



Ashburton Land Use Scheme

Adoption Date: 04 October 2018

MSUNDUZI MUNICIPALITY
ASHBURTON LAND USE SCHEME

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MSUNDUZI MUNICIPALITY

ASHBURTON LAND USE SCHEME

1. SECTION 1: INTRODUCTION

1.1 TITLE

- 1.1.1 This Scheme shall be known as the Ashburton Land Use Scheme shall be referred to hereinafter as the "Scheme".
- 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) read in conjunction with Chapter 3 of the Msunduzi Municipality Spatial Planning and Land Use Management Bylaw.

1.2 APPLICATION OF SCHEME

- 1.2.1 The scheme applies to the areas covered by this Scheme as reflected in the associated Scheme map (LUS/06/18/ASH).

1.3 APPLICATION OF LAWS

- 1.3.1 The Scheme has been adopted by the Municipality in terms of Section 43 of the Msunduzi Municipality Spatial Planning and Land Use Management Bylaws.
- 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, all other persons and organs of state in terms of the Msunduzi Municipality Spatial Planning and Land Use Management Bylaws.
- 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 46 of the Msunduzi Municipality Spatial Planning and Land Use Management Bylaw, 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) a Municipality's consent in terms of a land use scheme;
 - d) the repeal of a land use scheme;
 - e) the development of land that is situated outside the area of a land use scheme, if the development constitutes an activity contemplated in Schedule 3;
 - f) the extension or replacement of a building on land that is used for a purpose defined in Schedule 3, notwithstanding that municipal planning approval was not required at the time that the use of the original building for that purpose commenced;
 - g) the subdivision of a land;
 - h) the consolidation of land;
 - i) township establishment;
 - j) the notarial tying of adjacent 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;
 - l) the permanent closure of a municipal road or a public place;
 - m) the removal, amendment or suspension of a restrictive condition of title or a servitude;
 - n) a material change to a Municipality's decision on an application for municipal planning approval;
 - o) 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.
- 1.3.7 Any Bylaw 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.
- 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 Bylaws 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 Bylaw.

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 Bylaw.

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.

1.7 **SCHEME MAP**

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

Description	Map Reference	Date
Ashburton Land Use Scheme	LUS/06/18/ASH	04 October 2018

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 Bylaw.

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 land Use Scheme, which shall be open for public inspection from Monday to Friday.

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.
- 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), pertaining to: -

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

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.
- 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.

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).

1.14 **PREDOMINANT USE OF LAND OR BUILDINGS**

- 1.14.1 Land or a Building is used, or a proposed Building is designed, for more than one use, it shall be treated as being used or designed partially for each of these uses, but where the various uses cannot be clearly defined, it shall be treated as being used or designed only for its predominant use, and the Municipality may, if the Owner or developer of the Building makes the application for the use, decide which is the predominant use, and shall notify the applicant of its decision. The applicant, if aggrieved by such a decision, 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 The use of any Buildings or Land which was existing on the Effective Date is deemed to be an Existing Use and shall be permitted to remain and continue subject to the following limitations: -

- 1.15.1.1 An existing Building may be increased on the Erf as a permitted use by an amount not greater than 12.5 % of the total floor area which existed at the Effective Date, provided that the completed building is in conformity with the other provisions of the Scheme.

- 1.15.1.2 The use of Land may be increased on the Erf as a permitted use by an amount not greater than 12.5 % of the area of land occupied which existed at the Effective Date.

- 1.15.1.3 An existing 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;
and

(c) be in conformity with all the other provisions of the Scheme applicable to the Land Use Zone in which it is situated.

- 1.15.1.4 Any new building shall be commenced within a 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.
- 1.15.1.5 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.
- 1.15.1.6 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.
- 1.15.1.7 The Municipality may, upon application being made for its Consent, approve a use, which is not in conformity with the provisions of the Scheme which are applicable to the Land Use Zone in which it is situated, to replace or be in addition to an Existing Use provided that it is satisfied that the new or additional use will not be more detrimental to the amenity of the area in which the Existing Use is situated.
- 1.15.2 If the Municipality refuses to grant its authority for any extension to an Existing Use, any person aggrieved by such refusal may Appeal to the Municipal Planning Appeal Authority.
- 1.15.3 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.
- 1.15.4 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.
- 1.15.5 In the event of there being a conflict in regards 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.

1.16 **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 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 are that allowable subject to the approval of the Municipality.
- (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 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.

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	Land
Amendment	Land Use Scheme
Amenity	Land Use Scheme Map
Appeal	Land Use Zone
Appeal Authority	Licensed Premises
Approval	Liquor License
Area of Scheme	Loading Space
Authorised Official	Management Overlay
Basement	Mean Width
Boundary	Mixed Use
Building	MSA
Building Line	Municipal Consent
Bylaws	Municipal Planning Appeal Authority
Carport	Municipal Planning Tribunal
Competent Authority	Municipality
Council	National Building Regulations
Coverage	Net Floor Area
Deeds Registry	Occupant
Density	Ordinance
Development	Owner
Development Rights	Owner's Association
Eaves	Panhandle
Effective Date	Planning and Development Act
Environmental Impact	Premier
Environmental Impact Assessment (EIA)	Private Open Area
Environmental Legislation	Publish
Environmentally Sustainable	Rear Space
Erf	Registered Engineer
Existing Building	Regulations
Existing Erf	Reservation
Existing Use	Restrictive Conditions
Floor Area	Schedule
Floor Area Ratio (FAR)	Service Agreement
Frontage	Side Space
General Plan	Site
Ground Floor	Spatial Development Framework
Height	SPLUMA
Integrated Development Plan	Storey or Floor

2.1.2 Definitions

Category	Definition
A	
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; Category A: Means land with very high potential agricultural land that should be retained exclusively for agricultural use so as to ensure national food security. Category 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. Category C: Means land with moderate agricultural potential. Category D: 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 Bylaw.
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	Means areas incorporated into the 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	
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.
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.
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.

Category	Definition
C	
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.
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.
D	
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.
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.
E	
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 Bylaw.
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), 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- a) The risk of harm to the environment and to human health and safety is minimized to the extent reasonably possible under the circumstances; b) The potential benefits to the environment and to human health and safety are maximized to the extent reasonably possible under the circumstances; and c) Legislation intended to protect the environment and human health and safety is complied with; d) Development meets the needs of the present without compromising the ability of future generations to meet their own needs.

MSUNDUZI MUNICIPALITY

Description: ASHBURTON LAND USE SCHEME

Category	Definition
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.
F	
Floor Area	Means the sum of the areas of the building on each floor level, inclusive of wall thickness but excluding: <ul style="list-style-type: none"> a) Any basement; b) Garages, canopies or carports or shelters; c) In the case of fueling and service stations, the areas covered by canopies; d) Staircases, lift shafts /lift motor rooms other than on one floor; e) Balconies, verandas, porches and similar type of structures that are roofed but open to the elements on at least one side; f) Corridors that are open to the elements on at least one side.
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.
G	
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.
H	
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.
I	
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.
L	
Land	Means: <ul style="list-style-type: none"> 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.

Category	Definition
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 Bylaw.
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.
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.
Loading Space	Means a demarcated area where vehicles are parked for the loading or unloading of goods, as determined by the Municipality.
M	
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 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 Bylaw.
Municipal Planning Tribunal	Means a Municipal Planning Tribunal referred to in Part 3 of the Msunduzi Municipality Spatial Planning and Land Use Management Bylaw.
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.
N	
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.
O	
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

MSUNDUZI MUNICIPALITY

Description: ASHBURTON LAND USE SCHEME

Category	Definition
	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.
P	
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.
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.
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.
Publish	Means to publish in the manner prescribed Schedule 5 of the adopted of the Msunduzi Municipality Spatial Planning and Land Use Management Bylaw.
R	
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.
S	
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 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.

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Category	Definition
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: <ul style="list-style-type: none"> 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.
W	
Waste	Means all form of waste, the categories of which are defined in the Msunduzi Municipality Waste Management Bylaws.
Z	
Zone	Means a defined category of land use which is shown on the zoning map of a land use scheme.

2.2 Land Use Definitions

2.2.1 List of definitions

LIST OF LAND USE DEFINITIONS		
Abattoir	Exhibition Centre	Passive Public Open Space
Active Public Open Space	Extractive Industry	Parking Depot
Adult Premises	Farm Stall	Petrol Filling Station
Agricultural Building	Fast Food Outlet	Place of Instruction
Agricultural Land	Flat	Place of Public Assembly
Agri-tourism Facility	Flea Market	Place of Public Entertainment
Ancillary Use	Forestry	Place of Worship
Art and Crafts Workshop	Funeral Parlour	Private Conservation Area
Bank	Game Reserve	Private Open Space
Bar	Garaging	Private Recreation Area
Beauty Studio	Garden Nursery	Protected Area
Bed and Breakfast	General Industrial Building	Public Open Space
Betting Depot	Government/Municipal	Recreational Purposes
Bird Sanctuary	Purposes	Recycling Centre
Boarding House	Health and Beauty Parlour	Residential Building
Botanical Garden	Health Studio	Restaurant
Builder's Yard	Heritage Purposes	Restricted Building
Bus and Taxi Rank	Home Business	Riding Stables
Business Purposes	Hotel	Service Industrial Building
Butchery	Industrial Building	Service Workshop
Café	Industry-Light	Shop
Camping Ground	Institution	Shopping Centre
Car Wash	Landfill	Social Hall
Caravan Park	Landing Strip	Special Building
Caretaker's Dwelling	Laundrette	Specialised Office
Casino	Light industrial Building	Tavern
Cellular Telecommunication	Livestock Farming	Tourism Activities
Infrastructure	Market	Transport Purposes
Chalet Development	Medical Office	Truck Stop
Child Minder	Medium Density Housing	Tuckshop
Commercial Workshop	Mobile Home Park	Utilities Facility
Community Garden	Mortuary	Veterinary Clinic
Conference Facility	Motor Sales Premises	Warehouse
Conservation Area	Motor Showroom	
Conservation Purposes	Motor Workshop	
Container Depot	Museum	
Convenience Shop	Night Club	
Convention Centre	Noxious Industrial Building	
Crèche	Office	
Cropping	Outbuilding	
Dam	Eco-tourism Facility	
Direct Access Service Centre	Park Home Estate	
Dwelling	Parkade	
Eco-tourism Facility	Parking Lot	
Educational Purposes		

2.2.2 Definitions

Category	Definition
A	
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	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.
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.
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	
Bank	Means an establishment or financial institution that provides financial related services to the general public and may include ancillary uses thereto.
Bar	Means a building or a portion of a building used for the legal sale of alcohol and/or food for consumption on the premises and may include a beer hall, or live entertainment, or entertainment generated by television transmission, or by way of mechanical, electronic or electrical contrivances, instruments, apparatus of devices which are designed or used for the purpose of playing of any game or for the purpose of recreation or amusement, and the operation of which involves the payment of any valuable consideration, either by the insertion of a coin, token coin or disc therein or in an appliance attached thereto or in any other manner, or billiard saloon, or snooker room.
Beauty Studio	Means a building or part of building where hairdresser or beautician conducts business.
Bed and Breakfast	Means the provision of short-term accommodation for travellers in, or in conjunction with a dwelling. Not more than 20-25% of the dwelling shall be used for renting.
Betting Depot	Means a building used for the purpose of a bookmakers premises or a totalisator agency in terms of section 22(1) and 28(3) of the

Category	Definition
	Horse Racing and Betting Control Consolidation Ordinance, Ordinance No. 28 of 1957 (as amended).
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	Means a business conducted by the owner of a property who shall reside therein. The use shall be limited to being conducted by the applicant, who is the owner of the property and who shall reside on the property as his / her primary residence together with his / her family such as it may consist of from time to time, and shall accommodate the lodging of not more than 3 bed-rooms and 6 tenants.
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.
Builder's Yard	Means premises which is used for the storage or sale of building material and equipment including buildings ancillary thereto.
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.
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.
C	
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.
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.
Caravan Park	Means an area of Land used for the accommodation of caravans and or mobile homes, which are used for temporary or permanent residences, which is provided with adequate ablution, sanitary and laundry facilities, all constructed from permanent materials, and also provided with permanent water points, approved refuse receptacles and containing, within the site, a sufficient open space for recreational purposes.

Category	Definition
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.
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"> • blacksmith • valet service • electrician • watch repairer • jobbing printer • wireless and television repairer • shoe repairer
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.
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 ² . This area excludes any area associated with administration, ablutions, staff rooms, food preparation, kitchen, cold rooms,

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Category	Definition
	storage areas etc. For a convenience shop exceeding 400m ² 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.
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.
D	
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.
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.
Dwelling	Means a building used for residential purposes and habitable rooms as are ordinarily used therewith and may include an outbuilding, domestic staff accommodation and an ancillary unit which may be attached or detached from the dwelling.
E	
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 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.
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	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 and includes buildings and crushing plant used in connection with such process, but excludes the processing of such minerals by

Category	Definition
	means of smelting, etc. which would be classified under "Industry-High Impact.
F	
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 ² 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.
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.
G	
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.
Garaging	Means an enclosed area which is used for the parking motor vehicles.
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.
General Industrial Building	Means a Building or portion of a Building designed and used for Industrial purposes, which is not defined in terms of this set of definitions.
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.
H	
Health and Beauty Parlour	Means a building or portion thereof used for cosmetic and holistic treatment for men and women.
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	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

Category	Definition
	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.
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.
I	
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.
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.
L	
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.
Laundrette	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 including 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.
M	
Market	Means premises used for the display and sale of goods from stalls by independent vendors.
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	Means two or more buildings not exceeding two Storeys in height, which has been designed as a harmonious entity together with such Outbuildings as are ordinarily used therewith.
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

Category	Definition
	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	Means land, a building or part of a building other than a Parking Depot, used or designed for the 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 a motor workshop, all at the discretion of the Municipality but shall specifically exclude a Petrol Filling Station.
Motor Showroom	Means premises used for the display and sale of vehicles and may include ancillary uses related thereto.
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.
N	
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 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.
O	
Office	Means a building or part of a building used for the administration of any business, whether public or private.
Outbuilding	Means a building or portion of a building attached or detached from a dwelling and ancillary to the dwelling that does not exceed

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Category	Definition
	30% of the dwelling size. Save with the Consent of the Municipality the size may be increased to a maximum of 50% of the dwelling size. The Municipality may waive the requirements for the consent procedure to be followed, provided that all the owners of the properties identified by the Municipality, give their consent in writing to such outbuilding not exceeding 30%. An outbuilding may not be used for business purposes save with the consent of Municipality.
P	
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 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.
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	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, night club, bar premises licensed to sell alcohol for on-site consumption, 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.

Category	Definition
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.
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: - (a) Special nature reserves, nature reserves (including wilderness areas) and protected environments (b) World heritage sites; (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 (d) Mountain catchment areas declared in terms of the Mountain Catchment Areas Act, 1970 (No. 63 of 1970). As contemplated in the National Environmental Management Act: Protected Areas Act, 2003 (No. 57 of 2003).
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.
R	
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 or part of a building other than a Dwelling or Flat, designed for use for human habitation, together with such outbuildings as are 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	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.
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.

Category	Definition
Riding Stables	Means premises used for the stabling of horses and includes riding instruction and the care and hiring of such horses.
S	
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	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.
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.
T	
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.
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.
U	

Category	Definition
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.
V	
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.
W	
Warehouse	Means a building used for the storage of goods and may include ancillary uses thereto.

3. SECTION 3: RESERVATION OF LAND

PURPOSE FOR WHICH LAND IS RESERVED	COLOUR NOTATION
Railway Purposes	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

3.1 PROVISIONS APPLICABLE TO RESERVATION OF LAND

- 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.
- 3.1.2 Provided that any such land may continue to be used for the purpose for which it was used on the effective date.
- 3.1.3 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
- 3.1.4 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.
- 3.1.5 Provided that the Municipality may consent to the deposit on such land of waste materials or refuse.
- 3.1.6 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, and
 - (c) the removal of waste materials or refuse.
- 3.1.7 Nothing in this part of the Scheme shall be construed as prohibiting the reasonable fencing of the Land.

- 3.1.8 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.

3.2 **ACQUISITION OF LAND**

- 3.2.1 Land in private ownership that has been reserved for to 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.

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

LIST OF LAND USE ZONES
<ul style="list-style-type: none">• Agriculture 2• Municipal and Government• Worship• Commercial• Low Impact Mixed Use• Active Public Open Space• Passive Public Open Space• Private Open Space• Protected Area 1• Light Industry• Logistics 1• Special Residential 1A• Special Residential 2A• Special Residential 3A• Intermediate Residential• Equestrian Residential 1• Tourism 1• Utilities and Services 1

4.1 Agriculture

4.1.1 Agriculture 2

ZONE:	AGRICULTURE 2	
Statement of Intent:	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. This land use zone shall contain Category D agricultural land as classified as classified in terms of the Guidelines published from time to time by the KZN Department of Agriculture and Rural Development.	
Colour Notation:	Fill: Dark Olive Green R: 162, G:205, B:090 Outline: Black R:000, G:000, B:000	
Permissible (A)	Consent (B)	Prohibited (C)
<ul style="list-style-type: none"> • Agricultural Building • Agricultural Land • Community Garden • Conservation Purposes • Cropping • Dwelling • Farm Stall • Forestry • Garden Nursery • Livestock Farming • Riding Stables 	<ul style="list-style-type: none"> • Abattoir • Agri-tourism Facility • Ancillary Use • Arts and Crafts Workshop • Caravan Park • Cellular Telecommunication Infrastructure • Flea Market • Home Business • Institution • Landing Strip • Outbuilding* • Park Home Estate • Place of Instruction (limited to agricultural related training) • Place of Worship • Residential Building • Social Hall • Special Building • Tuckshop 	Land uses and buildings not listed in column (A) and (B).
ADDITIONAL CONTROLS		
<ol style="list-style-type: none"> 1. *An Outbuilding shall be freely permissible within Portion 238 of Erf 1336 Ockerts Kraal. 2. With respect to Portion 238 of Erf 1336 Ockerts Kraal the following uses may be permitted via consent: - <ol style="list-style-type: none"> 2.1. Bed and Breakfast 2.2. Child Minder 2.3. Crèche 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. 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). 5. Consent uses shall only be considered as long as this change does not conflict with the surrounding agricultural activity. 		

MSUNDUZI MUNICIPALITY

Description: ASHBURTON LAND USE SCHEME

6. A detailed natural resources study must be conducted should an applicant feel he/she has sufficient motivation to propose a change of land use.
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. 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.
9. Subject to compliance with the following policies and/or bylaws: -
 - (a) Msunduzi Cellular Telecommunication Infrastructure Policy
 - (b) Msunduzi Bed and Breakfast Policy
 - (c) Msunduzi Crèches and Crèches-Cum-Nursery Schools Bylaws.

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 ²)	Height (STOREYS)	Coverage (%)	F.A.R
Building line	Side space	Rear Space					
N/A			N/A	N/A	2	50	0,50

4.2 Civic and Social

4.2.1 Municipal and Government

ZONE:	MUNICIPAL AND GOVERNMENT		
Statement of Intent:	A land use zone intended for buildings erected and used for National, Provincial and Municipal administration and services.		
Colour Notation:	Fill: Peach Puff R:255, G:218, B:185 Outline: Black R:000,G:000,B:000		
Permissible (A)		Consent (B)	Prohibited (C)
<ul style="list-style-type: none">• Arts and Craft Centre• Caretaker's Dwelling• Conservation Purposes• Flea Market• Garden Nursery• Government/Municipal• Landfill*• Market• Mortuary*• Museum• Office• Parking Depot• Parking Lot• Public Open Space• Social Hall		<ul style="list-style-type: none">• Cellular Telecommunication Infrastructure• Convention Centre• Educational Purposes• Exhibition Centre• Funeral Parlour• Parkade• Place of Instruction• Place of Public Entertainment• Recycling Centre• Residential Building• Special Building• Utilities Facility	Land uses and buildings not listed in column (A) and (B).
ADDITIONAL CONTROLS			
<p>1. *These uses shall only be freely permissible on Municipal or Government owned land.</p> <p>2. The following controls shall apply in the case of Erf 240 Ashburton and Portion 3 of Erf 259 Ashburton: -</p> <p>2.1. Freely Permissible uses: -</p> <p>2.1.1. Child Minder</p> <p>2.1.2. Crèche</p> <p>2.1.3. Place of Public Entertainment</p> <p>2.1.4. Recreational Purposes</p> <p>2.1.5. Restricted Building</p> <p>2.1.6. Shop</p> <p>2.2. Consent Uses: -</p> <p>2.2.1. Dwelling* (The maximum number of dwelling units shall be 9 units per hectare)</p> <p>2.2.2. Place of Worship</p> <p>2.2.3. Restaurant</p> <p>2.3. The following development controls shall apply: -</p> <p>2.3.1. Height: 2 storeys</p> <p>2.3.2. Coverage: 50%</p> <p>2.3.3. Floor Area Ratio: 0,25</p> <p>3. Subject to compliance with the following policies and/or bylaws: -</p> <p>(a) Msunduzi Cellular Telecommunication Infrastructure Policy</p> <p>(b) Msunduzi Market Bylaws</p> <p>(c) Msunduzi Public Health Bylaws</p> <p>(d) Msunduzi Crèches and Crèches-Cum-Nursery Schools Bylaws.</p>			

MSUNDUZI MUNICIPALITY

Description: ASHBURTON LAND USE SCHEME

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.	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.						
6.	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.						
7.	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.						
8.	The eaves of any building or structure shall not overhang the Front, Side and Rear Space by more than 1200 mm.						
PARKING REGULATIONS							
1.	All other uses as per 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					
7,5m	2m		N/A	1000	At the discretion of the Municipality		

4.2.2 Worship

ZONE:	WORSHIP	
Statement of Intent:	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.	
Colour Notation:	Fill: Mars Red Cross Hatch R:255, G:000, B:000 Outline: Black R:000, G:000, B:000	
Permissible (A)	Consent (B)	Prohibited (C)
<ul style="list-style-type: none"> • Conservation Purposes • Dwelling* • Institution • Place of Instruction • Place of Worship • Social Hall 	<ul style="list-style-type: none"> • Caretaker's Dwelling • Boarding House • Café • Crèche • Garden Nursery • Outbuilding • Place of Public Assembly • Place of Public Entertainment • Private Recreation Area • Residential Building • Shop (restricted to religious merchandise) • Special Building** 	Land uses and buildings not listed in column (A) and (B).
ADDITIONAL CONTROLS		
<ol style="list-style-type: none"> 1. *Not more than one Dwelling occupied in conjunction with a Place of Worship, may be established as an expressly permitted use. 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. 3. Subject to compliance with the provisions of the Msunduzi Boarding House policy. 4. External appearance of buildings shall be subject to clause 5.8 of the scheme. 5. The Municipality may grant consent for the erection of a building or structure in front of the Building Line. 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. 7. 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. 8. 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. 8.1 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. 9. The number of units per hectare allowable in any residential use shall be at the discretion of the Municipality. 		

MSUNDUZI MUNICIPALITY

Description: ASHBURTON LAND USE SCHEME

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.							
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					
7,5m	2m		N/A	1000	2	50	1,00

4.3 Commercial/Mixed Use

4.3.1 Commercial

ZONE:	COMMERCIAL		
Statement of Intent:	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.		
Colour Notation:	Fill: Blue R:000, G:112, B:255 Outline: Chrysoprase R:000,G:230,B:169		
Permissible (A)		Consent (B)	Prohibited (C)
<ul style="list-style-type: none">• Bank• Beauty Studio• Betting Depot• Business Purposes• Butchery• Café• Child Minder• Commercial Workshop• Conservation Purposes• Crèche• Dwelling*• Fast Food Outlet• Flat• Flea Market• Government/Municipal• Health and Beauty Parlour• Hotel• Laundrette• Medical Office• Motor Showroom• Museum• Office• Parking Depot• Residential Building• Restaurant• Service Workshop• Shop• Shopping Centre• Specialised Office• Veterinary Clinic		<ul style="list-style-type: none">• Adult Premises• Agricultural Building• Agricultural Land• Bar• Bus and Taxi Rank• Car Wash• Casino** (ancillary to a hotel)• Cellular Telecommunication Infrastructure• Funeral Parlour• Home Business• Institution• Motor Sales Premises• Motor Workshop• Night Club• Parkade• Petrol Filling Station• Place of Instruction• Place of Public Assembly• Place of Public Entertainment• Place of Worship• Recreational Purposes• Service Industrial Building• Special Building• Tavern• Warehouse	Land uses and buildings not listed in column (A) and (B).
ADDITIONAL CONTROLS			
<div>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.</div> <div>2. In the case of Erf 250 Ashburton and Erf 395 Ashburton a Home Business and Bed Breakfast shall be freely permissible.</div> <div>3. *The maximum number of dwelling units shall be 9 units per hectare.</div> <div>4. **A casino shall require a casino license issued in terms of the KwaZulu-Natal Gaming and Betting Act, 2010 (No. 8 of 2010).</div>			

MSUNDUZI MUNICIPALITY

Description: ASHBURTON LAND USE SCHEME

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 ²)	Height (STOREYS)	Coverage (%)	F.A.R
Building line	Side space	Rear Space					
7,5m	N/A		N/A	1000	3	80/ Residential 50	1,00/ Residential 0,50

4.3.2 Low Impact Mixed Use

ZONE:	LOW IMPACT MIXED USE	
Statement of Intent:	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.	
Colour Notation:	Fill: Light Blue R:127, G:230, B:255 Outline: Black R:000,G:000,B:000	
Permissible (A)	Consent (B)	Prohibited (C)
<ul style="list-style-type: none"> • Bank • Beauty Studio • Business Purposes • Butchery • Café • Conservation Purposes • Dwelling • Fast Food Outlet • Flat • Government/Municipal • Health and Beauty Parlour • Health Studio • Hotel • Medical Office • Office • Parking Lot • Residential Building • Restaurant • Shop • Shopping Centre • Specialised Office 	<ul style="list-style-type: none"> • Adult Premises • Agricultural Building • Bar • Betting Depot • Boarding House • Bus and Taxi Rank • Car Wash • Casino (ancillary to a hotel) • Cellular Telecommunication Infrastructure • Conference Facility • Convenience Shop • Funeral Parlour • Home Business** • Institution • Motor Showroom • Night Club • Parkade • Parking Depot • Petrol Filling Station • Place of Instruction • Place of Public Assembly • Place of Public Entertainment • Place of Worship • Social Hall • Special Building • Tavern 	Land uses and buildings not listed in column (A) and (B).
ADDITIONAL CONTROLS		
<ol style="list-style-type: none"> In the case of Erf 93 Lynnfield Park and Erf 94 Lynnfield Park the following shall be applicable: - <ol style="list-style-type: none"> Home Business shall be freely permissible Agricultural Land may be permitted by Consent. The maximum number of dwelling units shall be 9 units per hectare. **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. A casino shall require a casino license issued in terms of the KwaZulu-Natal Gaming and Betting Act, 2010 (No. 8 of 2010). Waste Management shall be subject to clause 7.4 of the scheme. The maintenance of buildings shall be subject to the provisions of clause 7.3 of the scheme. 		

MSUNDUZI MUNICIPALITY

Description: ASHBURTON LAND USE SCHEME

<p>6. The number of units per hectare allowable in any residential use shall be at the discretion of the Municipality.</p> <p>7. All landscaping shall be to the satisfaction of the Municipality.</p> <p>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.</p> <p>9. Un-serviced areas to comply with clause 7.5 of the scheme.</p> <p>10. Subject to compliance with the following policies and/or bylaws: -</p> <p>(a) Msunduzi Tavern Policy</p> <p>(b) Msunduzi Boarding House Policy</p> <p>(c) Msunduzi Cellular Telecommunication Infrastructure Policy</p> <p>(d) Municipality's Public Health Bylaws</p> <p>(e) All signage and advertising shall comply with the Msunduzi Advertising Signs Bylaws.</p> <p>11. 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.</p> <p>12. 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.</p> <p>13. 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.</p> <p>14. 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.</p> <p>15. The eaves of any Building or structure shall not overhang the Side and Rear Space by more than 1200 mm.</p> <p>16. 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.</p>							
PARKING REGULATIONS							
<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>							
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	2m		N/A	1200	2	50	1,00/ Residential 0,35

4.4 Environmental Services

4.4.1 Active Public Open Space

ZONE:	ACTIVE PUBLIC OPEN SPACE		
Statement of Intent:	A land use zone that provides for sporting and recreational needs and permits a limited range of associated development and parking space.		
Colour Notation:	Fill: Chartreuse 2 R:118, G:238, B:000 Outline: Verdigris R:036, G:093, B:019		
Permissible (A)		Consent (B)	Prohibited (C)
<ul style="list-style-type: none"> • Bird Sanctuary • Botanical Garden • Conservation Purposes • Eco-tourism Facility • Educational Purposes (limited to environmental education, conservation awareness, research facilities) • Private Conservation Area • Public Open Space • Recreational Purposes 		<ul style="list-style-type: none"> • Café • Caretaker's Dwelling • Conference Facility • Flea Market (limited to activities associated with tourism, recreation, environment and conservation) • Garden Nursery • Office (limited to day to day administration of a park) • Special Building 	Land uses and buildings not listed in column (A) and (B).
ADDITIONAL CONTROLS			
<ol style="list-style-type: none"> 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 Bylaws. 3. 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. 4. Waste Management shall be subject to clause 7.4 of the scheme. 5. Within this land use zone, without the prior written authorisation from the Municipality's Environmental Management division: - <ol style="list-style-type: none"> 5.1 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. 5.2 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. 5.3 No harvesting, collecting, cutting, hunting or otherwise damaging of flora or fauna and soil and water resources, shall be permitted. 5.4 No vehicles motorised or unmotorised, other than on established roads, driveways or tracks, shall be permitted. 			
PARKING REGULATIONS			
<ol style="list-style-type: none"> 1. Refer to Appendix 8 for parking regulations. 			

MSUNDUZI MUNICIPALITY

Description: ASHBURTON LAND USE 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					
7,5m	2m		N/A	NA	1	At the discretion of the Municipality	

4.4.2 Passive Public Open Space

ZONE:	PASSIVE PUBLIC OPEN SPACE		
Statement of Intent:	A land use zone that provides for developed formal and informal parks with associated recreational facilities.		
Colour Notation:	Fill: Forest Green R: 034, G:139, B:034 Outline: Barley Beige R 176,G:112,B:080		
Permissible (A)		Consent (B)	Prohibited (C)
<ul style="list-style-type: none">• Bird Sanctuary• Conservation Purposes• Eco-Tourism Facility• Educational Purposes (limited to environmental education, conservation awareness, research facilities)• Private Conservation Area• Public Open Space• Recreational Purposes		<ul style="list-style-type: none">• Café• Caretaker's Dwelling• Flea Market (limited to activities associated with tourism, recreation, environment and conservation)• Garden Nursery• Special Building	Land uses and buildings not listed in column (A) and (B).
ADDITIONAL CONTROLS			
<div>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.</div> <div>2. Public open spaces shall be subject to compliance with the Msunduzi Public Open Space Bylaws.</div> <div>3. 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.</div> <div>4. Waste Management shall be subject to clause 7.4 of the scheme.</div> <div>5. Within this land use zone, without the prior written authorisation from the Municipality's Environmental Management division: -<div>5.1 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.</div><div>5.2 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.</div><div>5.3 No harvesting, collecting, cutting, hunting or otherwise damaging of flora or fauna and soil and water resources, shall be permitted.</div><div>5.4 No vehicles motorised or unmotorised, other than on established roads, driveways or tracks, shall be permitted.</div></div>			
PARKING REGULATIONS			
<div>1. Refer to Appendix 8 for parking regulations.</div> <div>2. The technical requirements for on-site parking shall be in accordance with clause 7.2 of the Scheme.</div>			

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

4.4.3 Private Open Space

ZONE:	PRIVATE OPEN SPACE	
Statement of Intent:	A land use zone that provides for land uses and buildings privately owned for recreational purposes and may include ancillary facilities or buildings.	
Colour Notation:	Fill: Leaf Green R:056, G:168, B:000 Outline: Black R:000,G:000,B:000	
Permissible (A)	Consent (B)	Prohibited (C)
<ul style="list-style-type: none"> • Caretaker's Dwelling • Conservation Purposes • Private Conservation Area • Private Open Space • Private Recreation Area • Recreational Purposes 	<ul style="list-style-type: none"> • Agricultural Land • Bird Sanctuary • Camping Ground • Cellular Telecommunication Infrastructure • Dwelling • Flea Market • Garden Nursery • Office (ancillary to the main activity) • Restaurant • Shop (ancillary to the primary activities) • Special Building 	Land uses and buildings not listed in column (A) and (B).
ADDITIONAL CONTROLS		
<ol style="list-style-type: none"> 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. Waste Management shall be subject to clause 7.4 of the scheme. 3. All landscaping shall be to the satisfaction of the Municipality. 4. Within this land use zone, without the prior written authorisation from the Municipality's Environmental Management division: - <ol style="list-style-type: none"> 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. 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. 4.3 No harvesting, collecting, cutting, hunting or otherwise damaging of flora or fauna and soil and water resources, shall be permitted. 4.4 No vehicles motorised or unmotorised, other than on established roads, driveways or tracks, shall be permitted. 5. Subject to compliance with the following policies and/or bylaws: - <ol style="list-style-type: none"> (a) Msunduzi Cellular Telecommunication Infrastructure Policy (b) Msunduzi Public Health Bylaws (c) All signage and advertising shall comply with the Msunduzi Advertising Signs Bylaws. 		

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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					
7,5m	2m		N/A	At the discretion of the Municipality	2	15	0,15

4.4.4 Protected Area 1

ZONE:	PROTECTED AREA 1	
Statement of Intent:	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.	
Colour Notation:	Fill: Peacock Green Horizontal Hatch R:000, G:115, B:076 Outline: Quetzel Green R:076,G:230,B:000	
Permissible (A)	Consent (B)	Prohibited (C)
<ul style="list-style-type: none"> • Bird Sanctuary • Conservation Area* • Conservation Purposes • Dwelling (limited to staff accommodation) • Eco-Tourism Facility • Game Reserve • Heritage Purposes • Office (limited to administration of conservation research and ancillary activities) • Protected Area 	<ul style="list-style-type: none"> • Ancillary Use • Café • Camping Ground • Caretaker's Dwelling • Chalet Development (limited to providing eco-tourism related accommodation to guests and ablutions facilities) • Conference Facility • Educational Purposes • Exhibition Centre • Shop (limited to the sale of activities associated with tourism, recreation, souvenirs, books or magazines on environmental conservation) • Special Building 	Land uses and buildings not listed in column (A) and (B).
ADDITIONAL CONTROLS		
<ol style="list-style-type: none"> 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. Any approval granted by the Municipality does not exempt a developer/owner from seeking other approvals required from a relevant competent authority. 3. The erection of any building within conservation areas shall be subject to environmental appraisal or EIA application. 4. No indigenous flora, fauna or any naturally occurring material shall be disturbed or removed. 5. *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. 6. 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. 7. All developments within this land use zone shall be aligned to the development objectives of the Environmental Management Overlay. 8. Only ancillary land uses complimentary to the primary aim of the conservation of the natural environment shall be permitted. 		

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9.	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.						
10.	Subject to the provisions of a sewage disposal system to the satisfaction of the Municipality.						
11.	Subject to compliance with the Msunduzi Public Open Space Bylaws.						
12.	Within this land use zone, without the prior written authorisation from the Municipality's Environmental Management division: -						
12.1	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.						
12.2	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.						
12.3	No harvesting, collecting, cutting, hunting or otherwise damaging of flora or fauna and soil and water resources, shall be permitted.						
12.4	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

4.5 Industry

4.5.1 Logistics 1

ZONE:	LOGISTICS 1		
Statement of Intent:	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 zones 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.		
Colour Notation:	Fill: Dove Grey R:102, G:102, B:153 Outline: Black R:000,G:000,B:000		
Permissible (A)		Consent (B)	Prohibited (C)
<ul style="list-style-type: none"> • Caretaker's Dwelling • Container Depot • Direct Access Service Centre • Government/Municipal • Industry-Light • Light Industrial Building • Motor Workshop • Office • Parking Depot • Service Workshop • Transport Purposes • Warehouse 		<ul style="list-style-type: none"> • Car Wash • Cellular Telecommunication Infrastructure • Fast Food Outlet • Medical Office • Petrol Filling Station • Place of instruction (limited to staff training) • Residential Building • Shop* • Special Building 	Land uses and buildings not listed in column (A) and (B).
ADDITIONAL CONTROLS			
<ol style="list-style-type: none"> 1. *Reference is made for consent to clause 7.8 for a shop in industrial premises. 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. 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. All landscaping shall be to the satisfaction of the Municipality. 5. Waste Management shall be subject to clause 7.4 of the scheme. 6. Low order convenience goods and service shops catering for the immediate needs of people working within the industrial area shall be permitted. 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. 8. Access onto and building line fronting onto a Provincial Road to be in accordance to the Provincial Road legislation provisions. 9. Un-serviced areas to comply with clause 7.5 of the scheme. 10. The Height restriction may be increased save with the consent of the Municipality. 			

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11. 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.							
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					
7,5m	N/A		N/A	1800	3	70	1,50

4.5.2 Light Industry

ZONE:	LIGHT INDUSTRY	
Statement of Intent:	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.	
Colour Notation:	Fill: Pale Lilac R:239, G:198, B:255 Outline: Black R:000,G:000,B:000	
Permissible (A)	Consent (B)	Prohibited (C)
<ul style="list-style-type: none"> • Arts and Craft Workshop • Caretaker's Dwelling • Industry-Light • Light Industrial Building • Motor Sales Premises • Motor Workshop • Service Industrial Building • Service Workshop • Warehouse 	<ul style="list-style-type: none"> • Adult Premises • Boarding House • Builder's Yard • Business Purposes • Car Wash • Cellular Telecommunication Infrastructure • Convenient Shop • Dwelling • Fast Food Outlet • Flat • Funeral Parlour • Government/Municipal • Health Studio • Industrial Building • Institution • Laundrette • Motor Showroom • Night Club • Parking Depot • Parking Lot • Petrol Filling Station • Place of Instruction (limited to research laboratory and training) • Place of Public Entertainment • Recreational Purposes • Residential Building • Shop* • Social Hall • Special Building • Specialised Office • Tavern • Truck Stop 	Land uses and buildings not listed in column (A) and (B).
ADDITIONAL CONTROLS		
1. *Reference is made to clause 7.8 for a shop in industrial premises.		
2. All landscaping shall be to the satisfaction of the Municipality.		

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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. Outdoor storage, as an ancillary use, would be extremely limited if not outright prohibited.
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. Waste Management shall be subject to clause 7.4 of the scheme.
9. Un-serviced areas to comply with clause 7.5 of the scheme.
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 Bylaws
 - (e) All signage and advertising shall comply with the Msunduzi Advertising Signs Bylaws.
11. 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: -**
 - 11.1. The following controls shall be applicable: -
 - 11.1.1. The Number of Units/hectare 80du/ha
 - 11.2. A Property Owners Association (POA) shall be created to own, manage and administer all the private common property in the Township.
 - 11.3. 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.
 - 11.4. 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.
 - 11.5. 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.
 - 11.6. 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.
 - 11.7. 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.

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- 11.8. 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.
- 11.10. 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.
- 11.11. 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.
- 11.12. 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.
- 11.13. 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.
- 11.14. 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.
- 11.15. 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.
- 11.16. All Alien Invasive Plant Species found within the proposed developmental footprint must be removed, and areas which have been cleared I disrupted should be re-vegetated as soon as possible with indigenous plant species.
- 11.17. A Plant Rescue Plan is required. This plan must be implemented by a suitably qualified specialist prior to the commencement of construction activities I 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 I or open space.
- 11.18. 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.
- 11.19. 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.
- 11.20. 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.
- 11.21. 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.
- 11.22. The Developer shall negotiate with ESKOM regarding the provision of bulk electrical infrastructure suitable for the envisaged development.
- 11.23. 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.

11.24.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.
11.25.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).
11.26.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.
11.27.The following parking regulations shall apply to the Industrial Buildings, Light Industrial Buildings, Motor Workshops, Service Industrial Buildings and Service Workshops: - <ul style="list-style-type: none"> 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.

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.

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SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m ²)	Height (STOREYS)	Coverage (%)	F.A.R
Building line	Side space	Rear Space					
7,5m	2m		N/A	3000	3	75	1,50

4.6 Residential

4.6.1 Special Residential 1A

ZONE:	SPECIAL RESIDENTIAL 1A	
Statement of Intent:	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.	
Colour Notation:	Fill: Yellow R:230, G:230, B:000 Outline: Black R:000,G:000,B:000	
Permissible (A)	Consent (B)	Prohibited (C)
<ul style="list-style-type: none"> • Conservation Purposes • Dwelling • Garaging • Outbuilding 	<ul style="list-style-type: none"> • Agricultural Building • Agricultural Land • Bed and Breakfast* • Boarding House • Child Minder* • Crèche • Home Business* • Institution • Medium Density Housing • Place of Worship • Special Building • Tuckshop 	Land uses and buildings not listed in column (A) and (B).
ADDITIONAL CONTROLS		
<ol style="list-style-type: none"> 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 following additional controls shall apply with regards to Medium Density Housing development: - <ol style="list-style-type: none"> 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 2 of the scheme. 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. 2.3. The minimum size of an Erf on which a Medium Density Housing development is to be erected shall be 3200 m². 2.4. 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. 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: - <ol style="list-style-type: none"> (a) an existing Dwelling on a Medium Density Housing Site which is incorporated as part of the development, and 		

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<p>(b) the individual Curtilages within a Medium Density Housing development except along the Frontage of the Medium Density Housing Site.</p> <p>3. 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.</p> <p>4. 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.</p> <p>5. 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.</p> <p>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.</p> <p>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.</p> <p>8. The eaves of any Building or structure shall not overhang the Building Line, Side and Rear Space by more than 1200 mm.</p> <p>9. All landscaping shall be to the satisfaction of the Municipality.</p> <p>10. Waste Management shall be subject to clause 7.4 of the scheme.</p> <p>11. Un-serviced areas to comply with clause 7.5 of the scheme.</p> <p>12. Subject to compliance with the provisions of the following policies and/or bylaws: -</p> <p>(a) Msunduzi Tuckshop Policy</p> <p>(b) Msunduzi Boarding House Policy</p> <p>(c) Msunduzi Bed and Breakfast Policy</p> <p>(d) Municipality's Public Health Bylaws (Chapter 14)</p> <p>(e) Msunduzi Crèches and Crèches-Cum-Nursery Schools Bylaws</p> <p>(f) All signage and advertising shall comply with the Msunduzi Advertising Signs Bylaws</p>							
PARKING REGULATIONS							
<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>							
DEVELOPMENT PARAMETERS							
SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
Building line	Side space	Rear Space					
7,5m	1,5m		1 per 1600 m²	1600	2	30	0,35

4.6.2 Special Residential 2A

ZONE:	SPECIAL RESIDENTIAL 2A	
Statement of Intent:	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.	
Colour Notation:	Fill: Yellow R:230, G:252, B:048 Raw Amber Cross Hatch R:168, G:112, B:000 Outline: Black R:000,G:000,B:000	
Permissible (A)	Consent (B)	Prohibited (C)
<ul style="list-style-type: none"> • Conservation Purposes • Dwelling • Garaging • Outbuilding 	<ul style="list-style-type: none"> • Agricultural Building • Agricultural Land • Beauty Studio • Bed and Breakfast • Boarding House* • Child Minder* • Crèche • Home Business* • Institution • Medical Office** • Medium Density Housing • Park Home Estate • Place of Worship • Special Building • Tuckshop 	Land uses and buildings not listed in column (A) and (B).
ADDITIONAL CONTROLS		
<ol style="list-style-type: none"> 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. The following additional controls shall apply with regards to Medium Density Housing development: - <ol style="list-style-type: none"> 3.1. 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 3.2. 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. 3.3. The minimum size of an Erf on which a Medium Density Housing development is to be erected shall be 4000 m². 3.4. 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. 3.5. 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. 3.6. The minimum frontage a Medium Density Housing development is to be erected shall be 6m. 		

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- 3.7. 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.
- 3.8. 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.
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 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. 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.
 9. The eaves of any Building or structure shall not overhang the Building Line, Side and Rear Space by more than 1200 mm.
 10. All landscaping shall be to the satisfaction of the Municipality.
 11. Waste Management shall be subject to clause 7.4 of the scheme.
 12. Un-serviced areas to comply with clause 7.5 of the scheme.
 13. 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
 - (e) Msunduzi Crèches and Crèches-Cum-Nursery Schools Bylaws
 - (f) All signage and advertising shall comply with the Msunduzi Advertising Signs Bylaws

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 ²)	Height (STOREYS)	Coverage (%)	F.A.R
Building line	Side space	Rear Space					
7,5m	3m		1 per 2000 m ²	2000	2	30	0,35

4.6.3 Special Residential 3A

ZONE:	SPECIAL RESIDENTIAL 3A	
Statement of Intent:	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.	
Colour Notation:	Fill: Yellow R:245, G:245, B:122 Raw Amber Hatch R:168, G:112, B:000 Outline: Black R:000,G:000,B:000	
Permissible (A)	Consent (B)	Prohibited (C)
<ul style="list-style-type: none"> • Conservation Purposes • Dwelling • Garaging • Outbuilding 	<ul style="list-style-type: none"> • Agricultural Building • Agricultural Land • Beauty Studio • Bed and Breakfast* • Boarding House • Child Minder* • Crèche • Garden Nursery • Health and Beauty Parlour • Home Business* • Institution • Medical Office** • Medium Density Housing • Park Home Estate • Place of Worship • Special Building • Tuckshop 	Land uses and buildings not listed in column (A) and (B).
ADDITIONAL CONTROLS		
<ol style="list-style-type: none"> 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. The following additional controls shall apply with regards to Medium Density Housing development: - <ol style="list-style-type: none"> 3.1. 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. 3.2. 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. 3.3. The minimum size of an Erf on which a Medium Density Housing development is to be erected shall be 8000 m². 3.4. 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. 3.5. 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. 		

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- 3.6. The minimum frontage a Medium Density Housing development is to be erected shall be 6m.
- 3.7. 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.
- 3.8. 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.
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 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. 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.
9. The eaves of any Building or structure shall not overhang the Building Line, Side and Rear Space by more than 1200 mm.
10. All landscaping shall be to the satisfaction of the Municipality.
11. Waste Management shall be subject to clause 7.4 of the scheme.
12. Un-serviced areas to comply with clause 7.5 of the scheme.
13. 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
 - (e) Msunduzi Crèches and Crèches-Cum-Nursery Schools Bylaws
 - (f) All signage and advertising shall comply with the Msunduzi Advertising Signs Bylaws

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 ²)	Height (STOREYS)	Coverage (%)	F.A.R
Building line	Side space	Rear Space					
7,5m	3m		1 per 4000 m ²	4000	2	30	0,35

MSUNDUZI MUNICIPALITY

Description: ASHBURTON LAND USE SCHEME

4.6.4 Intermediate Residential

ZONE:	INTERMEDIATE RESIDENTIAL	
Statement of Intent:	A land use zone that provides for land uses and buildings for single residential use and Medium density developments in the form of dwelling houses 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.	
Colour Notation:	Fill: Dark Orange 2 R:227, G:108, B:010 Outline: Black R:000,G:000,B:000	
Permissible (A)	Consent (B)	Prohibited (C)
<ul style="list-style-type: none"> • Conservation Purposes • Dwelling • Garaging • Medium Density Housing • Outbuilding 	<ul style="list-style-type: none"> • Agricultural Building • Agricultural Land • Boarding House • Health and Beauty Parlour • Home Business* • Institution • Park Home Estate • Place of Instruction (limited to a Crèche and Child Minder*) • Place of Worship • Private Open Space • Private Recreation Area • Residential Building • Social Hall • Special Building 	Land uses and buildings not listed in column (A) and (B).
ADDITIONAL CONTROLS		
<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 2 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 3000 m².</p> <p>2.4. 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.</p> <p>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.</p> <p>2.6. The minimum frontage a Medium Density Housing development is to be erected shall be 6m.</p> <p>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.</p> <p>2.8. The Side and Rear Space requirements shall not apply to: -</p>		

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<p>(a) an existing Dwelling on a Medium Density Housing Site which is incorporated as part of the development, and</p> <p>(b) the individual Curtilages within a Medium Density Housing development except along the Frontage of the Medium Density Housing Site.</p>
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: -
<p>(a) Msunduzi Tuckshop Policy.</p> <p>(b) Msunduzi Boarding House Policy</p> <p>(c) Msunduzi Crèches and Crèches-Cum-Nursery Schools Bylaws</p> <p>(d) Msunduzi Public Health Bylaws</p> <p>(e) All signage and advertising shall comply with the Msunduzi Advertising Signs Bylaws</p>

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					
7,5m	5m		1 per 1500 m²	3000	2	40	0,40

4.6.5 Equestrian Residential 1

ZONE:	EQUESTRIAN RESIDENTIAL 1	
Statement of Intent:	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.	
Colour Notation:	Fill: Seville Orange Cross Hatch R:230, G:152, B:000 Outline: Green R:076,G:230,B:000	
Permissible (A)	Consent (B)	Prohibited (C)
<ul style="list-style-type: none"> • Conservation Purposes • Dwelling • Garaging • Outbuilding • Private Recreation Area • Riding Stables 	<ul style="list-style-type: none"> • Agricultural Building • Agricultural Land • Arts and Craft Workshop • Bed and Breakfast* • Caravan Park • Cellular Telecommunication Infrastructure • Chalet Development • Child Minder* • Crèche • Garden Nursery • Health and Beauty Parlour • Home Business* • Hotel • Institution • Medium Density Housing • Mobile Home Park • Place of Public Assembly • Place of Worship • Restaurant • Special Building 	Land uses and buildings not listed in column (A) and (B).
ADDITIONAL CONTROLS		
<ol style="list-style-type: none"> 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 following additional controls shall apply with regards to Medium Density Housing development: - <ol style="list-style-type: none"> 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 2 of the scheme. 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. 2.3. The minimum size of an Erf on which a Medium Density Housing development is to be erected shall be 2 ha. 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. 		

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- 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 Bylaws
 - (d) Caravan Camping Ground Bylaws
 - (e) Msunduzi Cellular Telecommunication Infrastructure Policy
 - (f) Msunduzi Public Health Bylaws
 - (g) All signage and advertising shall comply with the Msunduzi Advertising Signs Bylaws

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 ²)	Height (STOREYS)	Coverage (%)	F.A.R
Building line	Side space	Rear Space					
7,5m	3m		N/A	1ha	2	25	0,35

4.7 Tourism

4.7.1 Tourism 1

ZONE:	TOURISM 1		
Statement of Intent:	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.		
Colour Notation:	Fill: Cantaloupe Background R:233, G:150, B:122 With Light Blue Hatch R:151, G:219, B:242 Outline: Black R:000,G:000,B:000		
Permissible (A)		Consent (B)	Prohibited (C)
<ul style="list-style-type: none"> • Café • Camping Ground • Caretaker's Dwelling • Chalet Development • Conference Facility (ancillary to a hotel) • Conservation Purposes • Crèche • Dam • Eco-Tourism Facility • Exhibition Centre • Health and Beauty Parlour • Health Studio • Heritage Purposes • Hotel • Medium Density Housing • Museum • Office (limited to administration of the tourism facility) • Private Recreation Area • Recreational Purposes • Shop (as ancillary to the main tourism facility) • Tourism Activities 		<ul style="list-style-type: none"> • Arts and Craft Workshop • Bar • Casino (which forms part of a hotel) • Cellular Telecommunication Infrastructure • Institution • Laundrette • Place of Instruction • Place of Public Assembly • Place of Public Entertainment • Restaurant • Special Building 	Land uses and buildings not listed in column (A) and (B).
ADDITIONAL CONTROLS			
<ol style="list-style-type: none"> 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. A shop is restricted to sale of day to day commodities and shall not exceed a total Floor Area of 120m² in extent. 3. A laundrette may be permitted for the exclusive use of the guests and staff. 4. A Health Studio may be permitted for the exclusive use of the guests and staff. 5. A casino shall require a casino license issued in terms of the KwaZulu-Natal Gaming and Betting Act, 2010 (No. 8 of 2010). 			

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Description: ASHBURTON LAND USE SCHEME

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: - <ul style="list-style-type: none"> (a) Msunduzi Cellular Telecommunication Infrastructure Policy (b) Msunduzi Crèches and Crèches-Cum-Nursery Schools Bylaws (c) Msunduzi Public Health Bylaws (d) Caravan Camping Ground Bylaws (e) All signage and advertising shall comply with the Msunduzi Advertising Signs Bylaws

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					
7,5m	3m		N/A	5000	2	50	0,60

4.8 Utilities and Services

4.8.1 Utilities and Services 1

ZONE:	UTILITIES AND SERVICES 1						
Statement of Intent:	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.						
Colour Notation:	Fill: Black Hatch R:000, G:000, B:000 Outline: Black R:000,G:000,B:000						
Permissible (A)			Consent (B)		Prohibited (C)		
<ul style="list-style-type: none">Government/MunicipalUtilities Facility			<ul style="list-style-type: none">Cellular Telecommunication InfrastructureSpecial Building		Land uses and buildings not listed in column (A) and (B).		
ADDITIONAL CONTROLS							
1.							
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

5. SECTION 5: DEVELOPMENT PARAMETERS AND REGULATIONS

5.1 FRONTAGES OR MEAN WIDTH

The following frontages or mean width shall apply to the specified Land Use Zones: -

Land Use Zone	Minimum Frontage or Mean Width
Agriculture 2	N/A
Municipal/Government	20m
Worship	25m
Commercial	15m
Low Impact Mixed Use	15m
Active Public Open Space	N/A
Passive Public Open Space	N/A
Private Open Space	N/A
Protected Area 1	N/A
Light Industry	25m
Logistics 1	20m
Special Residential 1A	4m; 20m
Special Residential 2A	4m; 20m
Special Residential 3A	4m; 20m
Intermediate Residential	4m; 20m
Equestrian Residential 1	4m; 30m
Tourism 1	N/A
Utilities and Services 1	N/A

- 5.1.1 In considering the relaxation of the frontage, the Municipality may approve frontages of not less than 4m with the "Special Residential" and "Intermediate Residential" Zone.
- 5.1.2 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.
- 5.1.3 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.
- 5.1.4 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 SIDE AND REAR SPACE

- 5.2.1 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.
- 5.2.2 No building shall be erected nearer than 8.0m to a railway reserve boundary.
- 5.2.3 Where access to parking courts is required, the side space of affected erf shall be calculated from the boundaries of such access road.
- 5.2.4 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.
- 5.2.5 Where a side or rear space is laid down no building other than boundary/retaining walls, fences (not exceeding 2.0m 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.
- 5.2.6 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.
- 5.2.7 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 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.
- 5.2.8 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.

5.3 APPEALS

- 5.3.1 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.

5.4 CALCULATION OF COVERAGE AND FLOOR AREA RATIO

5.4.1 COVERAGE

- 5.4.1.1 In calculating the Coverage, the proportion of an Erf, which is covered by an Existing building or buildings, shall be added to the proportion of a Lot which is to be covered by an additional building or buildings unless the Existing Building or Buildings are to be demolished.

5.4.2 FLOOR AREA RATIO

In calculating the Floor Area Ratio of any building no account shall be taken of: -

- 5.4.2.1 The area of the floor of any part of a building's basement, which is more than 2m below the mean level of the ground immediately surrounding the building.
- 5.4.2.2 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, which are in proportion to the building;
- 5.4.2.3 The floor 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;
- 5.4.2.4 The floor area of any portion of a building which is used for the parking of vehicles, except in the case of a building used and designed for use as a Parking Depot.
- 5.4.2.5 The floor area of any pedestrian concourse within a shopping precinct, unless the total area of such concourse exceeds 20% of the floor area of the building.

5.5 ERECTION OF BUILDINGS

- 5.5.1 No person shall erect, alter or add to any building without applying to and obtaining the permission of the Municipality.
- 5.5.2 No Building shall be erected, altered or extended so as to exceed: -
- 5.5.2.1 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,
- 5.5.2.2 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,

5.5.2.3 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

5.5.2.4 the Density specified in the appropriate clause which is applicable to the land use zone in which the Erf is situated.

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 Bylaws and the Minimum Erf Size of the specified land use zone in which the Land is situated.

5.6.1.2 Notwithstanding the provisions relating to Mean Width, specified for each land use zone elsewhere in the Scheme, the shape of an Erf should be capable of containing, within its boundaries, a rectangle, not exceeding the ratio of 4 to 1 in proportion, having an area of 50 % of the minimum Erf size of the specified land use zone in which the Lot is situated.

5.6.1.3 Notwithstanding the provisions relating to minimum Erf size, specified for each land use zone elsewhere in the Scheme, the Municipality may consent to: -

(a) the relaxation of the area of two (2) subdivisions in any new township comprising four or more subdivisions, including a remainder, by not more than 30 % of the minimum Erf size of the specified land use zone in which the Erf is situated, provided that the Density of the specified land use zone in which the Erf is situated is not exceeded,

(b) the subdivision of an Existing Erf in order to facilitate the execution of public works provided that a fully motivated application is submitted to the Municipality and the area of such subdivision shall not be less than 70 % of the minimum Erf size of the specified land use zone in which the Erf is situated, and

(c) the subdivision of an Existing Erf to create up to three (3) subdivisions, including a remainder, with one (1) subdivision being not less than 70 % of the minimum Erf size of the specified land use zone in which the Erf is situated.

5.6.1.4 The Municipality may impose conditions in regard to matters arising out of, or incidental to, or connected with such subdivision.

5.6.1.5 Any person aggrieved by a decision of the Municipality under this clause, may appeal such decision.

5.7 **PANHANDLE SHAPED ERF**

5.7.1 The Municipality may consent to the subdivision of land by "a panhandle" subject to the following conditions: -

5.7.1.1 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

5.7.1.2 The maximum length of an access way shall be 100 meters.

5.8 **EXTERNAL APPEARANCE OF BUILDINGS**

5.8.1 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, shall be subject to the approval of the Municipality and no building may be erected without the Municipality's Consent.

5.8.2 In considering any application, the Municipality shall have regard to the character of the locality in which it is proposed to erect a building and shall take into account whether the building will be injurious to the amenity of the locality by reason of its external appearance or the materials to be used for construction.

5.8.3 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.

- 5.8.4 Within forty-two days from the date of submission of the drawings and particulars the Municipality shall approve, either unconditionally or subject to such conditions as it may deem fit, or disapprove the proposal for the external appearance of such building or buildings giving the reason for such a decision.
- 5.8.5 Any person aggrieved by any decision shall have the right to appeal to the Municipal Planning Appeal Authority.
- 5.8.6 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.
- 5.8.7 Any municipal approval granted in clause 5.8.4 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.
- 5.8.8 If the Municipality is of the opinion that: -
- 5.8.8.1 Any building is dilapidated or in a state of disrepair or shows signs thereof;
- 5.8.8.2 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,
- 5.8.9 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.
- 5.8.9.1 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 owner in line with Section 12 of the National Building Regulations and Building Standards Act, 1977 (No. 103 of 1977), as amended.

5.9 PRESERVATION OF AMENITY

- 5.9.1 All land and buildings shall be maintained so as to preserve the amenity of the locality in which they are situated.

5.10 INTEGRATED ENVIRONMENTAL MANAGEMENT

- 5.10.1 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 for in Appendix 7 of the Scheme.

5.11 PRESERVATION OF TREES

- 5.11.1 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.

- 5.11.2 The register of trees shall be maintained by the Municipality and shall be open for public inspection from Monday to Friday.

- 5.11.3 A tree, in whole or any part, registered in terms of this clause shall be subject to the following conditions:

- 5.11.3.1 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.

- 5.11.3.2 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.

5.12 ADVERTISEMENTS AND HOARDINGS

- 5.12.1 No advertisements displayed or hoardings erected, 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.
- 5.12.2 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.
- 5.12.3 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.
- 5.12.4 All advertisement requirements must comply with the Msunduzi Advertising Signs Bylaws.

5.13 PERMISSION GRANTED BEFORE APPROVAL OF SCHEME

- 5.13.1 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.

5.14 BINDING FORCE OF CONDITIONS IMPOSED

- 5.14.1 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 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.

5.15 APPROPRIATION OF LAND FOR OTHER USES

- 5.15.1 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.

5.16 MAKING OF APPLICATIONS AND LODGING OF PLANS

- 5.16.1 Ordinary application under the National Building Regulations, the Municipality's Bylaws 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.
- 5.16.2 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.
- 5.16.3 The procedures for the making of applications shall be done in accordance with the Msunduzi Municipality Spatial Planning and Land Use Management Bylaws and other applicable legislation.

5.17 ENTRY AND INSPECTION OF PREMISES

- 5.17.1 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.
- 5.17.2 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.

5.18 CONTRAVENTIONS OF THE SCHEME

- 5.18.1 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 and Land Use Management Bylaws.
- 5.18.2 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 Bylaws.

- 5.18.3 Any person may request the municipal planning enforcement officer to investigate an alleged offence contemplated in Section 87(1) of the Msunduzi Municipality Spatial Planning and Land Use Management Bylaws.

5.19 **RECORD OF PERMISSIONS AND CONDITIONS**

- 5.19.1 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.

5.20 **SERVICE OF NOTICES**

- 5.20.1 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: -

5.20.1.1 To the addressee personally, or to his duly authorised agent; or

5.20.1.2 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

5.20.1.3 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

5.20.1.4 If such person to be served has chosen a domicilium citandi at the domicile so chosen.

5.20.2 Where any service is effected in accordance with clause 5.20.1.3 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.

5.20.3 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.

5.21 SAVING FOR POWERS OF MUNICIPALITY

- 5.21.1 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.
- 5.21.2 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.
- 5.21.3 If an application as described in clause 5.21.2 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.
- 5.21.4 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.

5.22 DISPOSAL OF LAND

- 5.22.1 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.

5.23 CONFLICT OF SCHEME/CONDITIONS OF TITLE

- 5.23.1 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.
- 5.23.2 Where the provisions of the Scheme are in conflict with the National Building Regulations, the latter shall apply.
- 5.23.3 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.

5.23.4 An application for the amendments, suspension or removal of any condition of title, which restricts the realisation of the provisions of the Scheme, may be made in terms of the Msunduzi Municipality Spatial Planning and Land Use Management By-laws.

5.24 REGULATIONS

5.24.1 The Municipality may from time to time, make regulations with respect to: -

5.24.1.1 General conditions relating to services and other design criteria, in the case of, inter alia, Medium Density Housing development;

5.24.1.2 Any other matter or matters which the Municipality considers necessary for the effective administration and carrying into effect of the scheme.

5.24.2 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.

5.25 NON-CONFORMING EXISTING USE

5.25.1 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.

5.25.2 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".

5.25.3 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.

5.25.4 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.

5.25.5 Notwithstanding the provisions of clause 5.25.4 above, the 12.5 % additional floor area or area allowance may be increased by consent by a maximum total of 20%.

5.26 SITE DEVELOPMENT PLANS

- 5.26.1 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.
- 5.26.2 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.
- 5.26.3 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 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.
- 5.26.4 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.

5.27 SCHEDULES

- 5.27.1 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.

5.27.2 Such schedules shall not be of a statutory nature and may be added to or amended by a resolution of the Municipality.

5.28 **EXEMPTIONS**

5.28.1 Without prejudice to the powers of the Municipality which are derived from any other law, nothing in the provisions of the Scheme shall prohibit or restrict: -

(a) the letting of part of a Dwelling or Outbuilding otherwise than as a Boarding House or Bed and Breakfast;

(b) the conversion of a Dwelling which was existing at the Effective Date for use as two Flats by the Municipality's Consent;

(c) 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 such use is restricted to not more than twenty days in each calendar year; and

(d) 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.

5.29 **ADDITIONAL PROVISIONS APPLICABLE TO HOTELS**

5.29.1 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;

5.29.1.1 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;

5.29.1.2 The Municipality may by consent in any hotel other than those referred to in clause 5.29.1.1 above, permit such shops or activities listed in clause 5.29.1 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.

5.29.2 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.

5.30 **ADDITIONAL PROVISIONS APPLICABLE TO HOME BUSINESS**

The following shall apply to a Home Business: -

5.30.1 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.

5.30.2 The home business shall not involve work on motor vehicles such as motor workshop, panel beating etc.

5.30.3 The home business shall not involve the regular parking of more than five motor vehicles with a tare mass exceeding 2500kg, on or adjacent to the site at any one time, and such parking to be located to the rear of the dwelling, where possible.

5.30.4 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 in addition to the domestic employees.

5.30.5 The home business shall not produce a noise level exceeding 7db above the ambient noise level, measured at any point on the property boundary.

5.30.6 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.

5.30.7 The home business shall not involve any activity or work between the hours of 20h00 and 06h00, except with the specific approval of the Municipality.

- 5.30.8 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.
- 5.30.9 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.
- 5.30.10 Not detrimentally affect the amenity of the surrounding area through the emission of; ash, dust, fumes, grit, noise, oil, smell, smoke, soot, steam, vapour, vibration, waste products.
- 5.30.11 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 Bylaws.

5.31 **ADDITIONAL PROVISIONS APPLICABLE TO BED AND BREAKFAST**

The operation of a Bed and Breakfast from a dwelling shall: -

- 5.31.1 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;
- 5.31.2 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;
- 5.31.3 Be limited to accommodating a maximum of 12 travellers at any one time, save with the consent of Municipality;
- 5.31.4 Not require the regular parking of more than five motor vehicles or any vehicle with a tare mass exceeding 2 500 kg, on or adjacent to the Erf at any one time, and that such parking shall be located to the rear of the Dwelling, where possible,
- 5.31.5 Not require the employment of more than three persons in addition to the domestic employees;
- 5.31.6 Not occupy a floor area in excess of 25 % of the floor area of the Dwelling, subject to a maximum floor area of 50 m²;
- 5.31.7 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;

- 5.31.8 Not detrimentally interfere with the amenity of the surrounding area;
- 5.31.9 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;
- 5.31.10 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.
- 5.31.11 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.
- 5.31.12 These provisions shall also be read in conjunction with the Msunduzi Bed and Breakfast Policy.

5.32 **ADDITIONAL PROVISIONS APPLICABLE TO NOXIOUS INDUSTRIAL BUILDING**

5.32.1 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;
- (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.

5.32.2 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.

5.32.3 The Municipality may grant its consent to the erection and use of noxious industrial buildings in the Light Industrial Land Use Zone.

5.32.4 These provisions shall be read in conjunction with Chapter 7 of the Msunduzi Public Health Bylaws.

5.33 **ADDITIONAL PROVISIONS APPLICABLE TO OUTBUILDING**

The following shall apply to an Outbuilding: -

- 5.33.1 Provided that the floor area of the outbuilding shall not exceed 30% of that of the dwelling to which it is ancillary, save with the consent of the Municipality the size may be increased to a maximum of 50% of the dwelling size.
- 5.33.2 Provided further that, if 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 30%.

5.34 ADDITIONAL PROVISIONS APPLICABLE TO SOCIAL HALL

The following conditions shall apply to a Social Hall: -

- 5.34.1 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.
- 5.34.2 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.

5.35 NOISE CONTROL - INDUSTRIAL/RESIDENTIAL AREAS

- 5.35.1 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.
- 5.35.2 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.

5.36 RELAXATION OF BUILDING LINES, SIDE AND REAR SPACES

- 5.36.1 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 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.
- 5.36.2 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.

5.36.3 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.

5.37 **LAND SUBJECT TO FLOODING**

5.37.1 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 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.

5.37.2 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.

5.37.3 Any person aggrieved by any decision of the Municipality in terms hereof may appeal.

5.37.4 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: -

5.37.4.1 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.

5.37.4.2 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.

5.37.4.3 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.

- 5.37.4.4 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.
- 5.37.4.5 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.
- 5.37.4.6 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.
- 5.37.5 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.
- 5.37.6 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.
- 5.37.7 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.

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.

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.

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)

- 6.8.1.1 The AMO makes provision for the identification and management of areas that have agricultural potential as per the KZN DARD land capability 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 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;
 - (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.
- 6.8.1.3.3 High potential (high value agricultural land should be identified, protected and preserved through the various available pieces of national, provincial and municipal legislation, and policies.
- 6.8.1.3.4 The conversion of high potential to non-agricultural land use should not be permitted unless there are exceptional circumstances to justify the conversion.
- 6.8.1.3.5 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.

- 6.8.1.3.6 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).
- 6.8.1.3.7 The sub-division of land for uses other than agricultural production that falls outside of the scheme is subject to the Subdivision of Agricultural Land Act, 1970 (No. 70 of 1970), and requires approval from the national Department of Agriculture, Forestry and Fisheries (DAFF) and/or the provincial Department of Agriculture and Environmental Affairs (DAEA).
- 6.8.1.3.8 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) Msunduzi SDF
 - (d) Any other relevant legislations as may be updated from time to time

6.8.1.4 GENERAL PROVISIONS

- 1.8.1.4.1. 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.
- 1.8.1.4.2. 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.

6.8.1.5 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.
- 1.8.1.5.2. The Ashburton is encumbered by 2 agricultural categories i.e. Category C and D, but for the purposes of this overlay the most pressing is Category C, the following specific conditions shall apply to each category in considering an application: -
- (a) **Category C:** Change of land use from agricultural land use to non-agricultural land uses which are not necessarily in support of the existing agricultural land use may be considered. The change of land use must not be located on the best available land within the land parcel concerned and should not negatively impact existing agricultural land use.

- 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.

6.8.2 ENVIRONMENTAL MANAGEMENT OVERLAY (EMO)

- 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.

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 the environmental sensitivity of the area;
 - (b) 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: -
- (a) National Water Act, 1998 (No. 36 of 1998).
 - (b) National Forests Act, 1998 (No. 84 of 1998).
 - (c) National Environmental Management Act, 1998 (No. 107 of 1998).
 - (d) National Environmental Management: Biodiversity Act, 2004 (No. 10 of 2004).
 - (e) National Environmental Management: Protected Areas Act, 2003 (No. 57 of 2003) and National Environmental Management: Protected Areas Amendment Act, 2014 (No. 21 of 2014).

- (f) National Environmental Management Act (No.107 of 1998): Environmental Impact Assessment Regulations, 2014
- (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).
- (i) KwaZulu-Natal Nature Conservation Ordinance No.15 of 1974.
- (j) Msunduzi SDF
- (k) Msunduzi SEA (including the Mkhondeni SEA, EMF, EMP and any other adopted environmental policies and plans

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.

6.8.2.4 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 national building 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.
- (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 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).

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.

6.8.3 DENSIFICATION ZONE MANAGEMENT OVERLAY (DZMO)

6.8.3.1 The DZMO makes provision for areas earmarked for densification purposes in the Msunduzi Spatial Development Framework (SDF). 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.

6.8.3.2 DESIGNATING OF DZMO

6.8.3.2.1 The Municipality may designate an area to be a DZMO in accordance with the objectives of the SDF or any 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 DZMO, as adopted shall apply.

6.8.3.3.2 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.

6.8.3.3.3 Areas that fall within the DZMO shall comply with the provisions of the following policies: -

- (a) Msunduzi SDF

- (b) SEDis Local Area Plan
- (c) Any other applicable densification strategy or policy adopted by the municipality.

6.8.3.4 GENERAL PROVISIONS

- 6.8.3.4.1 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.
- 6.8.3.4.2 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.
- 6.8.3.4.3 Un-serviced areas falling within this overlay should take consideration of clause 7.5 of the scheme.
- 6.8.3.4.4 Higher residential density developments should be considered where there will be adequate feeder services from public transport transportation and interchanges.
- 6.8.3.4.5 The location of an Erf within this management overlay does not guarantee the approval of the Municipality.

6.8.3.5 CONSIDERATION OF APPLICATIONS

- 6.8.3.5.1 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.
- 6.8.3.5.2 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.

6.8.4 LAND USE MANAGEMENT OVERLAY (LUMO)

- 6.8.4.1 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.

6.8.4.2 DESIGNATING OF LUMO

- 6.8.4.2.1 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.

6.8.4.3 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 LUMO, as adopted shall apply.
- 6.8.4.3.2 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;
- 6.8.4.3.3 Areas that fall within the LUMO shall comply with the provisions of the following policies/legislation: -
- (a) Msunduzi Spatial Development Framework;
 - (b) Msunduzi Integrated Development Plan;
 - (c) SEDis Local Area Plan;
 - (d) Spatial Planning and Land Use Management Act, 2013 (No. 16 of 2013) as amended

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 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 must take into account the spatial intentions of the SDF and/or other spatial strategic plans adopted by the Municipality.
- 6.8.4.5.2 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.

7. SECTION 7: TECHNICAL AND DESIGN REQUIREMENTS

7.1 DESIGN CRITERIA FOR MEDIUM DENSITY HOUSING

- 7.1.1 On any site 3000m² or larger in extent within any zone where medium density housing may be established by consent, the maximum number of dwellings which may be permitted shall be dependent upon the gross area so zoned, but shall not exceed the number of units per hectare prescribed under the respective land use zone, raised to the next whole number.
- 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 m².
- 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 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.
- 7.1.7 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.

- 7.1.8 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.
- 7.1.9 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.
- 7.1.10 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.
- 7.1.11 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.
- 7.1.12 Provision shall be made for the access of fire tenders and commercial vehicles to the satisfaction of the Municipality.
- 7.1.13 The development of Medium Density Housing shall be subject to the additional requirements as per Appendix 2 of the Scheme.
- 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 Unit.
- 7.2.2 The minimum size for a parking space shall be 2,5m x 5m. 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.
- 7.2.3 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.

- 7.2.4 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.
- 7.2.5 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.
- 7.2.6 Generally, any on-site parking shall be arranged to ensure that vehicles leave the site in a forward direction.

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 Bylaws;
- 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;
- 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 Bylaws.
- 7.4.2 An occupier of premises which constitute a factory as defined in subsection (3) of the Msunduzi Waste Management Bylaws 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.

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 m².

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 m² whichever is the lesser;

Provided that there shall be only one shop for each industrial undertaking on the site.

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.

8. SECTION 8: APPENDICES

Appendix 1: Amendments Relating to Individual Properties
Appendix 2: General Conditions Applicable to Medium Density Housing
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: Integrated Environmental Management Checklist
Appendix 8: Parking Regulations
Appendix 9: Schedule of Land Use Zone Changes

APPENDIX 1: AMENDMENTS RELATING TO INDIVIDUAL PROPERTIES

No.	Date Adopted	Property Description	Street Number	Details of Amendment
1	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 5.6.1.3(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.
2	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
3	01/01/08	Erf 54 Ashburton	10 Kinghorn Road	to establish Chalets, Restaurant and Conference Centre, 10 Kinghorn Road, #Erf 54 Ashburton
4	19/03/2009	Erf 248 Lynnfield Park	5 Margaret Avenue	To establish a boarding house (old age home)- Special Consent
5	14/08/2009	Erf 278 of Ashburton	10 Dely Crescent	Waiving of Special Consent to establish cluster housing
6	07/10/2009	Erf 61 Lynnfield Park	39 Margaret Road	Home Activity (parking of 1 meter taxi)
7	20/02/2013	Portion 1 of Erf 259 Ashburton	5A pope Ellis Drive	Home activity- Chartered Services
8	24/10/13	Remainder of Erf 196 Ashburton	1 Thorntree Road	To establish an additional 'Special Building' boarding kennel
9	09/01/2014	Erf 358 Ashburton	10 Kudu Drive	Home Business-Making and delivery of baked goods
10	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"
11		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: GENERAL CONDITIONS APPLICABLE TO MEDIUM DENSITY HOUSING

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

(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.

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)	To protect and manage areas that are already developed that have moderate agricultural potential	AMO/011/18	1: 22 000	04 October 2018
Environmental Management Overlay (EMO)	To protect and manage of environmentally-sensitive areas	EMO/022/18	1: 72 000	04 October 2018
Densification Zone Management Overlay (DZMO)	To identify areas earmarked for densification purposes as per the SDF intentions	DZMO/033/18	1: 22 000	04 October 2018
Land Use Management Overlay (LUMO)	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/044/18	1: 22 000	04 October 2018

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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Description: ASHBURTON LAND USE SCHEME

APPENDIX 7: INTEGRATED ENVIRONMENTAL MANAGEMENT CHECKLIST

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

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2.7.2. Spent process materials or liquids resulting from the manufacturing process:

2.7.3. Noise pollution - potential emissions:

2.7.4. Air pollution - potential emissions:

2.7.5. Water pollution - potential emissions:

2.8. Waste disposal - proposed method of disposal:

2.9. 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:

5. CONCLUSION, INTEGRATED ENVIRONMENTAL MANAGEMENT EVALUATION

APPENDIX 8: PARKING REGULATIONS

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
AGRICULTURE		
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 ² floor area or part thereof
CIVIC, SOCIAL AND ADMINISTRATIVE		
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
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 ² 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 for every 15m ² of nett building area used by the congregation. Provided that the Municipality may grant its consent for the partial or total relaxation of the parking requirement	N/A
Social Hall	1 car parking space for every 5m ² of nett hall space.	Loading and unloading to be provided to the satisfaction of the municipality
COMMERCIAL/MIXED USE/ENTERTAINMENT		
Arts and Craft Workshop	Parking provided at the discretion of the Municipality	Loading and unloading to be provided to the satisfaction of the municipality

LAND USE	ON-SITE PARKING REQUIREMENTS	LOADING REQUIREMENTS
Banks and building societies	1 bay per 25m ² of nett space	Loading and unloading to be provided to the satisfaction of the municipality
Betting Depot	10 bays per 100m ²	Loading and unloading to be provided at the discretion of the municipality
Business Purposes and Shops	1,2m ² of gross parking area per 1m ² of gross floor area.	Loading and unloading to be provided to the satisfaction of the municipality
Café	5 bays per 100m ² of gross floor area	1 loading and unloading bay
Car Wash	4 bays per working bay	N/A
Casino	1 bay per 25m ² of gross floor area	1 loading and unloading bay
Conference Facility	4 bays per 100m ²	Loading and unloading to be provided to the satisfaction of the municipality
Convenience Shop	1 bay per 25 m ² of gross floor area	1 loading and unloading bay
Convention Centre	2 bays per 3 seats or 20 bays per 100m ² . In addition 2 bays per 100m ² 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 ² 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 ² 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 ² of gross floor area	1 loading and unloading bay
Night Club	10 bays per 100m ² of gross floor area	1 loading and unloading bay
Petrol Filling Station	2 bays per 100m ² 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 ² of gross floor area	1 loading and unloading bay
Shopping Centre: <ul style="list-style-type: none"> Neighbourhood (5000m²) Community (5000-15000 m²) Regional (15 000 m² and greater) 	<ul style="list-style-type: none"> 7 bays per 100 m² of gross floor area 6 bays per 100 m² of gross floor area 5 bays per 100 m² of gross floor area 	Loading and unloading to be provided to the satisfaction of the municipality
Tavern	1 bay per 25 m ² of gross floor area	Loading and unloading to be provided to the satisfaction of the municipality
ENVIRONMENTAL AND RECREATION		
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

LAND USE	ON-SITE PARKING REQUIREMENTS	LOADING REQUIREMENTS
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
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	2 bays per 100 m ² net floor area	Loading and unloading to be provided to the satisfaction of the municipality
Sport Field	1 bay per 4 seats	1 loading and unloading bay
INDUSTRIAL		
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	1 loading and unloading bay
Motor Sales Premises	2 bays per 100m ² of gross floor area	1 loading and unloading bay
Motor Showroom	4 bays per working bay, in addition to 1 parking space per 50m ² of spares and sales area	1 loading and unloading bay
Warehouse	1 bay per 100m ² of gross floor area (min 3 bays), in addition 2 bays per 100m ² of office area	1 loading and unloading bay
RESIDENTIAL		
Bed and Breakfast	1 bay per rented room, or 1 bay per 25m ² . 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 bedrooms) Dwelling (4 Bedrooms) Visitors	1 bay per dwelling 1,5 bay per dwelling 2 bay per dwelling 0,5 bay per dwelling	N/A

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LAND USE	ON-SITE PARKING REQUIREMENTS	LOADING REQUIREMENTS
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.	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
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 Restaurant. 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.	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 consent of the Municipality, provided that the Municipality may impose conditions relating to screening, landscaping, etc.	N/A
Residential Building, other than Flats and hotels	1 bay for every 2 habitable rooms. In addition, 0,5 bay per unit to accommodate visitors parking. 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.	Loading and unloading to be provided at the discretion of the municipality
TRANSPORT		
Bus and Taxi Rank	Parking provided at the discretion of the Municipality	Loading and unloading to be provided to the satisfaction of the municipality
TOURISM		

LAND USE	ON-SITE PARKING REQUIREMENTS	LOADING REQUIREMENTS
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
OFFICE		
Office	<ul style="list-style-type: none"> 1 bay for every 25m² of nett office space, other than offices wherein medical or dental practitioners are to be accommodated. 1 bay for every 15m² of nett office space wherein medical or dental practitioners are to be accommodated. 	Loading and unloading to be provided to the satisfaction of the municipality
Specialised Offices, other than medical/dental practices	1 bay per 40m ² of nett Office space	Loading and unloading to be provided to the satisfaction of the municipality
Veterinary Clinic	1 bay per 50m ² 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 ² of nett office space	Loading and unloading to be provided to the satisfaction of the municipality
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

APPENDIX 9: SCHEDULE OF LAND USE ZONE CHANGES

Historic Land Use Zone	New Land Use Zone
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

