



MSINGA MUNICIPALITY

PHASE 3:

THE DEVELOPMENT OF A SINGLE LAND USE SCHEME FOR UMSINGA MUNICIPALITY



LAND USE FRAMEWORK AND POLICY POSITION REPORT

JANUARY 2021

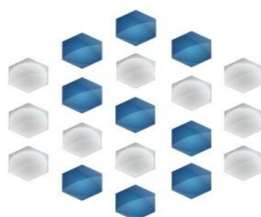
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1 INTRODUCTION

1.1 PURPOSE

The Spatial Planning and Land Use Management Act, No. 16 of 2013 (SPLUMA) requires the Municipality to develop, adopt and implement a wall-to-wall scheme for its area of jurisdiction. The introduction of the SPLUMA chapter 5 (Section 24 (1)), requires all municipalities after public consultation to adopt and approve a single land use scheme for its entire area within 5 years from the commencement of SPLUMA (Which was brought into operation in July 2015). This implies that by June 2020, all municipalities are required to have adopted single land use schemes for their area of jurisdiction.

According to the Municipal Systems Act, a Spatial Development framework is a key component of the Integrated Development Plan (IDP). As such the uMsinga single Scheme and Traditional Settlement Master Plan should be undertaken within the context of the IDP and the associated Spatial Development Framework (SDF), and with due cognizance of the development and transformation agenda that underpins these strategic documents. It must contribute towards sustainable development, and improve governance (as it relates to

land use management). As such alignment and integration with the other tools (land audit, valuation roll, etc.) should be maintained.

This document presents a draft Land Use Management Framework for uMsinga Municipality and accompanying policy position which will provide a land use system that manages public, Ingonyama Trust and privately owned land inclusive of natural resources in a responsible manner aligned to the requisite and applicable statutory framework. This report will essentially facilitate the pre-conditions for future growth and development, as well as providing a balance between the preservation of significant environmental factors and high value land with economic and social considerations.

1.2 PROJECT PROGRESS

The adopted project methodology with regard to developing a LUMS for the uMsinga Local Municipality is as follows:

Figure 1: Project Methodology



In terms of project progress, the project is currently on phase 3 and the deliverable is a Land use Framework & policy position report. It will form as an informant of the Schemes Clauses and TSMP (Phase 4).

1.3 STRUCTURE OF THE REPORT

The structure of the document is as follows:

- The first section of the document provides an introduction and an overview of uMsinga Municipality.

- The second section indicates methodology used for this phase.
- The third section of the document provides more in-depth land use analysis, based on land use surveys conducted in different areas. A list of exiting land uses concludes this section.
- The fourth section focus on the development of land use frameworks.
- The fifth section pulls the above information together and proposes land use zones, possible land use zones within each parent zone and preliminary statements of intent for each land use zone.

1.4 INTENTION OF DRAFT LAND USE FRAMEWORK & POLICY POSITION

This report is an outcome of Phase 2 of the project. It intends to summarize, combine and translate the key pertinent information in relation to the uMsinga Municipality in conjunction with the outcomes the on-site verification exercise into broad land use zones applicable to areas which currently sit outside a town planning scheme.

The intention of the report may be summarized as follows;

- Analyse the data collected from Phase 2 of the project in terms of the legislative and policy informants applicable to the

Municipality whilst translating these into a tangible land use framework that would inform development proceedings therein.

- Synthesise and summarise the outcomes of on-site land use survey into a broad set of proposed zones applicable to the uMsinga Municipality.
- Illustrate the Traditional Settlement Master Plans (TSMP's) applicable to the Traditional Authority Areas

1.5 METHODOLOGY

The methodology used for this phase of the project included the following and also built on information gathered in the previous phase.

1.5.1 DESK-TOP LITERATURE AND DATA REVIEW

The desk-top literature review consisted of a critical review of existing information. Data reviewed falls broadly within the following categories:

- Relevant policy and legislation (National Development Plan, Municipal Systems Act, Spatial Planning and Land Use Management Act (SPLUMA), Provincial Growth and

Development Plan (PGDP), KwaZulu-Natal Planning Development Act (PDA) etc.;

- Existing Spatial Development Plans, including the uMsinga and uMzinyathi DM IDP and SDF.
- Cadastral information and latest aerial photography.
- Sectoral plans, including the uMzinyathi Biodiversity Sector Plan, the uMzinyathi Strategic Environmental Assessment, uMzinyathi Water Services Development Plan, uMzinyathi District Growth and Development Plan.
- Guidelines for the preparation of Schemes for municipalities (Cogta, 2011).
- Development approvals, scheme amendments and conditions thereof, that was undertaken in terms of the DFA, LFTEA etc. Planning and Development Act register from the uMsinga.

1.5.2 LAND USE SURVEYS

Land use surveys were undertaken within areas falling outside the Existing Pomeroy Scheme, within all 6 Traditional Council areas specifically in the nodal areas identified in the uMsinga SDF.

1.5.3 GEOGRAPHIC INFORMATION SYSTEM

Geographic Information Systems (GIS) is critical to the development of an effective scheme and were used to develop maps and overlay spatial information. GIS as a tool also assisted in formulating Base maps which were used in the Surveys for capturing existing land uses.

In order to develop a single land use scheme for the uMsinga Municipality, it was necessary that an on-site land use Survey exercise be undertaken therein, with specific focus on the Areas falling outside the Existing Scheme.

The on-site land use verification exercise enables the coherent and site specific establishment of the manner in which land is utilized within the Municipality which in turn yields a land use framework and ultimately a single land use scheme.

2 LAND USE ANALYSIS

2.1 LAND USE SURVEY OUTCOMES

During the Land use Survey exercise, a number of land uses were captured within areas falling outside of the existing scheme. Nodal surveys were undertaken specifically in Cwaka, Tugela Ferry, Keate's Drift, Mfenebude, Msinga Top, Mazabeko, Gunjana and Nhlanhlakale, within all 6 Traditional Authority areas.

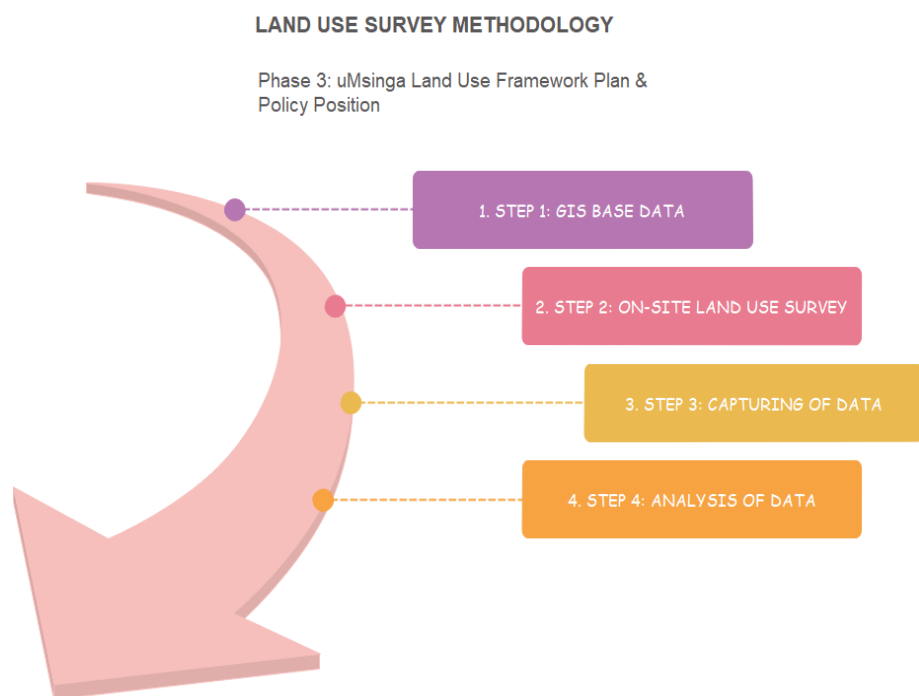
The methodology followed with regard to the on-site land use survey exercise is as follows:

- 1) **Mapping-** Using ArcGis and base data/information obtained from uMzinyathi District, Ezemvelo KZN Wildlife and KZN CoGTA for example (i.e. the most updated aerial imagery, cadastral, up-dated ward delineations, social facilities and road shapefiles/data) which were provided to the project team.
- 2) The project team proceeded to digitally capture all the visible land uses as per the on-site verification exercise inclusive of imagery on ArcGis, thus yielding a composite land use shapefile for the entire project area.

- 3) The existing land uses within the wards formed the basis of the analysis in so far as where the concentration of activities are situated and ultimately ensures the translation of same into a land use framework.

The manner in which the project team proceeded to capture the land uses within the project area was in a manner which is anticipated to ensure the seamless translation of the outcomes of same into a Single scheme as per legal requirements of SPLUMA.

Figure 2: Methodology for Land use Survey



As previously noted the on-site land use verification exercise was limited to areas which sat outside a town planning scheme, specifically the Traditional Council Areas.

It is noteworthy that the broad land use categories used to present the outcomes of the survey were aligned and made consistent with SPLUMA's and the Municipality's SPLUMA By-Laws land use terminology.

The Captured land uses within areas outside the Existing Scheme include;

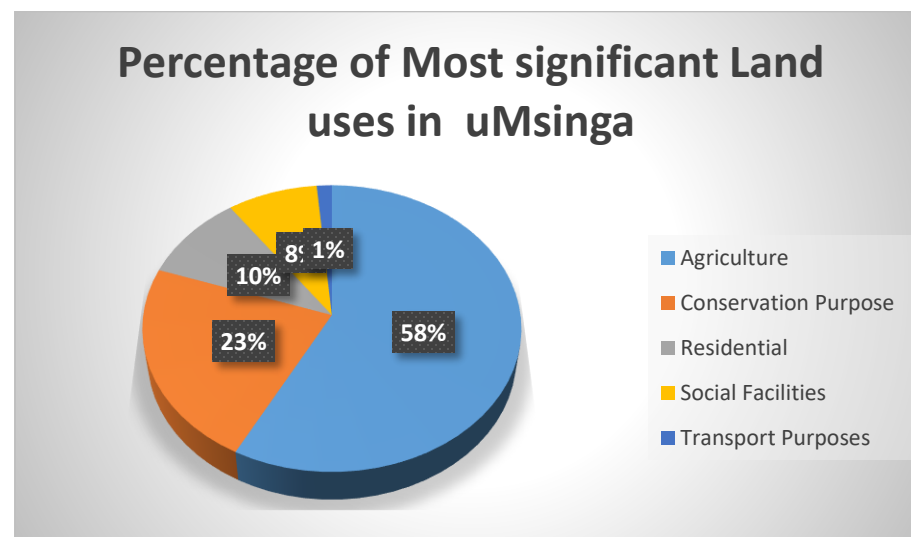
Table 1: Captured uMzinga Land Uses

Land use Category	Land use
Residential	<ul style="list-style-type: none"> • Imizi • RDP Housing • Low Cost-houses
Commercial	<ul style="list-style-type: none"> • Tuck Shops • Petrol Filling Station • Shopping Centre • Fast food restaurant • Car Repairs • Hardware • Bed & Breakfast (B & B) • Taverns • Bottle stores
Industrial	<ul style="list-style-type: none"> • Builders Yard
Recreational	<ul style="list-style-type: none"> • Soccer Ground • Playground & Court • Open Space
Civic & Social	<ul style="list-style-type: none"> • Clinics • Community Halls

	<ul style="list-style-type: none"> • Social Grant Pay points • Taxi Rank • Education facilities • Place of Worship • Police Station • Municipal & Government Offices • Crèche • Arts & Skills Centre • Old Age Home • Cemeteries
Agriculture	<ul style="list-style-type: none"> • Agricultural Land • Dipping Tank
Environmental	<ul style="list-style-type: none"> • Open Space • Conservation area
Utilities & Services	<ul style="list-style-type: none"> • Reservoir • BTTS

The overall breakdown of the outcomes of the land use survey are summarised in the graph hereunder:

Figure 3: Most Significant captured Land uses



The Land use surveys revealed that the most dominant land uses observed during the field work were the natural features, such as agriculture and environmental uses. The percentages were determined in terms of hectares of the land use.

2.2 NODAL LAND USE ANALYSIS

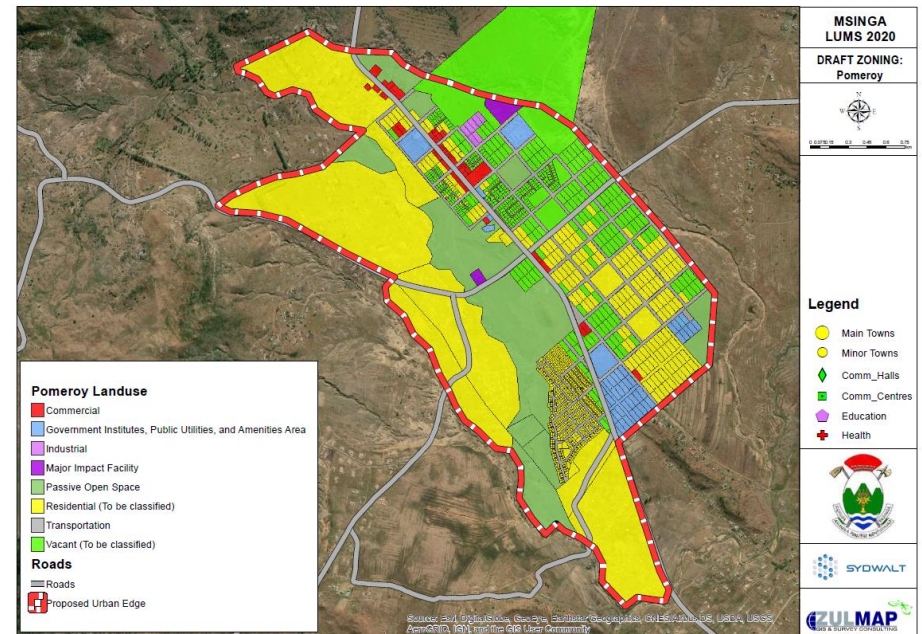
Nodal land use surveys were undertaken within the identified nodes as per the uMsinga Spatial Development Framework (SDF). In addition, a land use verification was also done within the existing scheme boundary area (Pomeroy). The areas surveyed are the following;

Msinga top, Tugela Ferry, Cwaka, Mazabeko, Rorke's Drift, Keate's Drift, and Mfenebude.

2.2.1 POMEROY

The Pomeroy node is situated in the northern part of the Municipality and is well suited for future expansion and development. The area already has a scheme over it, however a land use verification was done in order to update latest land uses. The node enjoys very good access due to the R33 through the town. The area's topography is also such that the node can easily be developed. This node is a formalised town with a registered layout. The Pomeroy Town consist of a number of land uses, there is mixed uses such as agriculture, residential, commercial – formal and informal activities, social services and facilities such as the Pomeroy Community Health Centre (CHC) that is secondary to the main hospital in Tugela Ferry, Nhlanhleni police station as well as secondary Msinga Municipality's offices. The main focus of the Pomeroy Town is economic activities for the entire municipal area.

Map 1: Pomeroy Land Uses

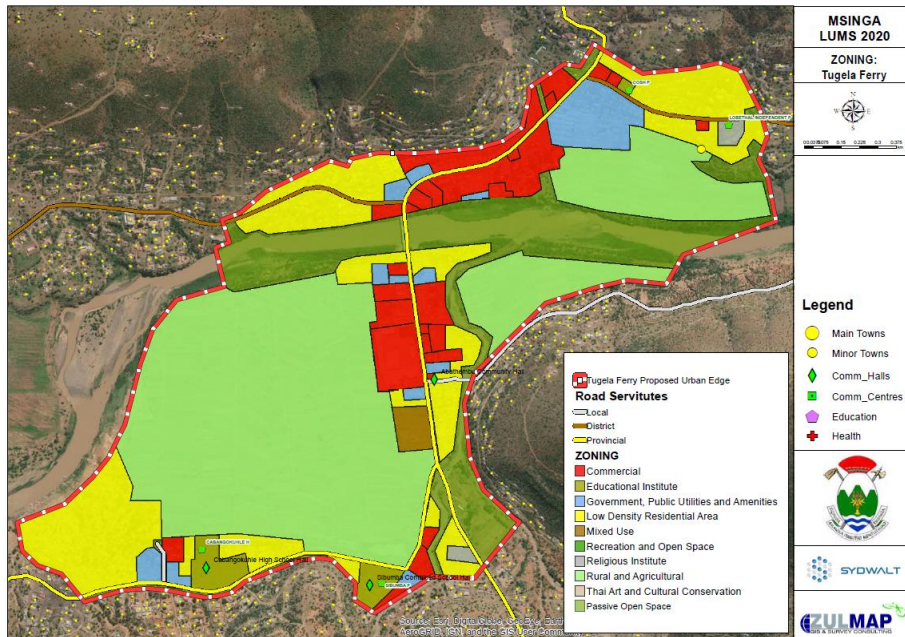


2.2.2 TUGELA FERRY

Tugela Ferry town is the main nodal area and the most developed settlement in uMsinga Local Municipality, and as such is the Primary Node within the Municipality. This is the main centre of the local Municipality, serving generally a radius of 25 km with most services and activities required at the local Municipality level. This is the point with the highest accessibility within the Municipality and provides accessibility on regular basis via public transport to the rural

hinterland. During the Nodal Land use surveys, it was identified that the node serves as the main activity node for commercial and local administrative activities.

Map 2: Tugela Ferry Land uses

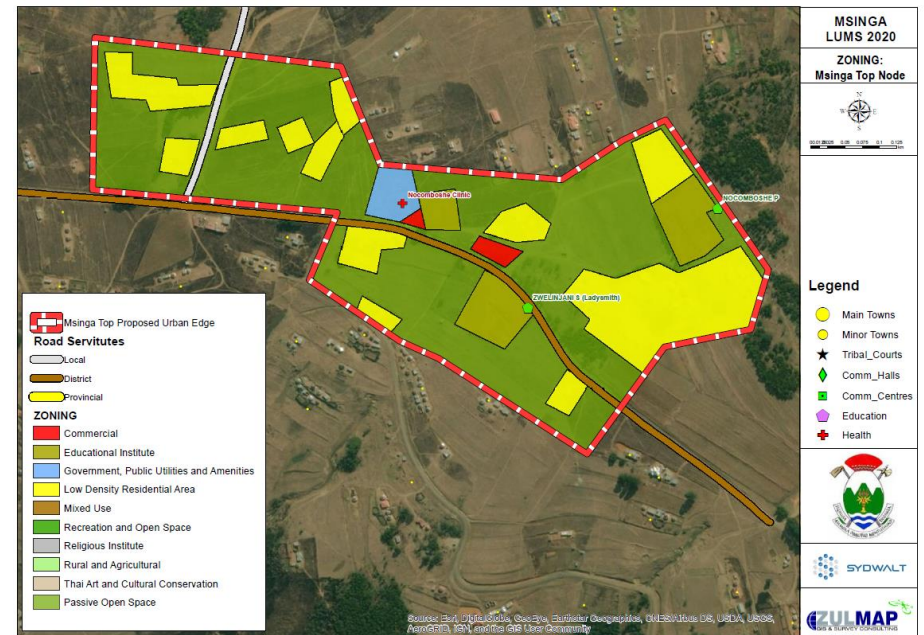


2.2.3 MSINGA TOP

uMsinga Top is situated in the central eastern part of the Municipality and is well situated to provide lower order services to the residents within its catchment area. uMsinga Top is situated at the end of the D1273 tertiary corridor. It was acknowledged that the commercial

activities are located along the D1273, and rural housing further away from the Road.

Map 3: Msinga Top Land uses



2.2.4 CWAKA

Cwaka is situated on the R33 and D1273/P281 intersection. During the surveys, it was acknowledged that Cwaka consists of scattered rural settlements inclusive of informal dwelling units, a number of social facilities and Tuck shops. It was also acknowledged that there is a lack

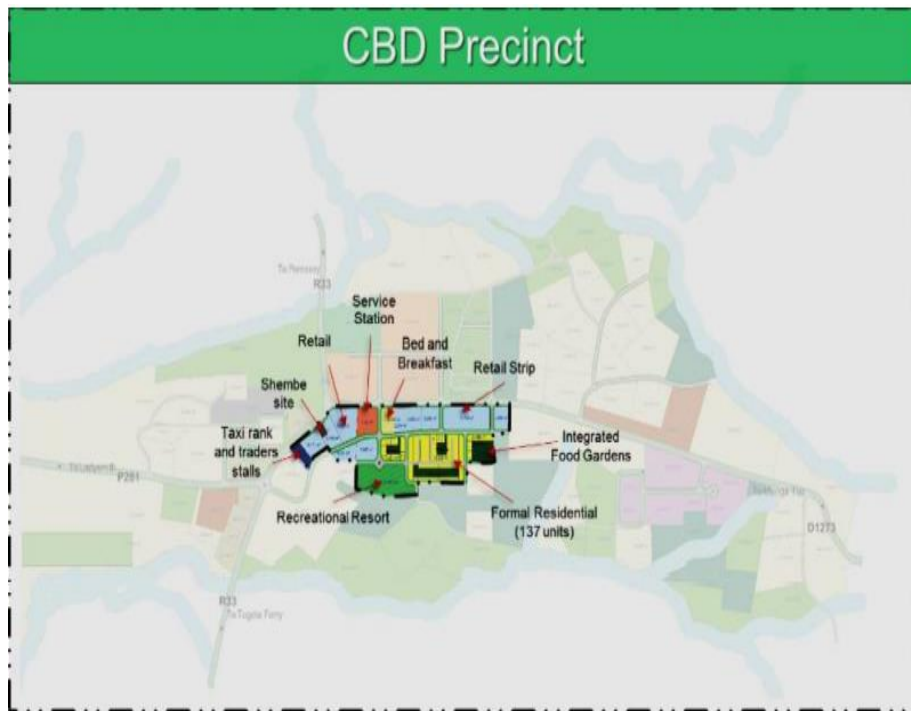
of land use management in the area, which has led to informality and settlement fragmentation.

According to the uMsinga SDF, It is foreseen that the development of the Cwaka node will have a profound influence on the future spatial structuring of uMsinga Municipality. The locality, accessibility and topography of the node will ensure that the node will compete to become the primary node in the Municipality. The development will have far reaching consequences on the Municipality in terms of service delivery and to curb the current tendency of linear development and sprawl along the R33 between Pomeroy and Tugela Ferry.

The uMsinga Spatial development Framework (SDF) provides proposed land uses for the Cwaka node, this will form part of the land use definitions of the uMsinga Scheme and will result in proposed zones with development controls.

Map 4: Proposed Development of Cwaka Node



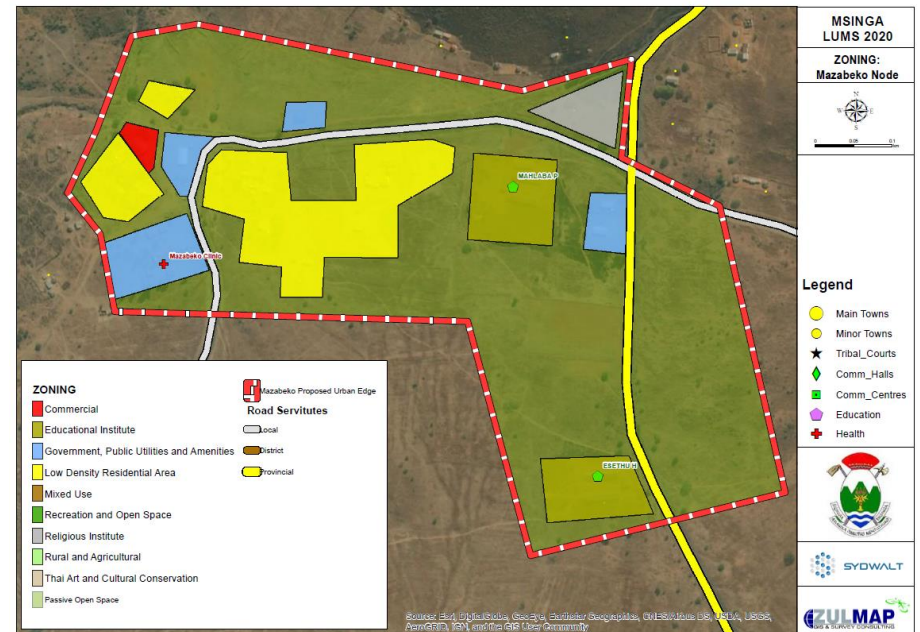


Source: uMsinga Spatial Development Framework (2019)

2.2.5 MAZABEKO

Mazabeko is located on the P365 corridor in the north eastern part of the Municipality. The node fulfils a services function to the rural residents of the area as Pomeroy fulfils the function of a Secondary node with most services available. The surveys revealed that the area is blessed with significant social facilities which support not just the Mabaso node, but also the surrounding traditional settlements.

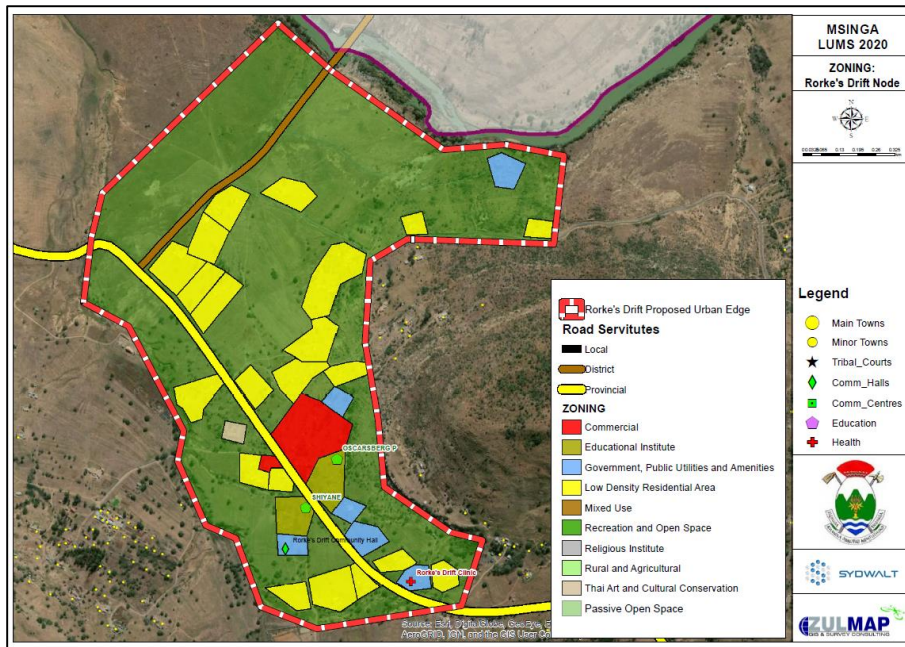
Map 5: Mazabeko Node Land Uses



2.2.6 RORKE'S DRIFT

Rorke's Drift is situated on the P190 and is the Municipality's primary tourism node as part of the Battlefields Route. The node attracts local and international tourists and is a service centre for the population in its hinterland.

Map 6: Rorke's Drift Land uses



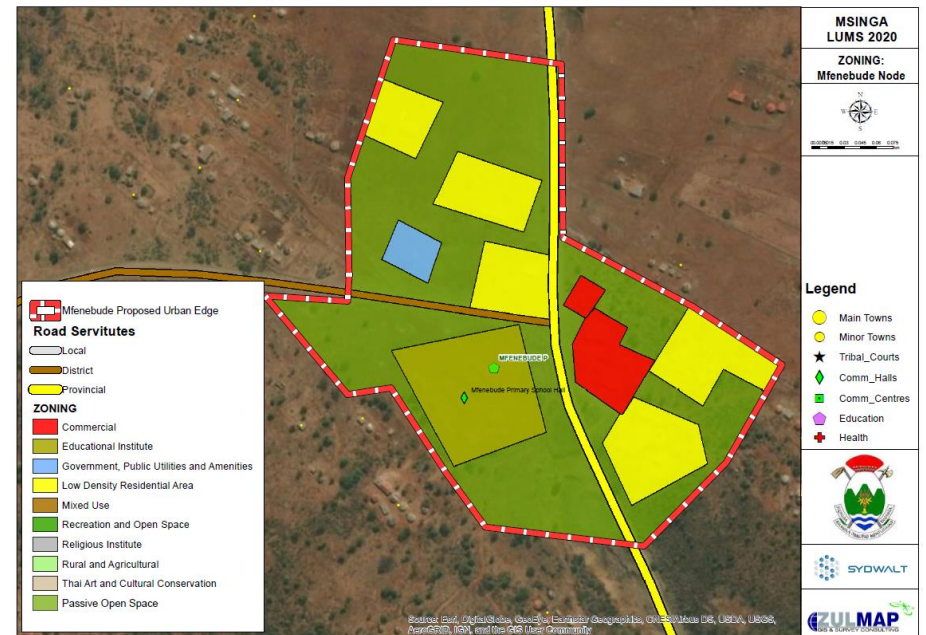
2.2.7 KEATE'S DRIFT

Keate's Drift is a rural centre with just the R33 running through the formal business area. It is not as congested since the business area are relatively small, but for future development additional streets will need to be formalised to prevent it from becoming congested like Tugela Ferry and Pomeroy.

2.2.8 MFENEBUDE

Mfenebude is situated in the south eastern part of the Municipality at the end of the D1268 tertiary corridor. The surveys revealed that the area contains significant Commercial activities such as; Butchery, Tuck shops as well as social facilities which are compatible with the surrounding.

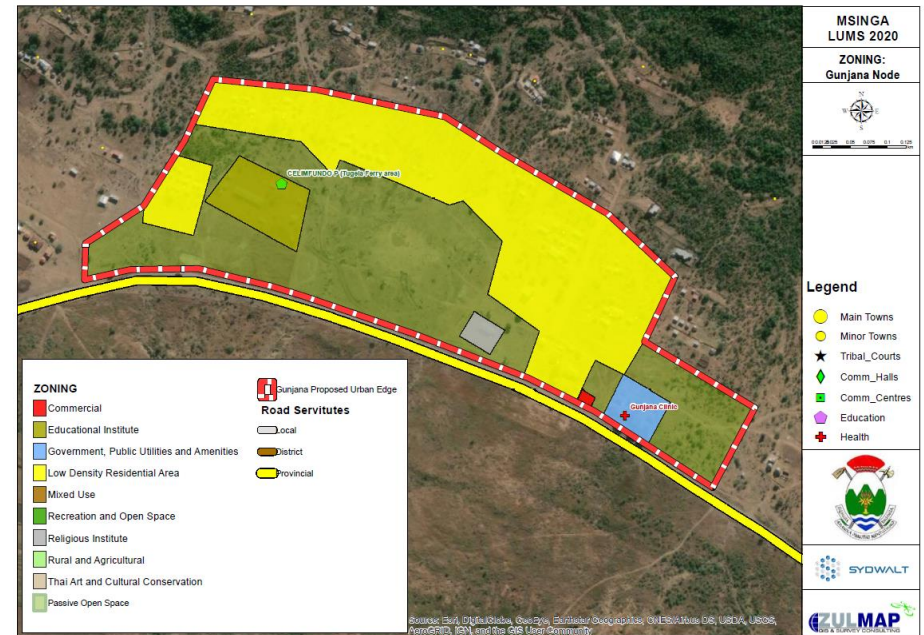
Map 7: Mfenebude Land uses



2.2.9 GUNJANA

Gunjana is situated in the east central part of the Municipality along the Secondary Corridor. The surveys revealed that the node is characteristic of scattered rural settlement with insufficient social facilities. The area has an advantage of having gentle slopes and good topography which is favourable for development.

Map 8: Gunjana Land uses



3 LAND USE MANAGEMENT FRAMEWORK FOR UMSINGA LOCAL MUNICIPALITY

This section relates to the establishment of a Land Use Management Framework (LUMF) that is applicable to the uMsinga Municipality. The LUMF represents the key spatial elements that emanated from the interim report. The combined elements of this framework starts to provide directive in terms of the spatial vision of the Municipality and most importantly ensures that there is alignment across the approved municipal policies and plans. What essentially becomes clearer are the critical natural features that need to be preserved.

To this end, the LUMF consists of the following key elements:

- Environmental Corridors.
- Irreplaceable Critical Biodiversity Areas (CBA).
- High Potential Agricultural Land (Category B).
- Identified Nodes and Corridors.
- Proclaimed Protected Area and 5km Proclaimed Protected Area Buffer.
- Rivers and associated 32m buffer.

- Wetlands.
- Settlement Webs (Rural & Urban)

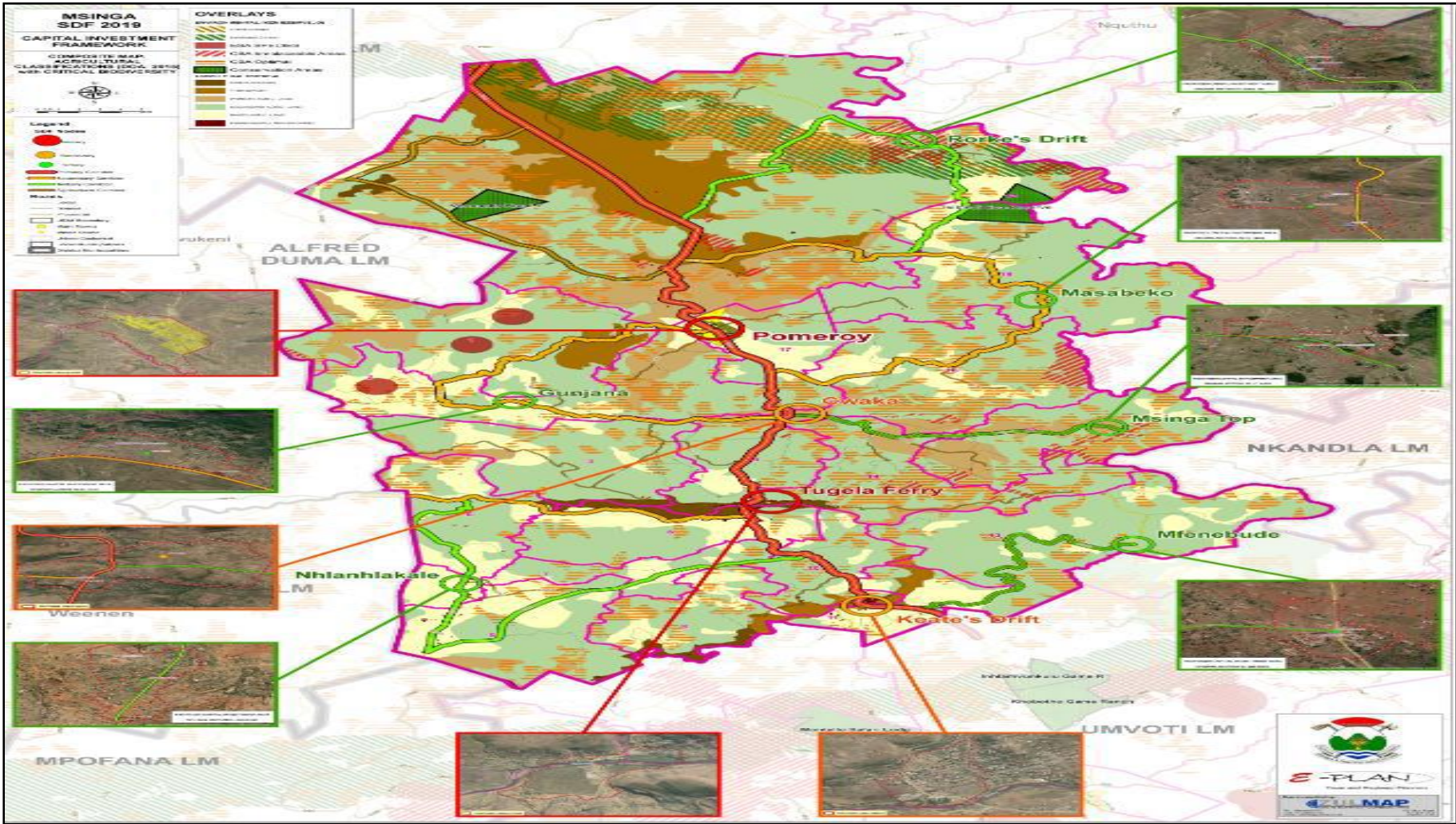
The advanced LUMF was established through the culmination of the aforementioned elements. The process associated therewith is represented as follows:

Figure 4: Elements of a Land Use Framework



Figure 5: LUMF Establishment for uMsinga Municipality

PREPARATION OF MSINGA MUNICIPALITY LAND USE SCHEME: LAND USE MANAGEMENT FRAMEWORK REPORT



3.1 UMSINGA LAND USE FRAMEWORK

3.1.1 ACCESS AND MOVEMENT FRAMEWORK

Several movement routes, providing linkages and access to different areas, traverses the municipal area of uMzinga. However, not all routes are the same in terms of the intensity of use and ability to attract investment, services, economic activities, and settlement. In the context of the province, the identified provincial corridors, while the uMzinga SDF identifies corridors applicable to its context.

These movement routes provides opportunity for corridor-type development, which is characterised by intense bands of high-density development, and settlements, which tends to concentrate at points of high accessibility and along public transportation routes, where residential, commercial, industrial, institutional and recreational activities occur in close proximity. This approach can improve access to opportunities, and integrated communities with services provision, while also fulfilling a range of economic and social needs. Corridor development is associated with a system of transport facilities on key routes that work together as an integrated system to facilitate ease of movement. Each route tends to exhibit a different function, with some routed combining functionality in terms of accessibility and mobility.

Development corridors as transport routes form important linkages between different areas. It should be viewed as the logical focus areas of an ordered strategy for spatial integration and should be activity and investment lines. Improved accessibility and connectivity is based on the recognition of the role of different movement routes and a need for the provision and maintenance of an accessible movement system and network. An improved movement system seeks to achieve several outcomes:

- Promoting accessibility of communities to economic, recreation and social opportunities.
- Protecting and enhancing the mobility of major arterials and roads.
- Ensuring that the movement system directly links with and is supported by nodes and residential development.
- The above involves reinforcing the role of the existing road networks.
- There are several important activity roads and link roads within town facility access to different areas within uMzinga.
- Other road networks that play an important role in movement within the municipality include local roads (community access

roads) which provides access to different areas and settlements within rural settlements

3.1.2 OPEN SPACE FRAMEWORK

Open spaces fulfil quite several functions including conservation, environmental management, visual character and areas for active and passive open space. The establishment of an integrated open space system provides the opportunity for creating a diverse range of open space settings and functions as a guide for all future management and uses of open spaces and natural areas. The integration of open spaces through linkages is a critical component and facilitates ease of access and management. Preserving and enhancing the natural environment, water system and open space systems form an integral part of the development within the area. As such, the rehabilitation, conservation, and integration of open space into the vision for future development are a critical component for sustainable development.

3.1.3 NODAL FRAMEWORK

Nodes intend to give effect to the ordering and location of services and facilities, in a manner that promotes accessibility and efficiency in service delivery. As such, the clustering of various activities at appropriate and accessible nodal locations provides the municipality

with a network/system of opportunity centres. Some of these nodes represent economic growth centres, such as Tugela Ferry, that benefited from a certain level of public and private sector investment in services and infrastructure. Others are in more disadvantaged areas, which have suffered from institutionalised neglect. These include areas such as Rock's Drift and Traditional settlements. Although the nodes have contrasting characters, profiles and management issues, they cumulatively accommodate the majority of economic activities, employment prospects, an existing/growing residential stock, and access to community facilities. However, nodal areas in traditional and rural areas have to fulfil a service delivery function to surrounding communities and have to be developed as such. In uMsinga, the SDF identified the nodal areas as follows:

Land uses in other nodal areas identified in the SDF as tertiary nodes (Msinga Top, Mashunka / Nhlalakahle, Mkhuphula / Dolo, Mazabeko and Rorkes Drift) includes the following:

- Msinga Top is identified as a rural service node located in the central eastern part of the municipality and is well situated to provide lower order services to the residents within its catchment area. Msinga Top is situated at the end of the D1273

tertiary corridor. The node has 395 households which relays to a population of 1 895 people.

- Nhlalakale is situated in the south western part of the municipality on the P373 secondary corridor. The node provides low level services to the area. The node consists of 485 households and 2 328 people.
- Mfenebude is situated in the south eastern part of the municipality at the end of the D1268 tertiary corridor. The node consists of 207 households and 993 people.
- Mazabeko is located on the P365 corridor in the north eastern part of the municipality. The node has 98 households and 470 people. The node fulfils a services function to the rural residents of the area as Pomeroy fulfils the function of a Secondary node with most services available.
- Rorke's Drift is situated on the P190 and is the municipality's primary tourism node as part of the Battlefields Route. The node attracts local and international tourists and is a service centre for the population in its hinterland. The node consists of 402 households and 1 930 individuals.
- Gunjana is situated in the east central part of the municipality. The node has 111 households and 533 people although it serves quite a larger population in its hinterland.

3.1.4 SETTLEMENT FRAMEWORK

uMsinga is predominantly rural in character. As such, exclusive use of development nodes as key spatial structuring elements has potential to undermine the significance of rural parts of the municipal area. The SDF has to facilitate a continuum of settlements ranging from rural to formal urban settlements. This pattern has the following benefits:

- Maximizing choice of lifestyle and where people want to live.
- Providing a good framework for the delivery of services and application of service standards based on character of the area.
- Unlocking economic development potential at different scales thus providing remote rural areas to realize their agricultural economic development potential.
- Improving economic performance of the region.

Settlements should provide reasonable access to opportunities and facilities to all. They should be located along the main transportation routes and held together by a web of local access roads and public facilities.

However, settlements are also not static and respond to change, thus are continuously in the process of transformation. Considering the general trend in most settlements in traditional council areas in

uMzinga, the key challenge is to turn these settlements into sustainable human settlements.

3.1.5 AGRICULTURAL FRAMEWORK

The rate at which high value agricultural land is being lost is of great concern. Studies have indicated that between 1994 and 2000, there has been a decline in the area of high potential land under agricultural cultivation. This is mainly due to changes in land use and an increase in productive land that has been transformed permanently.

DALRRD has recently embarked on a new initiative to develop an Agricultural Land Zoning System for KZN (DAFF & DAEA, 2012). They are attempting to combine available data to classify a region into Agricultural Land Categories, which indicate the ability of an area to produce food under recommended management practices on a sustainable basis. Land with a high agricultural potential is regarded as a scarce non-renewable resource and the relevant authorities are very cautious and sometimes opposed to development of such land for purposes other than agricultural production.

As such, land with high potential for agriculture is deemed irreplaceable and must thus be legally protected.

The following categories have thus been included in the framework, with preliminary introduction of land uses that can be allowed in each (DALRRD former DAFF & DAEA, 2012):

- **Category A** land is regarded as very high potential agricultural land that should be retained exclusively for agricultural use. Land use will be restricted to those in support of primary agricultural production only. This may include agricultural infrastructure such as storage sheds, silo's, hay barns, water reservoirs, collection and storage of agricultural waste and on-farm composting facilities.
- **Category B** is regarded as high potential agricultural land. Land use will be restricted to those in support of primary agricultural production, such as agricultural infrastructure (storage sheds, silos, hay barns, water reservoirs, collection and storage of agricultural waste and on-farm composting facilities). Additional consideration may be given to small processing plants, value adding food processing facilities, seedling nurseries, and temporary sawmills, small wildlife- / scenery-viewing structures e.g. bird hides and small on-farm farm stalls.
- **Category C** is regarded as land with moderate agricultural potential, on which significant interventions would be required

to achieve viable and sustainable food production, although agriculture is still the majority land use in the rural landscape. Land use within this land Category may include those mentioned for categories A and B as well as storage, packing and processing facilities of farm products, limited-footprint agri-tourism facilities and small education or research structures in support of scientific awareness. These will however only be considered if located on the lower potential areas and will in no way negatively impact on the existing farming activities on site and on surrounding land parcels. Preference will be given to land uses which will enhance the viability of the farming enterprise.

- **Category D** land is regarded as land with low agricultural potential. Allowed land uses within this Category land may include those mentioned in categories A through C as well as poultry houses, piggeries, feedlots, greenhouses, farm retail sales facilities, wineries, pack houses and processing plants, agri-tourism facilities, sawmills, value adding processing plants, recreation facilities e.g. off road tracks, equestrian facilities, pet breeding and boarding facilities, unpaved airstrips and helipads. Consideration will also be given to small conference and wedding venues, renewable energy farms etc. These will

however only be considered only if they in no way negatively impact on the existing farming activities on site and on surrounding land parcels.

- **Category E** land is regarded as land with limited to very low potential for agricultural production. Cultivation within this land category is severely limited in both extent and in terms of the natural resources available, and grazing value will be poor with a very low carrying capacity. Land within this Category however may have a high conservation or tourism status, depending on the locality, or may act as a buffer for as higher Category of adjacent land. In addition, these land parcels may be required to support the economic viability of an extensive grazing system on adjoining land parcels e.g. large dairy farming system

3.1.6 ENVIRONMENTAL FRAMEWORK

The protection of natural systems from disturbance and displacement by future urban development is of critical importance. To this end, the scheme should consider and include environmental sensitive areas within uMsinga and grant these areas with the necessary protection through land use management processes. The spatial distribution of environmental biodiversity areas of significance is considered vital to

provide the land use management framework for future development planning, particularly indicating those areas where development needs to be avoided or carefully managed. As such, areas where no or limited development should take place must focus on the conservation of the core biodiversity areas in uMsinga. These include wetlands, flood plains, steep slopes, and special sensitive biodiversity areas. These assets perform a substantial and significant role in conserving biodiversity as well protecting the quality of life of the residents of uMsinga.

The environmental framework must acknowledge the following areas:

3.1.6.1 CRITICAL AREAS OF BIODIVERSITY

Maintaining ecological processes and functions of natural systems are important and critically important biodiversity areas have therefore been defined by Ezemvelo KZN Wildlife to ensure that terrestrial biodiversity resources remain available to the local inhabitants and future generations. As a measure to protect these areas, EKZN Wildlife has started to develop control measures that will be included in the rural land use management policy. Some of these control measures will be included as follows:

- Expansion of agriculture (crop & intensive animal production, excluding grazing of natural veld) and development footprint requires a biodiversity assessment and may not occur without authorisation from agriculture and permission from Ezemvelo KZN Wildlife.
- Expansion of development footprint in other development zones requires a biodiversity assessment and may not occur without permission from Ezemvelo KZN Wildlife.

3.1.6.2 WATER RESOURCE AND WATERBODIES

Water resource management must seek to achieve the protection of water resource assets to secure a sustained supply of water and ecosystem goods and services over time and to reduce vulnerability to the effects of climate change. Control measures developed by EKZN Wildlife that will be included in the rural land use management policy, are as follows:

River CBA:

- A minimum buffer of 30m of natural vegetation must be maintained from the edge of the riparian vegetation, or where such does not occur 50m from the bank of the watercourse.

- A minimum buffer of 100m must be maintained between hard surfaces and the riparian vegetation or where such does not occur the bank of the watercourse, where such buffer is maintained as undisturbed soil.
- Indigenous riparian vegetation may not be cleared.
- Storm water runoff may not be discharged directly into the river system.

Wetland CBA:

- Modification of the wetland (determined as being to the outer temporary zone) may not occur without an Environmental Authorisation and water use license. Where modification includes hardening of surfaces, clearing of indigenous vegetation, dredging, infilling, draining, etc.
- A minimum buffer of 30m of natural vegetation must be maintained around the wetland (determined as the outer temporary zone).
- A minimum buffer of 100m should be maintained between hard surfaces and the outer temporary zone of the wetland, where such buffer is maintained as undisturbed soil.

- New land uses within 50m of a wetland (determined as being to the outer temporary zone) must undertake an assessment to determine an appropriate buffer.
- Storm water runoff may not be discharged directly into river systems.

River Ecological Support Areas (ESA)

- Indigenous riparian vegetation may not be cleared.
- Storm water runoff may not be discharge directly into the river system.
- A minimum buffer of 20m must be maintained between hard surfaces and the riverine vegetation or where such does not occur the bank of the watercourse, where such buffer is maintained as undisturbed soil.
- Storm water runoff may not be discharge directly into the river system.

Ecological Support Areas (ESA) – Species specific:

- Hardening of surfaces requires a biodiversity assessment and may not occur without authorisation from agriculture and permission from Ezemvelo KZN Wildlife.

FEPA fish sanctuaries:

- Indigenous riverine vegetation may not be cleared.
- No introduction of exotic, extra-limital or invasive species into the river.
- A minimum buffer of 100m must be maintained between hard surfaces and the riverine vegetation or where such does not occur the bank of the watercourse, where such buffer is maintained as undisturbed soil.
- Storm water runoff may not be discharge directly into the river system.

3.1.7 STEEP AREAS

- Settlement should not be located on land which is in excess of a slope of 18 degrees (1:3).
- No form of development on land with high agricultural potential (arable) on a slope of less than 18 degrees (1:3) should be considered.

4 POLICY IMPLICATIONS & INTERVENTIONS

The table below illustrates the policy implications and type of intervention required for a specific land use, it translates the SDF intentions and intended land uses for the uMsinga Local Municipality.

Agriculture	
Policy Implications	Intervention
<p><u>Capitalise on Agricultural opportunities</u> - Facilitate rural economic development through the promotion of SMME's, creating opportunities for small scale farmers and through the development and Co-ordinating an Integrated Poverty Alleviation Program.</p> <p><u>Unleashing Agricultural Potential</u> - To develop and implement an agricultural sector plan.</p>	<ul style="list-style-type: none"> - Develop Agriculture Potential Analysis/Strategy Sustainable agricultural practices that reduce leaching, erosion, compaction and loss of soil structure, should be promoted There is significant potential to increase crop production through improved farm management and agricultural support systems. However, due to the already vulnerable environment, the current and future stock farming practices should be managed carefully in order not to cause any further degradation of the environment. - In order to ensure the protection of High value agricultural land within the Municipality, an Agricultural Management Overlay is proposed, to help guide future development and to ensure that high value land within the Municipality is preserved for intensive

<u>Protect prime agricultural, the environment, and other protected areas.</u>	Agricultural use.
Environmental	
Policy Implications	Intervention
<ul style="list-style-type: none"> - Align proposals to the intentions of NEMA where applicable. - Protect the natural ecosystems, inclusive of hydrological features and promote buffers from the edge of these hydrological features. - Protect good potential agricultural land. - Enhancing resilience of ecosystem services. - Ensure that the goal of sustainable development, as per the nine spatial Principles are include to ensure harmonious development. - Critical Biodiversity areas, need to be highlighted as areas of environmental significance, with attention being paid to provide management controls in these areas that allow for sustainable development. 	<p>In order to ensure the protection of key Natural Recourses within the Municipality, an Environmental Management Overlay is proposed to firstly preserve these natural assets as well as ensuring that settlements and development occurs away from disaster prone areas. Furthermore, a 5km buffer as prescribed by NEMA will be implemented around protected areas.</p>

<ul style="list-style-type: none"> - Protect natural resource base by the creation of buffer zones which protect areas that need to be conserved/ protected, and where applicable allow for tourism opportunities in a sustainable manner. - Acknowledge and protect the agro-biodiversity areas within the Municipality. 	
Economic & Densification	
Policy Implications	Intervention
<ul style="list-style-type: none"> - Translate the spatial objectives of the Municipality within rural areas in order to unlock the identified potential that exists. - Facilitate Economic Growth within identified rural nodes and centres. - Stimulate economic development opportunities in rural and urban areas. - Promote Infrastructural Investment within corridors, nodes and centres. - Enhance Spatial Economic Development. - Prioritize sectors of high economic potential so as to provide guidance and control over all land planning and developments to promote integration and sustainability. 	<ul style="list-style-type: none"> - A Spatial Directive Management Overlay is proposed in order to reflect identified opportunity areas (i.e. corridors and nodes), the growth points identified part of the land use survey will be reflected in this overlay. - The Pomeroy Existing Town Planning Scheme will remain in their current state, with amendments proposed under the additional controls and development parameters in certain zones to cater for areas that were previously outside the scheme. Furthermore, as per the proposals of the SDF,

<ul style="list-style-type: none"> - Align and integrate sectoral / departmental planning and filter the objectives of the in the interventions proposed. - Encourage higher density settlements along main transportation routes-held together by web of local access roads and public facilities - Promote the sustainable use of the land. - Promote compact development- consider nature and character of each settlement and Compact settlements areas can be achieved with maintenance of a settlement edge -discourage sprawl. 	<ul style="list-style-type: none"> - the following intended land uses will be introduced in order to cater for the land use outcomes as well as unlocking the potential of these areas: <ul style="list-style-type: none"> • Conservation/Eco-tourism/Environmental Management areas. • Agricultural Areas • Infill Areas • Residential Development
Traditional Community Areas	
Policy Implications	Intervention
<p>The Scheme needs to take into consideration the current dynamics Occurring in rural areas.</p> <ul style="list-style-type: none"> - The Scheme should acknowledge the Traditional Authority process in terms of land allocations process and further provide a clear guideline for proper land management procedures. - Acknowledge and incorporate Schedule 3 land uses and definitions in the draft clauses report. 	<p>The land allocation practices in Traditional Community Areas will be incorporated into the scheme and an application procedure will be Proposed to ensure that the correct channels are followed to manage land within traditional community areas. Furthermore, Terminology specific to these areas will be introduced into the scheme.</p>

<ul style="list-style-type: none"> - The Need for the Compilation of Traditional Council Framework Plans pending the compilation of Wall to Wall schemes. - Aim to address historical inequalities in land distribution without impacting negatively on food security and food production. - Assist in improving access to basic services. - Improve public participation. 	
Residential	
Policy Implications	Intervention
<ul style="list-style-type: none"> - Encourage Infill residential uses within existing settlement clusters and densification where appropriate - Encourage densities of 5-10 dwelling units per hectare. - Promote the Formalisation of towns 	<ul style="list-style-type: none"> - Settlement plans to be formulated to identify suitable location for social facilities and bulk infrastructure and be designated as “reserved sites”. - Development of Township Establishment housing applications to ensure access to social facilities, infrastructure and land ownership.

5 PROPOSED LAND USE CATEGORIES FOR UMSINGA MUNICIPALITY

The purpose of this section is to identify the process of establishing the proposed land use categories for the uMsinga Land Use Scheme, identify comparable land use definitions, highlight proposed land use definitions for introduction into the current scheme, present the refined land uses and LUMF for the TSMP's and advance further general definitions for introduction into the scheme.

Chapter 5, Section 26(3) of the Spatial Planning and Land Use Management Act, 2013, states that:

“where no town planning or land use scheme applies to a piece of land, before a land use scheme is approved in terms of this Act such land may be used only for the purposes listed in Schedule 2 to this Act and for which such land was lawfully used or could lawfully have been used immediately before the commencement of this Act.”

It is notable that the proposed land use categories are a culmination of **Schedule 2 of SPLUMA, Schedule 3 of the Municipality's SPLUMA By-Laws** and the **KwaZulu-Natal (KZN) Planning and Development**

Commission's (PDC) 2010 Guidelines for Land Use Management Systems in Rural Areas.

Whilst it is acknowledged that in terms of the presented captured land uses from the surveys, largely comprised of land use categories from SPLUMA and the Municipality's SPLUMA By-Laws, upon further review and refinement, it became necessary to consider land use definitions from the current Municipality's scheme to avoid duplication.

The process involved in analysing the captured land uses from the surveys of the project against the land use definitions within current the scheme. This then allowed for the establishment of comparable land use definitions which may be utilised or aligned with the land use definitions within the current Pomeroy Scheme to ensure the seamless translation of same into appropriate zones and ultimately the scheme.

5.1 PROCESS OF ESTABLISHING LAND USE CATEGORIES FOR UMSINGA

The process of establishing the proposed land use categories for the uMsinga Land Use Scheme occurred as follows:

Figure 6: Process for Establishing Land Use Categories



The land uses identified on the land use surveys will form part of the TSMP to be prepared in phase 4 of this project. In addition, the land uses captured during the surveys will be combined with the Pomeroy Town Planning scheme and form the land use definitions of the Final uMsinga Single scheme.

5.2 TRANSLATING CAPTURED LAND USES INTO PROPOSED ZONES

In translating the captured land uses to zones the aspects below have been considered:

- Analysing the existing land use zones within the current Pomeroy Town Scheme & adjacent Municipality schemes in order to determine whether the newly incorporated areas can be accommodated by these zones;
- Where it was determined that the existing zones could not cater for the land use outcomes, new land use zones have been proposed in line with the land use outcomes as well as the zoning directives proposed in the 2017 Land use Guidelines prepared by the Dept. of Rural Development & Land Reform.

(See Annexure 3: Land Use Zones)

The outcomes of the aforementioned process are detailed hereunder

- a) **Amendment** of the following existing land use zones and development controls were necessary in order to accommodate the newly introduced areas, which previously fell outside the existing scheme area, namely;
- Education;
 - Special Residential;

- Commercial;
- Administration
- Agriculture

b) Introduction of the following new land use zones:

- Agriculture 1 (Category B-C)
- Agriculture 2 (Category D)
- Commercial 2 (Rural Commercial)
- Conservation area
- Rural Residential
- Tourism

(See Annexure 3: Proposed New Zones for Introduction with Proposed Statement of Intent)

5.3 PROPOSED GENERAL DEFINITIONS

The table below (Annexure 2) summarizes the general definitions proposed for introduction in the uMsinga Land Use Scheme:

- Agricultural Categories
- Council
- Environmentally Sensitive Area
- Induna

- Ingonyama Trust Board
- Inkosi
- Management Overlay
- Municipality
- National Building Regulations
- SPLUMA
- Traditional Community Areas
- Traditional Council

The definitions

(See Annexure 2: Proposed General Definitions)

6 CONCLUSION

The development of the LUMF for the uMsinga Municipality is a continuum from the preceding phase which lays the foundation for the next phase, i.e. the development of a land use scheme for the Municipality's entire area of jurisdiction. The LUMF report has taken cognisance of the various legislative/policy informants from national, provincial and local scale associated with the development of a single land use scheme in terms of SPLUMA and the associated implications thereof. This has enabled the identification of various development informants spatially (i.e. nodes, corridors, agriculturally valuable land, conservation worthy areas etc.) which have been translated into proposed management overlays which are intended to inform and shape future development within the Municipality.

The report has also identified the existing gaps within the Municipality's current land use scheme in terms of the current land use definitions inclusive of further general definitions which are to be introduced within the scheme that are aligned to the rural and urban setting within the Municipality. There are proposed new zones and the report has identified a number of zones which are proposed to be amended within the current scheme, to cater for land development

proceedings within areas that fall outside an applicable town planning scheme.

ANNEXURE 1: NEW LAND USE DEFINITIONS

Land Use	Definition	Source
Amasimu (Communal Farming)	Means A Portion of Land That Is Used for Agricultural Purposes with The Intention of Selling the Harvested Goods in Order to Support Life in Rural Areas.	KZN PDC 2010 Guidelines for Land Use Management Systems
Amathuna (Communal Graves)	Means an Area That Is Used for Communal Burial Purposes in Rural Areas.	KZN PDC 2010 Guidelines for Land Use Management Systems
Dipping Tank	Means facilities used to disinfect livestock.	KZN PDC 2010 Guidelines for Land Use Management Systems
Isivande (Household Garden)	Means a portion of land that is used for subsistence farming purposes within imizi in rural areas.	KZN PDC 2010 Guidelines for Land Use Management Systems
Isigcawu (Communal Meeting Place)	Means a temporary area that is used to host cultural festivities or for communal gathering.	KZN PDC 2010 Guidelines for Land Use Management Systems
Recreational Purposes	Means purposes normally or otherwise reasonably associated with the use of land primarily for recreation, including entertainment, leisure, sports and amusement facilities.	Means purposes normally or otherwise reasonably associated with the use of land primarily for recreation, including entertainment, leisure, sports and amusement facilities.
Isigodlo (Royal Residence)	Means a traditional palace for Inkosi and is used for the purposes of residential, administrative and cultural festivities in Traditional Community areas.	KZN PDC 2010 Guidelines for Land Use Management Systems

Farm Stall	Means a building used for retailing of fresh farm produce produced on site, including homemade items. The total floor area shall be at the discretion of the Municipality.	KZN COGTA 2011 LUMS Guideline
Fuel Filling Station	Means a building or part of a building used or designed for the sale of petroleum, oil, and other fuels and lubricants and accessories used in connection with motor vehicles, but shall not include panel beating, spray painting, or the carrying out of vehicle body repairs of a major nature to the engine or transmission system of motor vehicles.	KZN COGTA 2011 LUMS Guidelines
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.	Mtubatuba LUMS 2020
Eco-tourism Facility	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 outlet facilities and a licensed bar area not exceeding 30m ² , placed in an ecologically sensitive manner.	Mtubatuba LUMS 2020.

Government Purposes	Means purposes normally or otherwise reasonably associated with the use of land by the national government, a provincial government or a Municipality to give effect to its governance role.	SPLUMA, Schedule 2.
Informal Sports Ground	Means an area that is used informally for sporting activities with no fixed facilities constructed.	KZN PDC 2010 Guidelines for Land Use Management Systems
Isibaya (Kraal)	Means a structure that is used to keep livestock.	
Mixed use	A development of a parcel(s) of different land uses on adjacent sites.	Mtubatuba LUMS 2020
Nature Reserve	Means areas in which human activities are very limited and where the natural environment is protected from man-made changes.	Umlalazi LUMS 2016
Panel Beater	Means an area that is used for the act of repairing motor vehicle bodyworks.	Umlalazi LUMS 2016
Proclaimed Protected Area	Means a proclaimed protected area as contemplated in terms of the National Environmental Management: Protected Areas Act, 2003 (Act 57 of 2003).	Umlalazi LUMS 2016
Rural Residential	Means land or buildings associated with the provision of residential opportunities in a rural setting but excludes ikotishi, guest house, chalet or residential building.	SiVEST, 2019.
Tourism Purposes	Means purposes normally or otherwise reasonably associated with the use of	KZN PDC 2010 Guidelines for Land Use

	land primarily for tourism related activities inclusive of eco-tourism and nature-based tourism development. The main focus will be on accommodation and eco educational facilities and other Fuses as determined by Council, which are closely linked to the primary tourism activity.	Management Systems.
Builder's yard	Means a land unit, which is used for the storage of material: a) if necessary for or normally used for construction work; or b) that was obtained from demolitions of structures or excavations of ground; or c) required or is normally used for land improvements, such as storage of material used for building roads, for installing essential services, or for any other construction work (e.g. of sand of bricks), whether for public or private purposes; or d) or land or building used for the preparation for use of materials thus stored but does not include a builders' yard established for the purpose of temporarily storing of such materials in connection with and for the duration of construction or building works, in the vicinity of such builders yard and does not include the storage at a "Shop" or a "Warehouse".	Nkandla LUMS 2014.

Bus and Taxi Rank	Means land, a building or part of a building used for the purpose of parking six or more buses or taxis. For the purpose of this Scheme the term "Bus and Taxi" shall mean a vehicle used to transport people for financial gain and registered as such. Such facilities may include ancillary facilities such as informal trader stalls and restroom facilities.	Nkandla LUMS 2014.
Canteen	Means a retail trade use of which the floor area does not exceed 100 m ² including storage space and is provided only on an industrial site and which is a small-scale trade incidental to the needs of the employees working on the site and will not interfere with the surrounding trades.	Nkandla LUMS 2014.
Car wash Facility	Means a place or structure having special equipment for washing automobiles. This does not include informal carwash facilities on parking areas.	Nkandla LUMS 2014.

ANNEXURE 2: PROPOSED GENERAL DEFINITIONS

Land Use	Definition	Source
Induna	Means a traditional leader who is under the authority of –or exercises authority within the areas of jurisdiction of –an Inkosi in accordance with customary law and who is recognised as such in terms of Section 27 of the KwaZulu-Natal Traditional Leadership and Governance Act (No.5 of 2005). Izinduna is a plural form of the term.	Land Use Management Systems in Rural Areas Guidelines, 2010
Ingonyama Trust Board	Means the entity responsible for administration of Ingonyama trust land in terms of the Kwa-Zulu Ingonyama Trust Act, 1994 (Act 3 of 1994), as amended.	Land Use Management Systems in Rural Areas Guidelines, 2010
iNkosi	Means a senior traditional leader as defined in section 1 of the traditional leadership and Governance Framework Act (No.41 of 2003) and recognised as such in terms of section 19 of the KwaZulu-Natal Leadership and Governance Act (No.5 of 2005). Amakhosi is a plural form of the term.	Land Use Management Systems in Rural Areas Guidelines, 2010
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.	KZN PDC 2010 Guidelines for Land Use Management Systems
Traditional Community Area	Means a traditional community recognised as such in terms of section 2 of the Traditional Leadership and Governance Framework Act, 2003 (Act 41 of 2003), as amended.	Traditional Leadership and Governance Framework Act, 2003 (Act 41 of 2003)

Traditional Council	Means a council established in terms of Section 3 and includes a traditional sub-council established in terms of Section 4B of the Traditional Leadership and Governance Framework Act, 2003 (Act 41 of 2003), as amended. Sports and amusement facilities.	Traditional Leadership and Governance Framework Act, 2003 (Act 41 of 2003)
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.	
Environmentally Sensitive Area	Means an area which contains natural organisms and similar characteristics and is considered to be of environmental significance to the functioning of the natural ecosystem and maintenance of biodiversity within such ecosystems. Such areas of ecological sensitivity may include but not limited to the following: (a) Habitat of a rare species; (b) Pristine/indigenous vegetation; (c) Proclaimed protected areas; and (d) Designated buffer zones related to such areas of ecological sensitivity.	
SPLUMA	Means the Spatial Planning and Land Use Management Act No. 16 of 2013, as amended	SPLUMA
Subdivision of Agricultural Land Act	Means the Subdivision of Agricultural Land Act, 1970 (No. 70 of 1970).	

ANNEXURE 3: PROPOSED NEW LAND USE ZONES FOR UMSINGA SINGLE SCHEME

1. AGRICULTURAL ZONES

Possible Zones	Description and Statement of intent	Existing Land uses
<p>Agricultural family of zones are intended to provide land for buildings and uses associated farming practises and specifically with the following activities: -</p> <p style="text-align: center;"> The production of food and fibre; The cultivation of crops; Timber plantations; The farming of livestock, poultry and bees, Horticulture and market gardening; Urban agriculture and settlement; and, The use of buildings for associated activities including education activities. </p> <p>Its primary aim is to facilitate the protection of agricultural land from non-agricultural uses, and to enhance its production potential. This will facilitate food production and improve contribution of the agricultural sector to the local economy.</p>		
Agriculture 1	<p>The SDF and the IDP of Msinga Municipality, identifies ward 12 as Threatened agricultural land. According to the KZN Agriculrural Land Categories, threatened land falls under Category B which consists of moderate to high agricultural potential. The Umzinyathi District Municipality's IDP further highlights the importance of protecting the land within ward 12, due to its important role on driving agronomics within the municipality. A dominance of sprawled development was noticed during the land use surveys. To mitigate such developments encroaching within ward 12, we Introduced a Zone which would ensure the promotion of extensive agricultural practices only.</p> <p>Statement of Intent:</p> <p>A zone intended to provide for land and buildings where the primary activity is intensive and extensive agricultural production of crops, livestock, poultry, etc. or products for the commercial market.</p>	Commercial agricultural activities, including crop production and grazing land

Possible Zones	Description and Statement of intent	Existing Land uses
Agriculture 2 (Traditional/ communal)	<p>Agriculture 2 is a mixture of Category C and Category D. It consists of low agricultural potential where significant interventions would be required to produce large scale crops. The predominant settlement pattern included a Dwelling Unit, Rondavel, livestock and agricultural land for growing crops on a household or Informal trading scale. This zone was proposed to find synergies with the District and Local IDP objectives to promote food security. To promote limited development while prioritising agricultural development.</p> <p>Statement of Intent:</p> <ul style="list-style-type: none"> A zone where the land is used for low intensity and small scale agricultural practices in association with other uses (in Traditional Council areas) and may include market gardening, wood lots, small-scale crops and livestock. 	Subsistence agricultural practices, such as livestock, small scale crop production located in traditional areas
Amadlelo	A land use zone that provides for Amadlelo (Grazing Land) with the Traditional Area. Amadlelo are regulated by the Traditional Council and may also include uses such as amadiphu (Dipping tank) and izikambu.	
Forestry	<p>Forestry within Msinga Municipality consists mostly for small scale agricultural & commercial purposes as well as for household use. Management of such forests would pose extreme difficulties if they were regulated by the policies and legislations which require afforestation licences. Therefore it was noted that, such plantations should not be zoned under forestry, however awareness about the dangers of alien plantations and the importance of prioritising and protecting indigenous forests should be at the forefront in the traditional community.</p> <p>Timber plantations must be treated and zoned differently. All agricultural land that requires afforestation licenses will be zoned as “Forestry”. The National Water Act (Act No 34 of 1998) declares timber plantations (afforestation) as stream flow reduction activities (SRAs). As such, all existing commercial plantations must be</p>	Timber plantations: Central portion of the municipality under timber plantations with valid permits.

Possible Zones	Description and Statement of intent	Existing Land uses
	<p>registered as water users and must be licensed. Only lawful plantations will be granted a licence. The rules of legality for plantations are quite complex, but simply put are as follows:</p> <p style="padding-left: 40px;">Afforestation that occurred prior to 1972 is lawful and may be registered and licensed.</p> <p style="padding-left: 40px;">Afforestation that occurred after 1972 but before 1999 is lawful provided the plantation was planted in accordance with a valid afforestation permit.</p> <p style="padding-left: 40px;">Afforestation after 1998 must be in accordance with a valid licence. (http://www.sappi.com)</p> <p style="padding-left: 40px;">The license have to be obtained from DWAS.</p> <p>Statement of Intent:</p> <p>A zone that provides for land used or authorised for the growing of timber with the valid authorisation of the Department of Water Affairs and the KZN Agriculture Land Reform and Rural Development.</p>	
Possible Agricultural Overlays		
<p>DALRRD has recently embarked on a new initiative to develop an Agricultural Land Zoning System, which categorise land in terms of its agricultural potential. Within each of these zones, permitted or preferred land uses are identified that will not compromise the value and production of the land. It is proposed that these zones be used as overlays in the scheme, since it is not according to cadastral. The overlay will cover the following agricultural zones:</p>		
Agriculture only (high potential agricultural land)	<p>A zoning overlay intended to provide for land and buildings where the primary activity is extensive agricultural production of crops, plantations, mostly free-roaming livestock, poultry, etc. or products for the commercial market. This zone comprise high value agricultural land with high production value for grazing land and it can support arable cropping systems. Limited changes to land use will be supported, and only if this takes place on the lowest potential areas and where the activity will complement existing farming practices without impacting negatively on the existing farming practices or the surrounding activities.</p>	
Moderate to high potential agriculture	<p>This zoning overlay is intended to protect agriculture as the primary use of land and to serve as a buffer for higher agricultural potential. Although it might include less arable land for crop production, this zone is more suitable for extensive grazing and</p>	

Possible Zones	Description and Statement of intent	Existing Land uses
	production of fodder crops. Changes to land use may be considered, but only if this takes place on the lowest potential areas and where the activity will not negatively impact existing agricultural land uses. Changes to land use may also be considered particularly if it is supplementary or adds to the viability of the farming unit as a whole and is placed in lower potential agricultural land.	
Low agricultural potential	This zoning overlay serves to promote activities to optimise agricultural production on land with low agricultural potential. It should also promote non-agricultural activities compatible with current and potential, local and surrounding agricultural activities on land which cannot be used productively. A preferred alternative on land that cannot be used productively would be intensive agricultural uses or agricultural uses, which are not dependent on the resource base. Changes to land use may be considered as long as it does not conflict with the surrounding agricultural activity and is placed on the lowest potential agricultural land.	

2. ENVIRONMENTAL ZONES

Possible Zones	Description and Statement of intent	Existing Land uses
Environmental and open space zones are intended to set aside land for important environmental services and recreational activities. It includes parks of differing sizes, green areas for bowling, ball sports, cycling, and green belts for walking and hiking. They provide for an adequate number of appropriately situated sites that are easily accessible for recreational purposes and activities for local and wider communities in accordance with recognized guidelines, appropriate thresholds and the requirements of the broader community and visitors. In addition, it also provides for important environmental areas, such as proclaimed parks, view sheds, open space system (e.g. water courses, wetlands, grasslands, and other natural habitats) and proclaimed conservation areas. It reserves land as part of a sustainable living environment.		
Possible Zones	Description and Statement of intent	Existing Land uses
Declared Protected Areas		

Possible Zones	Description and Statement of intent	Existing Land uses
	<p>Statement of Intent:</p> <p>This zone is intended to demarcate land that has been designated as a protected area under the National Environmental Management Protected Area Act No 57 of 2003, where land use and management of the land is undertaken as per the provisions of the Protected Areas Act and its regulations. The Biodiversity Categories include World Heritage Site, Nature Reserve, Special nature reserves, National parks, Specially protected forest areas, Forest nature reserves, Forest wilderness areas, Marine Protected Area.</p>	
Amahlathi Emvelo	<p>This land use contributes to rural livelihoods through providing fire-wood for cooking and traditional herbs for medicine. This needs to be protected and not rezoned under any circumstance without proper consultations with, and meaningful participation in land-related decisions with all beneficiaries.</p>	
Active open space	<p>This zone accommodates a range of active pursuits - for the use and enjoyment of the public and may include ancillary facilities and buildings. It seeks to ensure that there is adequate land set aside and facilities provided to address the public and private sport and recreational needs of the broader community and visitors, and that such site are developed and maintained in accordance with appropriate public health and safety standards so that they may be optimally used. It includes the development and management of a hierarchy of public and private areas as part of the sustainable open space system, which includes independent or linked open space areas and green lung areas for sporting and recreational needs and associated activities of the local and visiting public and may include areas of passive open space where appropriate.</p> <p>Statement of Intent:</p> <p>This zone provides part of the sustainable open space system which includes independent or linked open space areas and green lung areas of the urban environment for sporting and recreational needs and associated activities of the</p>	<p>Play lots</p> <p>Sports fields</p>

Possible Zones	Description and Statement of intent	Existing Land uses
	local and visiting public and may include areas of passive open space where appropriate. These areas are to be developed and maintained for a range of active pursuits	
Passive open space	<p>This zone is intended to accommodate any open space owned and maintained by a public agency for passive recreational purposes that is used and enjoyed by the general public and may include ancillary facilities or buildings. Its aim is to set aside areas of land for the provision of parks, botanical gardens and other open spaces as well as corridor linkages between open areas for the passive recreational purposes. It includes the provision of independent or linked open space areas and green lung areas as part of the sustainable open space system for the passive recreational enjoyment of the broader community and visitors.</p> <p>Statement of Intent:</p> <p>This zone intends to provide land for the sustainable open space system consisting of isolated and linked open space areas as part a sustainable open space system and the municipality's environmental services.</p>	uMsinga open space system, including streams, watercourses and wetlands

Possible Environmental Overlays

Similar to agricultural zones, environmental zones can be identified and zoned within more urban and formalised areas, but certain environmental features that need to be conserved, cannot be zoned, since cadastral does not apply. As such, it is proposed that these identified areas be managed through management overlays, which will then provide additional information that will apply to these areas. The following overlays have been identified:

Biodiversity management overlay;

Sensitive Habitat/Ecosystem Map;

Possible Environmental Overlays

Biodiversity overlay	The CBA map identifies the minimum biodiversity network required to meet the conservation targets; Support biodiversity features and ecosystem functioning; and ensure the persistence and maintenance of biodiversity patterns and ecological processes. Development or land uses within these identified areas needs to accommodate and support the biodiversity network, and in this regard, certain development control measures must be implemented as per the CBA map category.
Sensitive habitat/ecosystem map	In addition to the identified CBA map are habitats or ecosystems which due to their importance and sensitivity to development impacts, land uses must be controlled. These are not necessarily mapped in their entirety but if they occur on land within the scheme, the following standard biodiversity requirements should be taken into account.

3. RESIDENTIAL ZONES

Possible Zones	Description and Statement of intent	Existing Land uses
<p>This category of zones will be used to designate a full spectrum of residential options and other compatible land uses, yet the predominant land use shall remain residential. The zones will take into account differences in character, average site sizes and nature of use. The range will start from an average site size of 500m² used in low cost housing projects to relatively large sites of more than 2000m².</p>		
Single Residential Zone	<p>This zone is introduced into the scheme to accommodate households who are looking for comfortable, healthy, safe and pleasant living environment. Households which aim or are benefiting from home employment are prioritised. The neighbourhood character is very essential for these households, noise pollution which would be found in residential zones that allow for multiple development is avoided.</p> <p>Statement of Intent:</p> <p>This zone is intended to provide, preserve use land or buildings for single residential use in a form of a dwelling house and ancillary uses. It protects the quality and character of residential neighbourhoods and the well-being of its residents by limiting multiple uses of buildings to minimize adverse impact on the residential environment. Business that complies with residential amenity such as a Bed and Breakfast Establishment, Guest House Establishment and Home Business may be permitted at the discretion of the Municipality.</p> <p>Further differentiation within this category of uses will be in terms of site sizes, density controls and availability of services (sewer, water and electricity), taking into account the character of different residential areas in uMsinga.</p>	Detached dwellings (house on a plot) in all residential areas.
Medium Density	<p>The Medium Density zone is introduced to align the scheme to various densification models and policies that promote densification, also underpinned by the SPLUMA principles; a) Spatial Justice, Resilience and Spatial Efficiency. The Medium Density zone allows for attached developments such as complexes and also for multi-unit housing stock. The uses permitted</p>	Group housing in uMsinga and at the hospital

Possible Zones	Description and Statement of intent	Existing Land uses
	<p>under this zone are in cognizant of surrounding zones and uses that will not generate unwanted pollutions to nature to the neighbourhood.</p> <p>Statement of Intent:</p> <p>This zone is intended to provide, preserve, use land or buildings for single residential use and Multiple Unit Developments (group and cluster) in the form of dwelling houses and ancillary uses. Protection of the quality and character of residential neighbourhood and the well - being of its residents limiting multiple uses of buildings to minimize adverse impact on the residential environment is zoning in line with the existing controls for group and cluster housing.</p> <p>No site with this zoning shall be less than 1800m² in size. It may require a consolidation of sites to achieve the required minimum site size of 1800m². While this zone could be located in residential area, it will be used mainly to give effect to the notion of mixed land use and nodular development. It will be used mainly in areas that are earmarked for densification and mixed use developments.</p>	
High Density	<p>It provides for mixed and high-density residential areas, in a manner that facilitates the development of integrated sustainable urban systems. This zone will be used to give effect to the densification policy of the municipality. Areas that are earmarked for social housing developments and other blocks of flats will specifically be zoned as general residential. All other forms of residential development will have a free entry status in this zone. Ideally, this zone should target areas that are well located in relation to nodal areas, places of employment and other opportunity areas. The idea is to create housing opportunities in high accessible areas and reduce dependence on vehicles as a mode of transport. In the townships, it will be used to introduce a range of housing typologies particularly social housing.</p>	Flats- Very limited in uMsinga

Possible Zones	Description and Statement of intent	Existing Land uses
	<p>Statement of Intent:</p> <p>This zone is intended to provide, preserve use land or buildings for higher density types of residential accommodation, including a wide range of ancillary uses, which service the day-to-day needs of a residential community.</p>	
Retirement Village	<p>The intention of the Retirement Village zone is to promote communities for that aged where the elderly may retire to. The zone promotes all non-impactful land uses that also promote that health and wellbeing of the elderly with facilities such as recreational buildings, convenient shops and medical offices with the retirement villages. The retirement village facilities must all adhere to their respective KwaZulu Natal Provincial Norms and Standards.</p> <p>Statement of Intent:</p> <p>A zone that provides for an age restricted planned development that includes detached, attached row housing, and medium density housing development which is intended for the accommodation or settlement substantially of persons upon their retirement and in which a Frail Care Centre may be provided. The development emphasizes social and recreational activities, places for communal activity and may provide personal services, and health facilities.</p>	Informal settlements
Imizi including Low-Income Housing	This land use is used primarily for shelter, but hosts other associated land uses that support livelihoods. This may include low-cost housing provided by government either as stand-alone or as in-situ upgrades.	<ul style="list-style-type: none"> - iZivande (household garden) - aMathuna (graves) - izinqolobane (grain crop storage) - iSibaya (kraals) - Umuzi (Residential)

Possible Zones	Description and Statement of intent	Existing Land uses
		<ul style="list-style-type: none"> - amathuna (graves) - Small Scale trading of 100m² or smaller.
Accommodation	<p>Statement of Intent:</p> <p>A zone that makes provision for holiday accommodation, including a licensed hotel, and includes a range of related facilities such as conference centre, recreational facilities, shop and Laundromat for the exclusive use of the guests, public lounge, restaurant and bar areas. The provision of parking is an important factor as is the noise generated from the public areas.</p>	<p>Tourism/ hospitality accommodation facilities:</p> <p>Bed and Breakfast facilities in uMsinga</p> <p>Guest houses / lodges on farms.</p> <p>Resorts</p>

4. CIVIL AND SOCIAL ZONES

Possible Zones	Description and Statement of intent	Existing Land uses
<p>This family of zones are intended to accommodate land that is utilized to provide for administrative or government buildings including education, health, pension offices, museums, libraries, community halls, prisons, juvenile facilities, cemeteries and crematoria. Its primary aim is to facilitate the provision of public facilities and delivery of social services. It also seeks to improve access to social and civic facilities in a manner that meets the needs of communities in the fields of health, education social and cultural services.</p>		
Education	<p>This zone will be used to reserve land, which allows for the development of all educational facilities and associated buildings and recreational facilities. It intended to ensure that the area is provided with adequate range of educational facilities in appropriate and accessible locations, which are convenient to all users. This includes pre-primary, primary, secondary and tertiary educational facilities including adult education and training centres for the local and broader community.</p>	<p>Rural areas within the municipality.</p> <p>Primary and secondary schools</p> <p>Crèches and pre-schools</p>

Possible Zones	Description and Statement of intent	Existing Land uses
	<p>Statement of Intent:</p> <p>A land use zone that provides for a full range of educational facilities, including infants, pre-primary, primary, secondary, tertiary and adult education and training with associated buildings, ancillary recreational facilities and accommodation of students, educators and other staff of the educational establishment. New Education norms and standards strictly specify minimum erf sizes from 1.4 ha –to 4ha for secondary schools.</p>	
Health and Welfare	<p>This zone provides for the full range of public and private hospital, medical centres, clinics and community care. It is intended to ensure that the health and social services requirements and facilities are located in convenient locations which are conveniently accessible to all people.</p> <p>Statement of Intent:</p> <p>This zone provides for a full range of public and private hospitals, medical centre and clinics including supporting residential buildings, office buildings and associated amenities.</p>	Primary node, Traditional council areas, Tertiary nodes
Izinkantolo Zamakhosi	Izinkantolo zamakhosi often serve as administrative and recreational zones hosting traditional rites and festivities. These are solely regulated by traditional councils	Any land use or development projects that do not impact negatively on izinkantolo and approved by the traditional council.
Institution	<p>Statement of Intent:</p> <p>This zone is intended for land and buildings for public and private institutions that provide for the accommodation and care of the aged, the sick and other facilities to support the welfare needs of surrounding communities in urban and rural areas.</p>	

Possible Zones	Description and Statement of intent	Existing Land uses
Cemetery	<p>Statement of Intent:</p> <p>A zone that is intended for public and private cemeteries, memorial parks, and funeral chapel. [Note that crematoria are usually considered through the Consent procedure.]</p>	<p>Traditional areas bury on site</p> <p>Cemeteries</p>
Municipal and government	<p>This zone provides for municipal institutions and public facilities related to infrastructure and services, and include prisons and juvenile facilities. Its primary aim is to ensure that public institutional and administrative services including government services and administrative offices are located in an accessible location along or near a main transportation route.</p> <p>Statement of Intent:</p> <p>Buildings and works incidental to the use of the land for Central, Provincial or Municipal Government purposes permitted. The purpose of these reservations is to provide for the continuation of existing development of local, Provincial and central government administrative purposes such as police, fire, libraries, Municipality offices and workshops, social services, etc</p>	<p>Municipal offices, Community halls, Library</p> <p>Government offices: Department of Transport, Post office, Telkom office, Department of Social Development, Magistrates Court, Department of Correctional services (Prison), Department of Public Works, Thusong centre, Traditional administrative centres</p>
Place of Worship	<p>Statement of Intent:</p> <p>This zone provides for land and buildings to be used as a church, chapel, oratory, synagogue, mosque, temple, Sunday school, open area of worship (Shembe Circles) and other places of public devotion.</p>	<p>Churches</p> <p>Worship sites</p> <p>Mosque</p>
Amathuna	<p>A zone for the purpose of communal burial sites with the Traditional Area. Within Traditional Areas a communal burial site allocated by the Traditional Council, and co-regulated by the Municipality Bylaws.</p>	

Possible Zones	Description and Statement of intent	Existing Land uses
Community 1	A zone for the development and management of clusters of rural social and civic uses on a local scale, under the management of the Traditional Councils and administration of the area.	
Community 2	A zone for the development and management of clusters of rural social and civic uses on a regional scale, under the management of the Traditional Councils and administration of the Area.	
Rural mixed use	A zone that provides, preserves, utilities land and buildings for the accommodation or commercial or business activities within a rural Traditional Area where the commercial activities provide a service to the community.	
Bus and taxi rank	<p>Statement of Intent:</p> <p>This zone provides land for the construction of terminuses for buses and taxis together with associated public amenities and facilities, washing and cleaning areas, limited convenience shopping and provision for informal trade areas.</p>	Bus and taxi rank

5. COMMERCIAL ZONES

Possible Zones	Description and Statement of intent	Existing Land uses
<p>This group of zones allows the development of a range of complementary land uses for commercial, business, services, industrial, administrative and residential opportunities, which include informal trading in a single zone to enable a special mixture of development to occur. It seeks to create a balance between the natural and built environment through landscaping and areas of green space. It encourages, where appropriate the use of detailed urban design criteria to achieve specific urban environments and mix of uses.</p> <p>Some land use activities, such as shops that are run from a container, can be approved through a special consent and should be a temporary use. Commercial activities, such as corner shops within township areas can be zoned 'limited commercial' and should be controlled through appropriate height and coverage controls to ensure that the amenity of the neighbourhood is not affected.</p>		

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Possible Zones	Description and Statement of intent	Existing Land uses
Informal traders have to be regulated by municipal by-laws and informal trading stalls can be included in the “Bus and Taxi rank” zone. An additional zone, such as a ‘market area’ can also be considered to accommodate this sector. In light of the problematic nature of informal traders, it is proposed that specific guidelines also be included in the scheme.		
Core Mixed Use: General Commercial 1	<p>This zone includes management of development within a typical central business district focus in a manner that accommodates a full range of compatible land uses including light industry, commercial, trade, office, administration, cultural, residential and low impact industrial activities and developments. It provides for the design and economic mechanisms that encourage the appropriate development of compatible land use to form a focal point.</p> <p>Statement of Intent:</p> <p>This zone makes provision for the development and management of land in and around the central business districts of uMsinga local Municipality. The zone permits a wide range of land uses combining commercial, trade, office, administration, cultural, residential and low impact industrial activities and developments.</p>	Formal retail shops in Pomeroy and Tugela Ferry: funeral parlours, surgery, hardware shops, supermarket, motor show room, pharmacy and doctors quarters (surgery), plumbing and electrical services, saloon, vehicle spares sales, restaurant
Low impact mixed use	<p>Statement of Intent:</p> <p>To provide, preserve, use land or buildings for the accommodation of commercial or business activities within a residential area where the commercial activity provides a service to the residential community and is not detrimental to the residential amenity of the area.</p>	
Medium impact mixed use	<p>Statement of Intent:</p> <p>To provide for a range of retail, offices, residential and community facilities to be located in secondary development nodes, along key interceptor locations / arterials</p>	

Possible Zones	Description and Statement of intent	Existing Land uses
	and along certain transport corridors but may also serve as a transitional area between sensitive uses (such as low impact residential and conservation) and intrusive (high impact) commercial uses.	
Office	Statement of Intent: A zone that provides for the development of distinct office areas adjacent to other forms of commercial development.	
Petrol Service Station	Statement of Intent: This zone provides for the development used or designed for the sale of petroleum, oil and other fuels and lubricants and accessory used in connection with motor vehicles and includes an office and storeroom, together with facilities for the servicing and maintenance of motor vehicles and may also include space devoted to restaurants, Convenient shop and related services. It shall not include panel beating, spray painting or the carrying out of vehicle body repairs of a major nature to the engine or transition system of motor vehicles.	Filling stations in Pomeroy and Tugela Ferry

6. INDUSTRIAL ZONES

Possible Zones	Description and Statement of intent	Existing Land uses
This category of zones will be used to designate and manage a range of industrial activities – from light industrial with limited impact on surrounding land uses to hazardous or noxious industry with high-impact and must be separated from other uses. This set of zones would include agricultural industry.		
Quarrying and mining (Extractive industry)	Statement of Intent: A zone that comprises land used for the extraction of minerals or raw materials and associated business operations, including sand and stone, in compliance with a permit from the relevant authority. Adjacent land uses must be compatible with this use which typically has a high-impact	

Possible Zones	Description and Statement of intent	Existing Land uses
	<p>on amenity. Additionally, this zone provides for the interim uses including but not limited to timber yards, outdoor storage, plant nurseries, etc. which do not impair the long -term ability to extract and process mineral resources.</p>	
Light industry	<p>The low impact industry zone accommodates light and service industrial uses that have limited impact such as warehouses, limited manufacturing and repairs. This zone will specifically be used to create opportunities for SMMEs in centres located within residential neighbourhoods.</p> <p>Statement of Intent:</p> <p>A zone that permits manufacturing uses, which are compatible with land uses permitted in adjacent more sensitive land use zones, such as residential, mixed use and open space zones. As a light industrial zone, it would permit manufacturing activities that usually do not involve significant vibration, noise, odour, or high volume of automobile and truck traffic. Warehousing of materials considered non-obnoxious or non-hazardous are permitted in buildings in this zone, with possible conditions.</p>	<p>Service industries: brickyard, warehousing, Service industries in Pomeroy and Tugela Ferry</p>
General industry	<p>The medium impact industry zone will accommodate a mix of industrial and related, land uses and activities, which have lesser environmental impacts, and exclude heavy and noxious industry. It is intended to provide appropriate locations for a range of industrial and related activities in specific areas, which mitigate their impacts and provide a proper balance between employment, sectoral growth and environmental sustainability. It will accommodate light and service industry and can only be located in designated industrial areas.</p> <p>Statement of Intent:</p> <p>A zone that permits manufacturing uses which are generally compatible with other manufacturing uses. As a cumulative industrial zone, it would permit a combination of light manufacturing uses found in other zones and more intensive manufacturing uses that would</p>	

Possible Zones	Description and Statement of intent	Existing Land uses
	normally be considered incompatible with sensitive land uses. Warehousing of materials considered non-noxious or non-hazardous are permitted in buildings in this zone. Outdoor storage, as an ancillary use, may be permitted in the zone, subject to certain restrictions involving the amount of area permitted on a lot, setbacks, screening, and possibly the type of materials permitted to be stored outdoors, i.e. via a Consent procedure.	

7. UTILITY ZONES

Possible Zones	Description and Statement of intent	Existing Land uses
The zone is intended to ensure that the land required for the necessary services infrastructure is set aside for development. It seeks to ensure that land used for service provision is appropriately located away from residential or other land uses where they detract from levels of amenity or safety. It includes the provision of land for capital works mains, overhead and underground cables, and essential services required to promote sustainable development in accordance with national laws and provincial and local guidelines.		
Refuse site (landfill)	<p>Statement of Intent:</p> <p>This zone makes provision for refuse disposal works and infrastructure necessary for the Municipality to dispose of or recycle waste materials</p>	Pomeroy Landfill Site
Water works treatment	<p>Statement of Intent:</p> <p>This zone makes provision for the establishment and maintenance of reservoirs, water works, and purification plants including pipelines, conduits, reticulation and distribution pumping stations and other infrastructure necessary for the Municipality to deliver water throughout the Municipality for domestic and industrial use.</p>	
Sewage works	<p>Statement of Intent:</p>	

Possible Zones	Description and Statement of intent	Existing Land uses
	This zone makes provision for sewerage treatment works including pumping stations, pipelines, filtration beds, and associated infrastructure necessary for the Municipality to treat and decontaminate domestic, medical and industrial sewage.	
Electrical substation	<p>Statement of Intent:</p> <p>This zone makes provision for the infrastructure and ancillary service buildings, which forms part of an electrical generation system for the transmission and distribution of power after conversion of the voltages for commercial, domestic and industrial use.</p>	

8. TRANSPORT ZONES

Possible Zones	Description and Statement of intent	Existing Land uses
Areas set aside for the development of public transport facilities and terminals.		
Road	<p>This zone will designate all formal roads, as well as proposed roads and road closures.</p> <p>Statement of Intent:</p> <p>This zone makes provision for the protection of existing and proposed roads and road reserves as a means to enable an unhindered movement of vehicular and pedestrian traffic.</p>	Throughout municipality
Transport Terminal	Statement of Intent:	

Possible Zones	Description and Statement of intent	Existing Land uses
	To provide, preserve and use land or buildings for the provision of land used for the purpose of parking buses and taxis and/or as a transport depot and associated parking for the use of transportation and all that is ancillary thereto.	