2m below the mean level of the ground immediately surrounding the building and contiguous to the base of its external walls.
- 5.4.3.2 The floor area of any lift motor rooms, water storage tanks, lift wells, electricity sub-station or transformer rooms, external stairs, external access passages, canopies, towers, turrets, spires, belfries, or other such architectural features;

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5.4.3.3 The area of any mezzanine floor unless the total area of such mezzanine floor is more than twenty per cent (20%) of the area of the floor of the storey immediately beneath it;

5.4.3.4 The area of any floor or portion thereof used for the parking of vehicles, except in the case of a building used and designed for use as a parking depot or motor sales premises.

5.4.3.5 The floor area of any pedestrian concourse within a shopping precinct to the extent that it does not exceed 20% of the reckonable bulk of the building.

**5.4.4 In calculating the Height of a building or structure: -**

5.4.4.1 No part of a building or structure shall project above or beyond a line drawn towards the land containing the building or structure at an angle of 60° to the horizontal from any point on that street boundary which is opposite the street boundary of the land concerned, such line being aligned so as to be at right angles to the street boundary of the land concerned;

5.4.4.2 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, for the purposes of this clause, as fronting on a street equal in width to the wider street;

5.4.4.3 For the purposes of this clause any street having a surveyed width of less than 4,5m shall be regarded as having a width of 4,5m.

**5.5 SAVING FOR SPECIAL PURPOSES (Amended)**

5.5.1 Without prejudice to any powers of the Municipality derived from any other law, or to the remainder of this land use scheme, nothing in the provisions of this scheme shall be construed as prohibiting or restricting, or enabling the Municipality to prohibit or restrict:-

5.5.1.1 The use of land or the erection of buildings for the purposes of a sports or recreation ground, not being a sports or recreation ground ordinarily open to the public on the payment of a charge.

5.5.1.2 The letting by an occupant of a dwelling of any portion of such dwelling other than as a separate tenement or boarding house.

5.5.1.3 The occasional use of a place of public worship, place of instruction or institution, as a place of public entertainment or social hall.

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5.5.1.3.1. The occasional use of buildings or land for uses such as concerts, fairs, circuses, exhibitions, bazaars, public gatherings, celebrations, religious purposes, institutions, place of instruction, social halls, place of amusement; with the written consent of the Council not exceeding three (3) days. Should more than three (3) days but less than thirty (30) days be required, the full procedure as per SPLUMA By-law, 2020, for consent of the Council shall be applied for.

5.5.1.3.2. The Council is entitled to withdraw the approval given in terms of Sub-clause (5.5.1.3 and 5.5.1.4), should the land use in respect of which approval / consent was given be misused or if the use of the buildings or land for the approved purpose is detrimental to the amenity of the area at the sole discretion of the Council

Commented [z449]: New addition

5.5.2 Nothing in the foregoing provisions of this part of the scheme shall operate to prohibit or restrict the Municipality from giving its consent to: -

5.5.2.1 The winning of minerals by underground working, or the winning of minerals by surface working.

5.5.2.2 Letting any land in the area for the purpose of grazing animals.

## 5.6 SUBDIVISION OF LAND

### 5.6.1 General restrictions in respect of the subdivision of land

5.6.1.1 No subdivision of any land shall be made without the consent of the Municipality, provided that nothing in this clause contained shall prevent the owner of any land from carrying out the subdivision of such land in terms of any consent given by the Msunduzi Municipality Spatial Planning and Land Use Management By-Law or under any other law, unless such consent is deemed to have lapsed.

5.6.1.2 Subject to the provisions of sub-clauses 5.6.1.3 and 5.6.1.7 hereof, the Municipality shall not consent to any subdivision which does not comply with the minimum requirements specified in table under clause 5.6.2 wherein the land concerned is situated. Nor shall the Municipality consent to any subdivision which will result in residential densities in excess of those permitted in terms of the table under clause 5.6.2 wherein the land concerned is situated, or reduce the side and rear space of any building to less than the minimum established in terms of the appropriate requirements for the particular building.

5.6.1.3 Nothing in this clause shall prevent the Municipality from consenting to: -

- i. The subdivision of an existing erf or piece of land for the purpose other than providing a site for a dwelling provided that such subdivision will not reduce the site of any existing dwelling to less than 90 % of the minimum area for subdivision,

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specified in the table under clause 5.6.1 wherein the land concerned is situated, nor reduce the side and rear space of any building to less than the minimum established in terms of the appropriate requirements for the particular building.

- ii. The subdivision of an existing Erf in order to facilitate the execution of public works, provided the minimum area of the subdivision not required for such public works shall be not less than 65 % of the minimum area specified in the table under clause 5.6.1 wherein the land concerned is situated.
- iii. In addition to its powers under Clause 5.6.1.7 the subdivision of an existing erf to create one or more subdivisions each not less than 65 % of the minimum area specified in the table under Clause 5.6.1. Provided that the density requirements specified in the table and related to the lot before subdivision, are not exceeded.

5.6.1.4 The Municipality shall not consent to the subdivision of any land if such subdivision would result in the specified floor area and coverage for the particular building in that land use zone being contravened.

5.6.1.5 The Municipality may impose conditions in regard to matters arising out of, or incidental to, or connected with such subdivision.

5.6.1.6 Any person aggrieved by a decision of the Municipality under this clause, may appeal such decision.

5.6.1.7 The Municipality may also in addition to its powers under Clause 5.6.1.3 (iii) consent to frontages or mean widths and areas less than those specified in the table under Clause 5.1 and 5.6.1, respectively provided that: -

- i. The relaxation of area and width in respect of any one subdivision shall not exceed 10% of the area and width specified in the table. Provided that, in the case of a number of subdivisions being created, this relaxation shall only apply to one of those subdivisions.
- ii. No frontage shall be less than that permitted under clause 5.1.

5.6.1.8 Except as provided for in clauses 5.6.4 and 5.6.5 the Municipality shall not consent to any subdivision which will result in the creation of any piece of land not having access to a public street.

5.6.1.9 No subdivision of land within properties zoned for agriculture or properties affected by the Agricultural Management Overlay shall be made without the prior consent of the Department of Agriculture, Land Reform and Rural Development in terms of the provisions of the Subdivision of Agricultural Land Act (Act 70 of 1970), or any other superseding legislation.

Commented [ZM450]: New addition

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## 5.6.2 Erf control (Amended)

5.6.2.1 Unless where otherwise stated, no new subdivision in the zones referred to in the Table below shall have an area less than the specified minimum Erf size as reflected in the table: -

Land Use Zone	Minimum Erf Size (m <sup>2</sup> )
Agriculture 1	N/A
Agriculture 2	N/A
Forestry	N/A
Cemetery	N/A
Educational	At the discretion of the Municipality
Government/Municipal	At the discretion of the Municipality (Ashburton); N/A (All other areas)
Health and Welfare Institution	At the discretion of the Municipality
Worship	N/A
General	At the discretion of the Municipality
Core Mixed Use 1	500
Convention Centre	500
Commercial	N/A
Low Impact Mixed Use	500 (other areas); 500 (Ashburton)
Medium Impact Mixed Use	500
Mixed Use 1	900
Multi-Purpose Retail and Office	1200
Garage and Petrol Filling Station	1800
Active Public Open Space	N/A
Environmental Reservation	N/A
Passive Public Open Space	N/A
Private Open Space	N/A
Protected Area 1	N/A
General Industry	1000 (Central Area); 1000 (Greater Edendale)
Light Industry	1000 (Central Area); 1500 (other areas)
Extractive Industry	1000 (Central Area); 3000 (other areas)
Logistics 1	1000
Special Residential 1	180
Special Residential 1A	800
Special Residential 2	450
Special Residential 2A	1000
Special Residential 3	650
Special Residential 3A	1500
Special Residential 4	900
Special Residential 5	1200

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**Commented [z451]:** Worsging amended from 5.6.2 Additional Restrictions in Respect of the Subdivision of Land to Erf Control

**Commented [z452]:** Wording revised

**Commented [ZM453]:** Now at the discretion of the Municipality previously prescribed.

**Commented [ZM454]:** Addition from Ashburton Scheme

**Commented [z455]:** Amended from 1000 to now being At the discretion of the Municipality

**Commented [ZM456]:** Amended from 2000 to now at the discretion of the Municipality

**Commented [ZM457]:** Amended from 100sqm to being at the discretion of the municipality

**Commented [ZM458]:** New addition from Ashburton Scheme

**Commented [z459]:** Amended from 1000 to 500

**Commented [ZM460]:** Amended from 1000 to 500sqm

**Commented [ZM461]:** New addition

**Commented [z462]:** Amended from 1200 to 500

**Commented [ZM463]:** Amended from 1800 to 900sqm

**Commented [ZM464]:** Amended from 3000 to 1000sqm

**Commented [z465]:** Amended from 3000 to 1500

**Commented [z466]:** Amended rom 180 to 1000

**Commented [ZM467]:** Amended from 1600 to 800

**Commented [ZM468]:** Amended from 2000 to 1000

**Commented [ZM469]:** Medned from 4000 to 1500

General Residential 1	900 (PMB; 450 (Sobantu and Edendale))
General Residential 2	900
General Residential 3	900
General Residential 4 (Hotel)	1800
Intermediate Residential	500 (other areas); 1500 (Ashburton)
Equestrian Residential 1	3000
Rapid Urbanisation Management Zone	N/A
Rural Residential	500
Retirement Village	2500
Student Village	1000
Airport	N/A
Bus and Taxi Rank	1800
Car Park	N/A
Tourism 1	1000
Office	1000
Transitional Zone 1	N/A
Transition Office	N/A
Refuse Landfill	N/A
Undetermined	N/A
Utilities and Services 1	N/A
All Special Area Zones	As per approved Site Development Plan
All Special Business Area Zones	As per approved Site Development Plan

Commented [z470]: New addition

Commented [ZM471]: Amended from 1200 to 500

Commented [ZM472]: New addition

Commented [z473]:

Commented [ZM474]: Addition from Ashburton Scheme

Commented [z475]: Amanede from 3000 to 1500

Commented [z476]: Amended from 1ha to 3000sqm

Commented [z477]: Amended from 5000 to 2500sqm

Commented [ZM478]: Amaned from 2000 to 1000sqm

Commented [z479]: Amended from 5000 to 1000

5.6.2.2 The Municipality may consent to lesser areas and frontages, as provided for herein, if it is satisfied that the shape and situation of the proposed subdivisions would not be detrimental to the amenities of the area and would not result in such subdivisions being unsuitable for the use concerned.

5.6.2.3 In the case of the subdivision of land for uses other than residential which are not specifically mentioned herein, the Municipality may consent to subdivisions with areas, frontages or widths as it may determine, having regard to the nature of the area concerned, the shape and situation of the proposed subdivisions and the avoidance of conditions which in the opinion of the Municipality would be detrimental to the amenities of the area or would result in such subdivisions being unsuitable for the use proposed.

5.6.2.4 The municipality may grant relaxation up to a maximum of 10% less of the specified minimum Erf size upon consideration of circumstances peculiar to the development.

Commented [z480]: New addition

### 5.6.3 Subdivision of Land by a Panhandle

5.6.3.1 The Municipality may consent to the subdivision of land by "a panhandle" subject to the following conditions: -

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- 5.6.3.1.1 In the case of a piece of land within the Special Residential zone or to be used for dwellings, there shall be an access strip not less than 4m wide at any point. Provided that if more than 3 dwellings are to be established on a single subdivision the access strip shall be not less than 6m wide at any point.
- 5.6.3.1.2 In the case of a piece of land within the Intermediate Residential zone or to be used for medium density housing, there shall be an access strip not less than 6m wide at any point.
- 5.6.3.1.3 In the case of a piece of land within the General Residential zone or to be used for Flats, there shall be an access strip not less than 9m wide at any point. Provided that if in any case the Municipality considers it necessary in view of the shape of the subdivision, slope of the land, or other matter, it may require an access strip of greater width.
- 5.6.3.1.4 In the case of a piece of land within any use-zone or to be used for any purpose other than the use-zone or purposes mentioned in sub-clauses 5.6.3.1.1, 5.6.3.1.2 or 5.6.3.1.3 above there shall be an access strip not less than 9m wide at any point, save with the consent of the Municipality. Provided, however that if in any case the Municipality considers it necessary in view of the shape of the subdivision, slope of the land, or other matter, it may require an access strip of greater width.
- 5.6.3.1.5 Generally, the access strip shall not exceed 70m in length, save with the consent of the Municipality.
- 5.6.3.1.6 Not more than two access strips shall abut one another.
- 5.6.3.1.7 Where any access strip is not straight along its entire length the Municipality shall satisfy itself that adequate vehicular access may be provided, and for this purpose the Municipality may require an increased width for the access strip concerned and/or may require splay corners where the access strip changes direction. The provisions of this clause notwithstanding, the Municipality may refuse its consent to any subdivision for which an access strip which is straight along its entire length cannot be provided.
- 5.6.3.1.8 The subdivision created by "a panhandle" 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 land use zone in terms of the table under clause 5.6.2 hereof.
- 5.6.3.1.9 Generally, buildings and other structures on a panhandle site shall not be erected or established within a distance less than the building line applicable to that subdivision, from any common boundary which is opposite the street boundary of the adjoining site. Provided that the Municipality may relax that distance if the written consent of the owner of the adjoining site concerned is first obtained by the applicant. Provided

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further that if the written consent of the owner of the adjoining site concerned cannot be obtained, the consent of the Municipality shall be sought for such relaxation.

#### 5.6.4 Subdivision of Land (Development Scheme) without Access to a Street

5.6.4.1 The Municipality may consent to the subdivision of land on which there are existing or proposed free standing buildings or buildings in a continuous block, forming part of either a medium density housing scheme or other similar such scheme, subject to the following conditions: -

5.6.4.1.1 The applicant shall submit for the Municipality 's approval a layout plan to a scale of 1: 500 or any other scale acceptable to the Municipality, showing the position of all existing and proposed buildings, structures, all internal streets, parking areas both covered and uncovered, pathways, screen walls to clothes drying areas, etc.

5.6.4.1.2 The minimum distance between buildings shall be in accordance with the National Building Regulations. In the case of buildings in a continuous block, each unit shall be separated by a firewall, in conformity with the requirements of the National Building Regulations.

5.6.4.1.3 In the case of medium density housing, every free-standing dwelling, or dwelling in a continuous block, which is to be alienated shall have attached to it a curtilage not less than 200m<sup>2</sup> in area.

Commented [ZM481]: Amended from 150sqm to 200sqm

5.6.4.1.4 There shall be no building line to the internal streets within the site. However, the Municipality shall be satisfied that all parking spaces are located in relation to roadways so as to ensure that traffic to and from such roadways will not be impeded and no hazards will be created. A building line as laid down for the land use zone in which the site is located shall be observed in respect of all buildings on any site which fronts on to a public street.

5.6.4.1.5 The overall development may be completed in stages provided such stages are indicated on the layout plan.

5.6.4.1.6 The building unit subdivisions shall be registered in the deeds office under separate title, each with an individual undivided share in the common property in the scheme, consisting of roadways, open spaces and the like, not forming part of any of the proposed building unit subdivisions, subject to the condition that no such building unit subdivision shall, without the consent of the Municipality, be alienated in any manner separately from its undivided share in the common property.

5.6.4.1.7 The owners of the subdivisions shall be jointly responsible in perpetuity for the maintenance in a clean, tidy and serviceable condition to the satisfaction of the Municipality, of the common property referred to in clause 5.6.4.1.6 above and shall

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take all steps necessary to ensure that no part of such common property shall become public streets or public places for which the Municipality, may be required to accept responsibility, without the express consent of the Municipality.

- 5.6.4.1.8 For the purpose of all dealings with the Municipality in regard to the levying of rates and the rendering of municipal services to a medium density housing scheme for the purposes of complying with the obligations imposed upon them in clause 5.6.4.1.7 above, the owners of the subdivision shall establish an owners' association, with perpetual succession, to administer and maintain the said common property and deal with any other matter pertaining to the scheme which is of common interest to its members. The affairs of such owners' association shall be regulated by a memorandum and articles of association or founding statement as the case may be which shall have been approved by the Municipality before any transfer of a subdivision may be registered.
- 5.6.4.1.9 For the purposes of this clause, the owners of the subdivisions shall, at their expense, cause all deeds, servitudes and the like that may be required to be registered in the deeds office, to be so registered, whether in favour of the Municipality or otherwise.
- 5.6.4.1.10 The approval of any scheme in terms of this clause shall be subject also to any conditions that may be imposed by the Municipality in terms Msunduzi Municipality Spatial Planning and Land Use Management By-Law and any other applicable legislation, in regard to the subdivision of land.
- 5.6.4.1.11 No transfer of any subdivision in a scheme approved under this clause shall be permitted unless a building has been erected thereon and an occupation certificate has been issued in respect of such building in terms of the National Building Regulations. Provided that the Municipality may require that no dwelling or other building shall be transferred or separately registered before the whole site of the medium density housing or other such scheme, or such portion as the Municipality may specify, has been developed to the satisfaction of the Municipality. Provided further that this clause shall not affect any rights of preference conferred by any mortgage bond registered over the property, nor a mortgagee's right to cause the property to be sold in execution and in any such circumstances the Municipality shall be deemed to have waived the requirements of this clause, the subsequent purchaser, however, becoming bound by the same.

#### **5.6.5 Subdivision of Land without Individual Access to a Street**

- 5.6.5.1 The Municipality may consent to the subdivision of land where the resulting subdivisions do not have individual access to a public street, subject to the following conditions: -

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- 5.6.5.1.1 The applicant shall submit for the Municipality's approval, a layout plan to a scale of 1: 500 or any other scale acceptable to the Municipality, showing the individual subdivisions as well as the common property.
- 5.6.5.1.2 The common property shall have the primary function of accommodating a roadway providing vehicular access to the individual subdivisions and that common property shall have Frontage to a public street, and a mean width of not less than 6m where not more than five subdivisions used residential purposes are involved, a Frontage to a public street and a mean width of not less than 9m where up to ten subdivisions used residential purposes are involved, and a Frontage to a public street and a mean width determined by the Municipality in respect of a development containing more than ten subdivisions used residential purposes and a development containing subdivisions used for purposes other than residential.
- 5.6.5.1.3 The individual subdivisions shall observe the requirements of clause 5.6.1 (general restrictions in respect of the subdivision of land), except clause 5.6.1.8 and 5.6.2.
- 5.6.5.1.4 For the purposes of this clause only, any reference to minimum frontage, other than in respect of the provisions of sub-clause 5.6.5.1.2, shall mean frontage to the common property or to a street.
- 5.6.5.1.5 Building lines, as required in terms of the scheme, shall be observed where individual subdivisions abut either a street or common property.
- 5.6.5.1.6 All other cadastral boundaries are to be considered as such for the purposes of determining side and rear spaces.
- 5.6.5.1.7 The individual subdivisions and common property shall be registered in the Deeds Office under separate title with the common property being registered in the name of an Owner's Association with perpetual succession.
- 5.6.5.1.8 The Owners' Association shall be responsible in perpetuity for the maintenance of the common property in a clean, tidy and serviceable condition, to the satisfaction of the Municipality and shall take all steps to ensure that no part of such common property shall become a public street or public place for which the Municipality may be required to accept responsibility, without the express consent of the Municipality.
- 5.6.5.1.9 The Owners' Association shall be responsible for all dealings with the Municipality in regard to the levying of rates and the rendering of Municipal services to the scheme and for the purposes of complying with the obligations imposed in terms of the provisions of clause 5.6.5.1.8 above. The affairs of such Owners' Association shall be regulated by a Memorandum and Articles of Association or founding statement, as the case may be, which shall have been approved by the Council before any transfer of a subdivision may be registered.

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5.6.5.1.10 For the purpose of this clause, "Owners' Association" means a company registered in terms of the Companies Act No 61 of 1973, as amended, or at the discretion of the Municipality, a Close Corporation registered in terms of the Close Corporation Act No. 69 of 1984, membership of which shall be exclusive to and compulsory for the Owners of the subdivisions in the scheme referred to in this clause.

5.6.5.1.11 For the purposes of this clause, the owners of the subdivisions shall, at their expense, cause all deeds, servitudes and the like that may be required to be registered in the Deeds Office, to be so registered, whether in favour of the Municipality or otherwise.

5.6.5.1.12 The approval of any scheme in terms of this clause shall be subject also to any conditions that may be imposed by the Municipality in terms Msunduzi Municipality Spatial Planning and Land Use Management By-Law and any other applicable legislation, in regard to the subdivision of land.

#### **5.7 EXTERNAL APPEARANCE OF BUILDINGS**

5.7.1 A person intending to erect a building in any Land Use Zone shall furnish the Municipality with drawings or other sufficient indication of the external appearance of the proposed building, including such description of the materials to be used in its construction as may be necessary for that purpose.

5.7.1.1 Any person who proposes to alter, extend or erect a building or buildings shall submit 3 drawings to the Municipality, one copy of the drawings shall be on suitable and durable material on a scale of not less than 1: 100 except that, where the buildings are so extensive as to render a smaller scale necessary, the drawings may be to a Scale of 1: 200, and coloured in accordance with the requirements of the National Building Regulations, showing: -

- (a) the plans and elevations of the proposed building or buildings including boundary walls if necessary;
- (b) the location of the building on the Erf; and
- (c) giving particulars of the materials and colours to be used for the exterior wall finishes and roof or roofs together with whatever other indications the Municipality may require.

5.7.2 The Municipality shall, within forty-two days from the date of submission to it of particulars under this clause: -

5.7.2.1 Approve the particulars; or

5.7.2.2 If it considers that, having regard to the character of the locality or of the building erected or proposed to be erected therein the building would disfigure the locality by reason of its external appearance, disapprove the particulars and shall give notice of its decision to the building owner and if it disapproves, of the reason for its decision.

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5.7.2.3 Furthermore, the Municipality shall give due consideration to the provisions of Section 7 of the National Building Regulations and Building Standards Act, 1977 (No. 103 of 1977), as amended in the consideration of any building plans.

5.7.3 The building owner, if aggrieved by the decision of the Municipality, may appeal **to the Municipal Planning Appeal Authority** and the grounds of his appeal may include the ground that compliance with the Municipality's decision would involve an increase in the cost of the building, which would be unreasonable, having regard to the character of the locality and of neighbouring buildings.

Commented [ZM482]: Addition from Ashburton Scheme

5.7.4 No person shall commence the erection of a building until such time as the particulars hereinbefore referred to have been approved by the Municipality.

5.7.5 **The approval by the Municipality of the design and external appearance of the proposed building or additions or alterations shall not be deemed to be an approval in terms of any other provisions of the Scheme, Bylaws or the National Building Regulations, which approval shall first be applied for and obtained before any building work is commenced.**

Commented [ZM483]: Addition from Ashburton Scheme

5.7.6 Any municipal approval granted in clause 5.7.2 shall lapse within 12 months from the date of granting of such approval as provided for in section 7(3) of the National Building Regulations and Building Standards Act, 1977 (No. 103 of 1977) as amended.

5.7.7 If the Municipality is of the opinion that: -

5.7.7.1 Any building is dilapidated or in a state of disrepair or shows signs thereof;

5.7.7.2 Any building or the land on which a building was or is being or is to be erected or any earthwork is dangerous or is showing signs of becoming dangerous to life or property,

5.7.8 The Municipality may by notice in writing, served by post or delivered, order the owner of such building, land or earthwork, within the period specified in such notice to demolish such building or to alter or secure it in such manner that it will no longer be dilapidated or in a state of disrepair or show signs thereof or be dangerous or show signs of becoming dangerous to life or property or to alter or secure such land or earthwork in such manner that it will no longer be dangerous or show signs of becoming dangerous to life or property.

5.7.8.1 Provided that if such local authority is of the opinion that the condition of any building, land or earthwork is such that steps should forthwith be taken to protect life or property, it may take such steps without serving or delivering such notice on or to the owner of such building, land or earthwork and may recover the costs of such steps from such

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owner in line with section 12 of the National Building Regulations and Building Standards Act, 1977 (No. 103 of 1977), as amended.

5.7.9 New building developments should acknowledge and take guidance from the Msunduzi Green Building Guidelines.

Commented [ZM484]: New addition

## 5.8 PRESERVATION OF AMENITY

5.8.1 All land and buildings shall be maintained so as to preserve the amenity of the locality in which they are situated.

Commented [ZM485]: Addition from Ashburton Scheme

## 5.9 INTEGRATED ENVIRONMENTAL MANAGEMENT

5.9.1 Any person submitting an application for: -

- (a) the establishment of a township in accordance with the provisions of the applicable legislation;
- (b) the Municipality's Consent for a Medium Density Housing; or
- (c) an Amendment to the Scheme;

shall complete an environmental checklist as provided in Appendix 12 of the Scheme.

Commented [ZM486]: Addition from Ashburton Scheme

## 5.10 PRESERVATION OF INDIGENOUS TREES

Commented [ZM487]: Addition of the indigenous

5.10.1 The Municipality, having regard to the amenity of any land, may, in consultation with the Owner of the land, register any growing tree which, in its opinion, ought to be preserved.

5.10.2 The register of trees shall be maintained by the Municipality and shall be open for public inspection from Monday to Friday.

5.10.3 A tree, in whole or any part, registered in terms of this clause shall be subject to the following conditions:

5.10.3.1 No person shall cut, injure or destroy such tree except: -

- (a) in compliance with an obligation imposed by any Regulation or by-law; or
- (b) in the case of the Municipality, in the exercise of any powers conferred on it; or
- (c) only to an extent which may be necessary to prevent the tree from constituting a nuisance; or
- (d) with the Municipality's approval.

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5.10.3.2 The Municipality may at any time cancel the registration of a tree and shall amend the register of trees and inform the Owner of the land on which it is growing accordingly.

Commented [ZM488]: Addition from Ashburton Scheme

#### 5.11 BUILDINGS AND ITEMS OF HISTORIC OR ARCHITECTURAL INTEREST OR MERIT

- 5.11.1 The Municipality may list any building or portion of a building, structure or other item, including any curtilage which may be attached thereto, which it considers to be of historic or architectural interest or merit sufficient to justify the preservation thereof as contemplated in this clause.
- 5.11.2 The Municipality shall, at the request of the owner of any property, take the necessary steps as provided for in clause 5.11.1 above, upon payment in advance by the said owner of the costs involved in proceeding with the necessary steps and the giving by him/her of an undertaking to pay any further costs that may be incurred by the Municipality in connection therewith.
- 5.11.3 Whenever any building or portion of a building, structure or other item, including any curtilages which may be attached thereto, has been listed in terms of this clause no demolition or alteration thereof or addition thereto shall be commenced and no construction work shall be executed within the curtilages of the site thereof until the consent of the Municipality and other competent authority thereto has been obtained.
- 5.11.4 Whenever necessary, the Municipality shall provide for financial and other adjustment relating to the listing or delisting of buildings, structures or items, by regulations made in terms of clause 5.27 (regulations) of the scheme.
- 5.11.5 The property and other descriptions of all listed buildings, structures or items, together with any other information relevant thereto, shall be inscribed in appendix 2 to this land use scheme.
- 5.11.6 Any applicant or objector in respect of any application for the consent of the Municipality in terms of clause 5.11.3 hereof, who is aggrieved by the decision of the Municipality, may appeal.
- 5.11.7 The provisions of the National Heritage Resources Act, 1999 (No. 25 of 1999) and the KwaZulu-Natal Heritage Act, 2008 (No. 4 of 2008) shall also apply.
- 5.11.8 Notwithstanding any other provision of this scheme, the Municipality may, by its consent, relax any provision of this scheme in respect of any building falling within this clause provided that it can be shown to the Municipality's satisfaction that such relaxation is necessary and will: -
- 5.11.8.1 Ensure the conservation of either the architectural, historic or artistic value of the buildings and items of historic or architectural interest;

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5.11.8.2 Not reduce the architectural, historic or artistic value of the buildings and items of historic or architectural interest; and

5.11.8.3 Not unduly interfere with the amenities of the neighbourhood existing or as contemplated by the scheme.

5.11.9 Provided further, that the Municipality's authority and not its consent shall be required where the proposed relaxation does not involve a change in use and will affect the adjoining property only and the written consent of the registered owner of such adjoining property has been obtained.

#### 5.12 **TRANSFER OF BUILDING FLOOR AREA**

5.12.1 Whenever a building, structure or other item, or part thereof, has been listed in terms of clause 5.11 and the effect thereof is that any portion of the total floor area applicable to the site thereof is rendered unusable on that site, the Municipality may, upon application to it for consent, agree to the transfer of the total floor area so rendered unusable on that site, to another site or other sites within the same land use zone, provided that: -

5.12.1.1 The Municipality may attach conditions to such consent as it may deem necessary or desirable.

5.12.1.2 No transfer of floor area to another site shall have the effect of increasing the total floor area on that site by more than 25% of the maximum permitted for the use concerned in the land use zone concerned.

5.12.2 To enable it to come to its decision in terms of clause 5.12.1 above, the Municipality may require the applicant to furnish it with any information or motivation it may require.

5.12.3 In the event of the deletion in whole or in part, including the relaxation of a total floor area limitation, of the listing of any building, structure or other thing, or part thereof, in respect of which a floor area quota applicable to the listed site has been transferred to another site, the said transfer of total floor area shall remain in force and effect, notwithstanding the deletion of the listing. Nothing in this clause shall, however, prevent the transfer of floor area from another site, when permissible in terms of this clause, to the site of the delisted building, structure or other thing.

5.12.4 In any case of extreme hardship, where an owner of a listed property has been unable to dispose of unusable floor area within the same land use zone, or where the owner of a delisted property has been unable to re-acquire the floor area ratio within the same land use zone, the Municipality may authorise the disposal or re-acquisition of the floor area concerned to a property to an extent greater than the limit provided for in clause

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5.12.1.2, to or from a property outside the land use zone or from a non-listed property within the land use zone, as the case may be.

5.12.5 All transfers of total floor area authorised by the Municipality in terms of this clause shall be inscribed in Appendix 2 to the scheme so as to constitute a permanent record of the limits or rights available to the sites concerned, whether listed, delisted, disposing or receiving.

5.12.6 Any person aggrieved by any decision of the Municipality made in terms of this clause, may appeal.

### 5.13 ERECTION OF BUILDINGS

5.13.1 No person shall erect, alter or add to any building without applying to and obtaining the permission of the Municipality.

5.13.2 No Building shall be erected, altered or extended so as to exceed: -

5.13.2.1 the Coverage applicable to a building, as specified in the appropriate clause which is applicable to the land use zone in which it is situated,

5.13.2.2 the Floor Area Ratio applicable to a building, as specified in the appropriate clause which is applicable to the land use zone in which it is situated,

5.13.2.3 the Height stipulated for a building, as specified in the appropriate clause which is applicable to the land use zone in which it is situated, and

5.13.2.4 the Density specified in the appropriate clause which is applicable to the land use zone in which the Erf is situated.

Commented [ZM489]: Addition from Ashburton Scheme

### 5.14 PANHANDLE SHAPED ERF

5.14.1 The Municipality may consent to the subdivision of land by "a panhandle" subject to the following conditions: -

5.14.1.1 Save with the Municipality's consent the Minimum Width of Access Way shall be as follows: -

Use Type	Minimum Width of Access Way
Dwelling	4 metres
Medium Density Housing	6 metres
All other Uses	9 metres

5.14.1.2 The maximum length of an access way shall be 100 meters.

Commented [ZM490]: Addition from Ashburton Scheme

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## **5.15 CONTROL OF DEMOLITION OF BUILDINGS**

- 5.15.1 For the purpose of ensuring the preservation of buildings not listed in terms of clause 5.8 which may be of architectural, historic or artistic interest, no person shall demolish any such unlisted building without the consent of the Municipality and any other applicable authority.
- 5.15.2 Any person requiring the consent of the Municipality in terms of clause 5.15.1 above shall make application in writing for the same, and in support of such application shall provide such information concerning the building in question and the measures for its demolition as the Municipality may require.
- 5.15.3 In any case where the Municipality is of the opinion that the building concerned is not of such architectural, historic or artistic interest as justifies its preservation, it may approve of its demolition, provide all other requirements/authorisations have been addressed or complied with by the applicant.
- 5.15.4 In any case where the Municipality is of the opinion that the building concerned may be of such architectural, historic or artistic interest as justifies its preservation it may refuse to approve of its demolition provided the applicant may thereupon make application for the demolition of such a building to the in terms of the KwaZulu-Natal Heritage Resources Act, 2008 (No. 4 of 2008).
- 5.15.5 The Municipality may refuse, or it may grant, its consent to any application made in terms of the provision to clause 5.15.4 above, and it may make its consent subject to conditions, provided such conditions shall not require the applicant to do more than preserve, restore or reconstruct such parts of the building as the Municipality may see fit, or make records and plans of the building or allow the Municipality to make such records and plans.
- 5.15.6 The Municipality shall give notice of any decision made under clause 5.15.5 above to the applicant and any objector and any such person aggrieved by such decision, may appeal.

## **5.16 ADVERTISEMENTS AND HOARDINGS**

- 5.16.1 No advertisement hoardings shall be erected, or advertisements displayed, without the consent of the Municipality. Provided that the consent of the Municipality granted under this clause shall not in any way be taken to excuse compliance with the bylaws of the Municipality, if any, relating to the erection and display of advertisement hoardings and advertisements.
- 5.16.2 If an application is made to the Municipality under this clause the Municipality shall be entitled to impose such conditions as it may deem fit governing the erection and use of

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such hoarding or advertisement, provided that consideration shall be given to the question whether the proposed hoarding or the display of the proposed advertisement is likely to cause injury to the amenities of the neighbourhood.

5.16.3 No consent shall be given for the erection of any such hoarding or advertisement, and no such hoarding or advertisement shall be erected in the Special Residential, Intermediate Residential and General Residential Land Use Zones provided that the provisions of this clause shall not apply to a brass plate or board, not exceeding 600mm x 450mm in size, affixed to the fence or entrance door or gate of a dwelling and in the case of a residential building, to the wall of the entrance hall or the entrance door of a flat, or to the display of an advertisement relating solely to an entertainment, meeting, auction or sale to be held upon or in relation to the premises upon which such advertisement is displayed, provided that the advertisement does not contain letters, figures, or advertising emblems or devices exceeding 150mm in height and does not exceed a height of 3,5m from the ground.

5.16.4 The Municipality may, subject to the provisions of this clause, authorise the display of any particular class of advertisement either unconditionally or subject to conditions in respect of the position or manner in which the advertisement may be displayed.

5.16.5 ~~No hoardings or advertisements shall be permitted which is likely to cause injury to the Amenity of the area in which it is to be erected.~~

5.16.6 ~~The provisions of this clause shall not apply to: -~~

- ~~(a) name plates not exceeding 0,4 square metres in extent, and~~
- ~~(b) casual advertisements for entertainments, property for sale, auctions to be held on the premises or meetings, provided they are not considered to be, in the opinion of the Municipality, unduly ostentatious.~~

Commented [ZM491]: Addition from Ashburton Scheme

5.16.7 All advertisement requirements must comply with the Msunduzi Advertising Signs By-Law.

## 5.17 PERMISSION GRANTED BEFORE APPROVAL OF SCHEME

5.17.1 The Municipality may, in its discretion, permit in accordance with the terms of a permission granted pending the preparation and approval of the land use scheme, the erection of a building or the carrying out of works for which permission was granted but which has not been commenced before the date of approval of the scheme.

## 5.18 BINDING FORCE OF CONDITIONS IMPOSED

5.18.1 Where permission to erect any building, or execute any works, or to use any building or land for any particular purpose, or to do any other act or thing is granted under this

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Scheme, and conditions have been imposed, the conditions shall have the same force and effect, and shall be regarded as if they were part of the Scheme.

#### 5.19 APPROPRIATION OF LAND FOR OTHER USES

- 5.19.1 Land belonging to the Municipality for the purpose of this Scheme (other than Land reserved under Section 3 of the Scheme), and not required for any of those purposes, may be appropriated for any other purpose approved by the Premier, for which the Municipality is authorised to acquire land, and which is not inconsistent with the provisions of the scheme.

#### 5.20 MAKING OF APPLICATIONS AND LODGING OF PLANS

- 5.20.1 Ordinary application under the National Building Regulations, the Municipality's By-Law and Regulations governing the erection and use of buildings, the subdivision of land, and the issue of licences, shall be sufficient notice for the purpose of administering the scheme provided that the Municipality may call upon persons making such applications to furnish any additional information or plans it deems necessary to enable it to carry out the intention of the land use scheme.
- 5.20.2 The Municipality may call upon the owner of any building which it is proposed to alter or to put to new use, whether wholly or partly, to carry out a fresh survey thereof, such survey shall provide sufficient information for the Municipality to decide whether or not the provisions of the land use scheme will be complied with.
- 5.20.3 The procedures for the making of applications shall be done in accordance with the Msunduzi Municipality Spatial Planning and Land Use Management By-Law and other applicable legislation.
- 5.20.4 Buildings constructed using traditional materials, falling under the auspices of Ingonyama Trust Board shall be exempt from complying with the National Building Regulations.
- 5.20.5 In the case of applications made under Traditional Community Areas, the following procedure must be followed:
- (a) Applicant approaches Induna for land parcel.
  - (b) Induna consults Inkosi of the applicant's intentions.
  - (c) Induna and Inkosi consults land use plans and management overlays to check suitability of site (inclusive of site visit).
  - (d) The demarcation of the land parcel must include the consultation of the Ibandla (representatives of the community) and the potential neighbours of the applicant applying for land.
  - (e) Traditional Council provides written consent to applicant's intentions.
  - (f) Applicant is advised to seek leasehold diagram from ITB.

**Commented [ZM492]:** Addition from the Msunduzi Rural Policy

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(g) Upon receiving leasehold diagram from ITB, applicant must seek further information of the identified land parcel from the Municipality as of the pre-application procedure.

Commented [ZM493]: Addition from Msunduzi Rural Policy

#### 5.21 ENTRY AND INSPECTION OF PREMISES

5.21.1 The Municipality shall have the power by its duly authorised officers and without prior notice to the owner or occupier of any premises within the area to enter into and upon such premises at any reasonable time for the purpose of any inspection which the Municipality may deem necessary or desirable for the purposes of the scheme.

5.21.2 No person shall in any way hinder, obstruct or interfere with any duly authorised official, of the Municipality or cause or in any way, so far as he has any authority permit such official to be hindered permit such official to be hindered, obstructed or interfered with in the exercise of the powers hereby granted.

5.21.3 The Msunduzi Standard Operating Procedures shall provide further guidance in terms of land use enforcement matters within the Municipality.

Commented [ZM494]: New addition

#### 5.22 CONTRAVENTIONS OF THE SCHEME

5.22.1 Any person who erects, alters or extends any building, or uses such building, or develops or uses any land within the area of effect of the scheme which is in conflict with any provision of this scheme, or the terms and conditions of any approval granted therefore by the Municipality, and who does not comply with the provisions of any notice which the Municipality shall serve, shall be guilty of an offence and be liable for prosecution and recovery of any fines and infringement levies by the Municipality as contemplated in Chapter 7 of the Msunduzi Municipality Spatial Planning Land Use Management By-Law, read in conjunction with the Msunduzi Standard Operating Procedures.

Commented [ZM495]: New addition

5.22.2 Where any person contravenes the provisions of this scheme, or does not comply with the terms and conditions of any approval granted by the Municipality, it shall serve a notice and order upon such person, and take the necessary action in law where there is non-compliance therewith, as required in Chapter 7 of the Msunduzi Municipality Spatial Planning and Land Use Management By-Law.

5.22.3 Any person may request the municipal planning enforcement officer to investigate an alleged offence contemplated in Section 107(1) of the Msunduzi Municipality Spatial Planning and Land Use Management By-Law.

Commented [ZM496]: Amended as per the 2020 Bylaw

#### 5.23 RECORD OF PERMISSIONS AND CONDITIONS

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5.23.1 The Municipality shall keep, so as to be available for inspection at all reasonable times by any person interested, a record of approvals, consents, authorities or permissions granted by it, or on appeal from its decision under any provisions of this scheme, and of any conditions imposed or agreed between the Municipality and the applicant in connection therewith.

#### 5.24 SERVICE OF NOTICES

5.24.1 Any notice, order or other documents required or authorised to be served under this Scheme may be signed by an authorised official duly endorsed thereto, and may be served by delivery of a copy thereof by registered post to the addressee in one or other of the following manners: -

5.24.1.1 To the addressee personally, or to his duly authorised agent; or

5.24.1.2 If the service cannot be effected in terms of the aforementioned paragraph, at his/her place of residence or place of business or employment, to some person apparently not less than sixteen (16) years of age and apparently residing at or employed there; or

5.24.1.3 If there is no such person on the premises as aforementioned, by fixing such order, notice or other document, on some conspicuous part of the premises, and by dispatching such order, notice or document by prepaid registered post in an envelope on which is written his last known address, which may be his last known abode, place of business or employment or post office box number; or

5.24.1.4 If such person to be served has chosen a domicilium citandi at the domicile so chosen.

5.24.2 Where any service is effected in accordance with clause 5.24.1.3 above such service shall be deemed to have been effected at the time when the letter containing such order, notice or other document would have been delivered in the ordinary course of post and, in proving such service it shall be sufficient to prove that the order, notice or other document was properly addressed and registered.

5.24.3 Any order, notice or other document by this land use scheme required to be given to the owner or occupier of any particular premises, may be addressed by the description of the "owner" or "occupier" of such premises, in respect of which the order, notice or other document is given, without further name or description.

#### 5.25 SAVING FOR POWERS OF MUNICIPALITY

5.25.1 Nothing in this land use scheme shall operate to prevent the Municipality erecting, maintaining or using any building or work, or land in any part of the area for the purpose of any undertaking which it may be empowered to carry out under any other law.

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5.25.2 The Municipality may grant exemption from the provisions of clause 1.16 of the scheme, and approve an application, with or without conditions, for the use of land or the erection and use of buildings which is in conflict with the provisions of Section 4 of the scheme, provided that there are special circumstances relating to the proposal and the Municipality considers that the proposal will not prejudice the general purpose of the scheme or amenity of the area.

5.25.3 If an application as described in clause 5.25.2 above is made to the Municipality for its consideration, such application shall be deemed and treated as an application for the consent of the Municipality and notice of intention to make such application.

5.25.4 Any applicant or any objector who is aggrieved by the decision of the Municipality in terms of this sub-clause shall have a right of appeal.

#### 5.26 **CONFLICT OF SCHEME/CONDITIONS OF TITLE**

5.26.1 Nothing in the provisions of this land use scheme shall be construed as permitting or enabling the Municipality to permit the erection or use of any building, or the use of any land, for a purpose which is prohibited under any conditions of title under which any land may be held.

5.26.2 Where the provisions of the Scheme are in conflict with the National Building Regulations, the latter shall apply.

5.26.3 No provision in the Scheme shall absolve any Owner or occupier of land from complying with any conditions or servitudes registered against the title to such land.

5.26.4 An application for the amendments, suspension or removal of any condition of title, which restricts the realisation of the provisions of the Scheme, shall be made in terms of the Msunduzi Municipality Spatial Planning and Land Use Management By-Law.

Commented [ZM497]: Addition from Ashburton Scheme

#### 5.27 **REGULATIONS**

5.27.1 The Municipality may from time to time, make regulations with respect to: -

5.27.1.1 General conditions relating to services and other design criteria, in the case of, inter alia, Medium Density Housing development;

5.27.1.2 Any other matter or matters which the Municipality considers necessary for the effective administration and carrying into effect of the scheme.

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5.27.2 Such regulations shall be in the form of an appendix to the clauses and shall be read in conjunction therewith. Such regulations shall only become effective upon adoption thereof as part of the scheme, in accordance with the applicable legislation.

#### 5.28 NON-CONFORMING EXISTING USE

5.28.1 Any building, use of a building or land which is not in conformity with this land use scheme (i.e. Non-confirming existing use), which was lawful prior to the effective date, may be completed or continued for the purposes it was approved and designed.

5.28.2 Any alteration or addition or change of use, which in the opinion of the Municipality alters the character of an existing building or use of land, shall automatically remove such building or land from the category of "existing building or existing use".

5.28.3 If the non-conforming use of any building or land, which was lawful prior to the effective date of this land use scheme, is discontinued for an uninterrupted period of time of 5 years, such existing use shall be deemed to have lapsed and shall not be recommenced without the approval of the Municipality.

5.28.4 Any such non-conforming existing building or use of land may be increased on the erf by an amount not greater than 12.5 % of its total floor area, at the said date of adoption, provided further, that the completed building or use is in line with the other provisions of the scheme, relating to that particular land use zone in which such building or use is situated.

5.28.5 Notwithstanding the provisions of clause 5.28.4 above, the 12.5 % additional floor area or area allowance may be increased by consent by a maximum total of 20%.

#### 5.29 SITE DEVELOPMENT PLANS

5.29.1 When required in terms of this land use scheme, a site development plan shall be submitted to the Municipality for its approval before any development on a site may commence.

5.29.2 The Municipality may require amendments of detail to the site development plan to address reasonable concerns relating to access, parking, architectural form, urban form, landscaping, environmental management, engineering services or similar concerns.

5.29.3 The site development plans shall amongst others provide for but not be limited to:

(a) To-scale drawing of the site/s, indicating statistical information about the extent of the proposed development (floor area ratio, coverage and height), and building

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lines applicable, and parking supply; existing services, existing and proposed servitudes, etc.;

- (b) The design and layout of proposals including details as to the functioning thereof;
- (c) The layout of the property, indicating the use of different portions thereof;
- (d) The position, use and extent of buildings;
- (e) A programme of development;
- (f) Sketch plans and elevations of proposed structures, including information about external finishes;
- (g) Cross-sections of the site and buildings on site;
- (h) External signage details;
- (i) Details of and programme for the provision of essential services including storm water, sewerage disposal, electricity and solid waste disposal;
- (j) Traffic engineering details on the vehicular and pedestrian elements thereof;
- (k) General landscaping proposals, including vegetation to be preserved, removed or to be planted, external paving, and measures for stabilising outdoor areas where applicable;
- (l) Relationship of the proposed development to adjacent sites, especially with respect to access, overshadowing and scale;
- (m) Any other details as may reasonably be required by Municipality.

5.29.4 If an application is located in the scheme where there is an existing urban design plan or the Municipality deems it necessary, an applicant will be required to address urban design principles in the site development plan.

5.29.5 If an application is located in a historical or cultural precinct or relates to a historical building as prescribed in the National Heritage Resources Act, 1999 (No. 25 of 1999), or the KwaZulu-Natal Heritage Act, 2008 (No. 4 of 2008), the owner or developer shall submit proof of an approval from KZN Amafa as part of the site development plan.

5.29.6 The following provisions shall apply with regard to site development plans: -

- (a) Developed of the property shall be generally in accordance with an approved site development plan;
- (b) If the Municipality considers it necessary, a transport or traffic impact statement or assessment may be required in conjunction with a site development plan, the extent of which shall be determined by the Municipality depending on the scale of the development;
- (c) If the Municipality considers it necessary, a storm water impact assessment and/or storm water management plan may be required in conjunction with a site development plan, the extent of which shall be determined by Municipality depending on the magnitude of the development;
- (d) In circumstances where a site development plan is required in terms of this zoning scheme, no application for building plan approval in terms of the national building act shall be granted by Municipality, unless a site development plan has first been approved; and

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(e) An approved site development plan shall be considered as setting additional development rules applicable to the base zone, and any application for amendment shall comply with Municipality's requirements for such amendments.

(f) The Municipality may if it deems necessary exempt an applicant within Traditional Community Areas and Rural Areas from submitting site development plans for the development of a homestead or dwelling.

Commented [ZM498]: New addition

#### 5.30 ADDITIONAL PROVISIONS APPLICABLE TO HOTELS

5.30.1 The Municipality may permit any one or more of the following shops or activities to be established within a hotel: -

- (a) Hairdressing salons;
- (b) Book Shops or Newsagents;
- (c) Florists;
- (d) Curio Shops
- (e) Restaurant; and
- (f) Theatre Booking Agents;

5.30.1.1 Provided that the hotel has been classified and graded under Categories A, B or C of the Second Schedule to Government Notice No 583 of 1966, or any amendment thereof made in terms of the Liquor Licencing Act, 2010 (No.6 of 2010) as amended, or which according to the nature of the accommodation and service provided therein, and its situation is in the opinion of the Municipality, likely to be classified and graded as such;

5.30.1.2 The Municipality may by consent in any hotel other than those referred to in clause 5.30.1.1 above, permit such shops or activities listed in clause 5.30.1 above, provided that no external advertising of any shop or activity shall be permitted and access thereto shall be gained only from within the hotel.

5.30.2 The Municipality may, by consent, if it is of the opinion that there will be no interference with the amenities of the neighbourhood, authorise, in terms of this scheme, the establishment of an "off sales establishment" or a bottle store in any licensed hotel premises.

#### 5.31 ADDITIONAL PROVISIONS APPLICABLE TO HOME BUSINESS

The following shall apply to a Home Business: -

5.31.1 The home business shall be limited to the owner of the property, who shall reside thereon, provided that the Municipality may in exceptional circumstances, and if it is satisfied that the prime use of the dwelling as a residence will in no way be prejudiced, permit the activity to be conducted by a person other than the owner.

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- 5.31.2 The home business shall not involve work on motor vehicles such as motor workshop, panel beating etc.
- 5.31.3 The home business shall not involve the regular parking of more than two motor vehicles with a tare mass exceeding 2000kg, on or adjacent to the site at any one time, and such parking to be located to the rear of the dwelling, where possible.
- 5.31.4 The home business shall not involve the regular congregation of more than five persons on the site nor the employment of more than three persons on the site.
- 5.31.5 The home business shall not produce a noise level exceeding 7db above the ambient noise level, measured at any point on the property boundary.
- 5.31.6 The home business shall not utilise machinery other than electrically- driven or hand machinery, provided that no single machine shall be rated at more than 1, 5kw.
- 5.31.7 The home business shall not involve any activity or work between the hours of 21h00 and 06h00, except with the specific approval of the Municipality.
- 5.31.8 The home business shall not occupy 10% of the total area of the site subject to this not being in excess of 25% of the floor area of the dwelling but shall not, in any event, exceed 50m².
- 5.31.9 The home business shall not involve the erection of a sign larger than 600mm by 450mm, indicating the nature of the activity. Such sign shall be of a material and shall utilise a style and size of lettering which will complement the residential character of the dwelling, and which shall be placed on the main wall of the building and shall be in compliance with the Msunduzi Advertising Signs By-Law.
- 5.31.10 A shop shall not be considered a Home Business.
- 5.31.11 Only a single use can be granted under a Home Business category per Property.
- 5.31.12 Proposed land uses shall not be a nuisance to the residential character of the neighbourhood.

Commented [ZM499]: New addition

## 5.32 ADDITIONAL PROVISIONS APPLICABLE TO BED AND BREAKFAST (Amended)

- 5.32.1 The operation of a Bed and Breakfast from a dwelling shall:
- 5.32.1.1 Be limited to being conducted by the owner of the site who shall be resident therein, provided that Municipality may grant its consent, in exceptional circumstances, for the activity or use to be conducted by a person other than the owner;

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5.32.1.2 Not require any additions or alterations to a building on a site that would prevent the site from reverting to being used as a single family "dwelling" in the event of the use ceasing;

5.32.1.3 The establishment should comply with the Bed and Breakfast Policy.

Commented [z500]: clause and amended and clause 5.32.1.4 collapsed under revised clause

5.32.1.4 Not require the employment of more than three persons in addition to the domestic employees;

5.32.1.5 Not impose a greater load on any public utility service than that which is ordinarily required by other uses permitted in the area in which the activity or use is situated;

5.32.1.6 Not interfere with the amenity of the surrounding area;

5.32.1.7 Be limited to providing vehicular parking within the boundaries of the site on the basis of one bay per guest room and that such parking shall be located and screened to the satisfaction of Municipality;

5.32.1.8 Be operated in accordance with all relevant Municipality Bylaws and other legislation which shall include registration of the premises in terms of the Regulations Governing General Hygiene requirements for food premises under Government Notice No. R918 (1999) and compliance with the provisions of the Noise Regulations R 2544 under the Environment Conservation Act, 1994 (No. 52 of 1994) as amended.

5.32.2 The erection of a sign shall be limited to the following:

- Not be larger than 600 mm by 450 mm,
- Be in compliance with the Msunduzi Advertising Signs Bylaws,
- Be placed either on the wall of a building within the site or on the boundary wall or fence adjacent to the entrance to a site, and
- Be of a material and style which shall compliment the character of the dwelling.

5.32.3 These provisions shall also be read in conjunction with the Msunduzi Bed and Breakfast Policy.

### 5.33 ADDITIONAL PROVISIONS APPLICABLE TO NOXIOUS INDUSTRIAL BUILDING

5.33.1 Offensive trade shall include the following activities: -

- (a) Panel beating or spray painting;
- (b) Operating a waste recycling plant including oil and petroleum product recycling;
- (c) Scrap yard or scrap metal dealing;
- (d) Blood boiling, bone boiling, tallow melting, fat melting or fat extracting, soap boiling, tripe boiling or cleaning, skin storing, bone storing, hide boiling, skin curing, blood drying, gut scraping, leather dressing, tanning or glue or size making;

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- (e) Charcoal burning, brick burning, lime burning;
- (f) Manure making or storing or compost making;
- (g) Parchment making;
- (h) Manufacturing malt or yeast, edible oils;
- (i) Cement works, coke -ovens or salt glazing works;
- (j) Sintering of sulphurous materials;
- (k) Viscose works
- (l) Ore or mineral smelting, calcining, puddling or rolling of iron or other metal, conversion of pig iron into cast iron, reheating, tempering, hardening, forging, conversion or compounding or carbon with iron or other metals;
- (m) Works for the production of carbon bisulphide, cellulose lacquer, cyanide or its
- (n) Compounds, hot pitch or bitumen, pulverized fuel, peridine, liquid or gaseous sulphur dioxide or sulphur chlorides;
- (o) Works for the production of amyl acetate, aromatic ethers, butyric acid, caramel, enamel wire, glass, hexamine, lampblack, b- naphthol, resin products, salicylic acid, sulphated organic compounds, sulphurous paints, ultramarine, zinc chloride or zinc oxide;
- (p) The refining or processing of petrol, oil or their products;
- (q) Sandblasting;
- (r) Sawmill, wood, timber manufacture.

5.33.2 Provided that upon the production of a certificate by the medical officer of health that the process which it is proposed to employ in the conduct of any of the foregoing industries, or factories, will eliminate nuisance or danger to health in neighbouring premises arising from: -

- (a) Vapour or effluvia.
- (b) Fluids or liquid waste matters to be discharged from the premises, and if Land treatment of such matters is proposed the nature, slope and area of the land, and its position in relation to Dwellings, streams and water-courses.
- (c) Solid waste matters.

5.33.3 The Municipality may grant its consent to the erection and use of noxious industrial buildings in the Light Industrial and General Industrial zones.

5.33.4 These provisions shall be read in conjunction with Chapter 7 of the Msunduzi Public Health By-Law.

#### 5.34 **ADDITIONAL PROVISIONS APPLICABLE TO OUTBUILDING (Amended)**

The following shall apply to an Outbuilding: -

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- 5.34.1 The usage of an outbuilding may include a habitable room, storage purposes and any normal activities that are reasonably required in the connection with the main dwelling.
- 5.34.2 An outbuilding may accommodate recreational activities such as a poolroom, braai room, lapa and gazebo and the practising of hobbies (which may not cause a nuisance and/or disturbance and/or noise and/or damage to a neighbouring property or properties or premises) whose coverage will be calculated independently of the outbuilding.
- 5.34.3 The design of the outbuilding shall exclude a kitchen and lounge
- 5.34.4 An outbuilding shall be limited to not more than one habitable room.
- 5.34.5 The total floor area of an outbuilding shall not exceed 25% of the main dwelling coverage. Save with Consent of the Municipality the size may be increased to a maximum of 40% of the main dwelling coverage.
- 5.34.6 Provided further that, if all the owners of the properties adjoining the site in question, as well as any other owners whom the Municipality may determine, give their consent in writing to such outbuilding, the Municipality may waive the consent procedure of an outbuilding not exceeding 40%.
- 5.34.7 The outbuilding shall not be used for business purposes save with the consent of Municipality.

Commented [ZM501]: Whole section revised

#### 5.35 ADDITIONAL PROVISIONS APPLICABLE TO SOCIAL HALL

The following conditions shall apply to a Social Hall: -

- 5.35.1 The occasional use, being the use of not more than eighteen days in any one year, (ending on the 31st December) of a social hall for any purpose of public entertainment or amusement shall not for the purpose of this scheme be deemed to constitute a Place of public entertainment as defined.
- 5.35.2 Nothing in the foregoing clause shall affect the provisions of any other law relating to the use of premises for the purpose of public entertainment.

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**5.36 ADDITIONAL PROVISION FOR THE SHORT-TERM LETTING OF A DWELLING OR FLAT**

- 5.36.1 The municipality may allow for the short-term letting of a dwelling or flat by transient guests via online platforms such as Airbnb. This shall be subject to the owner of the property obtaining a business license from the Municipality.

Commented [ZM502]: New addition to cater for Airbnbs

**5.37 ADDITIONAL PROVISIONS APPLICABLE TO RURAL SETTLEMENTS**

- 5.37.1 At the discretion of the municipality and where applicable the KwaZulu-Natal Rural Land Use Norms and Standards shall provide guidance on the location of future rural settlements. The following provisions shall apply to rural settlements: -

- 5.37.1.1 The densely populated rural settlements should be subjected to the following standards:
- (a) Located within 5km Radius to Spatial Development Framework (SDF) Nodes and Corridors;
  - (b) Prioritized for Settlement Plan Preparation;
  - (c) Strengthened Institutional Arrangements between Land Allocators and Land Use Managers;
  - (d) Delineation of Settlement Edge;
  - (e) Settlement Planning to involve Densification;
  - (f) Stringent controls shall apply which includes prohibiting some of the activities such as On-Site burial; and
  - (g) Should be prioritized for advanced services which includes waterborne sewerage.

- 5.37.1.2 The sparsely populated rural settlements should be subjected to the following standards:
- (a) Located within a radius beyond 10km from Spatial Development Framework (SDF) Nodes and Corridors;
  - (b) Development of Agri-Villages should be the priority;
  - (c) Protection of patches of subsistence agricultural land;
  - (d) Management of grazing land including introduction of strategies such as rotational grazing;
  - (e) Consolidation of settlements as a means to create service thresholds;
  - (f) Rudimentary services can be freely allowed such as boreholes and VIP sanitation; and
  - (g) Some of the rural activities such as on-site burial may be allowed.

**5.38 ADDITIONAL PROVISIONS APPLICABLE TO SUBSISTENCE AGRICULTURE/FARMING**

- 5.38.1 Land used for subsistence agriculture should be located on land with relatively good agricultural potential and strategically located near water catchment areas.

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5.38.2 Land for to accommodate small scale agricultural production needs to be at least 1000m<sup>2</sup>.

5.38.3 **Recommended Practice**

5.38.3.1 Promotion of multiple agriculture to reduce risk of monoculture.

5.38.3.2 Encouraging the use of contour ploughing and wind breaks.

5.38.3.3 Prohibition of farming within a 20m area of any water resource in order to protect water resources against pollution on account of farming practices;

5.38.3.4 Development of small-scale irrigation systems.

5.38.3.5 Allow indigenous plants to grow along the river banks instead of ploughing and planting crops right up to the water's edge.

5.38.3.6 Limit the use of fertilizers and chemicals since it has an impact on water quality and food safety. Agricultural landowners need to familiarise themselves with those species that pose a threat on their own land and eradicate them.

5.39 **ADDITIONAL PROVISIONS APPLICABLE TO DIPPING TANK**

5.39.1 Dipping Tanks shall be:

5.39.1.1 Away from all environmentally sensitive areas (wetlands, unstable collapsible terrain, flood prone areas, powerline servitude and railway servitude).

5.39.1.2 Away from all activities that involves erection of structures, construction or excavation of land.

5.39.1.3 Subject to the compliance with the pesticide legislation in line with the Pesticide Management Policy for South Africa.

Commented [ZM503]: New addition

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#### 5.40 **LAND CLAIMS**

- 5.40.1 The determination of land claims will be done on a site to site basis through engagement with the Department of Rural Development and Land Reform or applicable recognised agency, in order to establish whether there are any claims on the subject property.

#### 5.41 **LAND USE ALLOCATION PROCESS ON INGONYAMA TRUST LAND**

- 5.41.1 The starting point to obtaining a lease on Ingonyama Trust land is the allocation of a site by the local Traditional Council.
- 5.41.2 After obtaining the rights from the local Traditional Council the applicant completes the Tenure Option Application Form (ITB1), which is obtained from and processed by the Ingonyama Trust Board.
- 5.41.3 The applicant must then complete a Traditional Consent form (ITB2) issued by the local Traditional Council. This form is confirmation that the applicant has been allocated land and has received the relevant consent from the local Traditional Council concerned.
- 5.41.4 The applicant has to ensure that the proposed development is aligned to the Municipal Integrated Development Plan and Municipal Spatial Development Framework. A consent letter from the Municipality shall be required.
- 5.41.5 Both the forms (ITB 1 and ITB 2) together with a copy of the applicant's Identity Document are submitted to the Ingonyama Trust Board for packaging and approval. In this regard, the following actions are performed:
- 5.41.5.1 A land survey is conducted and the property allocated by the local Traditional Council is cross referenced to an existing database to ensure there are no duplications.
- 5.41.5.2 Application is then submitted to the Ingonyama Trust Board for approval.
- 5.41.6 No development other than a household/residential dwelling may take place until the Municipality has provided the applicant with the required land use rights.
- 5.41.7 A Traditional Council and management of the communal land holding entities should notify a Municipality in writing of any allocation and re-allocation of land for non-residential and non-agricultural purposes, except land allocation for household dwellings in terms of their customary law powers.
- 5.41.8 The location of future rural settlements should be guided by clause 5.38 of the Scheme.
- 5.41.9 The land allocation process should be guided by the Scheme Map, and Management Overlay in Section 6 of the Scheme.

Commented [ZM504]: New Addition

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#### 5.42 NOISE CONTROL - INDUSTRIAL/RESIDENTIAL AREAS

- 5.42.1 Notwithstanding anything contained in this Scheme, but subject to the provisions of the Municipality's Bylaws relating to public nuisances, wherever any residential use zone abuts any industrial or general use zones, the noise level from any premises in the industrial or general use zone, measured at the common boundary (whether a cadastral boundary or not) between the two use zones shall not exceed 80 decibels.
- 5.42.2 Provided that the Municipality may relax this provision upon consideration of an application for consent made to it mutatis mutandis, to such extent and on such conditions as it may see fit in the circumstances concerned.

#### 5.43 RELAXATION OF MAXIMUM HEIGHT CONTROLS

- 5.43.1 Notwithstanding any provision of this scheme regulating or restricting the height of any building, the Municipality may upon application to it grant its consent to the erection of a building, any such prescribed maximum height subject to the following conditions: -
- 5.43.1.1 For each additional storey above the maximum height applicable to the building concerned, the minimum building line as set out in the appropriate clause shall be increased by 1,5m provided that the building line setback shall apply only above the third storey above pavement level of the building concerned.
- 5.43.2 Notwithstanding the provisions of the relevant clauses there shall, in the case of a residential building, institution or place of instruction, be provided and maintained within the curtilage the following minimum open spaces appertaining exclusively to such building and contiguous thereto: -
- 5.43.2.1 A side space of 3,5m in width for the first two storeys in height of the building plus an additional 1,5m for every storey thereafter. The said side space shall be provided on each side of the building not regulated by the relevant building line or the rear space as hereinafter prescribed; and
- 5.43.2.2 A rear space 7,5m in width for the first two storeys in height of the building plus an additional 1,5m for every storey thereafter. The said side and rear spaces shall be and remain open and unbuilt upon and shall extend for the full length of the side or as the case may be the rear of the building.

#### 5.44 LAND SUBJECT TO FLOODING

- 5.44.1 Notwithstanding anything contained elsewhere in this scheme, where any land or portion thereof is or is likely to be subject to flooding by floodwaters from any stream, river or other source, the Municipality may prohibit the erection of any building or buildings thereon or on any part thereof, or may prohibit the subdivision of the land for

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building purposes, or may permit such erection or subdivision subject to such conditions as it may consider necessary in the interests of health, safety and general welfare.

- 5.44.2 The Municipality shall for the aforesaid purposes, and having regard to the proposals before it, take into consideration such information as is available concerning the flooding on the land concerned, the situation, shape, slope and other characteristics of the land and its accessibility from the public street in time of flood.
- 5.44.3 Any person aggrieved by any decision of the Municipality in terms hereof may appeal.
- 5.44.4 Whenever any building is permitted to be erected on land which is subject to flooding by floodwaters from any stream, river or other source, the following provisions shall apply: -
- 5.44.4.1 The ground floor of the building shall be so constructed that it is raised to a height of at least 300mm above the maximum known flood level on such land, and such floor shall be a concrete floor. No basements or cellars for any use whatsoever will be allowed.
- 5.44.4.2 For the purpose of this paragraph, the maximum known flood level means the maximum known level reached by floodwaters on the land on which the building is to be erected, as ascertained from records kept by the Municipality, which records may be inspected by any interested party.
- 5.44.4.3 Where the land is subject to flooding but the maximum flood level is not known or readily ascertainable from such records, the said floor level shall be raised to a minimum height approved by the Municipality. In approving such minimum height, the Municipality shall have regard to the situation, slope and other characteristics of the land concerned, the information available concerning the flooding on such land, and such other matters as may enable it to determine a minimum height of floor which in its opinion and having regard to such provisions, may reasonably be capable of ensuring the safety of the occupier or occupiers of the building in the event of flooding on the land.
- 5.44.4.4 If any opening is provided in the external walls whereby flood waters may enter beneath such floor, there shall be provided at ground level in the external walls and in internal floor supporting walls, access openings free of all obstruction, capable of effectively allowing any water so entering to escape and drain from beneath such building.
- 5.44.4.5 The ground surrounding such building shall not be filled or built upon in any manner so as to impede or obstruct the flow of water escaping or draining from such building, as aforesaid.
- 5.44.4.6 The openings of all external sanitary fittings and W.C. squat pans shall be at least 300mm above the said maximum known flood level or the said minimum height approved by Municipality as the case may be.

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- 5.44.5 No approval or permission granted by the Municipality in terms hereof shall render the Municipality liable in respect of any flooding of the land or buildings concerned.
- 5.44.6 No habitable buildings/structures will be allowed within the 1:50 year flood line. Non-habitable basements/parking areas may be allowed within the 1:50 year flood line at the discretion of the Municipality and subject to no adverse environmental impacts or impacts to downstream areas and the Municipality shall not be liable for any damages.
- 5.44.7 Development within the 1:100-year shall require a license from the Regional Department of Water and Sanitation, issued in terms of the National Water Act, 1998 (No. 36 of 1998). It is at the Municipality's discretion to request detailed 1:50 year and 1:100-year flood lines on plans as determined by a registered professional engineer.

#### 5.45 ENVIRONMENTAL REQUIREMENTS APPLICABLE TO ALL LAND USE ZONES

- 5.45.1 No development shall be permitted in environmentally sensitive areas including, but not limited to, flood plains, watercourses and wetlands, except within the zones of Utilities and Services and Land Reservations in Section 3.
- 5.45.2 Any developments within or adjacent to wetlands and watercourses, either identified or not identified on the Environmental Management Overlay shall be subject to any environmental authorisation and/or water use licence processes in terms of applicable legislation.
- 5.45.3 No building or infrastructure shall be erected on any portion of land which in the opinion of the Municipality is in a wetland or water resource area as defined in Section 2, unless Environmental Authorisation has been issued for these activities.
- 5.45.4 Where a land or portion thereof may have a wetland, the Municipality may require the owner / applicant to appoint an independent wetland specialist to delineate the extent of the wetland using soil hydromorphic characteristics and establish appropriate buffers, and to indicate the delineation and buffers on the site plan or building plan.
- 5.45.5 In considering any application for development it shall be the duty of the Municipality to ensure wherever it is considered appropriate, that adequate provision be made for protection of environmentally sensitive areas, by means of conditions qualifying approval of such development. Where possible, areas are to be set aside for conservation purposes, such areas being clearly indicated on a site plan.

Commented [ZM505]: Addition from Msunduzi Rural Policy

#### 5.46 LISTED BUILDINGS

- 5.46.1 All listed buildings shall require a permit from the KZN Amafa for the demolition, alteration or addition to a structure which is, or which may reasonably be expected to be older

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than 60 years in terms of the **Kwazulu-Natal Amafa and Research Institute Act, 2018 (No. 5 of 2018).**

**Commented [ZM506]:** Change of applicable legislation  
KwaZulu-Natal Heritage Resources Act, 2008 (No. 4 of 2008).

#### 5.47 RELAXATION OF BUILDING LINES, SIDE AND REAR SPACES (Amended)

5.47.1 Where provision is made in the scheme for relaxation of 'space about buildings' (i.e. Building lines, side spaces and rear spaces), any person seeking such relaxation shall apply for the Municipality's consent. **Provided that, if all the owners of the properties adjoining the site in question,** as well as any other owners whom the Municipality may determine, give their consent in writing to the particular relaxation or relaxations, the Municipality may waive the consent procedure.

**Commented [z507]:** addition

5.47.2 In making an application for relaxation the applicant shall satisfy the Municipality that development of the site cannot comply with the prescribed "space about building" regulations on account of: -

- (a) The levels and/or slope of the site;
- (b) The presence and location of underground services which cannot be readily relocated;
- (c) The internal layout and/or location of an existing building which is to be extended;
- (d) the location of the subdivision in relation to streets and other subdivisions in the immediate neighbourhood;
- (e) the levels of the subdivision or the adjoining land;
- (f) the shape or size of the subdivision;
- (g) the siting of buildings in existence on or in the vicinity of the subdivision;
- (h) the acquisition of portion of the subdivision by the Municipality for street improvements;
- (i) Any other special circumstance or conditions.

5.47.3 Provided further, that the Municipality shall also have regard to other buildings in the vicinity which have been built in front of the building line and that the relaxation will not interference with the amenities of the neighbourhood.

5.47.4 **A relaxation of building line, rear and side spaces shall not be required when submitting a SPLUMA application if the existing building structures have been previously approved by the municipality. The property owner shall be required to provide proof of such approval in order for an exemption to be granted.**

**Commented [z508]:** new addition

#### 5.48 OCCASIONAL USES

5.48.1 **The occasional use of a property for temporary events (including craft markets, circuses, public meetings, religious gatherings, film shoots or other events) may be permitted with**

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the Municipalities approval, even though these events are not in accordance with the use rights of the property concerned, provided that: -

- (a) the occasional use will not have a significant negative impact on surrounding areas, or on the natural and cultural environment;
- (b) the occasional use is genuinely of a temporary and short term nature, and may not occur for more than 5 days per month or more days as may be allowed the municipality; and
- (c) The occasional use conforms with Municipalities policies.

5.48.2 Approval in terms of section 5.49.1 above may be granted subject to, but not limited to, the following conditions: -

- (a) the amount of parking and the number of ablution facilities required;
- (b) the maximum duration or occurrence of the occasional use.
- (c) The Municipality may issue a notice calling for compliance with conditions or for the ceasing of the occasional use by a specific date, where:
- (d) conditions of approval are not met; or
- (e) where public nuisance is caused

**Commented [ZM509]:** Addition from Msunduzi Rural Policy

#### 5.49 EXEMPTIONS AND EXCEPTIONS

**Commented [ZM510]:** Addition from Msunduzi Rural Policy and Ashburton Scheme

5.49.1 Nothing in the Scheme shall: -

5.49.1.1 Prohibit or restrict the letting of part of a dwelling, provided that, no part of any dwelling nor any additional freestanding building which may be erected for use in conjunction with such dwelling may be used as a separate dwelling unless such building or part thereof complies with the provisions of this Scheme and has the approval of the Municipality.

**Commented [ZM511]:** Addition from Msunduzi Rural Policy

5.49.1.2 Prohibit or restrict the letting of part of a Dwelling or Outbuilding otherwise than as a Boarding House or Bed and Breakfast;

5.49.1.3 Prohibit or restrict the conversion of a Dwelling which was existing at the Effective Date for use as two Flats by the Municipality's Consent;

5.49.1.4 Prohibit or restrict the winning of minerals by underground or surface working without first obtaining the Municipality's Consent, and shall be subject to the reinstatement/rehabilitation to the satisfaction of the Municipality in terms of the Environmental Management Plan prepared in accordance with the applicable legislation or otherwise as required by the Municipality.

**Commented [ZM512]:** Addition from Ashburton Scheme

5.49.1.5 Prohibit or restrict the use of a place of work, a Place of Instruction, Place of Public Assembly, Place of Worship or Institution as a Place of Public Entertainment, provided that such use is restricted to not more than 24 days in each calendar year and the

**Commented [ZM513]:** Addition from Ashburton Scheme

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written consent of the Municipality has been obtained. Such authority shall be granted by the Municipality if it is satisfied that the amenities of the neighbourhood are not interfered with in any way

- 5.49.1.6 Prohibit or restrict the use of a building or portion of a building as a child minder facility for the daytime care of six or less children, as prescribed in the Scheme.

Commented [ZM514]: Addition from Msunduzi Rural Policy

## 5.50 APPEALS

- 5.50.1 Any person who is aggrieved by the exercise of any power or discretion given in terms of the provision of the Scheme, may appeal to the Municipal Planning Appeal Authority.

Commented [ZM515]: Addition from Ashburton Scheme

## 5.51 DISPOSAL OF LAND

- 5.51.1 The Municipality may, in line with the Msunduzi Immovable Property Disposal Policy Framework (Land Disposal Policy) sell, lease or exchange any land which has been acquired by it for any purpose of the Scheme and is no longer required for that purpose.

Commented [ZM516]: Addition from Ashburton Scheme

## 5.52 SCHEDULES

- 5.52.1 The Municipality may append schedules to the Scheme with respect to: -  
(a) various procedures for applications which are contained in other legislation,  
(b) details of delegations of authority; or  
(c) any other matter which the Municipality deems necessary to assist with the administration of the Scheme.
- 5.52.2 Such schedules shall not be of a statutory nature and may be added to or amended by a resolution of the Municipality.

Commented [ZM517]: Addition from Ashburton Scheme

## 5.53 CONSENT USE REGULATIONS (New)

### 5.53.1 Additional Provision applicable to Consent Use

- 5.53.1.1 A consent use is restricted to the land use applied for and shall not be construed to be consent for all land uses listed under the relevant Consent Land Use column, unless stated otherwise
- 5.53.1.2 A consent use shall not adversely affect the potential use of the property for its primary uses in terms of scheme
- 5.53.1.3 A consent use that is not a primary use of that particular zone shall not occupy more than 50% of the total floor area.
- 5.53.1.4 A consent use shall be approved in relation to the level of available services and the Municipality shall take into consideration the impact of the proposed use on the

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surrounding area and may impose any conditions it deems necessary to protect the amenities of the area.

5.53.1.5 Council may direct an applicant to rather apply for rezoning instead of consent in cases where, in the opinion of Council, the use will be better regulated by means of a land use zone instead of granting its consent

5.53.1.6 Consent granted by the Council in terms of this Land Use Scheme may be subject to termination by the Council if any breach of a condition upon which such written consent was granted is not remedied in compliance with a notice served by the Council upon the owner or occupier of the erf or site concerned after affording the applicant an opportunity for a hearing.

Commented [ZM518]: New addition

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## **6. SECTION 6: MANAGEMENT OVERLAYS**

### **6.1 General Provisions applicable to Management Overlays**

- 6.1.1 Management overlays provide mechanisms for designating specific concerns, over and above the provisions of a base land use zoning.
- 6.1.2 This chapter deals with procedures to prepare, adopt, replace, amend, or recommend Management Overlays and gives legal status to them.
- 6.1.3 A Management Overlay applies, in addition to the underlying land use zone of the properties to which it relates and may vary the development rules relating to a particular area or Erf, or may set new development rules.

### **6.2 Requirements to prepare a Management Overlay**

- 6.2.1 The Municipality may prepare any Management Overlay as provided for in this lands use scheme.
- 6.2.2 The preparation of a management overlay must take into account the following considerations where applicable:
  - (a) The principles contained in planning law.
  - (b) The Municipality's planning vision and principles as set out in the IDP.
  - (c) The desired spatial form and elaborate the visions or policy statements.
  - (d) The principles as set out in the approved SDF or a policy plan.
  - (e) Environmental and heritage protection and conservation.
  - (f) The principles of co-operative governance and the duties and objectives of local government as set out in the Municipal Systems Act and the National Constitution.

### **6.3 Purpose of a Management Overlay**

- 6.3.1 The Municipality may prepare, review and amend management overlays for specific areas in the Municipality with the intention of: -
  - (a) Giving effect to specific guidelines contained in an approved SDF or other Policy Plans.
  - (b) Encouraging particular types of development, landscape character, environmental features, heritage values, development incentives and strategic interventions.

### **6.4 Adoption, Replacement, Amendment of Management Overlay**

- 6.4.1 The Municipality may adopt, replace, amend, or recommend any Management Overlay providing development directives.

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6.4.2 When the relevant National or Provincial department releases any new updates or information the Municipality must update its records accordingly in order to ensure alignment.

#### **6.5 Identification and Numbering of Management Overlays**

6.5.1 The Municipality shall approve a distinctive name and number for each Management Overlay when adopting such a Management Overlay.

6.5.2 The Municipality may indicate the area of a Management Overlay on the Land Use Scheme map and:

(a) Shall record the existence of a Management Overlay adopted in terms of relevant legislation in the relevant annexure at the back of this Land Use scheme;

(b) Shall record the detailed provisions of each Management Overlay adopted in terms of relevant legislation, with a reference to the relevant name and number of the management overlay concerned.

#### **6.6 The Status of Management Overlays**

6.6.1 A Management Overlay applies, in addition to the underlying base land use zone of the properties to which it relates, and may vary the development rules relating to a particular area or Erf, or may set new development rules.

6.6.2 The provisions of a Management Overlay may be more restrictive or more permissive than the provisions applicable to the base land use zone of the property concerned, or may set specific development rules for a particular area or Erf.

6.6.3 Whereas the provisions of a Management Overlay are different to, or are in conflict with the provisions of a base land use zone, the more restrictive provisions shall apply.

6.6.4 The provisions of a Management Overlay do not detract in any way from any obligations in terms of national and provincial legislation and the Municipality's compliance with them.

6.6.5 The provisions of a Management Overlay may apply to an Erf or Erf area, identified within a specific area or to the whole Land Use scheme area, as may be stipulated in the adoption of such a Management Overlay.

6.6.6 The provisions of more than one Management Overlay may apply to an area, if this is the case then the more restrictive management overlay shall take precedence.

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## 6.7 The Register of Management Overlays

6.7.1 The Msunduzi Municipality shall maintain a register of formally adopted/incorporated Management Overlays which will be maintained as an Appendix to the Land Use Scheme. (See Appendix 3)

## 6.8 MANAGEMENT OVERLAY PROVISIONS

### 6.8.1 AGRICULTURAL MANAGEMENT OVERLAY (AMO)- Amended

6.8.1.1 The AMO makes provision for the identification and management of areas that have agricultural potential as per the National Department of Agriculture, Land Reform and Rural Development Protected Agricultural Areas Priority Rating.

Commented [ZM519]: Changed from KZN DARD Agricultural Categories

#### 6.8.1.2 DESIGNATION OF AMO

6.8.1.2.1 The Municipality may designate an area to be an Agricultural Management Overlay in accordance with the objectives of the necessary national and provincial agricultural legislation and policy plans approved by the Municipality.

#### 6.8.1.3 DEVELOPMENT RULES

6.8.1.3.1 In addition to the development rules that apply to the base land use zone, the provisions of this AMO, as adopted shall apply.

6.8.1.3.2 Any further subdivision of land falling within this overlay will require consent and/or approval from the Department of Agriculture, Land Reform and Rural Development.

6.8.1.3.3 Any change in the existing land use activity shall require comment from the Department of Agriculture, Land Reform and Rural Development.

6.8.1.3.4 Land subdivision will be discouraged, however rural housing projects to accommodate the rural poor and farm workers in appropriate locations shall be exempted subject to confirmation with the Department of Agriculture, Land Reform and Rural Development (DALRRD).

6.8.1.3.5 Areas falling within Ingonyama Trust Land shall be exempted from the provisions of the Subdivision of Agricultural Land Act, 1970 (No. 70 of 1970).

Commented [ZM520]: New Addition

6.8.1.3.6 The Municipality may consider any appropriate use as a consent use in terms of the overlay provided that: -

(a) It considers such use to be desirable or will not be detrimental to the agricultural potential of the area;

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(b) The Municipality may require the termination of the consent use right if the use further degrades or compromises the agricultural potential of the Erf.

6.8.1.3.7 High priority agricultural land should be identified, protected and preserved through the various available pieces of national, provincial and municipal legislation, and policies.

**Commented [ZM521]:** Change of wording from high potential to high priority as per DALRRD terminology

6.8.1.3.8 The conversion of high potential to non-agricultural land use should not be permitted unless there are exceptional circumstances to justify the conversion.

6.8.1.3.9 Any development rules in terms of the AMO that exceed, or are more restrictive than, the limitations of a base land use zone, shall be deemed to be approved departures from the provisions of the base land use zone.

6.8.1.3.10 Every effort should be made to limit degradation of the natural agricultural resources in accordance with Conservation of Agricultural Resources Act, 1983 (No. 43 of 1983).

6.8.1.3.11 The subdivision of land for uses other than agricultural production for areas affected by the AMO is subject to the Subdivision of Agricultural Land Act, 1970 (No. 70 of 1970), and requires approval from the National Department of Agriculture, Land Reform and Rural Development (DALRRD).

**Commented [ZM522]:** Reworded

6.8.1.3.12 Areas that fall within the Agricultural Management Overlay shall comply with the provisions of the following legislation: -

- (a) The Subdivision of Agricultural Land Act, 1970 (No. 70 of 1970)
- (b) Conservation of Agricultural Resources Act, 1983 (No. 43 of 1983)
- (c) **Preservation and Development of Agricultural Land Bill**
- (d) Msunduzi SDF
- (e) Any other relevant legislations as may be updated from time to time

**Commented [ZM523]:** New Addition

#### 6.8.1.4 GENERAL PROVISIONS

6.8.1.4.1. Non- agricultural land uses within agricultural areas must be clustered in order to limit the impact on and fragmentation of agricultural land and should as far as possible be placed on lower potential land portions.

6.8.1.4.2. The provisions of this management overlay are general in nature and may be interpreted by Municipality with some flexibility in their application to specific sites that have been fairly built up and to some degree have lost most of the potential provided that the objective of this management overlay is respected.

6.8.1.4.3. All All efforts should be focussed on retaining land within **Priority Rating B** exclusively for agricultural production.

**Commented [ZM524]:** Amended from Category A land

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#### 6.8.1.5 CONSIDERATION OF APPLICATIONS

- 6.8.1.5.1 The Municipality will encourage land uses that are supportive of agricultural activities or uses that do not contribute to the further loss of the agricultural potential of the land.
- 6.8.1.5.2 A natural resources/agricultural assessment will be required in all instances of proposed change of land use, in accordance with the guidelines for conducting such natural resource surveys.

**Commented [ZM525]:** Deletion of clause 6.8.1.5.2 related to agricultural categories

#### 6.8.2 ENVIRONMENTAL MANAGEMENT OVERLAY (EMO)-Amended

- 6.8.2.1 The EMO makes provision for the protection and management of environmentally sensitive areas, or those areas that are worthy of protection in accordance with the Municipality's environmental plans, in order to ensure that development responds sensitively to these areas, and to promote sustainable development.

#### 6.8.2.2 DESIGNATION OF EMO

- 6.8.2.2.1 The Municipality may designate an area to be an Environmental Management Overlay in accordance with the objectives of any environmental policy plan or strategy approved by the Municipality **or any other competent authority.**

**Commented [ZM526]:** New addition

#### 6.8.2.3 DEVELOPMENT RULES

- 6.8.2.3.1 In addition to the development rules that apply to the base land use zone, the provisions of this EMO, as adopted shall apply.
- 6.8.2.3.2 The Municipality may consider any appropriate use as a consent use in terms of the overlay provided that: -
- (a) It considers such use to be desirable or will not be detrimental to **significant** environmental **resources** of the area;
  - (b) It does not fall within any environmentally sensitive areas prone to disasters; and**
  - (c) The Municipality may require the termination of the consent use right if the environmental resource is not properly maintained and protected to the Municipality's satisfaction.
- 6.8.2.3.3 Any development rules in terms of the EMO that exceed, or are more restrictive than, the limitations of a base land use zone, shall be deemed to be approved departures from the provisions of the base land use zone.
- 6.8.2.3.4 Areas that fall within the EMO shall comply with the provisions of the following legislations **governing environmental management and conservation, inter alia:** -
- (a) National Water Act, 1998 (No. 36 of 1998), **as amended.**
  - (b) National Forests Act, 1998 (No. 84 of 1998), **as amended.**

**Commented [ZM527]:** New addition

**Commented [ZM528]:** Amended sensitive to resources

**Commented [ZM529]:** New addition

**Commented [ZM530]:** New addition

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- (c) National Environmental Management Act, 1998 (No. 107 of 1998), **as amended**.
- (d) National Environmental Management: Biodiversity Act, 2004 (No. 10 of 2004), **as amended**.
- (e) National Environmental Management: Protected Areas Act, 2003 (No. 57 of 2003), **as amended** and National Environmental Management: Protected Areas Amendment Act, 2014 (No. 21 of 2014), **as amended**.
- (f) National Environmental Management Act, 1998 (No.107 of 1998): Environmental Impact Assessment Regulations, 2014 **as amended**.
- (g) Department of Water Affairs 2005 Environmental Best Practice Guidelines and Specifications.
- (h) KwaZulu-Natal Nature Conservation Management Amendment Act, 1999 (No. 5 of 1999), **as amended**.
- (i) KwaZulu-Natal Nature Conservation Ordinance No.15 of 1974, **as amended**.
- (j) **Provincial Norms and Standards for Climate Change and Energy Efficiency in Land Use Management.**
- (k) Msunduzi SDF
- (l) Msunduzi SEA (including the Mkhondeni SEA), EMF, EMP and any other adopted environmental policies and plans
- (m) **CSIR green book online tool and Guidelines for the Selection & Prioritisation of Adaptation Actions.**
- (n) **Any other relevant legislations and /or policy as may be updated from time to time.**

**Commented [ZM531]:** New addition

**Commented [ZM532]:** New addition

6.8.2.3.5 Any person that acts contrary to the advice of the Municipality and decides to undertake development within the EMO does so unlawfully, and the Municipality accepts no liability for any damage that may occur on an Erf.

6.8.2.3.6 Properties situated within the Greater Edendale area that fall within Category 1 (i.e. comprising of the 1:100-year flood line, wetland and riparian corridors) of the Greater Edendale EMF shall further comply with the Greater Edendale Ecosystem and Services Management and Implementation Plan.

#### **6.8.2.4 GENERAL PROVISIONS**

6.8.2.4.1 The following activities affecting the area protected by an EMO require the approval of the Municipality and/or relevant competent authority: -

- (a) Any change in land use resulting from an application;
- (b) Any subdivision;
- (c) Addition of any new structure requiring building plan approval in terms of the Regulations and Building Standards Act;
- (d) Removal of indigenous vegetation other than for the removal of dangerous branches or bona fide pruning;
- (e) Any below-ground excavation, or change to watercourses.

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(f) Any other relevant activity not listed above.

6.8.2.4.2 Activities exempt from approval as referred to in clause 6.8.2.4.1 above include the following: -

- (a) Clearing of invasive alien plant infestations;
- (b) Routine building maintenance and repairs
- (c) Any other activity specifically exempted by the Municipality.

6.8.2.4.3 Consideration should be given to clause 5.45 and 5.46 of the Scheme

**Commented [ZM533]:** New addition, reference to environmental consideration for all zones

6.8.2.4.4 Development within the 1:100 year floodline and/or the 500m buffer shall require a license from the regional department of water and sanitation, issued in terms of the National Water Act, 1998 (No. 36 of 1998), as amended or any other subsequent legislation.

**Commented [ZM534]:** New addition

**Commented [ZM535]:** New addition

6.8.2.4.5 Applications for water use authorisations for water use activities may take the form of a Water Use License (WUL) or a General Authorization (GA), depending on the nature of the proposed water use and the likely impact the water use will have on water resources.

**Commented [ZM536]:** New Addition

#### 6.8.2.5 CONSIDERATION OF APPLICATIONS

6.8.2.5.1 In respect of an application for approval of an activity, the Municipality may require from an applicant whatever information it deems necessary to enable an informed decision to be made regarding the application, which may, include (but not limited to) the following: -

- (a) Statements of significance;
- (b) Environmental, botanical or other audit or research information; and
- (c) Photographic evidence.

6.8.2.5.2 In approving applications, the Municipality may impose any condition it believes appropriate for the protection and enhancement of the area protected by the EMO, including inter alia conditions regarding: -

- (a) Requirements for landscaping;
- (b) Use of materials and finishes;
- (c) Environmental site- and activity-management plans;
- (d) Recycling or reuse of materials;
- (e) Any other applicable conditions to the satisfaction of the Municipality.

6.8.2.5.3 The approval of an activity within the EMO as referred to in clause 6.8.2.3.1 does not exempt an applicant or owner from obtaining other required approvals.

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### 6.8.3 HERITAGE RESOURCES MANAGEMENT OVERLAY (HRMO)-Amended

6.8.3.1 The HRMO makes provision for the protection of heritage and cultural resources within the Municipality and heritage resources entered on the heritage register maintained by the provincial heritage resources authority, and for the protection of heritage areas as provided for in terms of the National Heritage Resources Act.

#### 6.8.3.2 DESIGNATING OF HRMO

6.8.3.2.1 The Municipality may designate an area to be a Heritage Resources Management Overlay in accordance with the objectives of any national or provincial legislation relating to heritage resources and any policy plan or strategy approved by the Municipality.

#### 6.8.3.3 DEVELOPMENT RULES

6.8.3.3.1 In addition to the development rules that apply to the base land use zone, the provisions of this HRMO, as adopted shall apply.

6.8.3.3.2 The Municipality may consider any appropriate use as a consent use in terms of the overlay provided that: -

- (a) It considers such use to be desirable or will not be detrimental to the heritage resources;
- (b) The Municipality may require the termination of the consent use right if the heritage place protected in terms of the HRMO is not maintained and protected to the satisfaction of the Municipality.

6.8.3.3.3 Areas that within the HRMO shall comply with the provisions of the following legislations: -

- (a) National Heritage Resources Act, 1999 (No. 25 of 1999), *as amended*.
- (b) KwaZulu-Natal Heritage Resources Act, 2008 (No. 4 of 2008), *as amended*.
- (c) *Kwazulu-Natal Amafa and Research Institute Act, 2018 (No. 5 of 2018) as amended.*

Commented [ZM537]: New addition

6.8.3.3.4 Any development rules in terms of the HRMO that exceed, or are more restrictive than, the limitations of a base land use zoning, shall be deemed to be approved departures from the provisions of the base land use zoning.

6.8.3.3.5 *In terms of heritage legislation certain heritage resources are afforded protection, as indicated hereunder;*

Commented [ZM538]: New Addition as per Amafa AkwaZulu Natali

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Category	Description	Key Protection
Provincial Landmark	Any Proclaimed site which is the property of the province, district or local authority.	May not be altered or demolished/damaged without a permit.
Heritage Landmark	Any proclaimed site which is in private property.	May not be altered or demolished/damaged without a permit.
Heritage Object	Artefacts of substantial aesthetic, cultural or scientific importance, or connected to a site protected by the act	May not be altered or damaged/destroyed or removed from its place of storage without a permit.
Listed Items	As per the Heritage Register. <a href="https://www.heritagekzn.co.za/the-heritage-inventory/">https://www.heritagekzn.co.za/the-heritage-inventory/</a>	May not be altered or damaged/destroyed or removed from its place of storage without a permit.
General Protections	As per the Heritage Register. <a href="https://www.heritagekzn.co.za/the-heritage-inventory/">https://www.heritagekzn.co.za/the-heritage-inventory/</a>	May not be altered or demolished/damaged without a permit. May not be removed from the province without a permit. Trade in items recovered from protected sites is illegal.

#### 6.8.3.4 GENERAL PROVISIONS

6.8.3.4.1 Unless exempted, the following activities affecting a place, or an area protected as a HRMO requires the approval of the Municipality **and the relevant competent authority**: -

Commented [ZM539]: New addition

- (a) Any alteration, including any action affecting the structure, appearance or physical properties of a heritage resource, whether by way of structural or other works, or any other means;
- (b) Any development, including any physical intervention, excavation (including below ground excavation), or action other than those caused by natural forces, which may in any way result in a change to the appearance or physical nature of a heritage place, or influence its stability and future well-being, including:
  - Construction, alteration, demolition, removal or change of use of a heritage place or a structure at a heritage place
  - Carrying out any works on or over or under a heritage place;
  - Subdivision or consolidation of land comprising a heritage place, including the structures or airspace of a heritage place;
  - Any change to the natural or existing condition or topography of land; and
  - Any permanent removal or destruction of trees, or removal of vegetation or topsoil.

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- (c) Addition of any new structure;
- (d) Partial demolition of a structure (see clause 5.15 of the Scheme)
- (e) Alteration to or removal of any historical landscape or any landscape feature, including boundary hedges and mature plantings; or addition or removal of or alteration to hard landscape surfaces, street furniture or signage;

6.8.3.4.2 The Municipality may exempt a specific activity or schedule of activities in an area which has been protected as a HRMO from the requirements of clause 6.8.3.4.1 above.

6.8.3.4.3 Consideration should be given to clause 5.11 and 5.47 of the Scheme.

6.8.3.4.4 As stipulated in Section 38(1) of the National Heritage Resources Act, 1999 (No. 25 of 1999) the following are described as listed activities:

- (a) the construction of a road, wall, powerline, pipeline, canal or other similar form of linear development greater than 300m in length;
- (b) the construction of a bridge or similar structure exceeding 50 m in length;
- (c) Proposed developments that will change the character of a site;
  - (i) exceeding 5000m<sup>2</sup>;
  - (ii) involving three or more erven or subdivisions thereof;
  - (iii) involving three or more erven or subdivisions thereof that have been consolidated within the past 5 years;
  - (iv) the costs of which will exceed a sum set in terms of regulations; and
- (d) the re-zoning of a site exceeding 10 000 m<sup>2</sup> in extent
- (e) Any other category of development provided for in regulations

Commented [ZM540]: New addition

6.8.3.4.5 General protections in terms of the the National Heritage Resources Act, 1999 (No. 25 of 1999) relate to: -

- (a) Section 33: - all buildings over 60 years of age from Any alteration or demolition except under a permit.
- (b) Section 34: - graves of victims of conflict.
- (c) Section 35: - traditional burial places.
- (d) Section 36: - battlefields, archaeological sites, rock Art sites, palaeontological sites, historic Fortifications, meteorites/meteorite impact sites.
- (e) Section 41: protects memorials as landmarks

Commented [ZM541]: New addition

### 6.8.3.5 CONSIDERATION OF APPLICATIONS

6.8.3.5.1 In respect of an application for approval for an activity referred to in clause 6.8.3.3.1 above, the Municipality may require from an applicant whatever information it deems necessary to enable an informed decision to be made regarding the application, which may, inter alia, include: -

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- (a) Details of the activities for which an application is made;
- (b) A statement of conservation policy in respect of the work proposed to be carried out;
- (c) An annotated recording of the heritage place or parts of the heritage place to be affected by the proposed development;
- (d) Heritage and historical research; and
- (e) Photographic evidence.

6.8.3.5.2 The Municipality must take into account the effect such activity may have on the significance of the heritage place or heritage area concerned.

6.8.3.5.3 In approving an application under this overlay, the Municipality may impose any conditions it believes appropriate for the protection and enhancement of the heritage place or area, including inter alia conditions regarding:

- (a) Requirements for landscaping;
- (b) Use of materials and finishes;
- (c) Heritage management plans;
- (d) Recycling or reuse of materials;
- (e) Timescales within which work approved must be in place or be completed.
- (f) Any other applicable conditions to the satisfaction of the Municipality.

6.8.3.5.4 Approval for an activity in a heritage protection overlay zone as referred to in clause 6.8.3.4.1 does not exempt an applicant or owner from obtaining other required approvals from the relevant competent authority.

6.8.3.5.5 If a proposed development contains any of the listed activities described in clause 6.8.3.4.4 of the Scheme the developer must at the very earliest stages of initiating such a development, notify the responsible heritage resources authority and furnish it with details regarding the location, nature and extent of the proposed development.

Commented [ZM542]: New addition

#### 6.8.4 DENSIFICATION ZONE MANAGEMENT OVERLAY (DZMO)-Amended

6.8.4.1 The DZMO makes provision for areas earmarked for densification purposes in the Msunduzi Spatial Development Framework (SDF) and adopted Local Area Plans. This overlay aims to direct appropriate residential density to appropriate locations in order to ensure sustainable resource use and the creation of sustainable human settlements.

##### 6.8.4.2 DESIGNATING OF DZMO

6.8.4.2.1 The Municipality may designate an area to be a DZMO in accordance with the objectives of the SDF, Local Area Plans and/or any strategy or policy approved by the Municipality.

Commented [ZM543]: New addition

Commented [ZM544]: New addition

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### 6.8.4.3 DEVELOPMENT RULES

- 6.8.4.3.1 In addition to the development rules that apply to the base land use zone, the provisions of this DZMO, as adopted shall apply.
- 6.8.4.3.2 The DZMO indicates where higher residential density development should be actively promoted, which in this case is within 250m buffer from Sustainable Urban Centres and 300m buffer from the BRT routes as indicated in the DZMO.
- 6.8.4.3.3 **Densification will only be encouraged within already established areas in order to promote the sustainable use of the land resources.**
- 6.8.4.3.4 Areas that fall within the DZMO shall comply with the provisions of the following policies: -
- (a) Msunduzi SDF
  - (b) **Vulindlela Local Area Plan**
  - (c) **Scottsville Local Area Plan**
  - (d) **Ward 39 Local Area Plan**
  - (e) Any other applicable densification strategy or policy adopted by the municipality.

Commented [ZM545]: New addition

Commented [ZM546]: New addition

### 6.8.4.4 GENERAL PROVISIONS

- 6.8.4.4.1 The provisions of this management overlay are general in nature and may be interpreted by the Municipality with some flexibility in their application to specific sites, provided that the objective of this management overlay is adhered to.
- 6.8.4.4.2 The residential densities should be guided by the following: -
- (a) There should be a hierarchy of residential densities to meet market needs for a variety of housing types;
  - (b) Residential densities should be matched with what the existing and planned infrastructural and environmental capacities can cope with;
  - (c) Developments should be placed in a way that will encourage public transport and reduce the travel demand and as such, higher density residential developments should be located near major public transport systems wherever possible.
- 6.8.4.4.3 Un-serviced areas falling within this overlay should take consideration of clause 7.5 of the scheme.
- 6.8.4.4.4 Higher residential density developments should be considered where there will be adequate feeder services from public transport transportation and interchanges **as well as the necessary supporting infrastructure.**

Commented [ZM547]: New addition

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6.8.4.4.5 The location of an Erf within this management overlay does not guarantee the approval of the Municipality.

#### **6.8.4.5 CONSIDERATION OF APPLICATIONS**

6.8.4.5.1 The Municipality may consider the rezoning of properties situated within the DZMO to a zone allowing for higher densities, subject to complying with all of the Municipality's requirements.

6.8.4.5.2 In approving an application situated under this overlay, the Municipality may impose any conditions it believes appropriate for the protection and enhancement of this management overlay.

#### **6.8.5 LAND USE MANAGEMENT OVERLAY (LUMO)-Amended**

6.8.5.1 The LUMO is intended to guide development based on the spatial intentions in the Msunduzi SDF and any other adopted spatial policies and plans in order to unlock the land use potential that exists within certain earmarked areas.

#### **6.8.5.2 DESIGNATION OF LUMO**

6.8.5.2.1. The Municipality may designate an area to be a Land Use Management Overlay in accordance with the objectives of the Spatial Development Framework and any other adopted spatial policies and plans by the Municipality.

#### **6.8.5.3 DEVELOPMENT RULES**

6.8.5.3.1 In addition to the development rules that apply to the base land use zone, the provisions of this LUMO, as adopted shall apply.

6.8.5.3.2 The Municipality may consider any appropriate use as a consent use in terms of the overlay provided that: -

(a) It considers such use to be desirable and aligned with the spatial intentions of the SDF and other municipal spatial policies and plans;

6.8.5.3.3 Mixed use development shall be encouraged along identified nodes and corridors.

Commented [ZM548]: New addition

6.8.5.3.4 Areas that fall within the LUMO shall comply with the provisions of the following policies/legislations: -

(a) Msunduzi Spatial Development Framework;  
(b) Msunduzi Integrated Development Plan;  
(c) SEDis Local Area Plan;

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- (d) Central Area & CBD Extension Node Local Area Plan;
- (e) Ward 39 Local Area Plan
- (f) Vulindlela Local Area Plan
- (g) Scottsville Local Area Plan
- (h) Spatial Planning and Land Use Management Act, 2013 (No. 16 of 2013) as amended
- (i) Msunduzi Municipality Spatial Planning and Land Use Management By-Law.
- (j) Any other applicable strategy or policy adopted by the municipality.

Commented [ZM549]: New addition

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#### 6.8.5.4 GENERAL PROVISIONS

- 6.8.5.4.1 The provisions of this management overlay are general in nature and may be interpreted by the Municipality with some flexibility in their application to specific sites, provided that the objective of this management overlay is adhered to.
- 6.8.5.4.2 The location of an Erf within this management overlay does not guarantee the approval of the Municipality.

#### 6.8.5.5 CONSIDERATION OF APPLICATIONS

- 6.8.5.5.1 The Municipality must take into account the spatial intentions of the SDF and/or other spatial strategic plans adopted by the Municipality.
- 6.8.5.5.2 In approving an application under this overlay, the Municipality may impose any conditions it believes appropriate to achieving the spatial objectives of the SDF and/or other approved spatial strategic plans.

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## 7. SECTION 7: TECHNICAL AND DESIGN REQUIREMENTS

### 7.1 DESIGN CRITERIA FOR MEDIUM DENSITY HOUSING

- 7.1.1 Within any zone where medium density housing may be established, the maximum number of dwelling units, shall be obtained by dividing the registered surveyed area of the property by the appropriate minimum erf applicable to that zone and raised to the next whole number, but shall not exceed the number of units per hectare prescribed under the respective land use zone. Where no minimum Erf size has been prescribed then medium density housing may be established on any site 2000m<sup>2</sup> or larger in extent.
- 7.1.2 The height of a building in a medium density housing shall be limited to 2 Storeys.
- 7.1.3 The minimum size of a Private Open Area shall be 250 m<sup>2</sup>.
- 7.1.4 In considering any consent application for the establishment of medium density housing, the Municipality shall: -
- 7.1.4.1 Have regard to the aesthetic desirability of medium density housing as against conventional single dwelling development, bearing in mind the general character of the locality;
- 7.1.4.2 Have regard to the physical suitability of the site (slope, basic soil type, surface drainage, etc.);
- 7.1.4.3 Have regard to the availability of services such as sewerage, water and electricity and the cost to the Municipality of any necessary augmentation and extension of existing services to accommodate any such medium density housing development;
- 7.1.4.4 Have regard to the established residential density in the vicinity of the particular site.
- 7.1.5 In any medium density housing development, provision shall be made for satisfactory access for fire tenders, refuse removal vehicles, commercial vehicles and the like, to the satisfaction of the Municipality. Furthermore, all parking spaces be so located to the satisfaction of the Municipality, in relation to roadways that traffic to and from such roadways will not be impeded and that no hazard will be created.
- 7.1.6 All internal services such as roads, stormwater drainage, kerbing and channelling, sewerage, water and electricity will be the responsibility of the developer, all at his own cost. This shall apply to initial capital costs as well as subsequent maintenance. Design standards for internal services shall be submitted for the approval of the Municipality.

Commented [ZM551]: Amended in light of comments received

Commented [ZM552]: Addition from Ashburton Scheme

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- 7.1.7 In approving any medium density housing development, the Municipality shall require the developer to indicate the extent and disposition of both common open ground, as well as individual private open spaces attached to each dwelling.
- 7.1.8 The approval of a development application which provides for the use of land for residential purposes is subject to the provision of land for parks or open space by the applicant.
- 7.1.9 All internal services such as roads, stormwater drainage, kerbing and channelling, sewerage disposal system, water, fire hydrants, electricity and internal refuse collection system will be the responsibility of the developer, all at his/her own cost. This shall apply to initial capital costs as well as subsequent maintenance. Design standards for internal services shall be submitted for the approval of the Municipality.
- 7.1.10 The design standard of the internal services shall be submitted to the Municipality for approval. In case of roadways the minimum surfaces width shall be 3 metres in respect of one-way carriageways and 5 metres in respect of two-way carriageways. The roadway reserve for these types of carriageways shall be 5 metres and 8 metres respectively.
- 7.1.11 A turning space shall be provided, to the satisfaction of the Municipality, at the end of each cul-de-sac in a Medium Density Housing.
- 7.1.12 Where, in the opinion of the Municipality, a road within a Medium Density Housing should serve the public, the Municipality may require the road reserve to be registered as a public road, provided that: -
- (a) the area of the road reserve shall be included in the gross area of the site for the purposes of calculating the number of Dwellings permitted; and
  - (b) the Municipality shall be responsible for the maintenance of the road and reserve.
- 7.1.13 Provision shall be made for the access of fire tenders and commercial vehicles to the satisfaction of the Municipality.
- 7.1.14 The development of Medium Density Housing shall be subject to the additional requirements as per Appendix 13 of the Scheme.

Commented [ZM553]: Addition from Ashburton Scheme

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## 7.2 DESIGN CRITERIA FOR PARKING DEPOT AND ON-SITE PARKING GENERALLY

- 7.2.1 Covered parking for residential uses shall be designed in harmony with the Dwelling.
- 7.2.2 All on-site parking for residential uses shall be located behind the Front, Side or Rear Space, save with the Municipality's Consent who may impose conditions relating to screening and landscaping.
- 7.2.3 The following must be read in conjunction with the Department of Transport Parking Standards (Second Edition) document (ref. PG 3/85) dated November 1985, that document being hereby acknowledged: -
- 7.2.3.1 The minimum size for a parking space shall be 2,5m x 5m. However, when angle parking is employed, the space widths shall be increased to 2,9m and 3,5m for 60° and 40° respectively.
- 7.2.3.2 Vertical clearances, slope of floors and ramp characteristics shall be in accordance with paragraph 3.5 of the aforementioned document.
- 7.2.3.3 The internal layout and arrangement of a parking depot shall be such that vehicles exit the site in a forward direction, from a level area at least 6m in length, which shall be at the same level as the street.
- 7.2.3.4 There shall, in respect of a parking depot or parking lot, be an area at the level of the entrance point and before the admission control point, sufficient to accommodate at least 4 vehicles or 1% of the total potential capacity, whichever is the greater.
- 7.2.3.5 Generally, any on-site parking shall be arranged to ensure that vehicles leave the site in a forward direction.

Commented [ZM554]: Addition from Ashburton Scheme

## 7.3 MAINTENANCE OF PROPERTY

- 7.3.1 Property shall be properly maintained by the owner or occupant at all times and shall not: -
- 7.3.1.1 Be left in a neglected or offensive state, as may be determined by the Municipality;
- 7.3.1.2 Contain an unsightly accumulation of papers, cartons, garden refuse, rubble and/or other waste material, as may be determined by the Municipality in terms of the Msunduzi Waste Management By-law;
- 7.3.1.3 Contain an accumulation of motor wrecks or un-roadworthy vehicles or used motor parts, unless these are part of a primary or consent use in terms of this land use scheme;

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7.3.1.4 Contain outdoor storage of building material, appliances or similar items unless these are: -

- (a) Forming part of a primary or consent use in terms of this development management scheme;
- (b) Being temporarily stored for the purpose of construction in accordance with a valid building plan approval for the property; or
- (c) Stored in conjunction with the holding of a yard or garage sale with a duration of not more than two consecutive days.

#### 7.4 WASTE MANAGEMENT

7.4.1 On-site waste management shall be subject to Municipality's Waste Management By-Law.

7.4.2 An occupier of premises which constitute a factory as defined in subsection (3) of the Msunduzi Waste Management By-Law or on or in which there is carried on any business, occupation or trade, shall at all times while any activity is being carried on in the factory or while the premises are open for business or the occupation or trade is being carried on, keep any sidewalk or verge abutting or adjoining the premises, including any gutter or kerb, free of waste and put or keep the same in a clean and satisfactory state.

#### 7.5 UN-SERVICED AREAS

7.5.1 The costs associated with the provision of additional services and the payment of bulk engineering services contributions will be for the account of the developer or as per the written service level agreement reached between the developer and the Municipality.

7.5.2 The Municipality may prohibit or restrict, whether wholly or partially the erection of any building or the development or use of any land in any undeveloped part or parts of the area of the Scheme pending the extension thereto of streets, sewer, water, electricity or other essential public services.

7.5.3 The owner of un-serviced land who desires to commence with any building operations on such portion of land and which would contravene clause 7.5.2 above, may apply to the Municipality for its approval for the carrying out of the operations specified in the application. In these cases, all costs associated with the provision, extension or upgrade of bulk, link and internal services shall be for the account of the developer.

#### 7.6 ACCESS TO PROVINCIAL ROADS

7.6.1 There shall be no direct vehicular or pedestrian entrance to, or exit from a provincial main road without the prior authorisation of the KwaZulu-Natal Department of Transport.

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## **7.7 TRAFFIC GENERATING SITE**

- 7.7.1 The Municipality may, at its sole discretion, request the submission of a traffic impact assessment to determine the impact that a development may have on the existing and future road networks.
- 7.7.2 Such assessment shall include any issues that Municipality may deem relevant, such as an assessment of pedestrian movement, the impact of the development on public transport systems, road improvements, etc.
- 7.7.3 The outcomes of such assessment shall be implemented at the cost of developer.

## **7.8 GUIDELINES FOR PERMITTING RETAIL USES INTO INDUSTRIAL ZONES**

- 7.8.1 Certain categories of retail outlets should be permitted in industrial zones by consent and the remaining categories only by rezoning.
- 7.8.2 The categories of retail outlets which should be permitted in industrial zones by consent are include the following: -
  - 7.8.2.1 Low order convenience goods and service shops catering for the immediate 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>.
  - 7.8.2.2 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 (such as builders' supplies dealers; firms dealing in wire gates and fences; timber merchants; firms dealing in agricultural implements).
  - 7.8.2.3 Shops which deal largely with other firms normally located in industrial areas such as service stations, specialist industrial concerns in the motor trade (such as panel beaters and auto electrical specialists), builders and engineering firms (e.g. paint shops; firms dealing in engineering supplies; motor spares shops).
  - 7.8.2.4 Shops which: -
    - (a) are situated on the same Erfs as the industrial activities concerned;
    - (b) retail only products of the industrial concerns to which they relate or directly associated products;
    - (c) have floor areas not exceeding 10 per cent of the total floor area of all buildings on the site or 150 m<sup>2</sup> whichever is the lesser;

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

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## 7.9 PROVISION OF FACILITIES FOR LOADING AND UNLOADING

- 7.9.1 No building shall be used for commercial or industrial purposes unless a loading area has been set aside, to the satisfaction of the Municipality, for the purposes of loading and unloading vehicles which are likely to be involved in connection with the use of the building and the Erf on which it is situated.

Commented [ZM555]: Addition from Ashburton Scheme

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## 8. SECTION 8: APPENDICES

Appendix 1: Amendments Relating to Individual

Appendix 2: List of Listed Buildings

Appendix 3: Register of Management Overlays

Appendix 4: Register of Development Applications Lodged

Appendix 5: Register of Amendments to the Scheme

Appendix 6: DFA Approvals

Appendix 7: Schedule of Properties Zoned "Special Area 14"

Appendix 8: Parking Regulations

Appendix 9: Amendments to Special Area and Special Business Zone Numbers

Appendix 10: Schedule of Land Use Zone Changes

Appendix 11: Wire-wall Projects

Appendix 12: Integrated Environmental Management Checklist

Appendix 13: General Conditions Applicable to Medium Density Housing

Appendix 14: Temporary Departures

**Commented [ZM556]:** Addition from Ashburton scheme incorporated

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## APPENDIX 1: **SCHEME** AMENDMENTS RELATING TO INDIVIDUAL PROPERTIES

Commented [ZM561]: Addition

- Appendix 1 will deal with two different application: scheme amendment of controls by less than 10% and the scheme amendment of controls by more than 10%.
- This Appendix indicates regulations outlining the categorization of amendments permitted under section.

### 1. Minor Scheme amendment of the zone controls

- 1.1. This clause shall be utilized to amend Scheme controls such as building lines, coverage, units per hectare, Floor Area Ratio, parking requirements and Height by not more than 10%.
- 1.2. The process shall be reserved for development proposal that are considered to have minor implications to the zone's regulations.
- 1.3. It shall not permit incremental amendments exceeding 10% of zone controls.
- 1.4. This process shall not permit the introduction of land uses prohibited by the zone.
- 1.5. The development application shall be decided by the Planning Tribunal

### 2. Major Scheme amendment of zone controls

- 2.1. This clause shall be utilised to amend the Scheme zone controls by more than 10% of the zone controls.
- 2.2. The clause shall also permit scheme amendment to introduce land uses prohibited within a zone.
- 2.3. The development application shall be decided by Council

The table below details specific historic amendments relating to individual properties that were approved.

Commented [ZM562]: New addition

No.	Date Adopted	Property Description	Street Number	Details of Amendment
1	31.07.86	Rem of 4 of Erf 2221 PMB	218 Boom Street	Allow Specialised Offices in the existing Dwelling, only for as long as the Dwelling remains, and subject to the provision of on-site parking as required for Specialised Offices in the Office Zone.
2	14.04.87	Portion 18 (of 1) of Erf 2737, Portion 20 (of 2) of Erf 2737 and Portion 19 (of 3) of Erf 2737 PMB	370 Loop Street	Allow Specialised Offices only for as long as the Dwelling remains, subject to on-site parking being provided in terms of the requirements for the

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No.	Date Adopted	Property Description	Street Number	Details of Amendment
				Office Zone and subject further to the Site being landscaped to the satisfaction of the Council, with as much of the existing vegetation as possible being retained.
3	18.05.87	Portion 11 (of 3) of Erf 2407 and Portion 10 (of 9) of Erf 2407 PMB	72 Pietermaritz Street	Allow Specialised Offices in the existing Building, only for as long as that Building remains.
4	18.05.87	Portion 13 (of 3) of Erf 2407 and Portion 12 (of 9) of Erf 2407 PMB	74 Pietermaritz Street	Allow Specialised Offices in the existing Building, only for as long as that Building remains.
5	18.05.87	Sub 8 of 2 of Lot 2407, Rem of 3 of Lot 2407 and Sub 5 of 1 of Lot 2408	78 Pietermaritz Street	In addition to the uses permitted in terms of the General Residential zoning Specialised Offices may be established in the existing Building, only for as long as that Building remains.
6	18.05.87	Rem of 1 of Erf 2408 PMB	80 Pietermaritz Street	Allow Specialised Offices in the existing Building, only for as long as that Building remains.
7	18.05.87	Rem of Erf 2408 PMB	88 Pietermaritz Street	Allow specialised Offices in the existing Building, only for as long as that Building remains.
8	18.05.87	Portion s 13 (of 2) and 14, of Erf 2409, PMB	92 Pietermaritz Street	Allow Specialised Offices in the existing Building, only for as long as that Building remains.
9	18.05.87	Rem and Rem of 2, of Erf 2409, PMB	94 Pietermaritz Street	Allow Specialised Offices in the existing Building, only for as long as that Building remains.
10	18.05.87	Portion 5 (of 4) of Erf 2409, and Portion 13 (of 8) of Erf 2410, PMB	96 Pietermaritz Street	Allow Specialised Offices in the existing Building, only for as long as that Building remains.
11	18.05.87	Rem of 8 of Erf 2410 PMB	98 Pietermaritz Street	Allow Specialised Offices in the existing Building, only for as long as that Building remains.
12	18.05.87	Portion 21 of Erf 2410 PMB	4 Raven Street	Allow Specialised Offices in the existing Building, only for as long as that Building remains.
13	18.05.87	Portion 9 of Erf 2410 PMB	6 Raven Street	Allow Specialised Offices in the existing Building, only for as long as that Building remains.
14	31-03-88	Portion 192 of Erf 1913	88 St. Patricks Road	Allow sub-division, with a minimum

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No.	Date Adopted	Property Description	Street Number	Details of Amendment
		PMB		Frontage / Mean Width of not less than 15m.
15	14.06.88	Portion 14 (of 1) of Erf 252 PMB	1 and 1A Queen Street	Deletion of the on-site parking requirements.
16	29.07.88	Portion 251 of Erf 1531 PMB	110 Frances Staniland Road	Allow reduced Rear space for Medium-density Housing.
17	31.01.89	Portion 4 (of 1) of Erf 1518 PMB	66 Syringa Road	Allow subdivision of this property, generally in accordance with Plan No.10221 dated March 1988, submitted by Tarboton, Holder, Ross & Partners.
18	21.08.89	Portion 11 (of 9) and Portion 12, of Erf 2223 PMB	236 and 238 Boom Street	<p>In addition to the uses permitted in terms of the General Residential zoning, Specialised Offices limited to occupation by accountants, auditors, attorneys, anaesthetists, architects, quantity surveyors, town planners and civil engineers, may be established on the properties subject to the following specific conditions:</p> <p>The Dwelling shall be restored in the manner and utilising the materials and finishes indicated on the City Engineer's Department drawing No. A209/1.</p> <p>On-site parking, to the satisfaction of the Council shall be provided behind the line of the rear of the existing main Building on 238 Boom Street.</p> <p>Vehicular access shall be limited to the existing Frontage of Portion 12 (of 3) of Erf 2223 Pietermaritzburg and the treatment of the entrance shall be to the satisfaction of the Council.</p> <p>Signage shall be limited to a single brass plate, not exceeding 450mm x 600mm, affixed to the front wall of the Dwelling at 238 Boom Street.</p>
19	14.09.89	Erf 2262 PMB	107 Berg Street	Allow reduced Rear Space for

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No.	Date Adopted	Property Description	Street Number	Details of Amendment
				Medium-density Housing to not less than 4,2m.
20	15.01.90	Erf 1146 PMB	18 Alice Grange Road	Allow residential accommodation [not more than 45 single rooms] and auxiliary facilities and uses, generally in accordance with the sketch plans submitted by A C Dowdall Design Development
21	23.02.90	Portion 1 of Erf 2778 and Portion 1 of Erf 2779 PMB	Old Merchiston Hostel, Prince Alfred Street	<p>Allow the following uses/activities for the duration of the present lease of the Land, and limited to the existing Buildings on the Site -Specialised Offices, limited to medically related activities occupying a Floor area not greater than 125m<sup>2</sup>;</p> <p>Institutions limited to service clubs and organisations such as the Cerebral Palsy Association.</p> <p>Provided further that at least 30 bay s shall be provided on Site and of that total number shall be reserved for the Specialised Offices as required by Clause 3.4.7 of the Scheme.</p>
22	23.07.90	Portion 19 (of 10), Portion 17 (of 16), Rem of 16 and Portion 1, of Erf 2319 PMB	191 Pietermaritz Street	Allow coverage of not more than 9/10 at the first floor level, provided maximum height of two floors is observed.
23	12.11.90	PORTION S 5 (of 3) and 4 ([of 2), and Rem of 1, of Erf 2539 PMB	391/7 Longmarket Street	Allow an auto lot 31.12.95 and shops/offices in the existing dwelling houses, subject to vehicular access to the satisfaction of the City Engineer
24	12.11.90	Rem of 3 (of 1), Rem of 1 and Rem of 4 (of 2) of Erf 2711 PMB	118 Loop Street :	Allow a dental practice, for as long as the existing building is maintained to the satisfaction of the Council.
25	14.01.91	Portion 5 of Erf 433 PMB	47 York Avenue :	Allow marginally reduced Side and Rear Spaces for Medium-density Housing.
26	0.06.91	Erf 1169 PMB	24 Alice Grange Road	Allow residential accommodation [not more than 45 single rooms] and auxiliary facilities and uses, generally in accordance with the sketch plans

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No.	Date Adopted	Property Description	Street Number	Details of Amendment
				submitted by AC Dowdall Design Development
27	10.06.91	Erf 2561 PMB	170 Church Street	Allow second vehicular access onto Longmarket Street
28	10.06.91	Portion 24 of Erf 1147 Pietermaritzburg	6 Windsor Avenue	<p>Allow an office activity, subject to the following limitations:</p> <p>conducting of the activity shall be limited to the Africa Evangelical Fellowship only</p> <p>approval for the extended use of the premises is specific to the Africa Evangelical Fellowship and will remain in effect only for as long as it is used by that organisation for the approved use;</p> <p>The activity shall not involve the regular parking of more than three [3] motor vehicles on or adjacent to the site at any one time. In any event, no vehicle with a tare weight exceeding 2000 kg shall be parked on or adjacent on or adjacent to the site. Generally, any parking on the site shall be of the dwelling located to the rear of the dwelling.</p> <p>the activity shall not involve the regular congregation of more than six [6] persons on the site nor shall more than three [3] persons be employed</p> <p>the activity shall not produce a noise level exceeding 7 decibels above the ambient noise level, measured at any point on the property boundary;</p> <p>no activity or work in connection with the activity shall be conducted on or adjoining the property between the hours of 6:00pm and 6:00am;</p>

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No.	Date Adopted	Property Description	Street Number	Details of Amendment
28 (Cont.)	10.06.91	Portion 24 of Erf 1147 Pietermaritzburg	6 Windsor Avenue	Any additional building development which may be required for the activity will be made by way of extending the existing dwelling. The extension will be designed so that it will form an integral part of the dwelling unit in the event that the activity is ceased
29	24.06.91	Rem of Erf 2852 PMB	223 Boshoff Street	Allow a general dealer related to an interior design/decorating consultancy.
30	22.07.91	Portion 19 (of 10) of Erf 318 PMB	9 Bissett Road:	Allow reduced Side Space, for Medium-density Housing of not less than 4m.
31	22.07.91	Portion 7 of Erf 2549 PMB	493 Longmarket Street	Allow storage/warehousing, subject to the adjoining site being available for loading/off-loading. The maximum bulk and coverage factors shall be 1,1 and 61/100 respectively.
32	11.11.91	Portion 59 of Erf 1995 PMB	60 Marwick Road	Allow reduced side space for medium-density housing of not less than 4,2m on the south-western boundary of the property.
33	11.11.91	Rem of 2 and Portion 9 of Erf 2546 PMB	179 Retief Street	Allow, development subject to the following limitations --  Maximum coverage factor - 4/5 Maximum bulk factor - 1,5 On-site parking requirements deleted
34	25.11.91	Portion 43 of Erf 174 PMB	46-49 Morcom Road	Allow side-space in respect of medium-density housing

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No.	Date Adopted	Property Description	Street Number	Details of Amendment
35	03.02.92	Portion s 179 and 180, (of 135) of 117 A-G Lots	327 Old Howick Road	Allow, an unlicensed restaurant may be established, generally in accordance with Drawing BAT/SK 1 dated April 1989, subject to the retention of the existing Voortrekker Cottage on the site.
36	13.04.92	Portion 10 of Erf 2224 PMB	245 Berg Street	Limit use of the property for residential purposes [Flats].
37	11.05.92	Portion s of Erf 2606 PMB	201 West/63 Loop Streets	Allow sub-division not in accordance with the Town Planning Scheme.
38	08.06.92	Portion 7 (of 1) and Rem of 3, of Erf 2539 PMB	12/20 Murphy Street	Allow a large shop, offices and warehouse
39	07.09.92	Portion 3 (of 1) and Portion 4 (of 2), of Erf 2219 PMB	195 Berg Street	Limit use of the property for residential purposes [Flats].
40	07.09.92	Erf 2832 PMB	19 Killarney Terrace	Limit use of the property for residential purposes [Flats]
44	21.09.92	Portion 4 of Erf 2841 PMB	281 Burger Street	Limit use of the property to residential [Flats].
45	26.10.92	Portion s 1 and 2, of Erf 1656 PMB	219 and 223 Woodhouse Road	Allow properties to be developed for residential accommodation [not more than 60 people] and auxiliary facilities and uses, generally in accordance with the sketch plans submitted by A C Dowdall Design Development, subject to such servicing requirements as determined by the City Engineer [Works] and City Engineer [Planning].
46	25.01.93	Portion 13 of Erf 2223 PMB Rem (of 4) and Rem (of 5), of Erf 2316 PMB Portion 6 of Erf 2219 PMB Portion 14 of Erf 2324 PMB	231 Berg Street [Kemsley Flats] 160 Berg Street [Penworth Flats] 191 Berg Street [Mabdon Court] 240 Berg Street, [Wedmore Flats]	Limit uses of the property to residential purposes [Flats]. Limit uses of the property to residential purposes [Flats]. Limit uses of the property to residential purposes [Flats] Limit uses of the property to residential purposes [Flats]

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		Rem (of 2) and Portion 6 (of 2), of Erf 2782 and Portion 5 (of 3) of Erf 2783, PMB	274 Burger Street [Dunco Flats]	Limit uses of the property to residential purposes [Flats]
47	25.01.93	Rem of Erf 2317 PMB	178 Berg Street [Kempton Flats]	Limit uses of the property to residential purposes [Flats]
48	12.10.92	Portion 2 (of 1) of Erf 728 PMB	207 Sweetwaters Road	Allow reduced side and rear spaces to be not less than 3,80m
49	22.3.93	Portion s 4 and 20, of Erf 580 PMB	39 Allerton Road	Allow subdivision of land without public street access
50	5.3.93	Portion s 49, 194, 228 and a portion of Portion 21 all of the farm New England No.1462	off Murray Road	Limit the use of land in the "Special Residential" zone
51	26.4.93	Portion 2 (of 1) of Erf 2347 PMB	478 Berg Street	Relax side space and erect flats on ground floor
52	24.5.93	Rem of 2 of Erf 2653 PMB	538 Longmarket Street	Allow a coverage factor in excess of 0,33
53	28.6.93	Portion 122 (of 70) of Erf 1531 PMB	74 Frances Staniland Road	Allow subdivisions below minimum lot size
54	24.5.93	Portion 153 of Erf 60 Ockerts Kraal	8-10 Skoda Place	Allow reduced side spaces
55	9.8.93	Section 1, Portion 35 (of 31) of Erf 474 PMB	130 Roberts Road	Allow a Nil side space
56	20.9.93	Erfs 367 and 927 PMB	335 Parker Road	Allow subdivision of land without access to a public street
57	6.9.93	Rem of 12 of Erf 2729 and Rem of Erf 2730 PMB	41 Henrietta Street [Mono Court]	Limit the use of a site in the "Office" zone
58	23.8.93	Rem of Erf 2784 PMB	280 Burger Street	Allow subdivision of land without access to a public street
59	6.12.93	Portion 13 of Erf 2035 PMB	14 Boshoff Street	Allow 100% coverage factor
60	6.12.93	Rem of Erf 2237 PMB	370 Boom Street	Allow a garden nursery in "General Residential" zone
61	22.11.93	Portion 6 of Erf 3259 PMB	3 Pepper Place, 4 Lindup Road	Allow a 2m side space [western boundary]
62	6.12.93	A portion of Erf 1254	Off Cherry Road	Allow reduced side and rear spaces

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		PMB	[Happy Valley Flats]	to facilitate the subdivision of land
63	17.1.94	Rem (of 4), Portion 5, Portion 6 and Rem, of Erf 2536 and Portion 7 (of 4) and Portion 8, of Erf 2536 PMB	361 and 365 Longmarket Street, [Lyall Court]	Allow commercial uses of ground floor
64	6.12.93	Portion 173 of Erf 60 Ockerts Kraal	57 Ivy Road/2 Iris Road	Allow a 2,2m side space along the North-Eastern boundary
65	6.12.93	Portion of 27 of Erf 233 PMB	4 Gough Road	Allow a subdivision of 650m in Density Zone 6
66	6.12.93	Portion 80 of Erf 1573 PMB	28 Fuller Road (Delft)	Allow coverage in excess of 0,33 and to allow a nil side space to allow awnings and carport
67	17.1.94	Portion 5 of Erf 2551 PMB	22 Thomas Street	Allow Specialised Offices without a residential component
68	7.3.94	Erf 1179 PMB	216 Woodhouse Road	Allow a Residential Accommodation Complex
69	11.4.94	Prop Erf of 30 (of 11) of Erf 494 PMB	25 Hutchinson Road	Allow a subdivision some 50m <sup>2</sup> less than minimum required
70	24.6.94	Portion 1 of Erf 2460 PMB	150 Pietermaritz Street [The Olivers]	Limit the use of site in "General Business" zone
71	31.10.94	Portion of Erf 453 Raisethorpe	104 Baijoo Road	Relaxation of rear space from 9m to nil and to allow a Residential Density in excess of normal, provided that no further development be permitted on Rem of Erf 453 Raisethorpe, being 532 Old Greytown Road
72	31.10.94	Rem of 2 (of 1) of Erf 348 PMB	27 Hillside Road	Allow subdivision of land less than required, and without access to a public road
73	31.10.94	Erf 992 PMB	31 Alice Grange Road	Allow residential complex, with associated facilities
74	29.11.94	Erf 3045 PMB	101 New England Road	Allow a shop in area zoned "Garage"
75	15.12.94	Portion 13 of Erf 2792 PMB	17/19 Doig Street	Allow a subdivision less than requirement and site in excess of ½
76	15.12.94	Rem of Erf 431 PMB	535 Chase Valley Road	Allow relaxation of 4,5m side space
77	29.9.94	Portion 16 of Erf 2618 PMB	183 Loop Street	Limit the uses permitted to "General Residential"

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78	31.10.94	Erf 2959 PMB	320 Loop Street (St. Annes)	Relax statutory side space from 3m to 2,4m along north-east boundary
79	31.10.94	Portion 14 (of 3) of Erf 2729, Rem of Erf 2730 and Rem of 13 of Erf 2729 PMB	301 Burger Street and 47 Henrietta Street [City Royal Hotel]	Allow excess bulk and site coverage
80	31.10.94	Rem of Portion 154 (of 22) of Shortts Retreat No.1208	21 Claveshay Road	Allow an infringement of the 4,5m side space
81	31.10.94	Rem of Erfs 993, 994,995, Portion 1 of Erf 994, and Erf1179 PMB	19, 25, 11 and 21 Alice Grange Road and 210 Woodhouse Road	Allow Residential Accommodation Complexes
82	29.11.94	Prop Portion of Rem of Erf 1104, PMB	23 Waverleydale Road	Allow the subdivision of a property without access to a public street
83	27.02.95	Rem of Erf 2015 PMB	149 Greyling Street	Allow conditional use of existing dwelling as "Specialised Offices", business purposes or "Light Industrial" building
84	15.12.94	Portion Subs 49, 194, 228 and portion of Rem of Portion 21 of New England No.1462	Off Murray Road, Lincoln Meade	Remove development restrictions imposed in terms of earlier "Appendix 4" amendment
85	29.02.95	Rem of 1 of Erf 1012 PMB	10 Durban Road	Allow a shop
86	31.10.95	Portion 1 of Erf 2005 PMB	58 Victoria Road	Allow limited Specialised Office Use within a portion of the existing dwelling
87	24.08.95	Portion 226 of Erf 1 PMB	451 Bombay Road	Allow relaxation of side space from 4,5m to 3,5m
88	17.08.95	Portion s 205 (of 75) and 172 (of 2), of Erf 1887 PMB	95 Railway Street	Allow storage of vehicles on property
89	17.08.95	Erf 2801 PMB	245 and 247 Retief Street	Allow subdivision of an "Institutional" site resulting in a side space of 1,5m
90	17.08.95	Rem of Erf 1015 PMB	8 Inyoni Place	Allow relaxation of the minimum area requirement for Intermediate Residential from 3000m <sup>2</sup> to 2932m <sup>2</sup> and to permit one extra unit
91	12.09.95	Rem of Erf 904 Pietermaritzburg	141 Alexandra Road	Allow nil side space along the southern boundary

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92	16.10.95	Rem of Erf 2641, a part of Portion 1 and Portion 3, of Erf 2642, PMB	418/426 Longmarket Street, 421 Loop Street	Permit offices, restaurant, residential accommodation and parking
93	12.09.95	Rem of Portion 1 of Erf 412 PMB	36 Kitchener Road	Allow relaxation of side space on the western boundary from 4,5m to 2,8m
94	14.11.95	Rem of Portion 178 (of 17) of Shortts Retreat No 1208	67 Haworth Road	Restrict use to Special Residential purposes/waive the special condition contained in Clause 3.1.7.2
95	24.08.95	Erf 321 PMB	Off Howick Road (Redlands)	Allow subdivision of a portion of the property
96	17.08.95	Rem of 4 of Erf 2115 PMB	158 Greyling Street	Permit the conducting of a Training Centre (Domestic Sewing) with limited retailing of goods/ items produced on site
97	14.11.95	Portions 14 and 16 (of 1) of Erf 474 PMB	122 Roberts Road	Permit a subdivision less than 1000m <sup>2</sup> in area
98	19.10.95	Portion 86 of Erf 281 PMB	Hampstead Park, 13-15 New Scotland Road	Relax side space from 4,5m to 4m
99	10.10.95	Erf 3772 PMB	437 Alexandra Road	Relax the building line along the southern boundary from 4,5m to 2,85m
100	14.11.95	Erf 2060 PMB	286 Victoria Road	Allow an increase in coverage from 75% to 87% and relax the parking requirement
101	23.11.95	Portion 75 of Erf 1291 PMB	6 Mountain Rise Drive	Allow subdivision less than the required min area of 1000m <sup>2</sup>
102	19.10.95	Rem of Erf 2787 PMB	321 Prince Alfred Street	Allow Specialised Offices on a General Residential property
103	23.11.95	Portion 764 (of 319) of Lot 5 No 1519	Unit 6, 17 Scorpio Drive	Relax rear space from 4,5m to 1,67m to allow double storey development
104	07.12.95	Rem of Erf 30 Raisethorpe	630 Old Greytown Road	Allow use of the ground floor of a dwelling for doctor's consulting rooms/tailor business
105	12.03.96	Rem of Erf 2753 PMB	529/535 Burger Street	Permit an extra unit to be built with a floor area of 120m <sup>2</sup>
106	14.04.96	Portion 16 of Erf 2325 PMB	96-100 Commercial Road	Allow a subdivision which would result in the Rem and the Portion being over covered

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107	07.12.95	Portion 43 of Erf 804 PMB	7 Fairfield Avenue	Allow a subdivision of 650m <sup>2</sup> notwithstanding the required minimum of 1000m <sup>2</sup>
108	07.12.95	Portion 41 (of 3) of Erf 287 PMB	100 Topham Road	Allow the construction of an additional four dwelling units
109	15.04.96	Erf 239 Raisethorpe	673 Old Greytown Road	Relax the on-site parking requirement
110	15.04.96	Portion 332 of Erf 1531 PMB	Caldecot Place, off Craigie Drive	Permit the relaxation of the side space from 4,5m to 1,5m
111	13.02.96	Rem of Erf 2928 PMB	278 Prince Alfred Street	Allow "Specialised Offices" on a "General Residential" site
112	13.02.96	Portion 4 of Erf 2307 PMB	71 Pietermaritz Street	Allow relaxations of side and rear spaces from 3m to nil and from 5m to 3m, respectively
113	12.03.96	Portion 11 of Erf 837 PMB	42 Howick Road	Allow a subdivision of 768m <sup>2</sup> notwithstanding the required minimum of 1000m <sup>2</sup>
114	14.05.96	Portion 2 of Erf 1770 PMB	42 Oakleigh Avenue	Permit a subdivision the nett area of which will be less than the minimum area of 1500m <sup>2</sup>
115	22.02.96	Rem of Erf 734 PMB	40 Durban Road	Allow variation of condition applicable to Special Business Area 13, to allow for the demolition of the existing building and the erection of a restaurant, generally in accordance with plan No 1562/95
116	10.06.96	Rem of 100 of Erf 295 PMB	2 Bridge Road	Permit the regularisation of existing parking lot usage
117	10.06.96	Portion 12 (of 9) of Erf 29 PMB	11 Grimthorpe Avenue	Allow relaxation of the side space from 4,5m to 3m
118	10.06.96	Portion 75 of Erf 1866 PMB	off Troon Terrace	Permit Portions to be transferred without a building having to be built thereon
119	21.08.96	Rem, Rem (of 7) and Portion 8 (of 7) of Erf 2313 PMB	135 Pietermaritz Street	Allow Department of Correctional Services to use this property as an Administration Office
120	03.10.96	Portion 1 of Erf 2642 PMB	421 Loop Street	Allow the erection of a residential building
		a) Rem of 2 of Erf 2403	a) 40 Pietermaritz	Allow a Specialised Office usage in a

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121	15.01.97	and Portion 8 (of 3) of Erf 2404 PMB  b) Rem of 3 (of 1) of Erf 2404 and Portion 9 (of 2) of Erf 2403 PMB	Street  b) 42 Pietermaritz Street	"General Residential" zone  Allow a "Specialised Office" usage in a "General Residential" zone
122	04.12.96	Portion 49 of Erf 1113 PMB	65 Blackburn Road	Allow a higher density in order to allow an extra dwelling unit
123	16.10.96	Portion 13 (of 2) of Erf 2447 PMB	474 Pietermaritz Street	Allow the conversion of upper floors to flats
124	20.08.96	Portion 3 and Rem of 8, of Erf 2225 PMB	78 Commercial Road	Allow additional 10m² site coverage on "General Business" property
125	24.10.96	Erf 1197 Copesville	34 Sarge Road	Allow the utilisation of a dwelling for a medical practice
126	35402	Portion 324 of Lot 5 No 1519	205 Helston Rd	Allow 6 units
127	15.01.97	Portion 39 of Erf 1497 PMB	9 Margaret McFie Place	Allow a subdivision of less than 1500m² in Density Zone 7
128	10.02.97	Portion 3 of Erf 432 PMB	27 Hosking Road	Allow a subdivision, the nett area of which will be less than the minimum area of 1000m²
129	16.04.97	Portion 5 of 3, 4 of 2 and Rem of 2 (of 1), of Erf 2539 PMB	391 and 397 Longmarket Street	Permit a motor sales premises
130	18.03.97	Portion 7 (of 1) of Erf 2718 PMB	180 Loop Street	Allow a restricted commercial use
131	16.04.97	Portion 2365 (of 234) of the Farm Belfast No 14040	19 Sadien Grove	Allow portion of a ASpecial Residential" property to be used for a shop
132	04.06.97	Erf 3045 PMB	101 New England Road	Allow increased floor area of previously approved shopping facilities
133	23.07.97	Portion 44 of Erf 804 PMB	9 Fairfield Avenue	Allow a subdivision, the nett area of which will be less than the minimum area of 1000m²
134	08.10.97	Erf 15 Lincoln Meade	117 Grimthorpe Avenue	Permit a restaurant (conditional)
		Portion 9 of Erf 2115		Allow specialised office/

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135	21.01.98	PMB	38 Chapel Street	business use
136	29.10.99	Rem of Erf 2747 PMB	472 Loop Street	Allow the property to be used for a funeral parlour and associated activities subject to certain conditions and limitations
137	21.01.98	A portion of Rem of Erf 354 of New England No 1462	off Rogers Avenue	Permit the development of a Retirement Village and associated Private Medical Centre
138	08.10.97	Erf 285 Raisethorpe	68 Delhi Road	Allow a "Place of Worship" with a reduced side space of 1,5m subject to conditions and limitations
139	21.01.98	Portion 24 of Erf 1262 PMB	16 Oaklands Road	Allow an existing dwelling to be converted into three self-contained units
140	04.03.98	Portion 77 (of 72) of Erf 17 PMB	341 Alexandra Road	Allow a relaxation of the side space to 4,15m in respect of the southern boundary
141	21.01.98	A portion of Rem of Erf 3381 PMB	406 Chase Valley Road	Permit the subdivision of land with a right of way access to public street
142	21.01.98	Portions of Rem and Portion 2, of Erf 2217, Portion 8 (of 2) of Erf 2218, and a portion of Erf 2268 PMB	178/184 Boom Street	Allow portions to be utilised for parking purposes
143	18.02.98	Portion 2 (of 1) of Erf 2789 PMB	340 Burger Street	Limit the use to "Residential" and to permit a double-parcellation subdivision which does not comply with Scheme
144	21.10.98	Erf 3380 PMB	11 Evans Road	Allow a subdivision which is smaller than that specified in the Scheme
145	1.4.98	Portion 11 of Erf 1606 PMB	11 Otter Park, 51 Warwick Road	Allow relaxation of 4,5m side space to not less than 4.0m
146	29.07.98	Portions 70 and 77, (of 6) of Erf 493 PMB	31 Golf Road	Permit the YWCA to establish a residential building complex
147	19.08.98	Erf 1374 PMB	587 Church Street	Allow motor sales premises
148	29.07.98	Portion 9 (of 2) of Erf 2703 PMB	35 Burger Street	Allow catering business
149	29.07.98	Portion 10 of Erf 566	9 New England	Allow security firm

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		PMB	Road	
150	29.07.98	Portion s 10 and 15, of Erf 540 PMB	6 Surrey Road	Allow guest house, bed-and-breakfast
151	29.07.98	Portion 10 of Erf 1052 PMB	48 Brookby Crescent	Allow sub-division below required minimum
152	02.09.98	Portion 17 (of 7) of Erf 37 PMB	317 Alexandra Road	Allow bed-and-breakfast
153	02.09.98	Rem of Erf 277 Shortts Retreat	25a Acacia Road	Allow sub-division below required minimum
154	21.10.98	Portion 252 of Erf 1531 PMB	29 Anne Stafford Dr	Allow reduced side space
155	36088	Portion 2 of Erf 2149 PMB	493 Boom Street	Home business larger than permitted
156	21.10.98	Portion 10 of Erf 2642 PMB	421 Loop Street	Allow reduced side space
157	18.11.98	Portion 764 (of 319) of Lot 5 No 1519	12 Roshin Heights	Allow double storey development
158	18.11.98	Rem of 4 of Erf 2115 PMB	158 Greyling Street	Allow specialised offices
159	02.12.98	Portion 12 of Erf 1383 PMB	57 Bangalore Road	Allow additional bulk and site coverage
160	02.12.98	Portion 4 of Erf 1383 PMB	17 Debi Place	Allow additional bulk and site coverage
161	03.02.99	Portion 16 of Erf 453 PMB	2 Melbourne Avenue	Allow interior decorating business
162	31.03.99	Portion 33 of Erf 318 PMB	2-4 Jesmond Road	Allow place of instruction
163	28.04.99	Rem of Erf 2716 PMB	217 Chapel Street	Limit use to residential
164	28.04.99	Portion 45 of Erf 1918 PMB	5 Coventry Place	Limit use to worship
165	09.06.99	Erf 3100 PMB	3 Leinster Rd	Allow priory, relax rear space
166	23.06.99	Portion 24 of Erf 1916 PMB	40 Tanner Rd	Allow sub-division less than the required minimum
167	23.06.99	Portion 14 of Erf 2456	565 Church Street	Allow conversion to flats

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		PMB		
168	05.11.99	Rem of 1 of Erf 2408 PMB	80 Pietermaritz Street	Allow relaxation of side and rear spaces
169	08.12.99	Portion 6 (of 1) of Erf 2539 PMB	398 Church Street	Allow additional site coverage
170	08.12.99	Rem of 6 of Erf 2029 PMB	290 Victoria Road	Allow additional site coverage
171	26.01.00	Portion 3 of Erf 500, Portion 3 of Erf 501 PMB	13 Alexandra Road	Allow restaurant and other uses
172	23.02.00	Portion 20 of Erf 2555, Portion 16 (of 17) of Erf 2556 PMB	166 East Street	Allow additional floor area
173	08.03.00	Rem of 1 of Erf 2640, Erf 2667 PMB	400-402 Longmarket Street	Limit use to residential
174	22.03.00	Portion 3 of Erf 2301 PMB	16-18 Berg Street	Allow sub-division of existing dwelling
175	22.03.00	Erf 1809 PMB	726 Town bush Road	Allow more than 10 Portion s without individual access
176	05.04.00	Portion 5 of Erf 1119 PMB	26 Chase Valley Road	Allow sub-division less than required minimum
177	17.05.00	Rem of 9, 15 (of 13) of Erf 2615 PMB	200 Chapel Street	Allow place of worship, relax side and rear spaces
178	07.06.00	Erf 3684 PMB	429a Alexandra Road	Allow a residential building
179	19.04.00	Portion 111 of Erf 1887 PMB	55 Railway Street	Allow sub-division for residential use
180	06.04.00	Portion 43 of Erf 1539 PMB	19 Eagle Road	Allow second dwelling
181	19.04.00	Erf 1933 PMB	367 Commercial Road	Allow reduced side space
182	21.06.00	Erf 51	100 Balhambra Way	Allow additional site coverage, reduced side space
183	21.06.00	Portion 39 of Erf 1291 PMB	15 Oaklands Road	Allow an extended residential building

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184	23.08.00	Portion 15 (of 10) of Erf 233 PMB	10 Gough Road	Allow an interior decorating business
185	23.08.00	Portion 21 of Erf 2233 PMB	334 Boom Street	Allow sub-division and increased site coverage to 75 %
186	29.11.00	Portion 3 of Erf 2642 PMB	426 Longmarket Street	Allow restaurant
187	05.06.01	Rem of Erf 30 Raisethorpe	632 Old Greytown Road	Allow Place of Public Entertainment
188	16.05.01	Portion 81 (of 78) of Erf 3098 PMB	20-22 Sunwood Place	Allow relaxation of side space
189	16.05.01	Portion 14 and 15 of Erf 1383 PMB	25 Debi Place	Allow increased site coverage
190	13.06.01	Erf 2746 PMB	467 Burger Street	Allow security business
191	13.06.01	Portion 37 of Erf 3198 PMB	21 Albert Oliff Road	Allow second dwelling
192	21.08.01	Portion 7 (of 2) of Erf 2145 PMB	13 Retief Street	Allow increased site coverage
193	16.01.02	Rem of Erf 469 PMB	29 Milliken Road	Allow sub-division with ROW
194	30.01.02	Portion 3 of Erf 249 Raisethorpe	737 Old Grey town Road	Allow medical office and pharmacy
195	24.04.02	Rem and Portion 5 (of 2) of Erf 2315 PMB	102/4 Chapel St	Allow carwash
196	24.04.02	Portion 89 of Erf 1866 PMB	18 A Old Tom Morris Lane	Allow sub. utilising ROW
197	15.05.02	Portion 10(of 2) of Erf 82 PMB	20 Rosedale Rd	Allow manufacturing of concrete blocks
198	24.07.02	Portion 52 (of 26) of Erf 75 PMB	110 Rosedale Rd	Allow sub. less than 650m²
199	25.09.02	Portion 3087 of Erf 252 PMB	170 Jupiter Road	Allow relaxation of side and rear spaces
200	25.09.02	Portion 7 of Erf 2544 PMB	443 Longmarket St	Allow increased site coverage to 54 % and relaxation of parking
201	11.09.02	Portion 14 of Erf 2781 PMB	cnr Commercial Rd/Burger St	Restrict use to restaurant
		Portion 64(of 63) of Erf		

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202	27.11.02	207 PMB	39 Cordwalles Rd	Allow 2 residential subdivisions
203	14.05.03	Portion 380 of Erf 1203 PMB	80 Bangalore Rd	Allow additional coverage and reduced side space
204	29.10.03	Rem of Erf 2015 PMB	149 Greyling St	Allow Flats on subdivision of 550 m <sup>2</sup>
207	29.10.03	Portion 21 of Erf 1113 PMB	16 Mills Circle	Allow two subdivisions less than 1 000 m <sup>2</sup>
208	12.11.03	Portion 1 of Erf 3680 PMB	6 Parker Rd	Allow guest house, health and beauty clinic and Place of Public Entertainment
209	29.11.03	Portion 3 of Erf 835 PMB	155 Roberts Rd	Allow a subdivision less than 1 000 m <sup>2</sup>
210	24.02.04	Portion 21 of Erf 1383 PMB	25 Debi Place	Allow increased bulk from 920 m <sup>2</sup> to 1652 m <sup>2</sup>
211	24.02.04	Portion 8 (of 4) of Erf 1894 PMB	7 Winston Rd	Allow carpentry workshop
212	03.05.04	Portion 11 (of 8) of Erf 2654 PMB	547 Loop St	Allow relaxation of side space
213	22.07.04	Erf 60 Lincoln Meade	276 Murray Rd	Allow relaxation of side space
214	18.11.04	Rem of Erf 1388 PMB	10a Mills Circle	Allow two Dwellings on property
215	18.11.04	Portion 2 of Erf 228 Cleland	Off Ivy Road	Allow relaxation of side space to 4.08 m
216	24.02.05	Portion 2 of Erf 2790 PMB	256 Boshoff St	Allow existing building to be utilised as a Specialised Office
217	13.10.05	Lot 10 Dunveria	10 Tulip Rd	Allow relaxation of rear space to 2.03 m
218	20.01.06	Portion s 1 and 2 of Erf 576 New England	Off Dunsby Rd and Rogers Ave	Allow up to 300 subdivisions off a private road (Mkhamba Gardens)
219	23.06.06	Rem of Erf 317 Raisethorpe	764 Chota Motala Rd	Allow relaxation of rear space to 3.8 and 1.9 m
220	02.06.06	Portion s of Panorama Gardens, Surrey Park & Bishopstowe	Off Chief Mhlabunzima (Baynes Drift) Rd	Allow more than 10 subdivisions off a private road (Beacon Hill)
221	06.07.06	Portion 2 of Erf 847 PMB	23 Carbis Rd	Permit a tea garden in Special Residential zone
222	23.10.06	Erf 412 of the Farm New	38 Lyngary Rd	Allow relaxation of rear space to 1.2

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223	16.11.06	Erf 201 Shortts Retreat	118 Murray Rd	Allow medium density housing development
224	16.11.06	Erf 9667 PMB	433 Langalibele St	Allow increased coverage
225	12.04.07	Portion 4 (of 1) of Erf 3022 PMB	Montgomery Drive	Allow the bulk of a filling station to increase to 200m <sup>2</sup>
226	19.07.07	Portion 4 of Erf 858, PMB	41 Morcom Rd	Allow relaxation of side and rear space to 2 and 4.5 m resp.
227	16.08.07	Portion 12 of Erf 2713 PMB	134 Jabu Ndlovu St	Allow an office
228	20.08.07	Portion 7 (of 10 of Erf 92 PMB	459 Town Bush Rd	Allow a veterinary practice in Special Residential zone
229	17.10.07	Portion 10 of Erf 1983 PMB	21 Croft Rd	Allow relaxation of side space to 1 and 1.5 m
230	16.11.07	Erf 764 Northdale	17 Scorpio Drive	Allow relaxation of side and rear space
231	20.03.08	Erf 449 and 450 PMB	Town Bush Road	Allow subdivision of land without access to a public street
232	20.03.08	Erf 1963 PMB	296 Bulwer St	Allow Office use
233	20.03.08	Erf 1963 PMB	251 Bulwer St	Allow Office use
234	20.03.08	Portion 52 of Erf 1113 PMB	35 to 37 Blackburrow Rd	Restrict height to 2 Storeys
235	20.03.08	Portion 411 (of 354) of the farm New England No. 1462	32 Lyngary Rd	Allow relaxation of side space
236	20.03.08	Portion 5 of Erf 2757 PMB	21 Prince Alfred St	Allow Office use
237	05.06.08	Erf 148 PMB	4 to 6 Seymour Rd	Allow relaxation of side space
238	04.09.08	Portion 2 (of 1) of Erf 359, Portion 3 (of 1) of Erf 357 and Portion 2 (of 1) of Erf 358	All situated Off Braid St	Permit Office Use
239	21.05.09	Portion 35 of Erf 3005	5 Waller Place	Permit a subdivision of a property in density zone 7 from minimum Erf size of 1 500 m <sup>2</sup> to 1 158 m <sup>2</sup>
239	21.05.09	Rem of Portion 10 of Erf	87 Alan Paton Drive	Permit Office use within a "Special

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No.	Date Adopted	Property Description	Street Number	Details of Amendment
		1913		Residential" zone
240	04.06.09	Portion D (of 70) of Erf 3381	406 Chase Valley	Allow a subdivision to have access via a Right of Way Servitude
241	20.08.09	Rem of Erf 710	57 New England Rd	Allow the existing "Dwelling" to be used for hair studio
242	10.12.09	Portion 5 of Erf 2605	55 Jabu Ndlovu St	Establish an "Office" in a "General Residential" zone
243	04/03/10	Portion 14 of Erf 2332 PMB	322 Berg Street	Appendix 1 Amendment to increase the permitted coverage from 75% to 100%, to relax the parking requirements and building line to nil in respect of
244	14/03/10	Portion 3 of Erf 2839 Pietermaritzburg	250 Jabu Ndlovu Street	Appendix 1
245	14/03/10	Portion 3 of Erf 2839 Pietermaritzburg	14 Jabu Ndlovu Street (Loop Street): Upper City Area	Appendix 1 Amendment to establish an "Office" on a Property Zoned "General Residential"
246	22.04.10	Rem of Portion 165 of Erf 1913	5 Connaught Rd	Establish "Office" on a property zoned "General Residential"
247	17.06.10	Erf 2929	293 Bulwer St	Establish an "Office" on a property zoned "Special Residential"
248	21.10.10	Rem of Erf 2789	347 Prince Alfred St	Allow relaxation of 5 metres Rear Space to 4,70 metres and 4,69 respectively
249	21.10.10	Erf 261 Newholmes	126 Newholmes Way	Relax side space from 4,50 metres to 1,2 metres
250	04/04/11	Portion 9 of Erf 503 PMB	Erf 503 being Unit No. 10 Five Acres	Appendix 1 amendment to relax the building lines from 4.5m to 3,09m
251	12/04/11	16 Old Howick Road Wembley	Portion 7 of Erf 697 PMB	Appendix 1 amendment to establish a Professional Office use in a Special Residential zone
252	04.04.11		Portion 6 (of 10) of Erf 382 PMB	Appendix 1 amendment to the Town Planning Scheme to permit Office use within a General Residential zone
253	30/08/11	on Remainder of Portion 12 of Erf 2724, Portion 4 ( of 2) of Erf 2725, Portion 10 of Erf 2725	250 Jabu Ndlovu Street	Appendix 1 amendment to permit a Nil building line along the length of the property boundary with Chief Albert Luthuli Street
254	30.08.11	Portion 14 of Erf 2332 Pietermaritzburg	322 Berg Street	Increase coverage from 75% to 100% and relax the parking requirements and building line to nil
255	30.08.11	Portion 9 of Erf 503, being Unit 10	75 Kitchener Road	Relax the building line from 4.5 m to 3.09 metres
256	14.12.11	Rem of Portion 12 of Erf 2724, Portion 4 (of 2) of	250 Jabu Ndlovu Street	Increase bulk zone from Zone 3 to Bulk Zone 1 and permit a nil Building

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		Erf 2725, Portion 10 of Erf 2725 and Rem of Erf 2725		Line along the length of the property bounded by Chief Albert Luthuli and Jabu Ndlovu Streets.
257	28/06/12	Portion 5 of Erf 250 Raisethorpe Township	745 Chota Motala Road	Appendix 1 amendment to relax side space
258	19/07/12	Portions 7 (of 4) and 8 of Erf 2536 Pietermaritzburg	361 and 365 Langalibalele Street	Appendix 1 application to establish a "Motor Sales premises
259	12.12.2012	Sub 1624 (of 1592)	The Farm Northdale No. 14914 198 Newhomes Way	To increase the maximum bulk factor / maximum units per hectare from 3.4 to 4 units; to relax building lines along Pansy Road from 7m to 6m; to relax building lines along Newholmes Way from 7m to 4.5; and to relax both side building lines from 4.5 to 1.5.
260	10.01.13	Portion 5 of Erf 250 Raisethorpe	745 Chota Motala Road	Relaxation of the side space
261	09.04.13	Erf 2005 Edendale	2005 Mbulazi Road	Allow a Side Space of 1.6m, a Building Line of 1.8 m, reduce parking bays to 30 bays and allow 60% coverage.
262	24.04.13	Erven 89,371,381 and 397 Plessislaer	Off Selby Msimang Road	Restricting Edendale Hospital to a District and Regional Hospital functions such as those related to treating of communicable diseases and psychiatric wards specially those excluded from Institutional use, and the establishment of a pharmacy and tuck-shop for the servicing of the hospital.
263	02/02/14	432 Langalibalele Street	of Erf 2643 Pietermaritzburg	an Appendix 1 Amendment to allow a "Motor Sales Room" and a "Motor Workshop
264	13.05.14	Remainder of Erf 2538 PMB only,	No. 385 Langalibalele Street City Central	To allow a "Junior Primary School" as an expressly permissible use within the Special Area 7 Zone
265	12.08.14	Portion 2 and 3 of Erf 2730 and Portion of Erf 2731 all of Pietermaritzburg	310 Jabu Ndlovu Street	Development shall be undertaken in accordance with requirements of the City Centre Zone-Civic Centre Subzone: Section A as set out in clause 3.9.4 of the Pietermaritzburg Town Planning Scheme.
266	18.10.2016	Remainder of Portion 23 of Erf 2737 Pietermaritzburg	21 Davis Street	An Appendix 1 amendment to Permit "Parking Lot" as an Expressly Permitted Use within the Office Zone
267	18.10.2016	Portion 5 Of Erf 115 Pietermaritzburg	167 Zwartkop: Mayors' Walk	A clause 5.36 application for the relaxation of front Building Line from 7

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				metres to 3 metres and to allow a Second Dwelling
268	07.06.2016	Erf 9662 In Respect of Ptn 1 of Erf 9662 Pietermaritzburg	Being Corner Of Town Bush Road and Maccarthy Drive: Pietermaritzburg	Amendment to the Pietermaritzburg scheme in Special Business Area 18, under appendix 1
269	19.04.2016	ERF 3378 Pietermaritzburg	4 Holder Road, Bisley: Pietermaritzburg	Application in terms of Sections 60(1)(a) of the Kwazulu-Natal Planning and Development Act (Act No. 6 of 2008) to remove restrictive conditions contained in the title deed
270	19.04.2016	Portion 17 of Erf 1913 PMB	81 Alan Paton Avenue, Scottsville	Clause 5.36 to relax the 7m Building Line along Chamberlain Road to accommodate one of 4 blocks of flats proposed to be established
271	21.06.2016	Portions 621 (of 592) and Remainder of Portion 592 all of the Farm Vaalkop and Dadelfontein No. 885		Amendment to approved layout in respect of land
272	16.05.2017	Portion 162 of Erf 156 Bellevue	Unit 5 Rustic Mews, 39 Beacon Road, Bellevue Pietermaritzburg	To permit an increase in coverage and for the relaxation of a building line
273	14.03.2017	Portion 17 of Erf 567 Pietermaritzburg and Portion 5 of Erf 4345 Pietermaritzburg	Corner of Alan Paton and Woodhouse Road: Scottsville	Amendment of the Development Controls Relating to Special Area, Rezoning from "Special Residential" To "Special Area", Consolidation, and the Deletion of Restrictive Title Conditions
274	18.04.2017	Portion 2 of Erf 228 Cleland	30 Ivy Road	Appendix 1 Amendment of the Scheme to Relax Side Spaces and Building Lines
275	02.05.2017			Relaxation of Building Lines and Municipal Consent In order to erect a Telecommunication Mast and Base Station , for relaxation of Building Lines and Municipal Consent in order to erect a Telecommunication Mast and Base Station
276	03.07.2017	Erf 1204 Pietermaritzburg and Portion 9 (of 6) of Erf	15 Alexander Road	Clause 5.36 amendment for the relaxation of Side Space from 4,5m to 3,0m and Rear Building Lines from

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		1012 PMB		9m to 0m respectively
277	21.08.2017	Remainder of Erf 378 Pietermaritzburg	51 College Road, Pelham	Clause 5.36 amendment of the Scheme to relax Rear Space from 9 metres to 5 metres
278	22.08.2017	Portion 23 of Erf 1574 Pietermaritzburg	67 Burns Road, Hayfields	An amendment to the Scheme to relax development controls relating to minimum lot size in order to permit a Second Dwelling.
279	11.09.2017	Remainder of Portion 8 (of 1) of Erf 25 Pietermaritzburg and Remainder of Erf 549 Pietermaritzburg		The Appendix 1 Application for the Relaxation of the Rear Space from 9m to 4,7m in order to establish a block of Flats, the Consolidation of Remainder of Portion 8 (of 1) of Erf 25 Pietermaritzburg and Remainder of Erf 549 Pietermaritzburg
280	16/02/99	Portion 593 of the Farm Vaalkop and Dadelfontein No. 885	66 Old Main Road	1) Despite the Requirements of Clause 5.5.4 of the Scheme, the Property May be Subdivided in Accordance with Plan No. 2386b, Dated September 1998, prepared by Tarboton Holder Ross & Partners. 2) Despite Clause <b>Error! Reference source not found.</b> (B) of the Scheme, the Municipality may consent to the further relaxation of the proposed Rem by not more than 30 % and only for the purpose of facilitating the execution of public works.
281	17/01/05	Lot 80 Ashburton	13 Pope Ellis Drive	Amendment to permit a residential building (conversion of stables into an 18 room guest house) Lot 80 Ashburton being 13 Pope Ellis Drive, Ashburton
282	01/01/08	Erf 54 Ashburton	10 Kinghorn Road	to establish Chalets, Restaurant and Conference Centre, 10 Kinghorn Road, #Erf 54 Ashburton
283	19/03/2009	Erf 248 Lynnfield Park	5 Margaret Avenue	To establish a boarding house (old age home)- Special Consent
280	14/08/2009	Erf 278 of Ashburton	10 Dely Crescent	Waiving of Special Consent to establish cluster housing
284	07/10/2009	Erf 61 Lynnfield Park	39 Margaret Road	Home Business (parking of 1 meter taxi)
285	20/02/2013	Portion 1 of Erf 259 Ashburton	5A pope Ellis Drive	Home Business- Chartered Services
286	24/10/13	Remainder of Erf 196 Ashburton	1 Thomtree Road	To establish an additional 'Special Building' boarding kennel

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287	09/01/2014	Erf 358 Ashburton	10 Kudu Drive	Home Business-Making and delivery of baked goods
288	12/02/2014	Erf 218 Ashburton	35 Old Main Road (R103)	To facilitate the establishment of two additional cluster foster homes in "Indawo Yethemba Children's Village"
289		Erf 331 and Erf 338, both of Ashburton Extension 4	22 McKay Drive & 10 Polly's Place	Removal of Restrictive Condition, namely the removal of the Notarial Title
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## APPENDIX 2: LIST OF LISTED BUILDINGS

No.	Property Description	Description of Building Structure	Details of Bulk Transfer	Remarks
1	Portion 1 of Erf 1772 PMB, being 65 Trelawney Road	Whole building		
2	Rem of 6 (of 1) of Erf 2314 and Portion 7 of Erf 2315, PMB, being 151 Pietermaritz Street	Whole building		
3	Rem of 1 of Erf 2313 PMB, being 131 Pietermaritz Street	Whole building		
4	Rem of Portion 5 of Erf 2621 PMB, being 212 Longmarket Street	Whole building		
5	Portion 9 (of 1) of Erf 2785 PMB, being 212 Longmarket Street	Whole building		
6	Portion 11 (of 9) of Erf 2615 PMB, being 202 Chapel Street	Whole building		
7	Rem of Erf 461 PMB, being 36 Buckingham Avenue	Whole building		
8	Rem of 3 of Erf 1943 PMB, being 18 Connaught Road	Whole building		
9	Rem of Erf 348 PMB, being 5 Hillside Road	Whole Building		
10	Rem of Erf 2928 PMB, being 278 Prince Alfred Street	Whole Building		
11	Portion 1 of Erf 3017 PMB, being 148 Loop Street	Whole Building		
12	Portion 4 of Erf 2402 PMB, being 4 McCallum Street	Whole Building		
13	Portion 1 and Portion 8 (of 2), of Erf 2420 PMB, being 207 Church Street	Whole Building		
14	Portion 6 (of 1) of Erf 2641 PMB, being 412 Longmarket Street	Whole Building		
15	Portion 3 and Rem of 1, of Erf 2718 PMB, being 181 Burger Street [Kelvin]	Whole Building		
16	Portion 2 of Erf 2564 PMB,	Whole Building		

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	being 15 Theatre Lane [Harwin's Arcade]			
17	Portion 13 and Portion 3, of Erf 2714 PMB, being 7 Leighton Street	Whole Building		
18	Erf 2833 PMB, being 11 Leighton Street	Whole Building		
19	Portion 11(of 1) of Erf 2714 PMB, being 13 Leighton Street	Whole Building		
20	Portion 3 of Erf 2713 PMB, being 14 Leighton Street	Whole Building		
21	Portion 15 of Erf 2714 PMB, being 17 Leighton Street	Whole Building		
22	Portion 4 of Erf 2713 PMB, being 20 Leighton Street	Whole Building		
23	Rem of 6 of Erf 2713 PMB, being 26 Leighton Street	Whole Building		
24	Portion 14 of Erf 2713 PMB, being 30 Leighton Street	Whole Building		
25	Rem of Erf 2642 PMB, being 428 Longmarket Street [House Ripkin]	Whole Building		
26	Portion 6 of Erf 2612 PMB, being 123 Loop Street	Whole Building		
27	Portion 21 of Erf 2313 PMB, being 134 Berg Street	Whole Building		
28	Portion 10 of Erf 2312 PMB, being 10 Deanery Lane	Whole Building		
29	Portion 19 (of 2) and Portion 20 (of 4), of Erf 2313 PMB, being 11 Deanery Lane	Whole Building		
30	Portion 5 of Erf 2312 PMB, being 12 Deanery Lane	Whole Building		
31	Portion 16 (of 2) and Portion 17 (of 4), of Erf 2313 PMB, being 13 Deanery Lane	Whole Building		
32	Portion 6 of Erf 2312 PMB, being 14 Deanery Lane	Whole Building		

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33	Portion 15 9(of 2) and Portion 18 (of 4) of Erf 2313 PMB, being 15 Deanery Lane	Whole Building		
34	Portion 9 (of 5) and Portion 10 (of 6) of Erf 2313 PMB, being 15A Deanery Lane	Whole Building		
35	Portion 7 of Erf 2312 PMB, being 16 Deanery Lane	Whole Building		
36	Portion 14 of Erf 2313 PMB, being 17 Deanery Lane	Whole Building		
37	Portion 11 (of 1) and Portion 3 (of 2) of Erf 2313 PMB, being 21 Deanery Lane	Whole Building		
38	Portion 20 (of 12) of Erf 2729 and Portion 6 (of 1) of Erf 2730 PMB, being 39/19A Henrietta Street	Whole Building		
39	Portion 1 of Erf 1622 PMB, being 231 Old Howick Road ["Ketelfontein"]	Whole Building		
40	Portion 23 (of 4) of Erf 2522 PMB, being 11 Carlyle Arcade	Whole Building		
41	Portion 5 (of 1) of Erf 2314 PMB, being 49 Pietermaritz Street	Whole Building		
42	Rem of 1 of Erf 2787 PMB, being 326 Burger Street	Whole Building		
43	Rem of 2 of Erf 2701 PMB, being 11 Burger Street	Whole Building		
44	Erf 1963 PMB, being 296 Bulwer Street	Whole Building		
45	Rem of 5 of Erf 2612 PMB, being 121 Loop Street	Whole Building		
46	Portion 1 of Erf 2668 PMB, being 25 Loop Street	Whole Building		
47	Erf 1966 PMB, being 46 Braid Street	Whole Building		
48	Rem of 1 of Erf 2935 PMB, being 359 Bulwer Street	Whole Building		
49	Portion 14 (of 12) of Erf 2221 PMB, being 4	Whole Building		

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	Stranack Street			
50	Rem of 4 of Erf 2221 PMB, being 218 Boom Street	Whole Building		
51	Rem of 1 of Erf 2798 PMB, being 431 Prince Alfred Street	Whole Building		
52	Rem of 2 of Erf 2742 PMB, being 420 Loop Street	Whole Building		
53	Portion 1 of Erf 2602 PMB, being 11 Loop Street	Whole Building		
54	Portion 5 of Erf 2627 PMB, being 270 Longmarket Street	Whole Building		
55	Portion 5 of Erf 2719 PMB, being 190 Loop Street	Whole Building		
56	Portion 5 of Erf 2935 PMB, being 350 Prince Alfred Street	Whole Building		
57	Portion 31 (of 6) of Erf 2523 PMB, being 27 Chancery Lane	Whole Building		
58	Portion 2 of Erf 2930 PMB, being 311 Bulwer Street	Whole Building		
59	Portion 1 of Erf 3014 PMB, being 122 Loop Street	Whole Building		
60	Portion 7 of Erf 2718 PMB, being 180 Loop Street	Whole Building		
61	Lot 2164 PMB, being 12 Oxford Street	Whole Building		
62	Portion 1 of Erf 2622 PMB, being 218 Longmarket Street	Whole Building		
63	A portion of Erf 1887, Rem of Erf 534 and Portion 13 of Erf 534 PMB, being the City Electrical Engineer's stores and workshops, Havelock Road	Whole Building		
64	Portion 7 of Erf 2714 PMB, being 15 Leighton Street	Whole building		
65	Portion 7 (of 4) of Erf 2618 PMB, being 180 Longmarket Street [Mc Auslin's Chambers]	Whole building		
66	Rem of 5 of Erf 2790 PMB, being 352 Burger Street	Whole building		

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67	Portion 3 of Erf 2813 PMB, being 366 Burger Street	Whole building		
68	Portions 7 and 8 (of 1), of Erf 2409 PMB, being 91 - 99A Church Street	Whole building		
69	Rem of Erf 254 PMB, being 189 East Street [Soofie Mosque]	Whole building		
70	Portion 11 (of 9) of Erf 2715 PMB, being 151 Burger Street	Whole building		
71	Erf 2832 PMB, being 19 Killarney Terrace [Strathallan]	Whole building		
72	Portion 33 (of 7) of Erf 2523 PMB, being 2 Change Lane [Hoskings Chambers]	Whole building		
73	Rem of 3 of Erf 2206 PMB, being 63 West Street	Whole building		
74	Portion 12 of Erf 2713 PMB, being 134 Loop Street	Whole building		
75	Rem of (6 of 4) of Erf 2620 PMB, being 204 Longmarket Street	Whole building		
76	Portion 6 of Erf 2520 PMB, being 201 Longmarket Street	Whole building		
77	Rem of Erf 2523 PMB, being 230 Church Street [Gray's Inn]	Whole building		
78	Rem of 2 of Erf 92 PMB, being 485 Town Bush Valley Road	Whole building		
79	Portions 856 and 857 of Erf 785 Northdale, being 386/8 Bombay Road	Cork Oak Tree		
80	Rutland Road, King Edward Avenue, Park Drive	Tramway Tracks		
81	Rem of Erf 2814 PMB, being 280 Loop Street	Whole building		
82	Rem of Erf 25 PMB, [Alexandra Park]	Bandstand		
83	Rem of Erf 25 PMB,	Mc Farlane Bridge		

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	[Alexandra Park]			
84	Rem of Erf 25 PMB [Alexandra Park]	Pavilion Building		
85	Erf 11 (of 1) of Erf 2312 PMB, being 8 Deanery Lane	Whole building		
86	Rem of Erf 2122 PMB, being 227 Boom Street	Whole building		
87	Rem of 16, Portion s 1, 17 (of 16) and 19 (of 10), of Erf 2319 PMB, being 191 Pietermaritz Street	Double storey building		
88	Rem of 4 of Erf 2934 PMB, being 340 Prince Alfred Street	Whole building		
89	Portion 3 (of 1) of Erf 2329 PMB, being 295 Pietermaritz Street	Double storey office building		
90	Portion 17 (of 2) of Erf 54 PMB, being 308 Alexandra Road	Whole building		
91	Rem of 15, Rem of 16 and Portion 17 (of 16) of Erf 2207 PMB, being 15 Walker Street	Whole building		
92	Rem of 2 of Erf 564 PMB, being 9 Lewis Road	Whole building		
93	Rem of Erf 2747 PMB, being 472 Loop Street	Whole building		
94	Portion s 11 (of 5) and 4, of Erf 2601 PMB, being 193 Pine Street	Whole building		
95	Portion 2 of Erf 1940 PMB, being 8 New England Road	Whole building		
96	Rem of 10 of Erf 1824 PMB, being 149 Howick Road	Whole building		
97	Rem of Erf 1052 PMB, being 9 Morcom Road	Whole building		
98	Portion 3 of Erf 2472 PMB, being 146 Pietermaritz Street	Whole building		
99	Portion 5 of Erf 2306 PMB, being 101 West Street	Whole building		
100	Portion 4 (of 3), Rem of 1, Rem of 3 and Portion 17	Whole building		

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	(of 1), of Erf 2428 PMB, being 285 Church Street: [Henwoods Building]			
101	Portion 15 of Erf 804 PMB, being 5 Kenwyn Avenue:	Whole building		
102	Portion 4 of Erf 2201 PMB, being 63 Pine Street	Whole building		
103	A portion of Rem and Portion 3 (of 2), of Erf 2622 and a portion of Erf 2623, PMB, being 231 Loop Street	Pair of Trichelia Emetica Trees		
104	Erfs 1688 and 1689 PMB, and a portion of Rem of Townlands on and adjoining 91-99 Jesmond Road	Group of Acacia Sieberiana Trees		
105	Road Reserve adjoining Portion 33 of Erf 1825 PMB, being 46 Lindup Road	Group of Trees		
106	A portion of Rem of Townlands in vicinity of intersection of Villiers Drive and Roberts Road	Acacia Sieberiana var Woodii Tree		
107	Portion 2 of Erf 115 PMB, being 16 Yalta Road	Whole Building		
108	Portion 3 of Erf 576 and Portion 3 of Erf 526, being 74 Uplands Road	Whole Building		
109	Rem of Erf 2638 PMB, being 380 Longmarket Street	Whole Building		
110	Portion 3 of Erf 2839 PMB, being 14 Loop Street	Whole Building		
111	A portion of Portion 381 of Erf 1913 PMB, being 139-201 King Edward Avenue and off Milner Road	Main buildings		
112	Rem of Erf 1266 PMB, being 70 Tanner Road	Whole building		
113	Portion 118 of Erf 1913 PMB, being 24 King Edward Avenue	Brick Boundary Wall		
114	Portion 2 of Erf 2702 PMB, being 25 Burger Street	Whole Property		
115	Portion 7 of Erf 2839 PMB,	Whole Property		

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	being 12 Shepstone Avenue			
116	Portion 13 of 9 of Erf 2702 and Portion 7 of Erf 2703 PMB, being 13 Shepstone Avenue	Whole Property		
117	Portion 10 of 4 of Erf 2702 PMB, being 14 Shepstone Avenue	Whole Property		
118	Rem of 4 of Erf 2702 PMB, being 18 Shepstone Avenue	Whole Property		
119	Portion 14 (of 3) of Erf 2702 PMB, being 22 Shepstone Avenue	Whole Property		
120	Rem of 3 of Erf 2702 PMB, being 26 Shepstone Avenue	Whole Property		
121	Portion 44 (of 43) of Erf 545 PMB, being 55 Oribi Road	Whole Property		
122	Erf 2269 PMB, being 236/238 Boom Street	Whole Property		
123	Portion 2 of Erf 2164 PMB, being 14 Oxford Street	Whole Property		
124	Lot 1779 PMB, being the Italian Prisoner of War Church, Epworth Road	Whole Property		
125	Erf 2564 PMB, being 10 Timber Street (Harwins Arcade)	Whole Property		
126	Rem of 9 and Portion 8, of Erf 2416 PMB, being 133 Chapel Street	Whole Property		
127	Portion 1 of Erf 2741 PMB, being 410 Loop Street	Whole Property		
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### APPENDIX 3: REGISTER OF MANAGEMENT OVERLAYS

REGISTER OF MANAGEMENT OVERLAYS				
Name of Management Overlay	Function of Overlay	Reference No.	Scale	Date
Agriculture Management Overlay (AMO)-Amended	To protect and manage areas that are already developed that have a very high agricultural potential	AMO/01/17	1:259 056	July 2021
Environmental Management Overlay (EMO)-Amended	To protect and manage of environmentally sensitive areas.	EMO/02/17	1:275 000	July 2021
Densification Zone Management Overlay (DZMO)-Amended	To identify areas earmarked for densification purposes as per the SDF and LAP intentions	DZMO/03/17	1:256 587	July 2021
Heritage Resources Management Overlay (HRMO)	To protect and manage heritage and cultural resources.	HRMO/04/17	1:236 956	July 2021
Land Use Management Overlay (LUMO)-Amended	To identify areas earmarked for certain land use purposes as per the spatial intentions of the SDF and any other adopted spatial strategic policies and plans within the Municipality.	LUMO/05/17	1:182 000	July 2021

**Commented [ZM563]:** Amended with new layer of Protected Agricultural Areas

**Commented [ZM564]:** Amended with the latest information from EKZN

**Commented [ZM565]:** Amended with the inclusion of LAP densification intentions

**Commented [ZM566]:** Amended with the latest adopted Municipal LAP

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#### APPENDIX 4: REGISTER OF DEVELOPMENT APPLICATIONS LODGED

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## APPENDIX 5: REGISTER OF AMENDMENTS TO THE SCHEME

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**APPENDIX 6: DFA APPROVALS**

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## APPENDIX 7: SCHEDULE OF PROPERTIES ZONED "SPECIAL AREA 14"

SPECIAL AREA 14: Boom Street	STREET ADDRESS	PROPERTY DESCRIPTION
	166 Boom Street	Rem of Erf 2217 PMB
	167 Boom Street	Rem of 1 of Erf 2117 PMB
	169 Boom Street	Portion 7 (of 1) of Erf 2117 PMB
	173 Boom Street	Rem of 6 of Erf 2117 PMB
	177 Boom Street	Rem of 5 of Erf 2117 PMB
	178 Boom Street	Sub 2 of Erf 2217 PMB
	180 Boom Street	Portion 8 (of 2) of Erf 2218 PMB
	181 Boom Street	Rem of Erf 2118 PMB
	182 Boom Street	Erf 10 (of 9) of Erf 2218 PMB
	183 Boom Street	Portion 5 of Erf 2118 PMB
	184 Boom Street	Portion 11 (of 9) of Erf 2218 PMB
	185 Boom Street	Rem of 1 of Erf 2219 PMB
	190 Boom Street	Rem of Erf 2219 PMB
	191 Boom Street	Portion 2 of Erf 2119 PMB
	193 Boom Street	Rem of Erf 2119 PMB
	195 Boom Street	Portion 3 of Erf 2119 PMB
	199 Boom Street	Rem of Erf 2120 PMB
	200 Boom Street	Portion 6 of Erf 2220 PMB
	201 Boom Street	Portion 4 (of 2) of Erf 2120 PMB
	202 Boom Street	Portion 7 of Erf 2220 PMB
	203 Boom Street	Portion 7 (of 2) of Erf 2120 PMB
	206 Boom Street	Rem of Erf 2220 PMB
	208 Boom Street	Rem of 3 of Erf 2220 PMB
	208A Boom Street	Erf 2257 PMB
	208B Boom Street	Portion 10 (of 3) of Erf 2220 PMB
	210 Boom Street	Rem of 12 of Erf 2221 PMB
	213 Boom Street	Erf 2171 PMB
	215 Boom Street	Rem of 2 and Portion 8 (of 1), of Erf 2121 PMB
	218 Boom Street	Portion 4 of Erf 2221 PMB
	220 Boom Street	Portion 3 (of 1) of Erf 2222 PMB
	221 Boom Street	Portion 5 (of 2) of Erf 2122 PMB
	223 Boom Street	Rem of 2 of Erf 2122 PMB
	24 Boom Street	Rem of 1 of Erf 2222 PMB
	227 Boom Street	Rem of Erf 2122 PMB
	229 Boom Street	Rem of Erf 2123 PMB
	230 Boom Street	Rem of Erf 2223 PMB
	231 Boom Street	Portion 5 of Erf 2123 PMB
	232/4 Boom Street	Portions 7 (of 1) and 8 (of 2), of Erf 2223 PMB
	238 Boom Street	Erf 2269 PMB
	239 Boom Street	Portion 3 of Erf 2123 PMB
	240 Boom Street	Portion 9 (of 2) of Erf 2224 PMB
	241 Boom Street	Portion 1 of Erf 2124 PMB
	247 Boom Street	Portion 9 of Erf 2124 PMB
	Off Boom Street	Rem of Erf 2124 PMB
	Off Berg Street	A portion of Erf 2268 PMB
	239 Berg Street	Portion 7 of Erf 2224 PMB
	52 Commercial Road	A portion of Erf 2177 PMB

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	4 Stranack Street	Portion 14 (of 12) of Erf 2221 PMB
	5 Stranack Street	Portions 11 (of 4) and 6 (of 1), of Erf 2221 PMB
	7 Stranack Street	Portions 5 (of 4) and 6 (of 4), of Erf 2221, and Portions 4 (1) and 5 (of 1), of Erf 2222, PMB

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## APPENDIX 8: PARKING REGULATIONS (AMENDED)

1. All parking shall be provided on the site of the development proposed.
2. Where the use proposed is not contained in this document, parking shall be provided at the discretion of the Municipality.
3. Below are the minimum parking requirements, the Municipality may require parking to be provided at a higher rate than specified in this Land Use Scheme.

LAND USE	ON-SITE PARKING REQUIREMENTS	LOADING REQUIREMENTS
<b>AGRICULTURE</b>		
Abattoir	Parking provided to the satisfaction of the Municipality	Loading and unloading to be provided to the satisfaction of the municipality
Agricultural Building	Parking provided to the satisfaction of the Municipality	Loading and unloading to be provided to the satisfaction of the municipality
Agri-tourism Facility	Parking provided to the satisfaction of the Municipality	N/A
Farm Stall	1 bay per 2 stalls	1 loading space per 30 m <sup>2</sup> floor area or part thereof
<b>CIVIC, SOCIAL AND ADMINISTRATIVE</b>		
Cemetery	Parking provided at the discretion of the Municipality	Loading and unloading to be provided to the satisfaction of the municipality
Health Facility and Medical Centres	1 bay per bed, plus 2 bays/ 100m <sup>2</sup> of Office area and 6 bays/ 100m <sup>2</sup> of consulting area	Loading and unloading to be provided at the discretion of the municipality
College	1 bay for every four students and members of staff	Loading and unloading to be provided at the discretion of the municipality
Crèche	1 bay per classroom and office	N/A
Educational Purposes	Parking provided for staff together with a suitable pick up and drop off facilities to the satisfaction of the municipality	Loading and unloading to be provided to the satisfaction of the municipality
Government/Municipal	Parking provided at the discretion of the Municipality	Loading and unloading to be provided to the satisfaction of the municipality
Infant school, primary school and secondary school	1 bay per classroom and office, in addition to a loading / off-loading area, to the satisfaction of the Municipality	N/A
Institutional uses	1 bay for every 3 habitable rooms	Loading and unloading to be provided to the satisfaction of the municipality
Museum and Libraries	20 bays per 100m <sup>2</sup> of gross floor area	1 loading and unloading bay
Place of Public Assembly	1 bay for every 3 seats	Loading and unloading to be provided at the discretion of the municipality
Place of Worship	1 bay per 10m <sup>2</sup> of net building area used by the congregation. Provided that the Municipality may grant its consent for	N/A

Commented [ZM567]: Amended from 15m<sup>2</sup> to 10m<sup>2</sup>

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	the partial or total relaxation of the parking requirement	
Private Hospital	1 bay per bed, in addition to parking required for any consulting rooms	Loading and unloading to be provided at the discretion of the municipality
Social Hall	1 car parking space for every 10m <sup>2</sup> of nett hall space.	Loading and unloading to be provided to the satisfaction of the municipality
University	1 bay for every three students and members of staff	Loading and unloading to be provided at the discretion of the municipality
<b>COMMERCIAL/MIXED USE/ENTERTAINMENT</b>		
Arts and Craft Workshop	Parking provided at the discretion of the Municipality	Loading and unloading to be provided to the satisfaction of the municipality
Banks and building societies	1 bay per 25m <sup>2</sup> of nett space	Loading and unloading to be provided to the satisfaction of the municipality
Betting Depot	10 bays per 100m <sup>2</sup>	Loading and unloading to be provided at the discretion of the municipality
Business Purposes	10 bays per 100m <sup>2</sup> of gross floor area.	Loading and unloading to be provided to the satisfaction of the municipality
Shops	1,2m <sup>2</sup> of gross parking area per 1m <sup>2</sup> of gross floor area.	Loading and unloading to be provided to the satisfaction of the municipality
Café	5 bays per 100m <sup>2</sup> of gross floor area	1 loading and unloading bay
Car Wash	4 bays per working bay	N/A
Casino	1 bay per 25m <sup>2</sup> of gross floor area	1 loading and unloading bay
Conference Facility	4 bays per 100m <sup>2</sup>	Loading and unloading to be provided to the satisfaction of the municipality
Convenience Shop	1 bay per 25 m <sup>2</sup> of gross floor area	1 loading and unloading bay
Convention Centre	2 bays per 3 seats or 20 bays per 100m <sup>2</sup> . In addition 2 bays per 100m <sup>2</sup> of office area	1 loading and unloading bay
Exhibition Centre	1 bay for every 3 seats	1 loading and unloading bay
Fast Food Outlet	10 bays per 100 m <sup>2</sup> of gross floor area	1 loading and unloading bay
Flea Market	Parking provided to the satisfaction of the Municipality	Loading and unloading to be provided to the satisfaction of the municipality
Funeral Parlour	5 bays per 100m <sup>2</sup> of gross floor area	1 loading and unloading bay
Garden Nursery	Parking provided to the satisfaction of the Municipality	Loading and unloading to be provided to the satisfaction of the municipality.
Health Studio	5 bays per 100m <sup>2</sup> of gross floor area	1 loading and unloading bay
Night Club	10 bays per 100m <sup>2</sup> of gross floor area	1 loading and unloading bay
Petrol Filling Station	2 bays per 100m <sup>2</sup> or portion thereof of office area	1 loading and unloading bay
Place of Public Entertainment	1 bay for every five seats	Loading and unloading to be provided to the satisfaction of the municipality
Restaurant	10 bays per 100 m <sup>2</sup> of gross floor area	1 loading and unloading bay

**Commented [ZM568]:** Amended from 5m<sup>2</sup> to 10m<sup>2</sup>

**Commented [z569]:** Amended from 1,2m<sup>2</sup> of gross parking area per 1m<sup>2</sup> of gross floor area.

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Shopping Centre: ▪ Neighbourhood (5000m <sup>2</sup> ) ○ Community (5000-15000 m <sup>2</sup> ) • Regional (15 000 m <sup>2</sup> and greater)	▪ 7 bays per 100 m <sup>2</sup> of gross floor area ○ 6 bays per 100 m <sup>2</sup> of gross floor area • 5 bays per 100 m <sup>2</sup> of gross floor area	Loading and unloading to be provided to the satisfaction of the municipality
Tavern	1 bay per 25 m <sup>2</sup> of gross floor area	Loading and unloading to be provided to the satisfaction of the municipality
Mortuary	5 bays per 100m <sup>2</sup>	Loading and unloading to be provided to the satisfaction of the municipality
<b>ENVIRONMENTAL AND RECREATION</b>		
Bird Sanctuary	Parking provided to the satisfaction of the Municipality	N/A
Botanical Garden	Parking provided at the discretion of the Municipality	Loading and unloading to be provided to the satisfaction of the municipality
Camping Ground	Parking provided at the discretion of the Municipality	N/A
Conservation Area	Parking provided to the satisfaction of the Municipality	N/A
Eco-tourism Facility	Parking provided to the satisfaction of the Municipality	Loading and unloading to be provided to the satisfaction of the municipality
Game Reserve	Parking provided to the satisfaction of the Municipality	Loading and unloading to be provided to the satisfaction of the municipality
Nature Reserve	Parking provided to the satisfaction of the Municipality	Loading and unloading to be provided to the satisfaction of the municipality
Private Open Space	Parking provided at the discretion of the Municipality	Loading and unloading to be provided to the satisfaction of the municipality
Private Recreation Area	Parking provided at the discretion of the Municipality	Loading and unloading to be provided to the satisfaction of the municipality
Public Open Space	Parking provided at the discretion of the Municipality	Loading and unloading to be provided to the satisfaction of the municipality
Recreational Purposes	Parking provided at the discretion of the Municipality	Loading and unloading to be provided to the satisfaction of the municipality
Sport Field	1 bay per 4 seats	1 loading and unloading bay
<b>INDUSTRIAL</b>		
Light Industrial Buildings, Motor Workshops, Service Industrial Buildings, Service Workshops and Special Buildings	A parking area equal to 15% of the total floor area of the main Building or Buildings, or equal to 10% of the Site area, save with the consent of the Municipality	Loading and unloading to be provided to the satisfaction of the municipality
Industrial Buildings, Light Industrial Buildings, Service Industrial Buildings and Service Workshops	A gross area equal to 15% of the total Floor area of the main Building or Buildings, or equal to 10% of the erf area, whichever is the greater, save with the consent of the Municipality	1 loading and unloading bay
Motor Workshop	2 bays per 100m <sup>2</sup> of gross floor area similar to Motor sales premises	1 loading and unloading bay

Commented [ZM570]: New addition

Commented [ZM571]: New addition as per comments received

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Motor Sales Premises	2 bays per 100m <sup>2</sup> of gross floor area	1 loading and unloading bay
Warehouse	1 bay per 100m <sup>2</sup> of gross floor area (min 3 bays), in addition 2 bays per 100m <sup>2</sup> of office area	1 loading and unloading bay
<b>RESIDENTIAL</b>		
Bed and Breakfast	1 bay per rented room, or 1 bay per 25m <sup>2</sup> . No more than 2 vehicles form home use	N/A
Boarding House	1 bay per tenant's room. Parking for tertiary student accommodation can be waived at the discretion of the Municipality, if the tenants do not own motor vehicles. Plus an additional 1 bay for the owner/manager	Loading and unloading to be provided to the satisfaction of the municipality
Dwelling (1 & 2 bedrooms) Dwelling (3 & more bedrooms) Visitors	1 bay per dwelling 2 bay per dwelling 0,5 bay per dwelling	N/A
Flat	1 bay for every Flat. In addition, 0,5 bay to accommodate visitors. Such on-site parking shall be located behind the building line and free of the side and rear space, save with the consent of the Municipality, provided that the Municipality may impose conditions relating to screening, landscaping, etc. Open parking bays should be permitted over building lines without municipal consent.	Loading and unloading to be provided at the discretion of the municipality
Home Business	The business shall not involve the regular parking of more than two vehicles. In addition, parking to be at the rear of the dwelling where possible	Loading and unloading to be provided to the satisfaction of the municipality
Hostel	1 bay per rented room.	Loading and unloading to be provided at the discretion of the municipality
Hotel	1 bay for every habitable room and, in addition to the foregoing, a further fifteen parking spaces in the case of a hotel having public bars. Such on-site parking shall be located behind the Building Line and free of the side and rear space, save with the consent of the Municipality, provided that the Municipality may impose conditions relating to screening, landscaping, etc. Open parking bays should be permitted over building lines without municipal consent.	1 loading and unloading bay
Medium Density Housing	2 bay for every Dwelling at least 1 of which shall be under cover. In addition, 2 bay s for visitors shall be provided for every three dwellings. Such on-site parking shall be located behind the building line and free of the side and rear space, save with the	N/A

Commented [ZM572]: Amended

Commented [z573]: New addition

Commented [z574]: New addition

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	consent of the Municipality, provided that the Municipality may impose conditions relating to screening, landscaping, etc. <b>Open parking bays should be permitted over building lines without municipal consent.</b>	
Residential Building, other than Flats, hotels and <b>Medium Density Housing</b>	1 bay for every 2 habitable rooms. In addition, 0,5 bay per unit to accommodate visitors parking. <b>Open parking bays should be permitted over building lines without municipal consent.</b>	Loading and unloading to be provided at the discretion of the municipality
Retirement Centre	1 bay per unit plus 2 bay per 100m <sup>2</sup> of office area. In addition 0,5 bay per unit to accommodate visitors.	1 loading and unloading bay
<b>Parking of vehicles above 5 ton of mass are expressly prohibited within Special Residential, Intermediate Residential and General Residential Zones, save with consent from the Municipality.</b>		
<b>Maximum permissible parking facilities for dwellings: 1 bay per bedroom and above such provisions, a consent from adjoining neighbour and a motivation from the property owner shall be required before an approval is granted.</b>		
<b>TRANSPORT</b>		
Airport	Parking provided at the discretion of the Municipality	Loading and unloading to be provided to the satisfaction of the municipality
Bus and Taxi Rank	Parking provided at the discretion of the Municipality	Loading and unloading to be provided to the satisfaction of the municipality
<b>TOURISM</b>		
Tourism Activities	Parking provided at the discretion of the Municipality	Loading and unloading to be provided to the satisfaction of the municipality
Eco-tourism Facility	Parking provided at the discretion of the Municipality	Loading and unloading to be provided to the satisfaction of the municipality
<b>OFFICE</b>		
Office	<ul style="list-style-type: none"> <li>1 bay for every 25m<sup>2</sup> of nett office space, other than offices wherein medical or dental practitioners are to be accommodated.</li> <li>1 bay for every 15m<sup>2</sup> of nett office space wherein medical or dental practitioners are to be accommodated.</li> </ul>	Loading and unloading to be provided to the satisfaction of the municipality
Specialised Offices, other than medical/dental practices	1 bay per 40m <sup>2</sup> of nett Office space	Loading and unloading to be provided to the satisfaction of the municipality
Veterinary Clinic	1 bay per 50m <sup>2</sup> or portion thereof gross office area	Loading and unloading to be provided to the satisfaction of the municipality
Office Park	1 bay per 50m <sup>2</sup> or portion thereof gross office area	Loading and unloading to be provided to the satisfaction of the municipality
Medical Office	1 bay for every 25m <sup>2</sup> of nett office space	Loading and unloading to be provided to the satisfaction of the municipality

**Commented [z575]:** New addition

**Commented [ZM576]:** Inclusion of MDH

**Commented [ZM577]:** Amended from requiring municipal consent to being allowed

**Commented [ZM578]:** New addition as per comments received

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ALL OTHER USES		
Other uses not specified	At the discretion of the Municipality	Loading and unloading to be provided to the satisfaction of the municipality
ADDITIONAL PARKING PROVISIONS SPECIFIC TO SOBANTU		
<ol style="list-style-type: none"> <li>On- site parking for residential buildings less than 2000m<sup>2</sup> shall have no minimum parking requirements and for residential buildings more than 2000m<sup>2</sup> shall observe 1 parking space per dwelling unit.</li> <li>On- site parking for shops less than 2000m<sup>2</sup> shall have no minimum parking requirements and for shops with more than 2000m<sup>2</sup> to 2 999m<sup>2</sup> shall observe 3 parking spaces per 100 m<sup>2</sup> of shopping floor area, and shops with a site extent of 3000m<sup>2</sup> and over shall observe 4 parking spaces per 100 m<sup>2</sup> of shopping floor area.</li> <li>On- site parking for offices less than 2000m<sup>2</sup> shall have no minimum parking requirements and for offices with more than 2000m<sup>2</sup> shall observe parking spaces per 100m<sup>2</sup> of office floor area.</li> <li>On- site parking for an industry and a business with less than 2000m<sup>2</sup> shall have no minimum parking requirements and for an industry and a business with more than 2000m<sup>2</sup> shall observe 1 parking space per 100m<sup>2</sup> of floor area.</li> </ol>		
ADDITIONAL PARKING PROVISIONS SPECIFIC TO GREATER EDENDALE		
<ol style="list-style-type: none"> <li>On-site parking requirements for shops, banks, building societies, medical consulting room and restaurants less than 500m<sup>2</sup> shall be nil.</li> <li>On-site parking Shops, banks, building societies, medical consulting room and restaurants which have a site extent of 500m<sup>2</sup> up to 2999m<sup>2</sup> shall have a minimum parking of three spaces per 100 m<sup>2</sup> of floor area and minimum loading area/space of one space per 100m<sup>2</sup> of floor area.</li> <li>On-site parking for all the above mentioned uses with an extent of 3000m<sup>2</sup> and over shall have a minimum parking of four spaces per 100m<sup>2</sup> of floor area and minimum loading area/space of one space per 100 m<sup>2</sup> of floor area.</li> <li>All other uses for business purposes other than those aforementioned shall have a minimum parking space of two spaces per 100m<sup>2</sup> of floor area.</li> <li>All industrial uses shall have one parking space per 100m<sup>2</sup> of floor area and minimum loading space/area of one space per 1000m<sup>2</sup>.</li> </ol>		

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## APPENDIX 9: AMENDMENTS TO SPECIAL AREA AND SPECIAL BUSINESS AREA ZONE NUMBERS

AMENDMENTS TO SPECIAL AREA AND SPECIAL BUSINESS ZONE NUMBERS	
Special Area	
Existing Special Area Number	Changed to:-
Special Area 3: 2 Leinster Road	Special Area 1: 2 Leinster Road
Special Area 5: 1 Beaumont Road	Special Area 2: 1 Beaumont Road
Special Area 7: Bulwer/Fleet Street	Special Area 3: Bulwer/Fleet Street
Special Area 8: 63 Pietermaritz Street	Special Area 4: 63 Pietermaritz Street
Special Area 9: Bangalore/Mysore Road	Special Area 5: Bangalore/Mysore Road
Special Area 11: Racecourse	Special Area 6: Racecourse
Special Area 14: Bird Sanctuary site	Special Area 7: Bird Sanctuary site
Special Area 15: 276 Murray Road	Special Area 8: 276 Murray Road
Special Area 17: Town Bush Road garden centre	Special Area 9: Town Bush Road garden centre
Special Area 19: 771 Town Bush Road – Waltdorf	Special Area 10: 771 Town Bush Road – Waltdorf
Special Area 20: Worlds View	Special Area 11: Worlds View
Special Area 23: Redlands	Special Area 12: Redlands
Special Area 24: Camps Drift Park	Special Area 13: Camps Drift Park
Special Area 25: Boom Street	Special Area 14: Boom Street
Special Area 26: Wigford/Trent Road	Special Area 15: Wigford/Trent Road
Special Area 27: 151 Morcom Road	Special Area 16: 151 Morcom Road
Special Area 28: Northway Mall	Special Area 17: Northway Mall
Special Area 29: RAS Site	Special Area 18: RAS Site
Special Area 30: Woodburn/Collegians Site	Special Area 19: Woodburn/Collegians Site
Special Area 31: Liberty Mall	Special Area 20: Liberty Mall
Special Area 32: 61 Villiers Drive	Special Area 21: 61 Villiers Drive
Special Area 33: Victoria Country Club	Special Area 22: Victoria Country Club
Special Area 34: 1 and 3 Riverton Road	Special Area 23: 1 and 3 Riverton Road
Special Area 36: Almond Bank	Special Area 24: Almond Bank
Special Area 37: 528 Chota Motala Rd	Special Area 25: 528 Chota Motala Rd
Special Area 38: Corner of New England Rd and Hesketh Drive	Special Area 26: Corner of New England Rd and Hesketh Drive
Special Area 40: 4 and 6 Gough Road and 11 Hyslop Road	Special Area 27: 4 and 6 Gough Road and 11 Hyslop Road
Special Area 41: 19, 21 and 23 Hyslop Road: Athlone	Special Area 28: 19, 21 and 23 Hyslop Road: Athlone
Special Area 42: Rita Light Industrial Park	Special Area 29: Rita Light Industrial Park
Special Area 43: Hayfields Super Spar	Special Area 30: Hayfields Super Spar
Special Area 45: 26 New England Road and 14 and 16 Connaught Road: Scottsville	Special Area 31: 26 New England Road and 14 and 16 Connaught Road: Scottsville
Special Area: 12 and 14 Gough Road: Athlone	Special Area 32: 12 and 14 Gough Road: Athlone
Special Area: 50 Link Road	Special Area 33: 50 Link Road
Special Area: Between Henderson Road and George Macfarlane	Special Area 34: Between Henderson Road and George Macfarlane
Special Area: 301 Burger Street: Central Area	Special Area 35: 301 Burger Street: Central Area
Special Area: Acacia Park	Special Area 36: Acacia Park
Special Business Area	
Existing Special Business Area Number	Changed to:-
Special Business Area 3: Southgate	Special Business Area 1: Southgate
Special Business Area 4: Grimthorpe Avenue	Special Business Area 2: Grimthorpe Avenue
Special Business Area 5: 210 Ohrtmann Road	Special Business Area 3: Deleted
Special Business Area 6: Knipe/Williams Street	Special Business Area 4: Knipe/Williams Street

Commented [ZM579]: amended

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Special Business Area 7: Murphy/Garfield Street	Special Business Area 5: Murphy/Garfield Street
Special Business Area 8: 244-250 Boom Street	Special Business Area 6: 244-250 Boom Street
Special Business Area 9: Debi Place	Special Business Area 7: Debi Place
Special Business Area 11: 50 Durban Road	Special Business Area 8: 50 Durban Road
Special Business Area 12: Mill City	Special Business Area 9: Mill City
Special Business Area 13: Brookside Gardens	Special Business Area 10: Brookside Gardens
Special Business Area 15: 40 Durban Road	Special Business Area 11: 40 Durban Road
Special Business Area 16: 44 Durban Road	Special Business Area 12: 44 Durban Road
Special Business Area 17: 60 Durban Road	Special Business Area 13: 60 Durban Road
Special Business Area 19: 80 Roberts Road	Special Business Area 14: 80 Roberts Road
Special Business Area 20: 1 Durban Road	Special Business Area 15: 1 Durban Road
Special Business Area 21: Barloworld	Special Business Area 16: Barloworld
Special Business Area 22: Wildbreak	Special Business Area 17: Wildbreak
Special Business Area 23: 86 Roberts Road	Special Business Area 18: 86 Roberts Road
Special Business Area 24: 94 Roberts Road	Special Business Area 19: 94 Roberts Road
Special Business Area 25: 90 Roberts Road	Special Business Area 20: 90 Roberts Road
Special Business Area 26: 88 Roberts Rd	Special Business Area 21: 88 Roberts Rd
Special Business Area 27: Edendale Shopping Centre	Special Business Area 22: Edendale Shopping Centre
<b>AMENDED SPECIAL ZONES</b>	
Previous special zone designation	Amended to:-
Special Area 1: Racing Stables Site	Agriculture 2
Special Area 2: 10 Durban Road	Garage and Petrol Filling Station
Special Area 4: Lower Howick Road	General Residential 1
Special Area 6: 77 Allerton Road	Intermediate Residential
Special Area 10: 65 Trelawney Road	Office
Special Area 12: 18 Connaught Road	General Residential 2
Special Area 13: Connaught Road	General Residential 2
Special Area 16: 445 Town Bush Road	Intermediate Residential
Special Area 18: Troon Terrace	Intermediate Residential
Special Area 21: Prince Alfred Street-testing Ground	Light Industry
Special Area 22: 2-10 Chapel Street	Light Industry
Special Area 35: 545 Chota Motala Rod-Daymed medical Centre	Health and Welfare
Special Area 39: 19,21 and 25 Connaught Road	General Residential 3
Special Area 44: Midlands Hospital	Health and Welfare
Special Business Area 1: Pick'n Pay	Low Impact Mixed Use
Special Business Area 2: Nedbank Centre	Medium Impact Mixed Use
Special Business Area 10: Mayors Walk Centre	Medium Impact Mixed Use
Special Business Area 14: 50 Simeon Road	Low Impact Mixed Use
Special Business Area 18: Cascades Centre	Multi-Purpose Retail and Office
Special Business Area 3: 210 Orthoman Road	General Industry as per approved rezoning.

Commented [ZM580]: Updated as per approved rezoning

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## APPENDIX 10: SCHEDULE OF LAND USE ZONE CHANGES

Historic Land Use Zone	New Land Use Zone
Limited Business Zone	Low Impact Mixed Use
General Business Zone	Medium Impact Mixed Use
City Centre Zone	Core Mixed Use 1
Place of Worship	Worship
Light Industrial Zone	Light Industry
General Industrial Zone	General industry
Garage	Garage and Petrol Filling Station
Religious/Public Worship Zone	Worship
Conservation (previously a land reservation)	Protected Area 1
Government (previously a land reservation)	Municipal and Government
Municipal (previously a land reservation)	Municipal and Government
Administration	Municipal and Government
Agriculture	Agriculture 2
Conservation	Protected Area 1
Garden Lot 1 and 2	Equestrian Residential 1
Limited Commercial Zone	Low Impact Mixed Use
Local Authority Purposes (previously a land reservation)	Utilities and Services 1
Special Residential 1	Special Residential 1A
Special Residential 2	Special Residential 2A
Special Residential 3	Special Residential 3A

Commented [ZM581]: Addition from Ashburton Scheme

Commented [ZM582]: Addition from aashburton scheme

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## APPENDIX 11: WIRE-WALL PROJECTS

1. Amendment of the Msunduzi Land Use Scheme development controls applicable strictly to the Wire-wall Project.
2. The Council Resolution dated 08 February 2021, indicated below shall apply to this appendix

MSUNDUZI MUNICIPALITY  
CORPORATE SERVICES BUSINESS UNIT



EXTRACT FROM THE CONFIRMED MINUTES OF THE FULL COUNCIL MEETING HELD IN COUNCIL CHAMBER ON WEDNESDAY, 26 FEBRUARY 2020.

APPLICATION IN TERMS OF ITEM 2(1)(d) OF SCHEDULE 6 OF THE MSUNDUZI MUNICIPALITY SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, (2016) IN ORDER TO CORRECT AN ERROR IN THE WORDING OF THE DECISION, APPLICATION FOR MUNICIPAL APPROVAL IN TERMS OF THE PROVISIONS OF SECTIONS 46 (B) AND LAND USE MANAGEMENT BY-LAWS FOR THE AMENDMENT OF THE SCHEME FOR THE CREATION OF AN ADDITIONAL APPENDIX, APPENDIX 10, OF THE TOWN PLANNING SCHEME IN RESPECT OF ERVEN IN EDENDALE UNITS N,EE,S AND ERVEN 3956-4110 AND 4280-4302: PIETERMARITZBURG:

Report dated 20 February 2020 incorporating the recommendations of the Executive Committee (Page 1 of FCC 9 of 2020).

It was

### RESOLVED

- (a) That the FULL COUNCIL **NOTES** the recommendations of the Municipal Planning Tribunal Committee.
- (b) That 6.1 and 6.2 on the original report dated 17 February 2020 by the Manager: Town Planning [Acting] be set aside and be **REPLACED** by the following:-
- (c) That Council **APPROVES** the Amendment of the Msunduzi Municipality Land Use Scheme by including **Appendix 11** as captured below, which sets out the development Controls applicable strictly to the Wire-Wall Project.

#### **APPENDIX 11 -DEVELOPMENT CONTROLS FOR WIREWALL RECTIFICATION PROJECT.**

1. In addition to the general provisions of the Scheme, the following shall apply exclusively to the residential erven in Edendale Units N, EE, S, and Erven 3956-4110, and 4280-4302 Pietermaritzburg for the Wirewall Rectification Programme.

Minimum Lot size	Maximum Density	Minimum Frontage	Building line to road	Building Line to lane	Side Space	Rear Space	FAR	Coverage	Height
130 sq m	75 units / ha	8.0m	3.0m	1.0m	1.0m	1.0m	0.6	60%	3

#### **2. Building Lines, Side and Rear Spaces:**

- 2.1 Generally, all residential buildings and structures shall observe a Building Line of at least 3.0m onto roads and at least 1m onto access lanes. However, any existing building or structure which infringes these building lines may remain in place.
- 2.2 Generally, all residential buildings and structures, shall observe a Side Space of at least 1.0m. However, any existing building or structure which infringes this side space shall be allowed to remain in place.

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2.3 Generally, all residential buildings and structures shall observe a Rear Space of at least 1.0m. However, any existing building or structure which infringes this side space shall be allowed to remain in place.

2.4 All erven shall be deemed to have Special Consent for Medium Density Housing for a maximum of 4 dwelling units.

**Provision of On-site Parking:**

2.5 At least one on-site parking space shall be provided for each Dwelling Unit, save with the Special Consent of the Council.

- ✱ (d) That Council **NOTES** that such **Appendix 11** will only be applicable to and be meant for unblocking the Wire-Wall Project.
- (e) That Council **NOTES** that the approval of (c) and (d) above will result in a reduction of the demolishing cost of approximately **R5 000.000** (five million rand).
- (f) That an application for funds to the value of **R5 000.000** (five million rand) be made to the Department of Human Settlements to cover the costs of the demolitions not currently covered by the Wire-Wall Project funds.

*CERTIFIED A TRUE COPY*

**Bongiwe Duze**

.....  
**For GENERAL MANAGER: CORPORATE SERVICES**

08 February 2021

Municipal Manager's Representative: Mr S Dubazana (Tel: 033-3922763)  
Enquiries: Committee Officer: Bongiwe Duze (Tel: 033-39222769)  
Email: Bongiwe.duze@msunduzi.gov.za

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## APPENDIX 12: INTEGRATED ENVIRONMENTAL MANAGEMENT CHECKLIST

Commented [ZM583]: Addition from Ashburton Scheme

### 1. GENERAL INFORMATION

- 1.1. Developer's Name and Address;
- 1.2. Name and Address of the person/firm undertaking the Environmental Assessment:
- 1.3. Erf number:
- 1.4. Street Address;
- 1.5. Zoning:
- 1.6. Density controls:
- 1.7. Details of Application:
- 1.8. Size of Erf:
- 1.9. Road Access to Erf:

### 2. THE NATURAL ENVIRONMENT

- 2.1. Proximity of a stream or drainage line:
- 2.2. Effect on the proposal by the 1: 50 year floodline associated with the closest watercourse:
- 2.3. Proximity of a wetland:
- 2.4. Existing trees on the Erf:
- 2.5. Removal of trees to facilitate the development:
- 2.6. Terracing required to facilitate the development:
- 2.7. Pollution: -
  - 2.7.1. By products, emissions, solid and waste products generated during manufacturing
  - 2.7.2. Spent process materials or liquids resulting from the manufacturing process:
  - 2.7.3. Noise pollution - potential emissions:

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2.7.4. Air pollution - potential emissions:

2.7.5. Water pollution - potential emissions:

Waste disposal - proposed method of disposal:

2.8. Sources of energy to be used on site:

### **3. THE BUILT/CULTURAL ENVIRONMENT**

3.1. Existing structures:

3.1.1. Requirements for the demolition of any existing structures:

3.1.2. Process of demolition of existing structures and disposal of rubble:

3.2. Structures on properties adjacent to the boundaries of the application site

- (a) Above the site
- (b) To the right of the site
- (c) Below the site
- (d) To the left of the site

3.3. Archaeological or historical remains on the site:

3.4. Requirement for palliative measures to minimise the impact of the proposed use, with particular reference to design, landscaping, planting and refurbishment measures:

3.5. Impact on the general amenity of the area:

### **4. SOCIO-ECONOMIC ENVIRONMENT**

4.1. Provision of community facilities within the development or in close proximity to the site:

4.2. Creation of employment opportunities:

4.3. Requirement for the upgrading of physical infrastructure:

4.4. Use of machinery on the site:

4.5. Traffic Generation:

4.5.1. Vehicular traffic generated:

4.5.2. Pedestrian traffic generated:

4.6. Financial implications for the Ashburton Council:

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## 5. CONCLUSION, INTEGRATED ENVIRONMENTAL MANAGEMENT EVALUATION

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## APPENDIX 13: GENERAL CONDITIONS APPLICABLE TO MEDIUM DENSITY HOUSING

Commented [ZM584]: Addition from Ashburton Scheme

In addition to the general provisions of the Scheme, the following shall apply to a Medium Density Housing.

### 1. Provision of On-Site Parking

- 1.1. Two parking spaces shall be provided for every Dwelling with covered parking being designed in harmony with the Dwelling.
- 1.2. Visitor's parking shall be provided on the basis of 1 space per 2 Dwellings.
- 1.3. The minimum size of a visitor's parking space shall be 2,5 metres by 5 metres. However, when angled parking is provided, the minimum width shall be increased to 3,0 and 3,5 metres for 60° and 40° angled parking respectively.
- 1.4. On-Site parking shall be located behind the Front, Side or Rear Space save with the consent of the Municipality who may impose conditions relating to screening and landscaping.

### 2. Design of a Medium Density Housing

- 2.1. A Medium Density Housing shall be harmoniously designed to the satisfaction of the Municipality with careful attention being given to the aesthetic and functional aspects of the design.
- 2.2. When granting its consent, the Municipality shall have regard to and may impose any conditions concerning: -
  - (a) the goals and policies of the Ashburton Structure Plan;
  - (b) any objections received in response to the statutory advertisement;
  - (c) the nature and character of the uses surrounding the site;
  - (d) the physical characteristics of the site such as land form, gradient, soil types, surface drainage and vegetation cover;
  - (e) the design and disposition of the buildings;
  - (f) the suitability of proposed landscape treatment;
  - (g) the alignment of the internal carriageways and bridle paths and the positioning of driveways and parking spaces;
  - (h) the availability of external services which are supplied by the Municipality; and
  - (i) any other related matter.

### 3. Ownership and Management of a Medium Density Housing

- 3.1. In the event of the Curtilages being transferred to more than one person, the Municipality shall require that: -
  - (a) the Common Land shall be owned exclusively by the registered owners of the Curtilages in co-ownership; and

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(b) no co-owners shall be entitled to require the partition of the Common Land according to the proportion of his/her share.

- 3.2. A Body Corporate or Home Owner's Association shall be established. Such bodies shall administer and maintain the Common Land and internal services, control the external appearance of and extensions to buildings within the Medium Density Housing and deal with any other matters pertaining to the Medium Density Housing which is of interest to its members. The affairs of the Body Corporate or Home Owner's Association shall be regulated by Statute or a Memorandum and Articles of Association respectively. The Memorandum and Articles of Association shall have been submitted to the Municipality who shall have certified that it has no objections to these documents.
- 3.3. No Dwelling Curtilage within the whole or portion of the Medium Density Housing shall be transferred or separately registered before the whole Medium Density Housing, or the portion of the development within which the Curtilage is situated, has been developed to the satisfaction of the Municipality.
- 3.4. The maintenance of all internal services within a Medium Density Housing shall be the responsibility of the Body Corporate or Home Owner's Association established to administer the development.

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#### **APPENDIX 14: TEMPORARY DEPARTURES**

1. A Temporary Departure application is a development proposal departs from the permitted land uses in a specific zoning to allow for an activity that is not provided for in the Land Use Scheme zoning.
2. The municipality will only grant the land use if it is satisfied that the use is temporary in nature.
3. A temporary departure approval is for a set period of time up to a maximum of three years, after which the temporary right expires. Once the temporary use approval expires, a new application will be required to be lodged with the Municipality. Temporary land use departures are normally unique in each instance.
4. The proposal shall follow the procedures outlined under Schedule 5 of the Msunduzi SPLUMA Bylaws excluding Clause 1.1

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