

The Msunduzi Municipality

INFRASTRUCTURE, SERVICES & FACILITIES STRATEGIC BUSINESS UNIT

Policy guidelines/criteria for the placing of containers

1 1.1 Local Authority approach.

1.1.1 The local authority shall implement this policy through taking the site selection process into account to rationalise, identify and minimise the number of sites where containers are placed.

1.1.2 Containers will only be permitted for the following uses:

- 1.1.2.1 Public telephones
- 1.1.2.2 Tuck shops
- 1.1.2.3 Ablution facilities
- 1.1.2.4 Information centres
- 1.1.2.5 Taxi office
- 1.1.2.6 Storage facility
- 1.1.2.7 Recycling depot
- 1.1.2.8 Temporary offices

1.2 Planning approval procedure

An application for the placing of a container and related infrastructure shall comply with all the relevant statutory requirements, submission, connection and service fees.

2. Site selection

2.1 Location and aesthetics

An application for the placing of a container and related infrastructure on a particular site shall take into account:

- 2.1.1 Aesthetic impact on surrounding land uses
- 2.1.2 Preferred and unfavourable locations for sites
- 2.1.3 Safety zones/set-backs
- 2.1.4 Proximity to other developments
- 2.1.5 Consultation with relevant interested and affected parties
- 2.1.6 Possible use of appropriate and existing structures
- 2.1.7 The current state and usage of the proposed site.
- 2.1.8 Special case areas, i.e. emergencies or disaster responses, less formal areas and areas within which a motivated case can be made for departures from the policy.

2.1.9 Environmentally sensitive areas

3. **Departmental requirements**3.1 **General requirements**

The container and related infrastructure shall be designed and constructed, erected, equipped, operated and maintained to the satisfaction of the resident approving authority and every measure taken to mitigate negative environmental impacts.

3.2 **Health Aspects**

3.2.1 Lighting and ventilation must be supplied as stipulated in the National Building Regulations.

3.2.2 The roof, walls and floors must be insulated to the satisfaction of the Medical Officer of Health.

3.3 **Licensing**

3.3.1 No container may be approved prior to all the relevant trading licenses having been obtained.

3.4 **Estates**

3.4.1 Any container placed on either 'Road Reserve' or 'Public Open Spaces' would require formal road closure procedures to be concluded prior to the approval of the plan.

3.4.2 The residential rebate will be lost if the site is of a residential nature as the usage of the site will change.

3.5 **Chief Fire Officer**

3.5.1 All containers must be in full compliance with the National Building Regulations, Part T.

3.5.2 Every application will be assessed on merit as much depends on the intended use of the container.

3.6 **Electricity Department**

3.6.1 Security of tenure in the form of a formal lease agreement for the land/site on which trading is to take place will be required.

3.6.2 Lease holder to make application and be responsible for the installation of electricity on site, payment of account, and be in possession of a

valid 'compliance form' in terms of the Electrical Installation Regulations of the Occupational Health and Safety Act.

- 3.6.3 A normal service connection will be provided with credit metering at the applicable connection fee as laid down in the Electricity Supply Bylaws.
- 3.6.4 The standard electricity tariffs as laid down in the Electricity Supply Bylaws will be applicable.
- 3.6.5 One point of supply to a leased area will be provided and will be the responsibility of the lease holder as in (6.6.2) above.
- 3.6.6 A metering kiosk or meter box affixed to a formal structure must be provided and installed by the consumer at a suitable position to be determined by the City Electrical Engineer. Additional meters may be applied for and will be installed at the discretion of the City Electrical Engineer.

3.7 **Parks and Recreation**

- 3.7.1 No container may be placed on any 'Road Reserve' or 'Public Open Spaces' where it will/may cause a hindrance to the department's maintenance teams.

3.8 **City Engineer**

- 3.8.1 No containers may be placed on any 'Road Reserve' where it could cause a hindrance to the department's maintenance teams or the laying of new services.
- 3.8.2 No containers may be placed on any 'Road Reserve' or 'Public Open Spaces' where it could cause additional traffic congestion or danger to pedestrians or motorists due to restricted visibility or access to pedestrian footpaths.
- 3.8.3 "In terms of Section 214 of the Local Authorities Ordinance, 25 of 1974 as amended (the ordinance):

Section 214.2 - "No building" or other structure or fence shall be so erected or placed as to encroach on the street line of any street, whether existing at the commencement of this ordinance or hereafter defined, nor shall any alteration of any existing building or other structure or of any fence be so carried out as to encroach upon any such street line. Any person who contravenes the provisions of this sub section shall be guilty of an offence."

Section 214.3 - "Whenever any work has been carried out in contravention of sub' section 214.2, the council may give reasonable notice to the owner or

valid 'compliance form' in terms of the Electrical Installation Regulations of the Occupational Health and Safety Act.

- 3.6.3 A normal service connection will be provided with credit metering at the applicable connection fee as laid down in the Electricity Supply Bylaws.
- 3.6.4 The standard electricity tariffs as laid down in the Electricity Supply Bylaws will be applicable.
- 3.6.5 One point of supply to a leased area will be provided and will be the responsibility of the lease holder as in (6.6.2) above.
- 3.6.6 A metering kiosk or meter box affixed to a formal structure must be provided and installed by the consumer at a suitable position to be determined by the City Electrical Engineer. Additional meters may be applied for and will be installed at the discretion of the City Electrical Engineer.

3.7 **Parks and Recreation**

- 3.7.1 No container may be placed on any 'Road Reserve' or 'Public Open Spaces' where it will/may cause a hindrance to the department's maintenance teams.

3.8 **City Engineer**

- 3.8.1 No containers may be placed on any 'Road Reserve' where it could cause a hindrance to the department's maintenance teams or the laying of new services.
- 3.8.2 No containers may be placed on any 'Road Reserve' or 'Public Open Spaces' where it could cause additional traffic congestion or danger to pedestrians or motorists due to restricted visibility or access to pedestrian footpaths.
- 3.8.3 "In terms of Section 214 of the Local Authorities Ordinance, 25 of 1974 as amended (the ordinance):

Section 214.2 - "No building" or other structure or fence shall be so erected or placed as to encroach on the street line of any street, whether existing at the commencement of this ordinance or hereafter defined, nor shall any alteration of any existing building or other structure or of any fence be so carried out as to encroach upon any such street line. Any person who contravenes the provisions of this sub section shall be guilty of an offence."

Section 214.3 - "Whenever any work has been carried out in contravention of sub section 214.2, the council may give reasonable notice to the owner or

occupier of the property or other person responsible for the work ordering him to demolish so much thereof as encroaches upon the street line and remove the material and restore the surface of the street to its former condition, and upon his failure to comply with such order, may itself cause such work to be carried out as may be necessary to accomplish the same purpose and recover all expenses incurred in so doing from the person upon whom the order was served, or in the last resort from the owner of the property.

3.9 Chief Town Planner

- 3.9.1 The Town Planning Scheme defines the types of activities that can be established within the various land use zones contained in the Town Planning Scheme. In terms of the Town Planning Scheme, one may not establish a new use or alter the use of a property without Council's approval. Sections 67 and 47, of the Town Planning Ordinance require planning applications to be made to the Council for any new development, new use or change of use, on any site.

Anyone who undertakes a new development, establishes a new use or changes the use, without having first submitted a planning application, is in contravention of the Town Planning Scheme.

If on the other hand, that development, new use or change of use is expressly prohibited in terms of the Scheme, the Town Planning Ordinance makes provision for legal action to be taken against the unauthorised use.

- 3.9.2 In light of the above, the proposed placement of container/s on a site and the proposed use thereof is no exception to the rule, that is any development or change of use shall be in accordance with the Town Planning Scheme.
- 3.9.3 All applications will be accompanied by a letter of consent from the contiguous neighbours and affected parties.

3.10 Building Survey

- 3.10.1 All containers must be in full compliance with the National Building Regulations SABS 0400 (1990) and Building Standards Act 103 of 1977 (as amended) for the use for which its intended.
- 3.10.2 All applications must be accompanied with a copy of the property title deeds and the owner of the property is to certify that the proposal as applied for does not conflict in any way with the property title deeds.
- 3.10.3 All applications must be accompanied by a copy of the Ward

Councillor's written comment.

3.10.4 Containers will only be approved for a period of 12 months after which the container will be inspected for compliance with the relevant legislation and if compliance is found, a further 12 months approval may be granted. At the conclusion of this period, a formal structure must replace the temporary structure.

3.10.5 The modified container must be aesthetically compatible with its surroundings and other land uses.

3.11 Waste Management

3.11.1 Standard business rates will apply for refuse removal.

3.12 Redundant Containers

3.12.1 Any container which is no longer required/occupied shall be removed by the owner of the container or the site within 7 days of being vacated. Any applicant who wishes to reuse a vacated container for a similar or other usage will be subjected to an entirely new application.

3.13 Legal Implications

3.13.1 The approval of a particular container must be considered with due reference to legislation applicable to that specific container. It is therefore possible to regularise a container provided that the user thereof takes practical steps to adapt the container in accordance with the requirements of applicable legislation.

LM/mm
10 November 2004