




MSUNDUZI MUNICIPALITY

**REVIEW OF THE ASHBURTON TOWN
PLANNING SCHEME 2017-2018**

Final Draft Land Use Management
Framework Report

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ASHBURTON TOWN PLANNING SCHEME REVIEW 2017-2018

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1. INTRODUCTION

- 1.1 Section 24 (1) of the Spatial Planning and Land Use Management Act 2013 (No. 16 of 2013) as amended, requires that Council review its planning scheme in order to achieve consistency with its Spatial Development Framework ("SDF"). It is acknowledged that the current Ashburton Town Planning Scheme is a document that was prepared and adopted in terms of a now defunct policy, which is no longer applicable nor relevant in the review of Town Planning Schemes.
- 1.2 It is understood that the review of the Ashburton Town Planning Scheme forms part of the incremental approach towards establishing a single wall-to-wall scheme within the Msunduzi Municipality's area of jurisdiction.
- 1.3 At present the Ashburton Town Planning Scheme may be considered misaligned to current policies and plans of the municipality, which is one of the key reasons advancing a review of the scheme, which is to effectively respond to the development pressures and changes occurring within the municipality.
- 1.4 Based on the foregoing the intention of this report is to propose a Land Use Framework ("LUF") for the Ashburton area. The purpose of the LUF is to provide a land use system that manages public and private land and natural resources in a responsible manner such that all the combined effects of future growth and new economic development are addressed and environmental factors are balanced with economic and social considerations all in accordance with the applicable legislative frameworks governing same.
- 1.5 Moreover the LUF will also summarise the effectiveness of the current land use zones within the municipality and its ability to effectively respond to the changing development dynamics occurring within the municipality and its responsiveness in light of the recently adopted policies and plans within the Msunduzi Municipality.
- 1.6 The LUF translates the intentions of SPLUMA, IDP, SDF, Environmental Management Framework ("EMF"), Strategic Environmental Assessment ("SEA"), Local Area Plans (LAPs) and its associated economic policies i.e. Local Economic Development ("LED") Strategy and the outcomes of the status quo into a tangible and implementable process.

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1.7 The review of the Ashburton Town Planning Scheme will enable the development intentions advanced in the municipal hierarchical plans and policies to be interpreted in a meaningful way and given effect in the land use scheme.

2. KEY INFORMANTS ON WHAT TO PROTECT AND DEVELOP-OUTCOMES OF THE INTERIM REPORT

2.1 The review of the Ashburton Town Planning Scheme was undertaken in line with the statutory requirements as set out in the applicable national legislation and municipal policies and plans, which were discussed in detail within the interim report (dated November 2017). A number of aspects were given due consideration in the review of the Ashburton Town Planning Scheme that are based on the outcomes of the interim report more specifically the implications of the legislation and policies and plans analysed, which will assist in addressing the misalignment that exists in the current scheme whilst at the same time assisting in the development of a responsive land use management system for the Ashburton area.

2.2 The table below saliently summarises the implications of the policy analysis, which will form the basis of the Land Use Management Framework:-

Table 1: Implications of Policy /plan on the Ashburton Town Planning Scheme Review

Policy/ Plan	Implications for the Town Planning Scheme Review
Constitution and White Paper on SPLUM	<ul style="list-style-type: none"> • Encourage the establishment of wall-to-wall land use schemes, which this review forms part of the incremental approach to achieving this. • Facilitate and enable appropriate forms of development that are in line with the developmental role of the municipality as identified in the municipal hierarchical plans.
NSDP, N3 SCP	<ul style="list-style-type: none"> • Facilitate Economic Growth in identified nodal areas and corridors and the associated unlocking or reinforcement thereof in so far as applicable zones are concerned. • Promote logistics/ industrial/ mixed use development along the N3 corridor by unlocking land parcels. • Promote a variety of uses, including residential development, tourism development, private and public services as well as retail development.
National Land Transport Act	<ul style="list-style-type: none"> • Recognise the importance of the planned transportation projects such as the Integrated Rapid Public Transit Network (IRPTN), to this end the Ashburton area has a BRT route which is linked to the IRTPN.

Policy/ Plan	Implications for the Town Planning Scheme Review														
Municipal Systems Act	<ul style="list-style-type: none"> The advocated spatial and non-spatial development principles and projects which are applicable to the Ashburton area need to be reflected within the current scheme. 														
SPLUMA	<ul style="list-style-type: none"> The scheme needs to be aligned to the principles of Economic Growth, social Inclusion and efficient land development with minimal impact on environment. Where possible and appropriate to use the schedule of land use purposes and definitions included in SPLUMA, namely <table border="0" data-bbox="662 495 1369 705"> <tr> <td>Agricultural Purposes;</td> <td>Industrial Purposes;</td> </tr> <tr> <td>Business Purposes;</td> <td>Institutional Purposes;</td> </tr> <tr> <td>Commercial Purposes;</td> <td>Mining Purposes;</td> </tr> <tr> <td>Community Purposes;</td> <td>Public Purposes;</td> </tr> <tr> <td>Conservation Purposes;</td> <td>Recreational Purposes;</td> </tr> <tr> <td>Educational Purposes;</td> <td>Residential Purposes; and</td> </tr> <tr> <td>Government Purposes;</td> <td>Transport Purposes</td> </tr> </table> 	Agricultural Purposes;	Industrial Purposes;	Business Purposes;	Institutional Purposes;	Commercial Purposes;	Mining Purposes;	Community Purposes;	Public Purposes;	Conservation Purposes;	Recreational Purposes;	Educational Purposes;	Residential Purposes; and	Government Purposes;	Transport Purposes
Agricultural Purposes;	Industrial Purposes;														
Business Purposes;	Institutional Purposes;														
Commercial Purposes;	Mining Purposes;														
Community Purposes;	Public Purposes;														
Conservation Purposes;	Recreational Purposes;														
Educational Purposes;	Residential Purposes; and														
Government Purposes;	Transport Purposes														
KZN PDA	<ul style="list-style-type: none"> Regulate land development in an efficient manner. 														
Msunduzi IDP	<ul style="list-style-type: none"> Promote sustainable development, Promote densification along identified areas in order to use land more efficiently and effectively Protect agricultural and environmentally sensitive areas and promote economic development by making land available for commercial/ mixed use development. 														
Msunduzi SDF	<ul style="list-style-type: none"> Encourage logistics and industrial uses as well as commercial uses (R103 & N3), Protect and enhance natural corridors, Promote densification along the IRPTN feeder routes and Promote economic activity. Recognise and protect the importance of the MOSS layer Acknowledge the broad land use guidelines advanced in the SDF, in terms of these guidelines the Ashburton area will recognise the following:- <ul style="list-style-type: none"> - Encourage High Density Residential along BRT & Sustainable Urban Centres (appropriate buffers to be implemented to this end i.e. Sustainable urban centres 250m and major BRT routes 300m densification buffer) - Logistics & Business Parks - Tourism - Parks (Recognise Existing Major Open Spaces) - Environmental Corridors 														
NEMA/ Msunduzi SEA (Including the Mkondeni SEA)/ Msunduzi EMF/ Msunduzi ESP/ Msunduzi	<ul style="list-style-type: none"> Acknowledge and protect environmentally sensitive areas, wetlands and rivers. Conserve and protect the biodiversity of the area. Promote sustainable environmental, social and economic development 														

Policy/ Plan	Implications for the Town Planning Scheme Review
IEMP/ Msunduzi Green Building Guidelines	<ul style="list-style-type: none"> Recognise and protect all protected areas within the municipality. Preserve commercially viable land for agricultural production Limit development in unfavourable areas. Create safe spaces and connected open spaces, by means of ensuring that the Open Space System connects all relevant environmental and open spaces.
Msunduzi Climate Change Policy	<ul style="list-style-type: none"> Use the policy to effect change and inform future developments by encouraging sustainable practices.
Msunduzi SEDis LAP	<ul style="list-style-type: none"> Align the current town planning Scheme to the development objectives of the LAP by amending zones where necessary and introducing uses as per the proposals made. In terms of the proposals advanced in the SEDis LAP the following bear reference to the Ashburton Area:- <ul style="list-style-type: none"> Ashburton existing/emerging Node Proposed Mixed use Node Settlement Growth Potential/Proposed Settlement (Short Term) Integrated Open Space System Proposed Primary Tourism and Scenic Route Rural/Agriculture/Tourism Acknowledge the development intentions of Precinct 1 and 2 (See Figure 1) The LAP proposes densities with a minimum net density of 60-100du/ha in proximity to Mixed Use Local Nodes (i.e. along the R103 nodes at Ashburton and Lynnfield Park) and within and in proximity to IRPTN Bus Stops and 5-15du/ha within 400m to the Open Space System and Environmentally Sensitive Areas.
Msunduzi LED Strategy/ Msunduzi Green Building Guidelines	<ul style="list-style-type: none"> Protect High Potential Agricultural land. Ensuring that good agricultural potential land is protected from sprawl. Identify suitably located land for industrial development, commercial development. Encourage Land Release for Commercial and Residential Development in Densification Zones and Intensification and Development of Key IRPTN Nodes. Promote economic investment by unlocking strategic parcels of land. Promote increased social and land use diversity, by encouraging mixed uses, and reusing existing buildings to promote sustainability.
Msunduzi Green Building Guidelines	<ul style="list-style-type: none"> Acknowledge the requirements set out in the national standards. Promote a permeable form by increasing accessibility. Design for pedestrians by providing adequate road reserves that will eventually lead to the design for pedestrian and non-motorised spaces.

2.3 The figure below depicts the role of Precinct 1 and 2 as per the SEDis LAP:

Figure 1: Precinct 1 and 2 land use objectives applicable to the Ashburton Are

PRECINCT 1: NORTHEAST PRECINCT	PRECINCT 2: R103/N3 PRECINCT
<p>Precinct Role: Sustainable urban residential/mixed use expansion area from Ashburton North, Bellevue and Lincoln Meade into the northeast precinct area with a support system of facilities, services, infrastructure and open space .</p> <p>Land Use System Responses:-</p> <ul style="list-style-type: none"> -Promote the consolidation and expansion of the Ashburton North settlement; -Encourage the development of a local mixed use urban node within Ashburton North along the P478 . -Promote the sustainable urban expansion of existing residential settlements with a mix of incomes -Retain the existing stables and racecourse and promote the development (Tourism and Recreation) -Provide active and passive public open spaces. <p>Open Space System Response:-</p> <ul style="list-style-type: none"> -Protect the Mpushini protected areas and encourage the linkage of these areas to improve ecological functioning. -Improve the management of natural habitats <p>Public Space and Built Form Responses:-</p> <ul style="list-style-type: none"> -Encourage a more intensive built form within the local node at Ashburton North -Encourage a finer grain of residential development along the existing and potential road linkages with medium densities and buildings 	<p>Precinct Role: Sustainable urban neighbourhoods along existing R103/upgraded D354 corridor and major industrial/economic node at Umlaas Road with access to IRPTN nodes.</p> <p>Land Use System Responses:-</p> <ul style="list-style-type: none"> -Promote the consolidation and expansion of Ashburton settlement. -Encourage the development of a local mixed use urban node at the intersection of the R103/P478 in the Asburton Formal Settlement and intersection of the R103/D354 Lynnfield Park Formal Settlement . -Encourage the retention and development of productive and tourism uses west of existing settlements -Protection of the open spaces associated with the Mkhondeni and Mpushini River systems. <p>Open Space System Response:-</p> <ul style="list-style-type: none"> -Protect and upgrade the open space system, including the Mkhondeni and Mpushini River systems and associated open spaces, biodiversity areas and environmental assets -Improve the management of natural habitats. <p>Public Space and Built Form Responses:-</p> <ul style="list-style-type: none"> -Create identifiable character for each settlement area at Bellevue south, Ashburton, Lynnfield Park and a new residential area extending from Lynnfield Park to Dardenelles Road - Establish an activity spine along the D354 linking the Lynnfield Park and Dardenelles Road nodes. -Encourage a finer grain of residential development along the existing and potential road linkages with medium densities -Encourage a more intensive built form within the mixed use nodes at Ashburton, Lynnfield Park.

Source: SEDis Local Area Plan (2014: 53-59)

2.4 In addition to the above the following has implications for the scheme review:-

2.4.1 Spatial Assessment

The spatial analysis has the following implication for the scheme review:-

- Promote development to occur in a more integrated and inclusive manner.

- Promote a combination of diverse land uses, which would include business, residential and industrial, and to encourage greater combinations of land use activities.
- Align future expansion in the areas that have an identified potential.
- Acknowledge proposed development projects within the project area.
- Review the current zones in light of recent legislation and to ensure that the zones are reflective of the changing dynamics within the municipality.
- Revise land use definitions and uses in general to be reflective of the existing land use dynamics within the project area and to also be compliant to the current legislation.
- Acknowledge the developments projects identified within Ashburton namely the warehousing and light industrial development as per the IDP.

2.4.2 Natural Environment

The natural environment analysis has the following implications for the scheme review:-

- All Proclaimed Protected Areas will be assigned an appropriate zoning
- All rivers will be protected with an river buffer
- All wetlands protected (additional buffers may be applicable).
- Retaining high potential agricultural land by allocating an appropriate zone (at present the Ashburton area consists of Category C and D).
- Conserve identified biodiversity features.

2.4.3 Land Use Survey Outcomes

a) The land use survey process undertaken within the entire Ashburton area revealed the following land uses:-

- | | |
|---|--|
| <ul style="list-style-type: none"> • Agricultural Building; • Agricultural Land • Bed and Breakfast; • Cellular Telecommunication Infrastructure; • Children's Home; • Conference Facility; • Conservation Area; • Crèche; • Eco-Tourism Facility • Educational Purposes and Place of Worship • Equestrian Facility; | <ul style="list-style-type: none"> • Government and Municipal Purposes; • Home Business; • Medium Density Housing; • Mixed Use; • Motor Workshop; • Place of Worship; • Private Open Space • Recreational Purposes • Residential uses • Shop; • Utilities Facility; and • Vacant |
|---|--|

- Based on the analysis of the land use survey it can be concluded that the project area is predominantly characterised by Residential uses, which account for **62% (i.e.**

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484 properties) of uses within the area, 160 properties (21%) are vacant and the remaining 17% of properties can be broken down into roads, agricultural uses, other residential uses or businesses etc.

- There is an emergence of a potential economic node at the intersection of Old Main Road, Pope Ellis Drive (north) and Wall Hayward Drive (south), which needs to be given consideration in order to unlock the economic potential that exists.
- The area has the potential to emerge as a middle to up market residential area together with opportunities around identified strategic areas for possible industrial and mixed use development.

b) At present the Ashburton Town Planning Scheme contains the following land use definitions:-

- | | | |
|---|--|--|
| <ul style="list-style-type: none"> • Agricultural • Agricultural Building • Agricultural Land • Betting Depot • Home Business • Launderette • Local Shop • Petrol Filling Station • Public House • Restaurant • Shop • Warehouse • Conservation Area • Child Minder • Crèche/ Nursery School/ Playschool • Local Educational Building • Educational Building • Commercial Workshop • Extractive Industry • General Industrial Building | <ul style="list-style-type: none"> • Industrial • Light Industrial Building • Service Industrial Building • Special Industrial Building • Institution • Restricted Building • Office Building • Public Office • Active Public Open Space • Passive Public Open Space • Place of Public Amusement • Private Open Space • Recreational Building • Attached Dwelling Unit • Bed and Breakfast • Boarding House • Caravan Park • Chalet Development • Cluster Housing | <ul style="list-style-type: none"> • Common Land • Curtilage • Duplex Flat • Dwelling • Dwelling House • Dwelling Unit • Flat • Outbuilding • Private Open Area • Self-Contained Residential Unit • Semi-Detached House • Residential Building (1) • Residential Building (2) • Residential Development • Terrace House • Funeral Parlour • Parking Garage • Special Building • Place of Worship |
|---|--|--|

The land use definitions highlighted in red above indicate the land uses that are unique to the Ashburton Town Planning Scheme. These definition will be reviewed in order to determine their relevance.

c) It is acknowledged that the Pietermaritzburg Town Planning Scheme (Now referred to as the Msunduzi Land Use Scheme) is currently under review. To achieve

alignment and consistency with the proposals made as part of the PMB Scheme review the advancements proposed will be carried over in the Ashburton Town Planning Scheme Review. To this end it proposed that the existing general and land use definition be defined as far as possible as per the PMB Scheme and where unique land uses exist those uses be retained if necessary. The outcomes of the definition review is tabulated in **Annexure 1: Definitions.**

d) In line with some of the proposals of the PMB Scheme the following land uses are proposed for introduction:-

- Abattoir
- Adult Premises
- Agri-Tourism Facility
- Ancillary Use
- Arts and Craft Workshop
- Bank
- Bar
- Bird Sanctuary
- Botanical Garden
- Builder's Yard
- Bus and Taxi Rank
- Business Purposes
- Butchery
- Café
- Camping Ground
- Car Wash
- Caretaker's Dwelling
- Casino
- Cellular Telecommunication Infrastructure
- Community Garden
- Conference Facility
- Conservation Purposes
- Convenience Shop
- Convention Centre
- Cropping
- Dam
- Direct Access Service Centre
- Eco-Tourism Facility
- Educational Purposes
- Exhibition Centre
- Farm Stall
- Fast Food Outlet
- Flea Market
- Forestry
- Game Reserve
- Garaging
- Garden Nursery
- Government/Municipal Purposes
- Health and Beauty Parlour
- Health Studio
- Heritage Purposes
- Home Activity
- Hostel
- Hotel
- Industry-Light
- Landfill
- Landing Strip
- Livestock Farming
- Market
- Medical Office
- Mortuary
- Motor Sales Premises
- Motor Showroom
- Motor Workshop
- Museum
- Night Club
- Office
- Park Home Estate
- Parkade
- Parking Lot
- Place of Public Assembly
- Place of Public Entertainment
- Private Conservation Area
- Private Recreation Area
- Protected Area
- Recreational Purposes

- Recycling Centre
- Retirement Centre
- Riding Stables
- Service Workshop
- Shopping Centre
- Social Hall
- Specialised Office
- Tavern
- Tourism Activities
- Transport Purposes
- Truck Stop
- Tuckshop
- Utilities Facility
- Veterinary Clinic

e) In addition to the above the following general definitions are proposed for introduction:-

- Agricultural Categories
- Appeal Authority
- Approval
- Area of Scheme
- Authorised Official
- Boundary
- Building Line
- Carport
- Competent Authority
- Deeds Registry
- Development Rights
- Eaves
- Environmental Impact
- Environmental Impact Assessment (EIA)
- Environmental legislation
- Environmental Sustainability
- Flood Line
- General Plan
- Integrated Development Plan
- Infant School or Early Childhood Development
- Licensed Premises
- Liquor License
- Loading Space
- Management Overlay
- Mixed Use
- MSA
- Municipal Consent
- Municipal Planning Appeal Authority
- Municipal Planning Tribunal
- Municipality
- National Building Regulations
- Occupant
- Owner's Association
- Planning and Development Act
- Registered Engineer
- Restrictive Conditions
- Schedule
- Service Agreement
- Servitude
- Spatial development Framework
- SPLUMA
- Zone

3. LAND USE MANAGEMENT FRAMEWORK FOR ASHBURTON

3.1 The land use management framework summarises the findings of the policy analysis and combined with the outcomes of the interim report provides an indication as to where certain activities are earmarked. On this basis the map illustrates the following:-

- BRT Route
- Key Centres
- Sustainable Urban Centres

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- Densification areas
- Land Capability/Agricultural Categories
- Land use proposals (As per the SDF)
- SEDis LAP intentions
- Protected Area (Mpushini)
- MOSS
- Corridor
- Rivers and River Buffer
- Wetlands

See Annexure 2: Proposed Land Use Management Framework

4. TRANSLATING THE LAND USE FRAMEWORK INTO AN ACTIONABLE LAND USE SCHEME

4.1 The policy analysis and associated implications highlighted under section 2 of the report will inform the interventions that are proposed for the Ashburton scheme review to ensure that any proposals made are aligned to the spatial intentions of the policies and plans analysed.

4.2 Based on the objectives of the hierarchical policies and plans the following tabulates the conclusions that can deduced with regard to the Ashburton Town Planning Scheme Review:-

Table 2: Land Use Management Framework Interventions

POLICY INTENTION	INTERVENTIONS
<ul style="list-style-type: none"> • Recognise the importance of the planned transportation projects such as the Integrated Rapid Public Transit Network (IRPTN), to this end the Ashburton area has a BRT route which is linked to the IRTPN. • Promote densification along the IRPTN feeder routes. • Encourage 60-100du/ha in proximity to Mixed Use Local Nodes along the R103 nodes at Ashburton and Lynnfield Park and within and in proximity to IRPTN Bus Stops. 	<ul style="list-style-type: none"> • A Densification Management Overlays has been created to this end.
<ul style="list-style-type: none"> • The scheme needs to be aligned to the principles of Economic Growth, social Inclusion 	<ul style="list-style-type: none"> • Align the Ashburton Town Planning Scheme to the principles of SPLUMA.

POLICY INTENTION	INTERVENTIONS														
<p>and efficient land development with minimal impact on environment.</p> <ul style="list-style-type: none"> Where possible and appropriate to use the schedule of land use purposes and definitions included in SPLUMA, namely <table border="0" style="margin-left: 20px;"> <tr> <td>Agricultural Purposes;</td> <td>Industrial Purposes;</td> </tr> <tr> <td>Business Purposes;</td> <td>Institutional Purposes;</td> </tr> <tr> <td>Commercial Purposes;</td> <td>Mining Purposes;</td> </tr> <tr> <td>Community Purposes;</td> <td>Public Purposes;</td> </tr> <tr> <td>Conservation Purposes;</td> <td>Recreational Purposes;</td> </tr> <tr> <td>Educational Purposes;</td> <td>Residential Purposes; and</td> </tr> <tr> <td>Government Purposes;</td> <td>Transport Purposes</td> </tr> </table> 	Agricultural Purposes;	Industrial Purposes;	Business Purposes;	Institutional Purposes;	Commercial Purposes;	Mining Purposes;	Community Purposes;	Public Purposes;	Conservation Purposes;	Recreational Purposes;	Educational Purposes;	Residential Purposes; and	Government Purposes;	Transport Purposes	<ul style="list-style-type: none"> Use SPLUMA definitions where possible
Agricultural Purposes;	Industrial Purposes;														
Business Purposes;	Institutional Purposes;														
Commercial Purposes;	Mining Purposes;														
Community Purposes;	Public Purposes;														
Conservation Purposes;	Recreational Purposes;														
Educational Purposes;	Residential Purposes; and														
Government Purposes;	Transport Purposes														
<ul style="list-style-type: none"> Protect agricultural and environmentally sensitive areas and promote economic development by making land available for commercial/ mixed use development. Preserve commercially viable land for agricultural production. 	<ul style="list-style-type: none"> Introduce an appropriate zone for high potential agricultural land, an Agriculture 1 and 2 zone has been introduced to this end and the necessary Agricultural Management Overlay (i.e. Category C) to guide development within developed areas. 														
<ul style="list-style-type: none"> Promote sustainable development, Promote densification along identified areas in order to use land more efficiently and effectively. 	<ul style="list-style-type: none"> Assign an appropriate Management Overlay for Environmentally sensitive areas A Densification Zone Management Overlay has been created for areas identified for densification. 														
<ul style="list-style-type: none"> Encourage logistics and industrial uses as well as commercial uses (along R103 & N3). Promote logistics/ industrial/ mixed use development along the N3 corridor by unlocking land parcels. Acknowledge the developments projects identified within Ashburton namely the warehousing and light industrial development as per the IDP. Promote economic investment by unlocking strategic parcels of land. Promote economic activity. 	<ul style="list-style-type: none"> A Logistics and Light Industry zone has been created to unlock the identified potential along the R103 and N3 and to also acknowledge the identified development projects within Ashburton. Review freely permitted land uses within the commercial zones in order to promote and diversify economic activity. A Tourism 1 zone has been introduced as per the broad land use identified in the SDF. 														

POLICY INTENTION	INTERVENTIONS
<ul style="list-style-type: none"> Acknowledge the broad land use guidelines advanced in the SDF. Promote a variety of uses, including residential development, tourism development, private and public services as well as retail development. 	
<ul style="list-style-type: none"> Recognise and protect the importance of the MOSS layer Protect and enhance natural corridors, Acknowledge and protect environmentally sensitive areas, wetlands and rivers. Conserve and protect the biodiversity of the area. Recognise and protect all protected areas within the municipality All Proclaimed Protected Areas will be assigned an appropriate zoning and a 5km buffer as per the NEMA EIA Regulations. Limit development in unfavourable areas. All rivers will be protected with an river buffer All wetlands protected (additional buffers may be applicable). Conserve identified biodiversity features. 	<ul style="list-style-type: none"> An Environmental Management Overlay has been created to protect and enhance natural corridors, wetlands, rivers, the MOSS layer and a 5km buffer around the Mpushini Protected Environment properties as per NEMA EIA Regulations. This overlay will also consists of all the necessary buffers. A Protected Area 1 zone has been introduced to protect all protected areas within the Ashburton area.
<ul style="list-style-type: none"> Acknowledge the development intentions of Precinct 1 and 2 (See Figure 1) 	<ul style="list-style-type: none"> Review existing zones and land uses to be reflective of the proposals advanced in the LAP where possible.
<ul style="list-style-type: none"> Promote development to occur in a more integrated and inclusive manner. Promote a combination of diverse land uses, which would include business, residential and industrial, and to encourage greater combinations of land use activities. Promote increased social and land use diversity, by encouraging mixed uses, and reusing existing buildings to promote sustainability Acknowledge proposed development projects within the project area. 	<ul style="list-style-type: none"> Review existing zones in order to ensure that the zones are reflective of the changing dynamics within the Ashburton area.

5. PROPOSED LAND USE SCHEME AND ASSOCIATED OVERLAYS

Based on the outcomes of the Interim report and the land use management framework the following is proposed for the Ashburton Town Planning Scheme Review:-

- a) Amendment of the existing zones and controls where necessary;
- b) In line with the proposals made for the PMB Town Planning Scheme review and the analysis of the current zones within the Ashburton Town Planning Scheme, the introduction of the following new land use zones:-
 - Agriculture 1 (Category C)
 - Agriculture 2 (Category D)
 - Equestrian Residential 1
 - Light Industry
 - Logistics 1
 - Low Impact Mixed Use
 - Municipal and Government
 - Protected Area 1
 - Tourism 1
 - Utilities and Services 1
 - Worship
- c) The project area is characterised by category C and D (i.e. moderate and low agricultural potential respectively), category C is the most significant agricultural category within the area and should be protected especially within already developed areas as per the intentions of the policy analysis. In addition to this the project area consists of environmental features that need to be conserved and protected.
- d) Moreover from a biodiversity perspective, the Ashburton area is an important corridor as well as one of the few remaining natural areas within the Msunduzi Municipal boundary. In order to protect these significant features it proposed that a set of management overlays be introduced in order to firstly protect these areas and to secondly unlock the spatial potential of the project area as per the intentions of the policy analysis.
- e) Based on the above the following management overlays are recommended for introduction(See Annexure 3, 4 and 5):-
 - Agricultural Management Overlay (Category C)
 - Densification Zone Management Overlay
 - Environmental Management Overlay

5.1 CURRENT TOWN PLANNING SCHEME

5.1.1 At present the Ashburton Town Planning Scheme has the following zones:-

Table 3: Current Ashburton Zones

ZONES
Administration Zone
Agricultural Zone
Commercial
Limited Commercial
Conservation
Garden Lot 1
Garden Lot 2
Intermediate Residential Zone
Private Open Space
Special Residential 1 Zone
Special Residential 2 Zone
Special Residential 3 Zone
RESERVATION OF LAND
Active Public Open Space (Reservation of Land)
Passive Public Open Space(Reservation of Land)
Local Authority Purposes (Reservation of Land)
Railway Purposes(Reservation of Land)
New Streets and Widening of Existing Streets (Reservation of Land)
Saving for New Streets and Road Widening Not Shown On The Scheme Map

5.1.2 The current zones and controls will need to be amended in light of the outcomes of the interim report particularly the proposals advanced in the municipal policies and plans as well as the observation of the nature of the project area as part of the land use verification exercise that was undertaken.

5.1.3 At present the scheme does not have a Worship zone even though a number of fully fledged place of worship land uses were observed on site. In addition to this the existing zones and the land uses permitted thereon do not necessarily tie in with the intent of the zone. In this regard the existing permissible and consent uses within each zone will need to be further reviewed in order to make the necessary amendments.

- 5.1.4 In addition to the above, the current scheme does not have a statement of intent for each land use zone, a statement of intent is very important since it provides guidance as to the type of activities that may or may not be allowed within each zone.
- 5.1.5 Further to the changes that will be implemented with the scheme, the structure of the scheme document will be amended in line with the PMB Town Planning Scheme (now referred to as the Msunduzi Land Use Scheme). See Annexure 6

5.2 PROPOSED AMENDMENT TO LAND USE ZONES

- 5.2.1 The scheme review must be aligned to the municipal hierarchical plans in order to give effect to the intentions of SPLUMA, IDP, SDF, SEA, EMF and LAP. The current zones to some extent are not aligned with the aforementioned plans and policies. It is important to note that where a conflict exists in terms of the spatial intentions proposed the advancements of the IDP and SDF will take precedence.
- 5.2.2 The existing zones need to be amended to align with the changing development dynamics and the intentions of the hierarchical plans. To this extent, the following recommendations are proposed:-

Table 4: Proposed Land Use Zone Amendments

CURRENT ZONE	PROPOSED AMENDMENTS
Administration Zone	Amend to Municipal and Government, and Review Controls
Agricultural Zone	Amend to Agriculture 1 and Agriculture 2 as per the respective Agricultural Category, and Review Controls
Commercial	Retain, Review Controls
Limited Commercial Zone	Amend to Low Impact Mixed Use, and Review Controls
Conservation	Amend to Protected Area 1, and Review Controls
Garden Lot 1	Amend to Equestrian Residential 1, and Review Controls
Garden Lot 2	Amend to Equestrian Residential 1, and Review Controls
Intermediate Residential Zone	Retain and Review Controls
Private Open Space	Retain and Review Controls
Special Residential 1 Zone	Retain and Review Controls
Special Residential 2 Zone	Retain and Review Controls
Special Residential 3 Zone	Retain and Review Controls

RESERVATION OF LAND	
Active Public Open Space (Reservation of Land)	Move from Reservation of land to a land Use Zone
Passive Public Open Space(Reservation of Land)	Move from Reservation of land to a land Use Zone
Local Authority Purposes (Reservation of Land)	Move from Reservation of land to a land Use Zone and Amend to Utilities and Services 1
Railway Purposes(Reservation of Land)	Retain under Land Reservations
New Streets and Widening of Existing Streets (Reservation of Land)	Amend to Existing Road and Lane and Retain under Land Reservation
Saving for New Streets and Road Widening Not Shown on The Scheme Map	Amend to Road Reserve and Retain under Land Reservation

6. LIST OF ANNEXURES

Annexure 1: Definitions

Annexure 2: Land Use Management Framework

Annexure 3: Proposed Agricultural Management Overlay

Annexure 4: Proposed Environmental Management Overlay

Annexure 5: Proposed Densification Zone Management Overlay

Annexure 6: Proposed Scheme Structure

7. REFERENCES

Institute Of Natural Resources. 2008. Specialist Report: Agricultural Assessment .Preparation of an environmental Management framework for the Msunduzi municipality.

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Annexure 1:
Definitions

A. EXISTING DEFINITIONS

DESCRIPTION	CURRENT DEFINITION	PROPOSED DEFINITION
GENERAL DEFINITIONS/INTERPRETATIONS		
Amenity	Means those qualities or conditions in an area, which may be :- (i) a locality, (ii) a precinct, (iii) a district, or (iv) any defined area, which contribute to the pleasantness, harmony and coherence of the environment and to the public's enhanced enjoyment of any permitted use.	Retain and Revise definition as follows:- 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.
Amendment	Means the rescinding, alteration or modification of any of the provisions of the Scheme in the manner prescribed in Section 47 <i>bis</i> of the Town Planning Ordinance No 27 of 1949.	Retain and Revise definition as follows:- Means the rescinding, alteration or modification of any of the provisions of the Scheme in the manner prescribed in Msunduzi Municipality Spatial Planning and Land Use Management Bylaw.
Appeal	Means a petition to the Appeals Board made in the manner prescribed in Section 67 <i>ter</i> of the Town Planning Ordinance.	Retain and Revise definition as follows:- 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.
Appeals Board	Means the Town Planning Appeals Board as constituted in terms of Section 73 <i>bis</i> of the Town Planning Ordinance.	Amend to Appeal Authority and Revise definition as follows:- 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.
Basement	Means the lowest part of any Building which is constructed contiguous to the base of the Building's external walls and substantially below the mean ground level.	Retain and Revise definition as follows:- Means the lowest part of any building which part is constructed with more than 50% of its volume below

DESCRIPTION	CURRENT DEFINITION	PROPOSED DEFINITION
		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.
Building	Means any structure or part thereof whether : (i) temporary or permanent, (ii) moveable or immovable, (iii) above, below or at ground level, but shall exclude boundary walls, fences or garden ornamentations which are less than 1,8 metres above the natural ground level at any one point.	Retain and Revise definition as follows:- 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.
By-law	Means any regulation made to enable the Council to exercise the powers and undertake the duties conferred or imposed on it in terms of the Local Authorities Ordinance No 25 of 1974 (as amended) or any other law.	Retain and Revise definition as follows:- 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.
Commission	Means the Town and Regional Planning Commission established in terms of Section 2 of the Ordinance.	Remove definition
Council	Means the Ashburton Transitional Local Council or its successors.	Retain and Revise definition as follows:- Means the Council of The Msunduzi Municipality referred to in section 157(1) of the Constitution. See Municipal Council
Council's Authority	Means an authorization given at the discretion of the Council.	Amend to Municipal Consent and Revise definition as follows:- 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.

DESCRIPTION	CURRENT DEFINITION	PROPOSED DEFINITION
Council's Consent	Means approval given by the Council to an application made to it in terms of Section 67 bis of the Ordinance.	Amend to Municipal Consent
Coverage	Means the proportion of a Lot which is covered by a Building or Buildings and is expressed as a percentage of the surveyed area of the Lot, excluding the area of an access way on a "hatchet-shaped" Lot. Consequently, a coverage of 25 per cent means that only a quarter of a Lot may be covered by any Building or Buildings as shown in the two examples below.	Retain and Revise definition as follows:- 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.
Date of Adoption	Means the date when this Scheme or subsequent amendment was adopted in terms of Section 47 bis (4) of the Ordinance.	Remove definition
Density	Means the number of Dwelling Units permitted, which is determined by dividing the surveyed area of a Lot, excluding the area of an access way on a "hatchet-shaped" Lot, by the minimum Lot size which is applicable to the Use Zone in which the Lot is situated and adjusting this figure to the nearest whole number. The permitted Density is expressed in terms of Dwelling Units per hectare.	Retain and Revise definition as follows:- 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 work in the nature of : (a) the erection, construction, underpinning, alteration of, addition to, or demolition of, any Building or structure, (b) making any material changes in the use of any Building structure or Land, and (c) the making of any excavation, or filling for, or incidental to, the erection, construction, underpinning, alteration of, addition to, or demolition of, any Building or structure.	Retain and Revise definition as follows:- 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.

DESCRIPTION	CURRENT DEFINITION	PROPOSED DEFINITION												
Effective Date	<p>Means the date of the Premier's approval of the Council's resolution to prepare a scheme as listed in the following schedule :-</p> <table border="1" data-bbox="792 395 1361 753"> <thead> <tr> <th data-bbox="792 395 958 464">Effective Date</th> <th data-bbox="958 395 1160 464">Portion of Ashburton</th> <th data-bbox="1160 395 1361 464">Proclamation notice</th> </tr> </thead> <tbody> <tr> <td data-bbox="792 464 958 533">26.10.1970</td> <td data-bbox="958 464 1160 533">Ashburton</td> <td data-bbox="1160 464 1361 533">No. 15 of 1968</td> </tr> <tr> <td data-bbox="792 533 958 601">25.11.1976</td> <td data-bbox="958 533 1160 601">Lynnfield Park</td> <td data-bbox="1160 533 1361 601">No. 65 of 1974</td> </tr> <tr> <td data-bbox="792 601 958 753">02.08.1996</td> <td data-bbox="958 601 1160 753">Portions of Ockerts Kraal And Valkop & Dadelfontein</td> <td data-bbox="1160 601 1361 753">Gazette No. 5151 of 1996</td> </tr> </tbody> </table>	Effective Date	Portion of Ashburton	Proclamation notice	26.10.1970	Ashburton	No. 15 of 1968	25.11.1976	Lynnfield Park	No. 65 of 1974	02.08.1996	Portions of Ockerts Kraal And Valkop & Dadelfontein	Gazette No. 5151 of 1996	<p>Retain and Revise definition as follows:-</p> <p>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.</p>
Effective Date	Portion of Ashburton	Proclamation notice												
26.10.1970	Ashburton	No. 15 of 1968												
25.11.1976	Lynnfield Park	No. 65 of 1974												
02.08.1996	Portions of Ockerts Kraal And Valkop & Dadelfontein	Gazette No. 5151 of 1996												
Existing Building and Existing Development	<p>Means :</p> <p>(a) a Building or Development erected, constructed or carried out before the Effective Date,</p> <p>(b) a Building or Development which is erected, constructed or carried out in terms of a valid approval which was granted before the Effective Date, and</p> <p>(c) a Building or Development begun before the Effective Date in terms of a valid approval.</p>	<p>Amend to Existing to Building and Revise definition as follows:-</p> <p>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.</p>												
Existing Lot	<p>Means a Lot existing at the Effective Date or a Lot existing in terms of a valid approval before the Date of Adoption of the Scheme.</p>	<p>Amend to Existing to Erf and Revise definition as follows:-</p> <p>Means an Erf, or any subdivision thereof existing at the Effective Date.</p>												
Existing Use	<p>Means, in relation to any Building or Land, the continuation, after the Effective date, of :</p>	<p>Retain and Revise definition as follows:-</p> <p>Means the continuous use of a building or land for</p>												

DESCRIPTION	CURRENT DEFINITION	PROPOSED DEFINITION
	<p>(a) the same use of that Building or Land for which it was being utilised on the Effective Date, provided such use has a valid approval,</p> <p>(b) a use which is substantially similar in character to the valid use for which it was being utilised on the Effective Date, provided that, in the opinion of the Council, this use would not be more detrimental to the Amenity of the Zone in which it is situated, and</p> <p>(c) the use of a Building or Development, which is erected, constructed, carried out or completed, in terms of a valid approval which was granted before the Effective Date, for the purpose for which it was designed.</p>	<p>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.</p>
Family	<p>Means :</p> <p>(a) a man or woman or both, with or without their parents and with or without the children of one or both of them, living together as a single household, or</p> <p>(b) no more than four unrelated persons maintaining a common household.</p>	<p>Remove Definition</p>
Floor Area	<p>Floor Area or gross Floor Area means the sum of the roofed area of a Building measured at each floor level and including wall thicknesses, corridors, lift wells and staircases.</p>	<p>Retain and Revise definition as follows:-</p> <p>Means the sum of the areas of the building on each floor level, inclusive of wall thickness but excluding:</p> <ul style="list-style-type: none"> 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.

DESCRIPTION	CURRENT DEFINITION	PROPOSED DEFINITION
Floor Area Ratio	Means the ratio of the total Floor Area of a Building or Buildings on a Lot to the surveyed area of the Lot, excluding the area of an access way on a "hatchet-shaped" Lot, and is expressed as a decimal fraction. For example, a Floor Area Ratio of 0,5 means that the total Floor Area of a Building or Buildings permitted on a particular Lot will be equal to half the area of the Lot as shown in the diagrams below.	<p>Retain and Revise definition as follows:-</p> <p>Means the ratio of the permissible floor area of an Erf in relation to the Erf area, which is expressed as a decimal.</p>
Frontage	Means the common boundary between any street, which has been declared a public place in terms of the Ordinance, and a Lot.	<p>Retain and Revise definition as follows:-</p> <p>Means the length of the boundary of an Erf which fronts onto an existing or proposed road.</p>
Front Space	Means the space between the full height of a Building facade and the Frontage.	<p>Amend to Building Line and Revise definition as follows:-</p> <p>Means a line parallel to any street boundary, public right of way or road reserve on any Erf.</p>
Height	Means the height of a Building in floors or storeys and is expressed as a number.	<p>Retain and Revise definition as follows:-</p> <p>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.</p>
Land	Means any portion of the area covered by the Scheme and includes all water bodies.	<p>Retain and Revise definition as follows:-</p> <p>Means:</p> <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.
Lot	Means a registered subdivision of Land in an existing township or a subdivision that is capable of being registered in terms of the provisions of the Ordinance.	<p>Amend to Erf and Revise definition as follows:-</p> <p>Means any piece of land registered in the deeds registry as an Erf, lot, plot, stand or farm and includes</p>

DESCRIPTION	CURRENT DEFINITION	PROPOSED DEFINITION
Mean Width	Means the average of the combined length of the Frontage and Rear Boundary of a Lot.	a portion of an Erf, lot, plot or stand. Retain and Revise definition as follows:- Means the average measurement or extent of a site from each side.
Net Floor Area	Means the floor area of a commercial, industrial or office use excluding the area set aside for the purposes of : - kitchen facilities, - lift, meter and similar rooms, - public access passages, - staff rest rooms, - storage, and - toilets.	Retain definition.
Ordinance	Means the Town Planning Ordinance No 27 of 1949, as amended.	Retain and Revise definition as follows:- Means the Natal Town Planning Ordinance No. 27 of 1949, as amended.
Owner	Means, in relation to a Building or Land : (a) the person in whose name the title is registered, (b) the person vested with the administration of the estate of another person, who may be deceased, insolvent or mentally disabled, (c) the guardian of a minor, or (d) any other legal representative of the person in whose name the title is registered.	Retain and Revise definition as follows:- 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 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;
Premier	Means the Premier of the Province of KwaZulu-Natal acting upon the advice of the Cabinet of the said province.	Retain and Revise definition as follows:- Means the Premier of the Province of KwaZulu-KwaZulu-Natal acting upon the advice and with the

DESCRIPTION	CURRENT DEFINITION	PROPOSED DEFINITION
		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.
Publish	<p>Means to :</p> <p>(a) publish in the Official Gazette of the Province of KwaZulu-Natal in terms of the provisions of section 109 of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), and</p> <p>(b) publish in a newspaper in terms of the provisions of section 110 of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961).</p>	<p>Retain and Revise definition as follows:-</p> <p>Means to publish in the manner prescribed Schedule 5 of the adopted of the Msunduzi Municipality Spatial Planning and Land Use Management Bylaw.</p>
Rear Boundary	Means the boundary of a Lot that is furthest from its Frontage and which does not intersect or meet any street boundary.	Amend to Rear Space and Revise definition as follows:-
Rear Space	Means the space between the full height of a Building facade and the Rear Boundary.	<p>Retain and Revise definition as follows:-</p> <p>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.</p>
Regulations	<p>Means :</p> <p>(a) the regulations made to enable the Council to exercise the powers and undertake the duties conferred or imposed on it in terms of the Local Authorities Ordinance No 25 of 1974 (as amended) or any other law, bylaw, and</p> <p>(b) an appendix to the Scheme, which contains regulations, which have been adopted in accordance with Section 47 bis of the Ordinance, that the Council considers necessary to assist in the administration of and giving effect to the provisions of the Scheme.</p>	<p>Retain and Revise definition as follows:-</p> <p>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.</p>

DESCRIPTION	CURRENT DEFINITION	PROPOSED DEFINITION
Reservation	Means an area of Land set aside for the purposes indicated in Part 6 of the Scheme.	<p>Retain and Revise definition as follows:-</p> <p>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.</p>
Scheme	Means the Ashburton Town Planning Scheme in the course of preparation.	<p>Amend to Land Use Scheme and Revise definition as follows:-</p> <p>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.</p>
Scheme Map	Means the maps forming part of the Scheme as advertised and adopted by Council in terms of Section 47 bis of the Ordinance.	<p>Amend to Land Use Scheme Map and Revise definition as follows:-</p> <p>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.</p>
Side Boundary	Means any boundary of a Lot, other than a Rear Boundary or Frontage.	<p>Amend to Side Space and Revise definition as follow:-</p> <p>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.</p>
Side Space	Means the space between the full height of a Building facade and a Side Boundary.	<p>Retain and Revise definition as follows:-</p> <p>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</p>

DESCRIPTION	CURRENT DEFINITION	PROPOSED DEFINITION
Site	Means the same as Lot.	1200mm. Retain and Revise definition as follows:- Means an Erf or portion of an Erf.
Special Consent	Means the consent of the Council where such consent relates to any application made in terms of Section 67 bis of the Ordinance.	Amend to Municipal Consent and Revise definition as follows:- 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.
Storey	<p>Means a room or set of rooms on the same level, subject to the following qualifications :</p> <p>(a) A Storey shall not be higher than 4,5 metres. If a Storey is higher than this, each 4.5 metres or part thereof shall be counted as a Storey.</p> <p>(b) The ground floor of a Building may be on several levels and counted as a single storey.</p> <p>(c) A roof shall not be counted as a Storey unless it contains a habitable room.</p> <p>(d) The Basement floors of a Building shall not be counted as a Storey if they are primarily used for the purpose of :</p> <p>(i) parking vehicles, (ii) service installations, and (iii) storage,</p> <p>provided that they are not used for any residential, commercial or industrial purposes.</p> <p>(e) Lift, meter and similar rooms, water storage tanks,</p>	<p>Retain and Revise definition as follows:-</p> <p>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:</p> <p>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;</p> <p>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;</p> <p>Any storey consisting solely of lift motor rooms, water storage tanks, electricity sub-station or transformer rooms, ornamental towers and other similar architectural features.</p>

DESCRIPTION	CURRENT DEFINITION	PROPOSED DEFINITION
	electricity sub-stations or transformer rooms, ornamental towers and other architectural features which are in proportion to the Building shall not be counted as a Storey.	
Use Zone	Means a portion of Land, other than any portion which is reserved for the purposes indicated in Part 6 of the Scheme, which is shown on the Scheme Map, by means of distinctive colouring, hatching or edging or in some other distinctive manner, for the purpose of indicating the restrictions on the erection and use of Buildings and Land which have been imposed by the Scheme.	<p>Amend to Land Use Zone and Revised definition as follows:-</p> <p>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.</p>
LAND USE DEFINITION (USE OF LAND AND BUILDINGS)		
AGRICULTURAL		
Agricultural	<p>Means farming activities related to any of the following :</p> <p>(a) bee keeping, (b) breeding and keeping of livestock - including any animal kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land, (c) crop growing, (d) dairy farming, (e) fruit growing, (f) grazing, meadow and pasture land, (g) horticulture, (h) market gardens, (i) nursery grounds, (j) seed growing, and (k) woodlands which are ancillary to the farming of land.</p>	Remove definition
Agricultural Building	Means a Building or part of a Building, not exceeding two (2) Storeys in height, which are designed for use in connection with, or which would ordinarily be incidental to, or reasonably necessary in connection with the use of the Lot, on which that Building is situated, as Agricultural Land.	<p>Retain and Revise definition as follows:-</p> <p>Means a building or part of a building designed for use in connection with or incidental to Agricultural Land and includes an ancillary dwelling.</p>
Agricultural Land	Means Land used for Agricultural activities.	Retain and Revise definition as follows:-

DESCRIPTION	CURRENT DEFINITION	PROPOSED DEFINITION
		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.
COMMERCIAL		
Betting Depot	Means a Building or portion of a Building designed and used for the purpose of a bookmaker's premises or totaliser agency as defined in terms of the Horse Racing and Betting Control Ordinance (Ordinance No. 28 of 1957 as amended).	<p>Retain and Revise definition as follows:-</p> <p>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 Horse Racing and Betting Control Consolidation Ordinance, Ordinance No. 28 of 1957 (as amended).</p>
Home Business	<p>Means the conducting of an occupational activity or use in, or in conjunction with a Dwelling or a structure erected on the Lot of an existing Dwelling, provided that the activity or use shall :</p> <p>(a) be limited to being conducted by the Owner of the Lot, who shall be resident therein, provided that the Council may, in exceptional circumstances which do not prejudice the continued use of the Dwelling as a residence, permit the activity or use to be conducted by a person other than the Owner,</p> <p>(b) not require the regular parking of :</p> <p style="padding-left: 40px;">(i) more than five motor vehicles, or</p> <p style="padding-left: 40px;">(ii) any vehicle with a tare mass exceeding 2 500 kg, on or adjacent to the Lot at any one time, and that such parking shall be located to the rear of the Dwelling, where possible,</p> <p>(c) not involve the regular congregation of more than five persons, in addition to members of a Family, on the Lot,</p>	<p>Retain and Revise definition as follows:-</p> <p>Means a business conducted by the owner of a property, who shall reside thereon, provided that the Municipality may in certain circumstances, upon application to it and provided that the Municipality is satisfied that the primary use of the dwelling as a residence will in no way be prejudiced, permit the activity to be conducted by a person other than the owner.</p>

DESCRIPTION	CURRENT DEFINITION	PROPOSED DEFINITION
	<p>(d) not require the employment of more than three persons in addition to the domestic employees,</p> <p>(e) not produce a noise level exceeding 7 db, measured along the boundaries of the Lot, above the prevailing noise level in the surrounding area,</p> <p>(f) not involve any work between the hours of 20.00 hours (8.00 pm) and 06.00 hours (6.00 am),</p> <p>(g) 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,</p> <p>(h) 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,</p> <p>(i) 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, and</p> <p>(j) be limited to the erection of a sign, indicating the nature of the activity, which shall :</p> <p style="padding-left: 40px;">(i) not be larger than 600 mm by 450 mm,</p> <p style="padding-left: 40px;">(ii) be placed on the main wall of the Building,</p> <p style="padding-left: 40px;">(iii) be in compliance with the Council's Bylaws, and</p> <p style="padding-left: 40px;">(iv) and shall compliment the character of the Dwelling.</p>	
Lauderette	Means a Building or portion of a Building designed and used for the purpose of washing and drying of clothing and household fabrics, provided that the machines used are :	<p>Retain and Revise definition as follows:-</p> <p>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</p>

DESCRIPTION	CURRENT DEFINITION	PROPOSED DEFINITION
	(i) electrically operated, (ii) quiet running, (iii) of the type which process each customer's articles individually, and (iv) which may be operated by the customer, and the washing agent used shall not cause harmful effluent to be discharged into the sewerage system.	type that shall not cause any harmful effluent to be discharged into the sewerage or storm water system.
Local Shop	Means a Building or portion of a Building, not exceeding 100 m ² in Floor Area, designed and used primarily for the sale of foodstuffs or which is determined by the Council to serve the needs of the surrounding precinct in which it is situated.	Amend to Shop and Revise definition as follows:- 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.
Petrol Filling Station	Means a Building or portion of a Building designed and used for : (a) the fuelling of motor vehicles, (b) the sale by retail or wholesale of petrol, oils or other petroleum products, (c) the servicing, repair, washing, oil changing or lubrication of motor vehicles, (d) the sale by retail of spare parts, tyres, accessories for motor vehicles or motor vehicles, (e) the installation of accessories in or on motor vehicles, or (f) the top overall of motors, or the restorations of suspensions and transmissions, and includes ancillary Offices, storerooms, restrooms, Local Shops and Restaurants, but excludes panel beating activities.	Retain and Revise definition as follows:- 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.
Public House	Means a Building or portion of a Building designed and used primarily for the sale of alcoholic beverages for consumption on the premises.	Amend to Bar/Tavern and revise definition as follows:- Means a building or a portion of a building used for the legal sale of alcohol and/or food for

DESCRIPTION	CURRENT DEFINITION	PROPOSED DEFINITION
		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.
Restaurant	Means a Building or portion of a Building designed and used for the preparation and sale of food, confectionary and beverages for consumption on the premises and includes - <ul style="list-style-type: none"> • milk bar • take-away 	Retain and Revise definition as follows:- 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.
Shop	Means a Building or portion of a Building designed and used for the purpose of carrying on of any retail trade or business wherein the primary purpose is : <p>(a) the sale of goods and appliances by retail,</p> <p>(b) the sale of food and drink for consumption off the premises,</p> <p>(c) the conducting of a personal service, or</p> <p>(d) the reception of goods to be washed, cleaned, altered, dry cleaned or repaired,</p> <p>and includes ancillary Buildings ordinarily incidental to the conduct of the retail business. A retail business shall include :</p> <ul style="list-style-type: none"> • auction room or mart (contained within an enclosed Building) 	Amend to Shopping Centre and revise definition as follows:- Means a combination of business premises planned constructed and managed as a total entity in accordance with the Municipality's requirements.

DESCRIPTION	CURRENT DEFINITION	PROPOSED DEFINITION
	<ul style="list-style-type: none"> • greengrocer • hairdresser • beauty parlour • jewellery shop • bookshop or news agent • market • boutique • motor vehicle showroom • butchery (contained within an enclosed Building) • cafe • cleaner's reception depot • saddler • department store • supermarket • fishmonger • ticket office • florist <p>but excludes a use specifically defined elsewhere under clause 2.2.</p>	
Shop		<p>Revise Definition as follows:-</p> <p>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.</p>
Warehouse	<p>Means a Building or portion of a Building designed and used for the storage of goods, except those of an offensive or dangerous nature, and the carrying out of commercial transactions involving the sale of such goods by wholesale.</p>	<p>Retain and Revise definition as follows:-</p> <p>Means a building used for the storage of goods and may include ancillary uses thereto.</p>
CONSERVATION		
Conservation Area	<p>Means Land zoned for the conservation of :</p> <ul style="list-style-type: none"> (a) areas deemed to be of scenic beauty, (b) habitats of indigenous flora or fauna, (c) places of historic or scientific interest, and (d) water courses or water bodies, 	<p>Retain and Revise definition as follows:-</p> <p>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,</p>

DESCRIPTION	CURRENT DEFINITION	PROPOSED DEFINITION
	which is either owned and managed by the Council and accessible to the general public or owned and managed by a private person or other body and not accessible to the general public.	riparian area, conservation servitude, sensitive ecosystems and site of historic, ecological or archaeological value.
EDUCATIONAL		
Child Minder	Means a Building or portion of a Building which is used for the daytime care of six or less children.	Retain definition.
Crèche	Means a Building or portion of a Building used, in accordance with the regulations of the Provincial Health Department, for the daytime care of seven or more pre-school aged children.	Retain and Revise definition as follows:- 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.
Nursery School/ Playschool	Means the same as Crèche.	Amend to Crèche.
Local Educational Building	Means a Building or portion of a Building, other than a Child Minder, used for the daytime care of pre-school aged children. This group includes : Crèche, Playschool, Nursery School	Amend to Crèche.
Educational Building	Is a Building or portion of a Building designed for use, in accordance with the requirements of the Provincial Education Department, as place of education or instruction and includes ancillary Residential Buildings and Outbuildings, but does not include a certified reformatory or industrial school. This group includes: Academy, primary school, convent, research laboratory (non-offensive), college, educational centre, secondary school, gymnasium, technical institute, lecture hall, training centre, Monastery, university, pre-primary school.	Amend to Educational Purposes and Revise definition as follows:- 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.
INDUSTRIAL		

DESCRIPTION	CURRENT DEFINITION	PROPOSED DEFINITION
Commercial Workshop	<p>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 :</p> <ul style="list-style-type: none"> • blacksmith • valet service • electrician • watch repairer • jobbing printer • wireless and television repairer • shoe repairer 	Retain definition
Extractive Industry	<p>Means the process of extracting minerals from the ground, including gravel, sand and stone and includes Buildings connected with such operations and crushing plant. This group includes :</p> <ul style="list-style-type: none"> • brickfield • sand, gravel or stone quarry • limestone quarry 	<p>Retain and Revise definition as follows:-</p> <p>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 means of smelting, etc. which would be classified under "Industry-High Impact.</p>
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	<p>Retain definition</p> <p>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.</p>
Industrial	<p>Means the undertaking of any one or more of the following activities :</p> <p>(a) the making of any article or part of any article,</p> <p>(b) the altering, assembling, breaking up, cleaning, dyeing, finishing, ornamenting, packaging, painting, polishing, reconstruction, renovating, repairing, sorting,</p>	Remove definition

DESCRIPTION	CURRENT DEFINITION	PROPOSED DEFINITION
	<p>spraying or washing of any article,</p> <p>(c) letterpress, lithography, photograuve, printing or any other activity associated with the printing industry,</p> <p>(d) the production and storage of gas in a holder of more than 141.6 cubic metres storage capacity,</p> <p>(e) the chilling, freezing or cold storage of any article,</p> <p>(f) the slaughtering of livestock,</p> <p>(g) the generation of electricity, together with</p> <p>(h) any activity that is ordinarily incidental to a defined Industrial activity, but</p> <p>(i) excluding uses that :</p> <ul style="list-style-type: none"> i. have been specifically defined elsewhere in Clause 2.5 of the Scheme, ii. are not required to be registered in terms of Section 13 of the Factories, Machinery and Building Work Act, 1941 as amended, and iii. are only incidental to the permitted predominant use of a Building. 	
Light Industrial Building	<p>Means a Building or portion of a Building designed and used for Industrial purposes (not being a Special Industrial Building) where :</p> <p>(a) no solid fuels are used in connection with any processes used,</p> <p>(b) only electrically driven machinery is used, with no single motor being rated at more than 7.5 kw, and</p>	<p>Retain and Revise definition as follows:-</p> <p>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.</p>

DESCRIPTION	CURRENT DEFINITION	PROPOSED DEFINITION
	<p>(c) the processes carried on, the machinery used and the goods and commodities carried to and from the premises will not cause a nuisance to surrounding uses, or be prejudicial to the Amenity of the locality in which the use is situated through the emission of; ash, dust, fumes, grit, noise, oil, smell, smoke, soot, steam, vapour, vibration and waste product.</p>	
Service Industrial Building	<p>Means a Building or portion of a Building designed and used for Industrial purposes which cater specifically for the local customer. This group includes :</p> <ul style="list-style-type: none"> • bakery • dry cleaners • builder's yard and allied trades • laundry • dairy depot 	<p>Retain and Revise definition as follows:-</p> <p>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.</p>
Special Industrial Building	<p>Means a Building or portion of a Building intended for use for any of the purposes set out in Schedule A of the Offensive Trade Regulations of Natal made under Section 138 of the Public Health Act No 36 of 1919 and published in Government Notice 1047 of 25th June 1924. This group includes :</p> <ul style="list-style-type: none"> • bacon factory • brewery and distillery • brick burning and lime burning works • chemical works • depositing sites or works for the treatment of house refuse, trade works, street refuse and sewage • destructors • dye works • fat melting or tallow melting works • fell mongery • fish canning works • glue or size factory • gut scraping works 	<p>Amend to Noxious Industrial Building and Revise definition as follows:-</p> <p>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,</p>

DESCRIPTION	CURRENT DEFINITION	PROPOSED DEFINITION
	<ul style="list-style-type: none"> • knackers yard • manure, superphosphate, or fertilizer stores or works • sausage factory • soap and candle works • sugar mill and refinery • tanning and leather dressing works • tripe cleaning or boiling works • wattle bark works (grinding or extracting) • works or premises used for the storing, drying, preserving or otherwise dealing with bones, horns, hoofs or hides • works or premises dealing with bones, blood, offal or other animal organic matter 	<p>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.</p>
INSTITUTIONAL		
Institution	<p>Means a Building or portion of a Building, whether public or private, designed and used as a charitable institution for the care of inmates in temporary or permanent residence and includes ancillary Residential Buildings, administration offices and Outbuildings, but does not include uses specifically defined as a Restricted Building. This group includes :</p> <ul style="list-style-type: none"> • clinic • nursing home • convalescent home • old age home • home for mentally or physically disabled children • orphanage • hospital • sanatorium 	<p>Retain and Revise definition as follows:-</p> <p>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.</p>
Restricted Building	<p>Means a Building or portion of a Building, whether public or private, designed and used for the following :</p> <p>(a) clinic, dispensary, hospital or sanatorium for the treatment of infectious or contagious diseases, (b) home or hospital for mentally disabled adults, (c) reformatory,</p>	<p>Retain and Revise definition as follows:-</p> <p>Means a building used for such purposes as a clinic or hospital for infectious diseases, a jail, mental home or hospital, or reformatory.</p>

DESCRIPTION	CURRENT DEFINITION	PROPOSED DEFINITION
	(d) industrial or special school, or (e) prison.	
OFFICE		
Office Building	<p>Means a Building or portion of a Building designed and used for the purpose of private administration, the practice of a profession or the carrying on of a business other than that of a retail or wholesale nature, but does not include uses specifically defined as a Public Office. This group includes :</p> <ul style="list-style-type: none"> • bank • physiotherapists' rooms • building society • professional practice • dentists' consulting rooms • radiologists, rooms • doctors' consulting rooms • travel agency • estate agency • veterinary surgeons' consulting rooms • insurance office • post office 	<p>Amend to Office and Revise definition as follows:-</p> <p>Means a building or part of a building used for the administration of any business, whether public or private.</p>
Public Office	<p>Means a Building or portion of a Building designed and used for Central, Provincial or Local Government administration purposes. This group includes :</p> <ul style="list-style-type: none"> • administrative office • police station • court house • public art gallery • fire station • public library • government office • public museum • local authority office • town hall <p>and Buildings ordinarily ancillary thereto.</p>	<p>Amend to Government/Municipal Purposes and Revise definition as follows:-</p> <p>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.</p>

DESCRIPTION	CURRENT DEFINITION	PROPOSED DEFINITION
RECREATIONAL		
Active Public Open Space	Means Land reserved for a sports ground, playing field or Recreation Building which may be used by the general public.	Retain definition
Passive Public Open Space	Means Land reserved for recreational purposes, other than formal or organised sporting activities or uses specifically defined as Active Public Open Space, which may be used by the general public. This group includes : <ul style="list-style-type: none"> • botanical garden • park 	Amend to Public Open Space and Revise definition as follows:- 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.
Place of Public Amusement	Means a Building or portion of a Building or Land which is used for public entertainment. This group includes : <ul style="list-style-type: none"> • amusement arcade or park • dance hall • billiard room • fun fair • cinema • race track • commercial exhibition hall • skating rink • concert or music hall • theatre 	Amend to Place of Public Entertainment and Revise definition as follows:- 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.
Private Open Space	Means : (a) a sports ground, playing field or Recreation Building of a club, firm or private person or other body.	Retain and Revise definition as follows:- 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

DESCRIPTION	CURRENT DEFINITION	PROPOSED DEFINITION
		the public requires consent from the owner in order to gain access.
Recreational Building	<p>Means a Building or portion of a Building designed and used for recreational purposes. This group includes :</p> <ul style="list-style-type: none"> • clubhouse • sport stadium or arena • gymnasium • squash court • indoor range • tennis court • pavilion <p>together with any ancillary shelter, change rooms or other Buildings ordinarily used in conjunction with sporting activities.</p>	<p>Amend to Recreational Purposes and Revise definition as follows:-</p> <p>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.</p>
RESIDENTIAL		
Attached Dwelling Unit	<p>Means a Dwelling in a Building comprising two or more Dwelling Units in which the units are vertically separated from other units by a fire wall together with such Outbuildings as are ordinarily used therewith. This group includes :</p> <ul style="list-style-type: none"> • Duplex Flats • Terrace Houses • Semi-detached Houses 	<p>Amend to Dwelling and Revise definition as follows:-</p> <p>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.</p>
Bed and Breakfast	<p>Means the provision of accommodation for travellers in, or in conjunction with, a Dwelling or a structure erected on the Lot of an existing Dwelling which is located in the Garden Lot or Special Residential zones, provided that the activity or use shall :</p> <p>(a) be limited to being conducted by the Owner of the Lot, who shall be resident therein, provided that the Council may, in exceptional circumstances which do</p>	<p>Retain and Revise definition as follows:-</p> <p>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.</p>

DESCRIPTION	CURRENT DEFINITION	PROPOSED DEFINITION
	<p>not prejudice the continued use of the Dwelling as a residence, permit the activity or use to be conducted by a person other than the Owner,</p> <p>(b) not require the regular parking of :</p> <ul style="list-style-type: none"> i. more than five motor vehicles, or ii. any vehicle with a tare mass exceeding 2 500 kg, on or adjacent to the Lot at any one time, and that such parking shall be located to the rear of the Dwelling, where possible, <p>(c) not require the employment of more than three persons in addition to the domestic employees,</p> <p>(d) 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,</p> <p>(e) 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,</p> <p>(f) not detrimentally affect the Amenity of the surrounding area, and</p> <p>(g) be limited to the erection of a sign, indicating the nature of the activity, which shall :</p> <ul style="list-style-type: none"> i. not be larger than 600 mm by 450 mm, ii. be in compliance with the Council's Bylaws, and iii. and shall compliment the character of the Dwelling. 	
Boarding House	Means a Building or portion of a Building, other than a block of Flats, in which three (3) or more persons are accommodated for reward.	<p>Retain and Revise definition as follows:-</p> <p>Means a business conducted by the owner of a</p>

DESCRIPTION	CURRENT DEFINITION	PROPOSED DEFINITION
		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.
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.	Retain definition
Chalet Development	Means a number of free-standing self-contained Dwelling Units, arranged on a single Lot, with or without separate dining facilities.	Retain and Revise definition as follows:- Means a grouping of a two or more attached or detached habitable buildings used for holiday accommodation.
Cluster Housing	Means a group of two or more free standing Dwelling Houses and/or Semi-Detached Dwelling Houses, which do not exceed two storeys in height and where each Dwelling Unit has direct access to a Private Open Area and Common Land, which, together with such Outbuildings as are ordinarily used therewith, have been designed as a harmonious entity.	Amend to Medium Density Housing and Revise definition as follows:- 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.
Common Land	Means the portion of a Cluster Housing development which is jointly owned by, and set aside for the use and enjoyment of, all the occupants of the Dwelling Units comprising the Cluster Housing development. The use and development of this Land may include common vehicular access roads and parking areas, walkways and bridle trails, common horse stables, and structures or buildings intended for the recreational use of the occupants of the Cluster Housing development.	Remove definition

DESCRIPTION	CURRENT DEFINITION	PROPOSED DEFINITION
Curtilage	Means a single defined area of Land forming part of a Cluster Housing development comprising the Land upon which a Dwelling Unit is erected or is intended to be erected, together with such Private Open Area and other areas which are reserved for the exclusive use of the occupants of the Dwelling Unit.	Remove definition
Duplex Flat	Means a residential unit in a Building, where each unit consists of a ground floor and one upper floor which is connected by an internal staircase and where the unit has direct access to a Private Open Area.	Amend to Flat and Revise definition as follows:- Means a suite of rooms not comprising a Dwelling or semi-detached house, contained in a building having one or more floors.
Dwelling	Means a Building, designed for use as a residence for, and used exclusively by, a single Family and shall comprise a single kitchen and not more than ten (10) habitable rooms, save with the Special Consent of the Council.	Retain and Revise definition as follows:- 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.
Dwelling House	Means a free standing Dwelling together with such Outbuildings as are ordinarily used therewith.	Amend to Dwelling
Dwelling Unit	Means a Dwelling House or Attached Dwelling House as defined by the Scheme.	Amend to Dwelling
Flat	Means a Dwelling Unit in a Building of one or more floors in which each Dwelling Unit is separated from other units, or other accommodation, in the same Building either vertically or horizontally or both, which, if located on an upper floor, shares access by means of common staircases, lifts or balconies, together with such Outbuildings as are ordinarily used therewith.	Retain and Revise definition as follows:- Means a suite of rooms not comprising a dwelling or semi-detached house, contained in a building having one or more floors.
Outbuilding	Means a Building ancillary to a Dwelling, attached to or separate from a Dwelling, which is used for or as the following :- (a) the garaging of private motor vehicles, (b) a storeroom,	Retain and Revise definition as follows:- Means a building or portion of a building attached or detached from a dwelling and ancillary to the dwelling that does not exceed 30% of the dwelling

DESCRIPTION	CURRENT DEFINITION	PROPOSED DEFINITION
	<p>(c) domestic worker's room and associated ablution facilities, and</p> <p>(d) workroom.</p>	<p>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>
Private Open Area	<p>Means a useable 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 Unit in a Cluster Housing development and is reserved for the exclusive use of the occupants of the associated Dwelling Unit.</p>	<p>Move definition to general definition and Revise definition as follow:-</p> <p>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.</p>
Self-Contained Residential Unit	<p>Means a Building, ancillary to the main Dwelling, which is used as a residence in accordance with the following requirements :-</p> <p>(a) the unit shall be for the accommodation of not more than two (2) persons who shall be relatives of the Owners of the main Dwelling,</p> <p>(b) the unit shall comprise of not more than one bedroom, a combined lounge and dining room, a kitchen, a bathroom and a toilet, save with the Special Consent of the Council, and</p> <p>(c) the unit shall not exceed a Floor Area of sixty (60) m², save with the Special Consent of the Council.</p>	<p>Remove definition</p>
Semi-Detached House	<p>Means a Building comprising 2 Dwellings contained in one Building, both on the ground floor and each provided with</p>	<p>Amend to Dwelling</p>

DESCRIPTION	CURRENT DEFINITION	PROPOSED DEFINITION
Residential Building (1)	<p>a separate entrance.</p> <p>Means a Building or portion of a Building, other than a Dwelling House or Attached Dwelling Unit, providing residential accommodation, together with such Outbuildings as are ordinarily used therewith. This group includes :</p> <ul style="list-style-type: none"> • Boarding House • residential hotel • Flats • school hostel 	<p>Amend to Residential Building and Revise definition as follows:-</p> <p>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.</p>
Residential Building (2)	<p>Means a Building or portion of a Building, other than a Residential Building (1), which is designed for or makes provision for accommodation of travellers and the motor vehicles used by them, together with such function rooms and Outbuildings as are ordinarily used therewith. This group includes :</p> <ul style="list-style-type: none"> • Guest House • Motel • Hotel <p>A Hotel or Motel may contain one or more of the following uses :</p> <ul style="list-style-type: none"> - bookshop or news agent - boutique - car hire agency - curio shop - florist - hairdressing salon/beauty parlour - jewellery shop - travel agency 	<p>Amend to Hotel and Revise definition as follows:-</p> <p>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.</p>
Residential Development	Means a development laid out, to the satisfaction of the	Amend to Caravan Park, Mobile Home Park, Chalet

DESCRIPTION	CURRENT DEFINITION	PROPOSED DEFINITION
	<p>Council, with roads, essential services, including arrangements for refuse removal, recreational facilities, and communal facilities which may or may not include communal ablution facilities and communal dining facilities and kitchens. This group includes :</p> <ul style="list-style-type: none"> • Caravan Park • Mobile Home Park • Chalet Development 	<p>Development</p>
Terrace House	<p>Means a residential unit in a Building comprising 3 or more Attached Dwelling Units all on the ground floor and each having a separate entrance and direct access to a Private Open Area.</p>	<p>Remove definition</p>
SPECIAL		
Funeral Parlour	<p>Means a Building, portion of a Building or Land used for the purpose of funeral management and includes a shop intended primarily for public reception and for the sale and display of those commodities required for cemetery purposes, funeral parlour and services ordinarily ancillary to funeral management but does not include a monumental mason, crematorium or chapel.</p>	<p>Retain and Revise definition as follows:-</p> <p>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.</p>
Parking Garage	<p>Means a Building or Land designed and used primarily for the purpose of parking vehicles, other than parking which is required for land uses in terms of the Scheme, together with facilities for the washing of vehicles, but excluding uses specifically defined elsewhere in the Scheme.</p>	<p>Amend to Parking Depot and Revise definition as follows:-</p> <p>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.</p>
Special Building	<p>Means Land or a Building or portion of a Building used for any use not specifically defined elsewhere in the Scheme. This group includes :</p> <ul style="list-style-type: none"> • aerodrome 	<p>Retain and Revise definition as follows:-</p> <p>Means a building or use specifically not defined in the scheme.</p>

DESCRIPTION	CURRENT DEFINITION	PROPOSED DEFINITION
	<ul style="list-style-type: none"> • drive in cinema • airport • Funeral Parlour • armed forces building • memorial monument • barracks • monument • boarding kennels • mortuary • bus station • observatory • cemetery • Parking Garage • Crematorium • taxi rank 	
WORSHIP		
Place of Worship	<p>Means a Building or portion of a Building used for religious purposes, meetings and gatherings, together with associated Outbuildings. This group includes :</p> <ul style="list-style-type: none"> • cathedral • oratory • chapel • sunday school • church • synagogue • citadel • temple • mosque 	<p>Retain and Revise Definition as follows:-</p> <p>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.</p>

B. PROPOSED NEW DEFINITIONS FOR INTRODUCTION

DESCRIPTION	DEFINITION
PROPOSED NEW GENERAL DEFINITIONS	
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;

DESCRIPTION	DEFINITION
	<p>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.</p> <p>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.</p> <p>Category C: Means land with moderate agricultural potential.</p> <p>Category D: Means land restricted to low agricultural potential.</p>
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.
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.
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	
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.
Deeds Registry	Means a deeds registry as defined in the Deeds Registries Act, 1937 (No. 47 of 1937).
Development Rights	Means any approval granted to a land development application.
Eaves	Means a portion of a roof projecting beyond the face of a building, including any gutters.
Environmental Impact	Means a positive or negative environmental change.

DESCRIPTION	DEFINITION
Environmental Impact Assessment (EIA)	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.
Environmental Stainability	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; Development meets the needs of the present without compromising the ability of future generations to meet their own needs.
General Plan	Means a general plan approved by the Surveyor-General in terms of the Land Survey Act, 1997 (No. 8 of 1997)
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.
Infant School or Early Childhood Development	Refers to a comprehensive approach to policies and programmes for children from birth to nine years of age with the active participation of their parents and caregivers.
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.
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.
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.

DESCRIPTION	DEFINITION
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.
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.
Occupant	Means any person who occupies a building, structure or land.
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.
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.
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).
Restrictive Conditions	Means any condition registered against the title deed of land restricting the use, development or subdivision of the land concerned.
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.

DESCRIPTION	DEFINITION
Service 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.
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.
PROPOSED NEW LAND USE DEFINITIONS	
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.
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.
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.
Arts and Craft 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.
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

DESCRIPTION	DEFINITION
	attached thereto or in any other manner, or billiard saloon, or snooker room.
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.
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.
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.
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.

DESCRIPTION	DEFINITION
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.
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 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.
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, 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.
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.
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.

DESCRIPTION	DEFINITION
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.
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.
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.
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.

DESCRIPTION	DEFINITION
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.
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 Activity	Means activity or use used in conjunction with a dwelling or residential building where the owner of the building lives or provided that the Municipality may in exceptional circumstances permit the activity to be conducted by a person other than the owner, and 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.
Hostel	Means a building used to provide lodging to more than 14 people.
Hotel	Means a building or portion of a building offering transient lodging accommodation to the general public and providing additional services, such as restaurants, meeting rooms and recreational facilities. In respect of which a liquor licence has been issued a bar may be permitted, but excludes any off-sales facility or liquor store and may at the discretion of the Municipality include an entertainment component.
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.
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.
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.
Market	Means premises used for the display and sale of goods from stalls by independent vendors.

DESCRIPTION	DEFINITION
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.
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 scrapyards.
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.
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.
Office	Means a building or part of a building used for the administration of any business, whether public or private.
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 Lot	Means Land utilised for the parking of motor vehicles limited to the ground or below ground level only.

DESCRIPTION	DEFINITION
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.
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 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).
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.
Retirement Centre	Means a residential development intended for the accommodation or settlement substantially of elderly persons and which facilities may be provided for a frail care centre and places of communal activity. The premises may include

DESCRIPTION	DEFINITION
	offices, medical consulting rooms, launderette, shops and restaurants, which in each case shall be restricted as required by the Municipality and be for the sole use of occupants and their guests.
Riding Stables	Means premises used for the stabling of horses and includes riding instruction and the care and hiring of such horses.
Service Workshop	Means a building or part of building used for the repair and servicing of household appliances or office equipment limited to 150m ² .
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".
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.
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

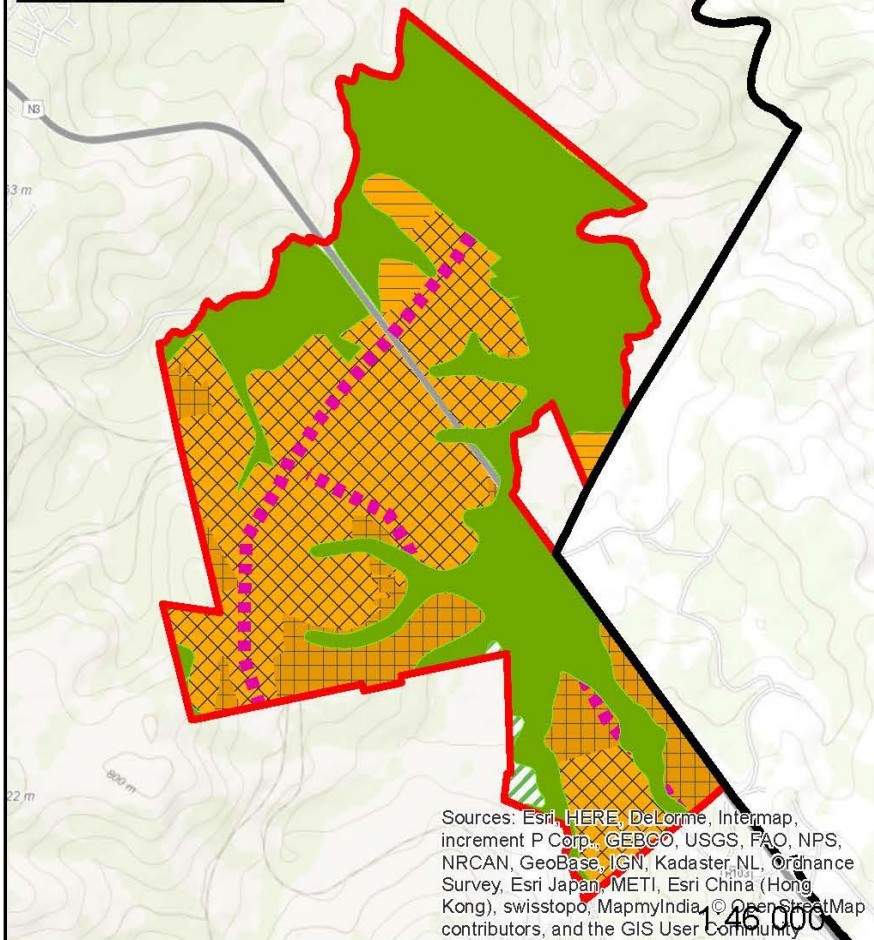
DESCRIPTION	DEFINITION
	within walking distance of people's homes.
Utilities Facility	Means land or building used to accommodate utility services such as substations, waterworks, water reservoir, sewerage works and public utilities, sewerage pump stations, telephone exchange, and such other related private, government or municipal utilities.
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.



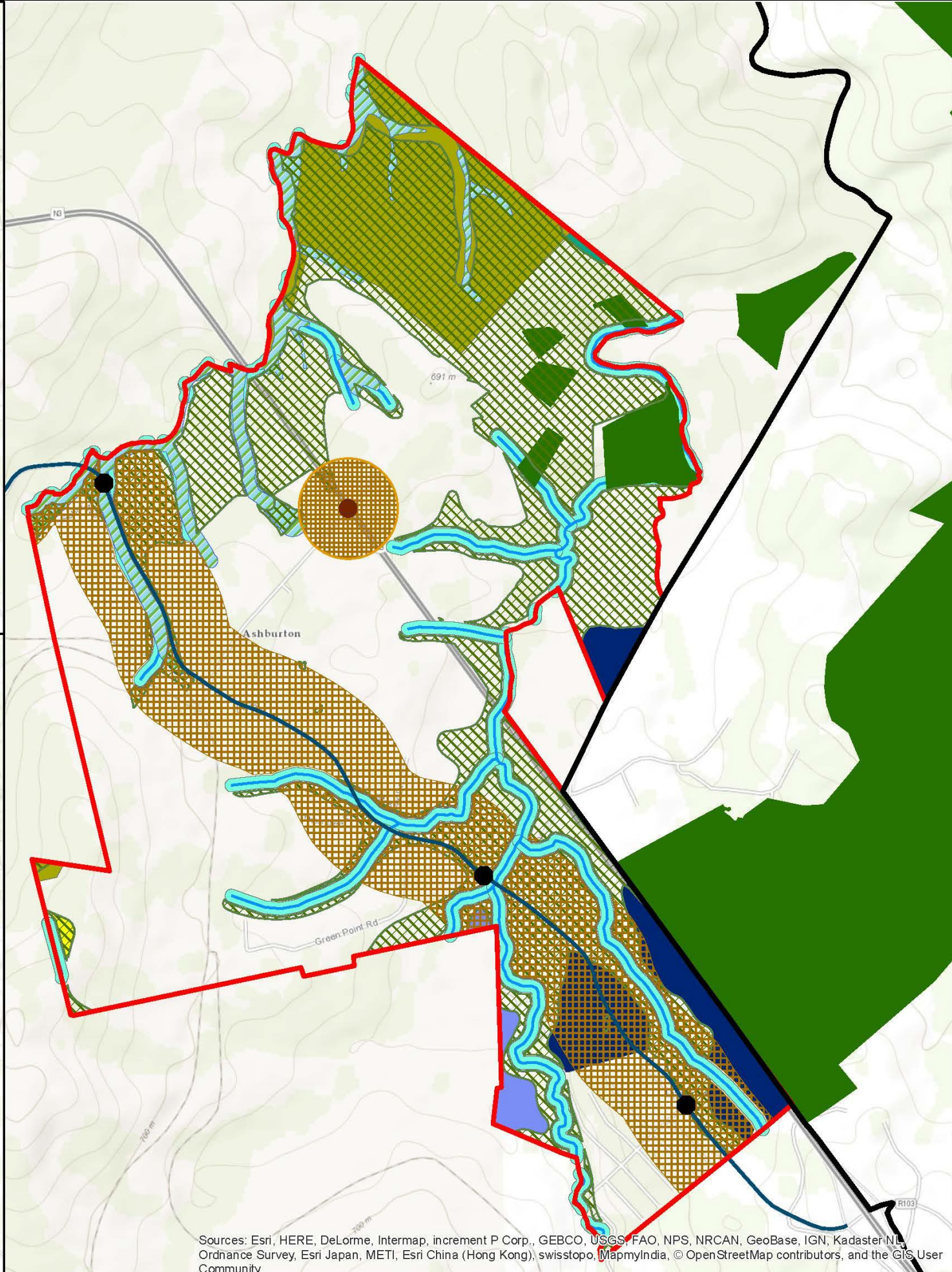
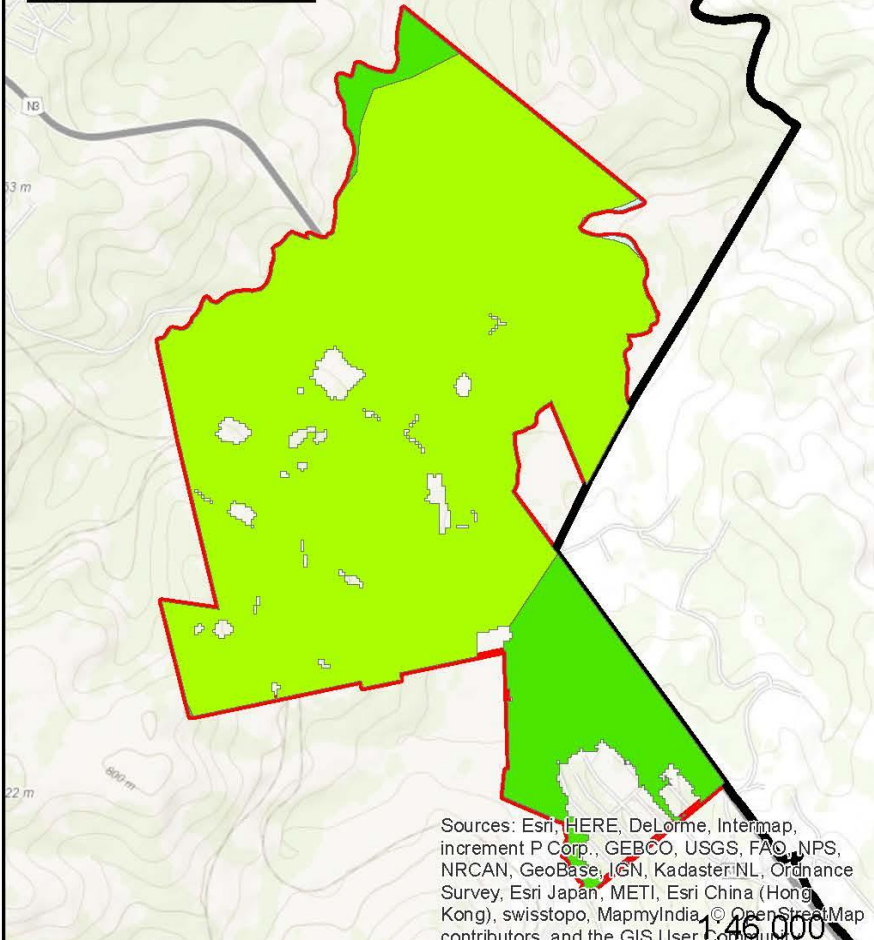
Annexure 2:

Land Use Management Framework

SEDs LAP Intentions



Agricultural Categories



Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

THE MSUNDUZI LOCAL MUNICIPALITY
AREA (KWAZULU NATAL/ MGUNGUNDLOVU DM)
DRAFT LAND USE MANAGEMENT FRAMEWORK

Legend

- Municipal Boundary
 - Project Boundary
 - Key Centres
 - Sustainable Urban Centres
 - BRT Route
 - 250m Sustainable Centres Buffer
 - Densification Zones
 - MOSS
 - Wetland
 - Corridors
 - Rivers
 - 32m River Buffer
 - Mpushini Protected Reserve
- Agricultural Categories**
Land Capability/Agricultural Category
- Category C
 - Category D
- SDF: Proposed Land Uses**
- New Housing Opportunities
 - Logistics/Business
 - Recreational
 - Tourism
- SEDs LAP Intentions**
- Integrated Open Space
- TOURISM AND SCENIC ROUTES**
- Proposed Primary Tourism and Scenic Route
- RURAL/AGR/TOURISM/RECREATION**
- Rural/Agricultural/Tourism
- URBAN/RESIDENTIAL SETTLEMENT**
- Existing Settlement and Infill/Consolidation
 - Settlement Growth Potential (Short Term)
 - Settlement Growth Potential (Medium Term)
 - Settlement Growth Potential (Long Term)

SOURCE: Msunduzi Municipality ARC GIS 1:22 000

0 160 320
Meters
1:22 000

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Project No / Reference	Prepared By	Date
14685_Ashburton TPS Review	ZM	14/12/2017

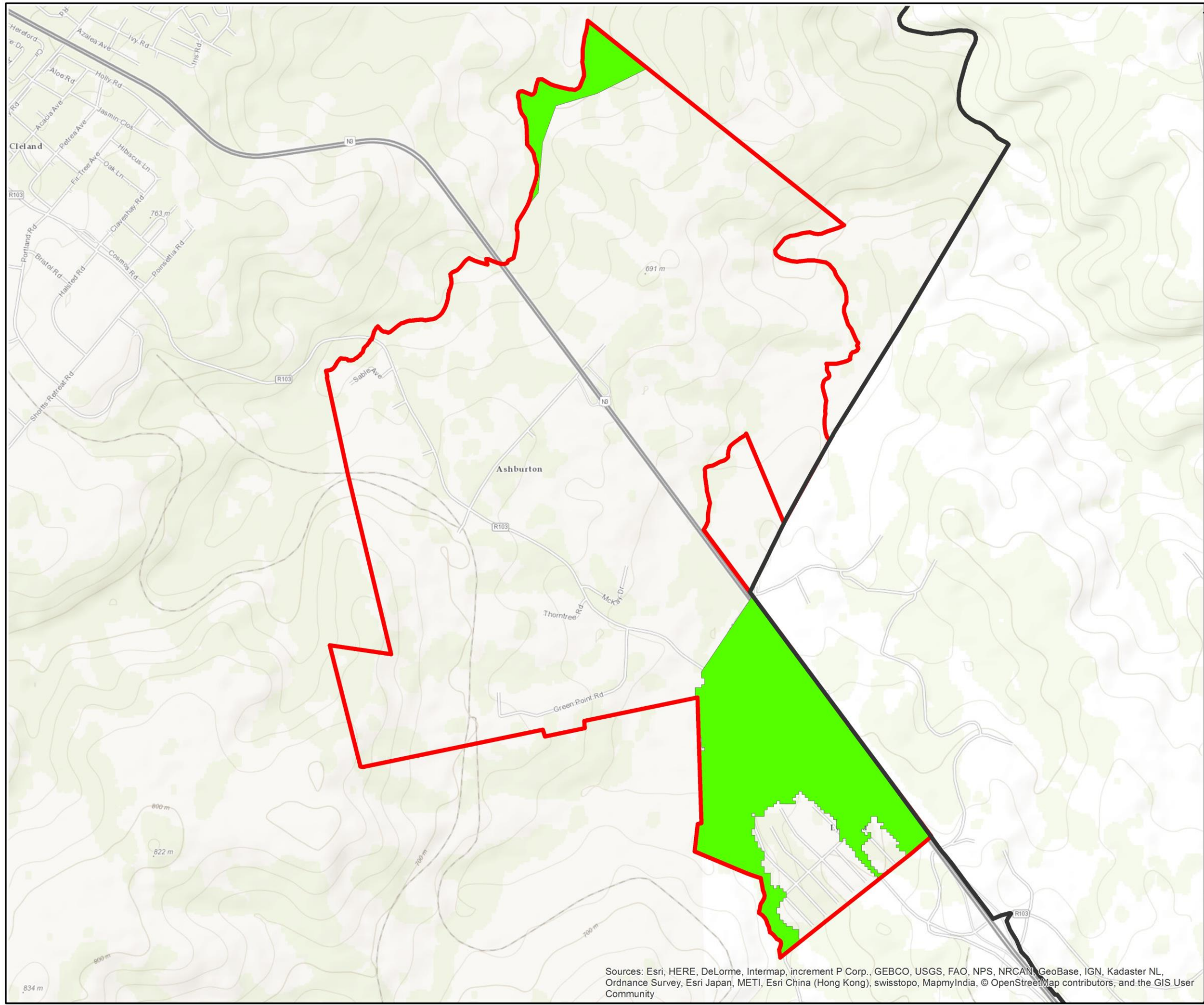
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Annexure 3:

Proposed Agricultural Management Overlay

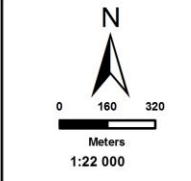


THE MSUNDUZI LOCAL MUNICIPALITY
AREA (KWAZULU NATAL/ MGUNGUNDLOVU DM)
PROPOSED AGRICULTURAL MANAGEMENT OVERLAY

- Legend**
-  Municipal Boundary
 -  Project Boundary
 - Agricultural Category**
 -  CATEGORY C

SOURCE: Msunduzi Municipality
 ARC GIS
 KZN DARD

1:22 000



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14685_Ashburton TP Scheme Review	ZM	24-11-2017

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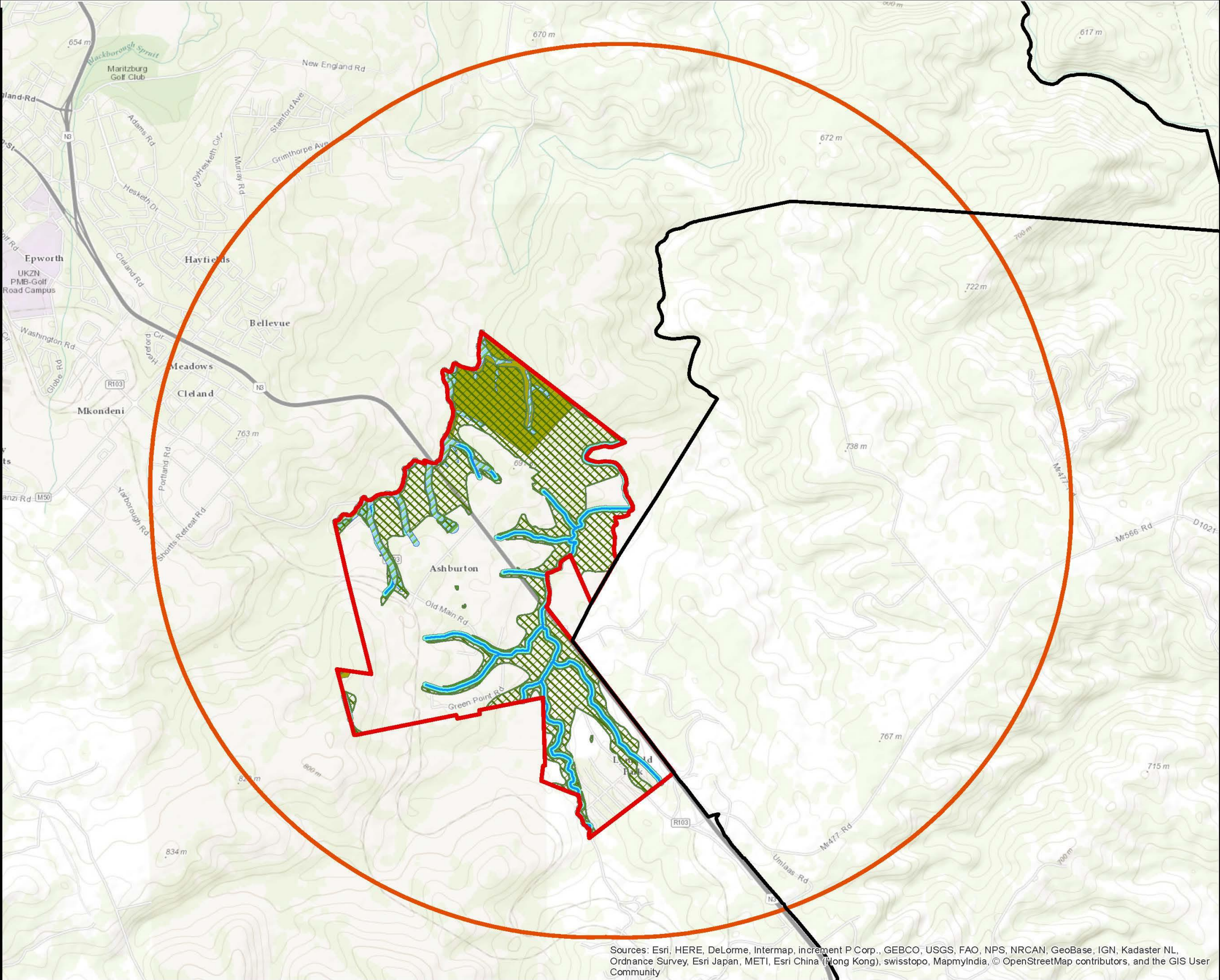
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Annexure 4:

Proposed Environmental Management Overlay



**THE MSUNDUZI
LOCAL MUNICIPALITY**

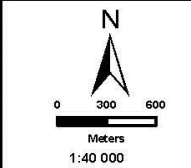
**AREA
(KWAZULU NATAL/
MGUNGUNDLOVU DM)**

**PROPOSED ENVIRONMENTAL
MANAGEMENT OVERLAY**

- Legend**
- Municipal Boundary
 - Project Boundary
 - MOSS
 - Wetland
 - Corridors
 - Rivers
 - 5km Protected Areas Buffer
 - 32m River Buffer

SOURCE:
Msunduzi Municipality
KZN Wildlife
ARC GIS

1:40 000



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Project No / Reference 14685_AshburtonTPS Review	Prepared By ZM	Date 14/12/2017
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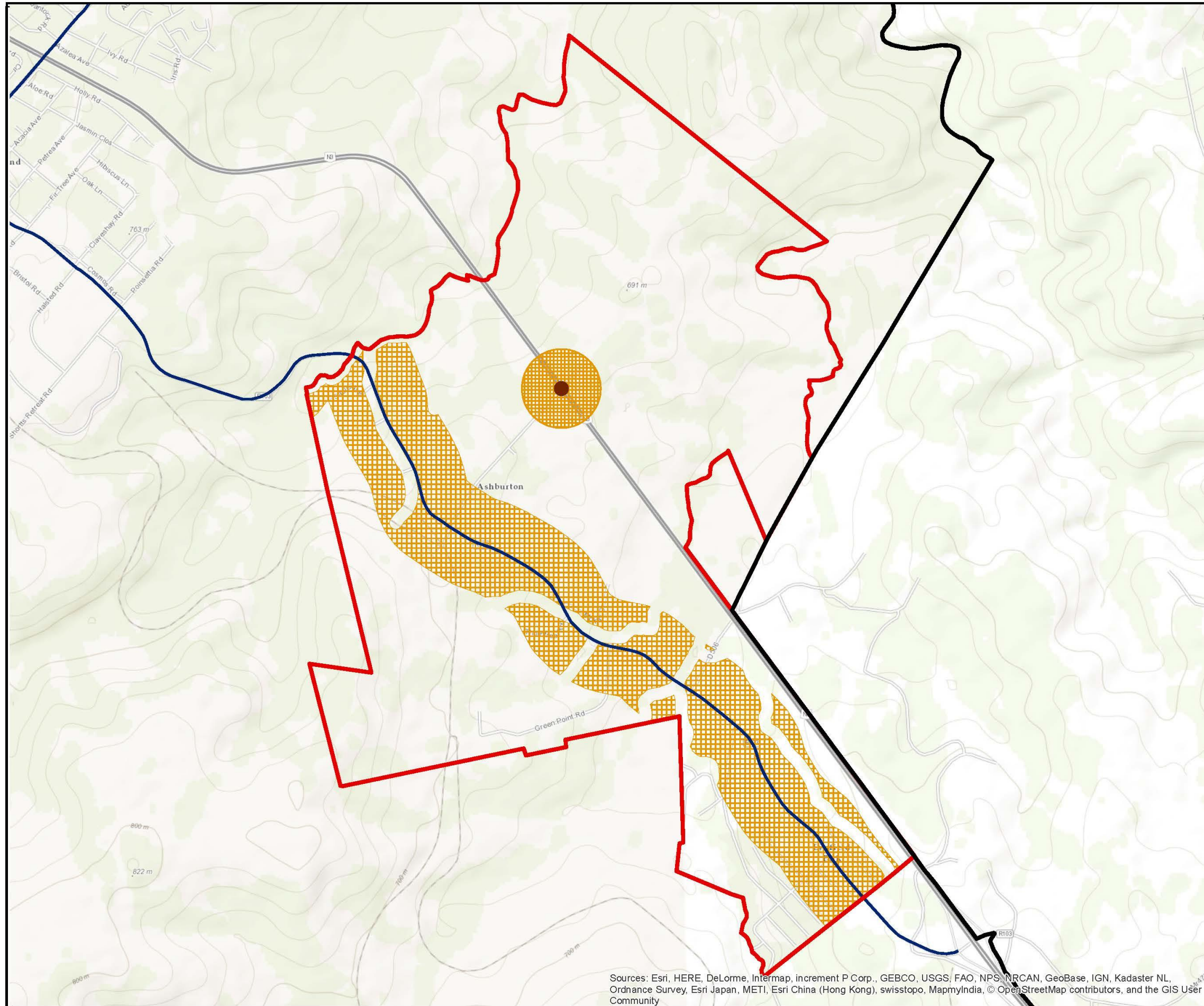
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Annexure 5:

Proposed Densification Zone Management Overlay



**THE MSUNDUZI
LOCAL MUNICIPALITY**

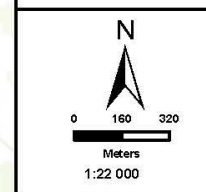
**AREA
(KWAZULU NATAL/
MGUNGUNDLOVU DM)**

**PROPOSED DENSIFICATION ZONE
MANAGEMENT OVERLAY**

- Legend**
- Municipal Boundary
 - Project Boundary
 - Key Centres
 - BRT Route
 - Densification Zones

SOURCE:
Msunduzi Municipality
ARC GIS

1:22 000



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Project No / Reference	Prepared By	Date
1485_Ashburton TP Scheme Review	ZM	14-12-2017

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Annexure 6:

Proposed Scheme Structure

PROPOSED NEW ASHBURTON SCHEME STRUCTURE

1. SECTION 1: INTRODUCTION

- 1.1 Title *
- 1.2 Application of Scheme *
- 1.3 Application of Laws
- 1.4 Effective Date
- 1.5 Adoption Date
- 1.6 Planning Authority
- 1.7 Scheme Map
- 1.8 Amendments to the Scheme
- 1.9 Inspection of the Scheme
- 1.10 Purpose of scheme
- 1.11 Principles of the Scheme
- 1.12 Objectives of the scheme
- 1.13 Legal Status of the Scheme
- 1.14 Existing Use Rights
- 1.15 Use of Land and Buildings

2. SECTION 2: DEFINITIONS

2.1 General Definitions (previously general interpretation)

- 2.1.1 List of Definitions
- 2.1.2 Definitions

2.2 Land Use Definitions

- 2.2.1 List of Definitions
- 2.2.2 Definitions

3. SECTION 3: RESERVATION OF LAND

- 3.1. Erection of Building on reserved land
- 3.2. Acquisition of land
- 3.3. Alternative use of land reservations

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

4.1. Agriculture

- 4.1.1. Agriculture 1
- 4.1.2. Agriculture 2

4.2. Civic and Social

- 4.2.1. Municipal and Government
- 4.2.2. Worship

4.3. Commercial/Mixed Use

- 4.3.1. Commercial
- 4.3.2. Low impact Mixed Use

4.4. Environmental Services

- 4.4.1. Active Public Open Space
- 4.4.2. Passive Public Open Space
- 4.4.3. Private Open Space
- 4.4.4. Protected Area 1

4.5. Industry

- 4.5.1. Light Industry
- 4.5.2. Logistics 1

4.6. Residential

- 4.6.1. Special Residential 1
- 4.6.2. Special Residential 2
- 4.6.3. Special Residential 3
- 4.6.4. Intermediate Residential
- 4.6.5. Equestrian Residential 1
- 4.6.6. Equestrian Residential 2

4.7. Tourism

- 4.7.1. Tourism 1

4.8. Utilities and Services

- 4.8.1. Utilities and Services 1

5. SECTION 5: DEVELOPMENT PARAMETERS AND REGULATIONS

- 5.1. Appeals
- 5.2. Subdivision of land
- 5.3. External Appearance of buildings
- 5.4. Preservation of Amenity
- 5.5. Integrated Environmental Management
- 5.6. Preservation of Trees
- 5.7. Advertising and Hoarding
- 5.8. Binding Force of Conditions
- 5.9. Making of Applications and Lodging of Plans
- 5.10. Entry and Inspection of Scheme
- 5.11. Service of Notice
- 5.12. Contravention of the Scheme
- 5.13. Appropriation of Land
- 5.14. Disposal of Land
- 5.15. Conflict of Scheme/Conditions of Title
- 5.16. Regulations
- 5.17. Non-Conforming Existing Use
- 5.18. Site Development Plan
- 5.19. Saving for Powers of the Municipality
- 5.20. Exemptions
- 5.21. Additional Provisions Applicable to Hotels
- 5.22. Additional Provisions Applicable to Home Business
- 5.23. Additional Provisions Applicable to Bed and Breakfast
- 5.24. Additional Provisions Applicable to Noxious Industrial Building
- 5.25. Additional Provisions Applicable to Outbuilding

6. SECTION 6: MANAGEMENT OVERLAY PROVISIONS

- 6.1. General Provisions applicable to Management Overlays
- 6.2. Requirements to prepare a Management Overlay
- 6.3. Purpose of a Management Overlay
- 6.4. Adoption, Replacement, Amendment of Management Overlay
- 6.5. Identification and Numbering of Management Overlays
- 6.6. The Status of Management Overlays
- 6.7. The register of Management Overlays
- 6.8. Management Overlay Provisions**
 - 6.8.1. Agricultural Management Overlay
 - 6.8.2. Environmental Management Overlay
 - 6.8.3. Densification Management Overlay

7. SECTION 7: TECHNICAL AND DESIGN REQUIREMENTS

- 7.1. Design Criteria for Medium Density Housing
- 7.2. Design Criteria for Parking Depot and On-Site Parking Generally
- 7.3. Maintenance of Property
- 7.4. Waste Management
- 7.5. Un-Serviced Areas
- 7.6. Access to Provincial Roads
- 7.7. Traffic Generating Site
- 7.8. Guidelines for Permitting Retail Uses into Industrial Zones

8. SECTION 8: APPENDICES