

**EFFECTIVE ENFORCEMENT OF LAND USE  
MANAGEMENT SYSTEMS IN WINDHOEK: CASE  
STUDIES OF KLEIN WINDHOEK AND KATUTURA**

by

JENNILEE MAGDALENA KOHIMA

A mini-dissertation submitted in accordance with the requirements

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Supervisor: Dr Thulisile Mphambukeli

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## DECLARATION

I, Jennilee Magdalena Kohima, student number 2010069355 declare that the mini-dissertation hereby handed in for the qualification Master's Degree in Urban and Regional Planning at the University of the Free State, is my own independent work and that I have not previously submitted the same work for a qualification at/in another University/Faculty. I further declare that this mini-dissertation is my own original work, where other people's work has been used (either from a printed source, internet or any other source), this has been properly acknowledged and referenced in accordance with departmental requirements.

## **ABSTRACT**

Windhoek, as with all developing country Third World cities, is experiencing a tremendous influx of people from rural areas, seeking employment and the promise of a better life. This results in the need for resources in the city to be used in a sustainable way. The primary purpose of this dissertation is to find out what are the barriers experienced by the City of Windhoek in facilitating land development applications under the Windhoek Town Planning Scheme of 1976 in Klein Windhoek and Katutura suburbs. The case study was conducted in Klein Windhoek and Katutura suburbs of Windhoek. Semi-structured interviews of town and regional planners were used for data collection supported by direct observations and document and policy analysis. The respondents were selected using the purposive sampling method. The institutional and legislative framework of land use management in Namibia were explained. The research has revealed that four major barriers are experienced by the City of Windhoek in facilitating land development applications under the Windhoek Town Planning Scheme in Klein Windhoek and Katutura. These include the lack of capacity in land use management within the City of Windhoek; outdated Town Planning Ordinance and Town Planning Scheme; no public awareness on land development applications; and the rigidness of the Windhoek Town Planning Scheme. The research further found that the enforcement of the Town Planning Scheme is inconsistent in Klein Windhoek and Katutura. Therefore, the research recommends among others the proactive implementation of the land use management systems in Windhoek and the creation of public awareness on town planning procedures and processes.

Keywords: land use, land use management systems, enforcement, Windhoek, Town Planning Scheme, Katutura, Klein Windhoek

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## LIST OF ABBREVIATIONS

CBD	Central Business District
CoW	City of Windhoek
IRLUP	Integrated Regional Land Use Planning
LUM	Land Use Management
LUMS	Land Use Management Systems
MLR	Ministry of Land Reform
MRLGHRD	Ministry of Regional Local Government Housing and Rural Development
MURD	Ministry of Urban and Rural Development
NAMPAB	Namibia Planning Advisory Board
SLM	Sustainable Land Management
SPLUMA	Spatial Planning and Land Use Management Act
TB	Townships Board
TDLO	Townships and Division of Land Ordinance
TPO	Town Planning Ordinance
TPS	Town Planning Scheme
WTPS	Windhoek Town Planning Scheme

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## **CHAPTER 1 SETTING THE SCENE**

### **1.1 Introduction**

Windhoek, as with all developing country Third World cities, is experiencing a tremendous influx of people from rural areas, seeking employment and the promise of a better life. It is home to approximately 325 858 people out of the 2.1 million people in the country, with an area of approximately 5 133 km<sup>2</sup> (NSA, 2012: 31). This influx is placing significant stress on the availability of affordable developable land, as well as life-sustaining natural resources, such as water and energy (De Groot, 2006: 177). It also places pressure on urban infrastructure, which makes the work of municipal planners challenging. The City of Windhoek (CoW) uses its Town Planning Scheme, as mandated by the Town Planning Ordinance 18 of 1954 to address land use management as the main legislative framework. This ordinance mandates local authorities to develop and enforce Town Planning Schemes.

The occurrence of rural-urban migration comes with a string of problems for city planners, of which Namibia is no exception. Over the years CoW has experienced an influx of people from all corners of the country. Most of these people flocked to the outskirts of the city, mostly around the low-income areas, such as Katutura and Otjomuise. The reason why people flock to Windhoek is because it is where better job opportunities, good education, health facilities and institutional headquarters are situated. According to Tjitemisa (2013: 1), 30% of the residents of Windhoek live in informal settlements. The city's annual rate of urbanization was estimated to be 3.14% between 2010 and 2015 (Indongo, Angombe & Nickanor, 2014: online). Urbanization in Windhoek has presented the local planners with a situation they are finding difficult to address.

Considering the fact that Windhoek is experiencing rapid urbanization, which keeps increasing as the years progress, the utilization of land resources in relation to the number of people currently residing in the city and the area of land available for human use is under pressure. Thus, the effective enforcement of land use management systems in the city to curb such pressures is of utmost importance. This research strives to explore the barriers experienced by the City of Windhoek in facilitating land development applications under its Town Planning Scheme in Klein Windhoek and Katutura, as well as its consistency in these suburbs. Figure 1.1 shows the built-up areas of the city, specifically the Central Business District (CBD). The CBD is the central place where all major institutions are found.



Picture 1.1: Built-up areas of the CBD

Source: Neshila, 2015: 5

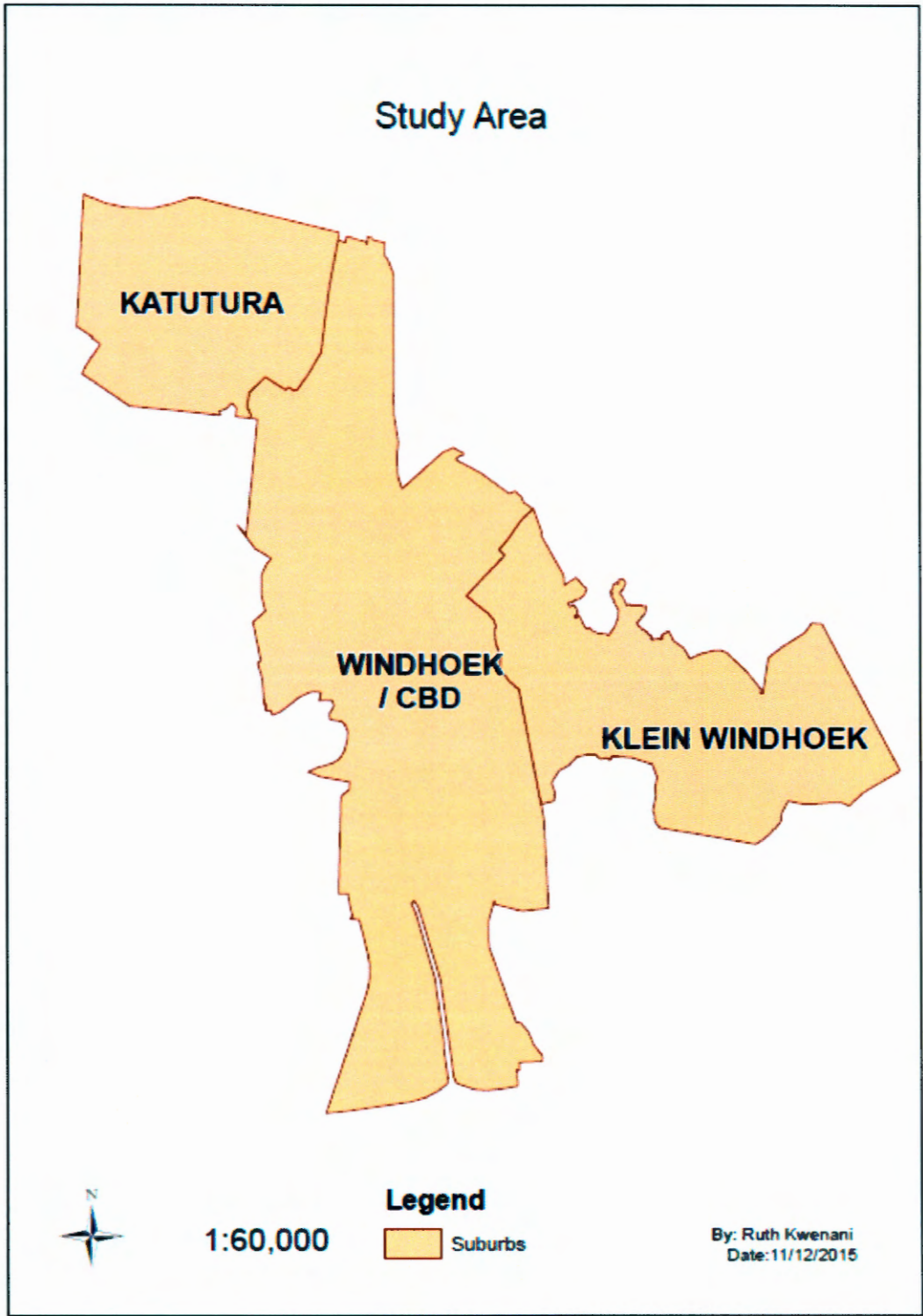
With land as a primal natural resource without which human existence and survival would be impossible, the past and present use of land resources has many decisive influences on the development prospects of any society (APFM, 2007: 15). One of the major global concerns is the problem of declining land resources that are being threatened by rapid human population growth. Therefore, there is an increasing need to use resources in a sustainable way, increasing production, but at the same time protecting the environment, biodiversity, and global climate systems. This requires careful land use/resource planning and decision-making at all levels. In the context of this dissertation, land use management is defined as the process of managing the use and development of land resources in both urban and rural areas (Randolph, 2004: 24; Tollan, 2002: 185). This definition for land use management is in line with the objectives of this dissertation.

In most countries, land use management systems manage the use and development of land within their jurisdiction and also safeguard their natural resources. Moreover, urban areas are the main focus of human activities and land use management in these areas is a primary tool in the struggle for a sustainable future (Vejre, n.d.). Hence, human activities in their varying forms are affecting land use management by altering the land surface with the products and services humans engage in.

An abundance of research has been done by the United Nations Environment Programme (Integrated Approach to the Planning and Management of Land Resources), the American Association of State Highway and Transportation Officials (Handbook on Integrating Land Use Considerations into Transportation Projects to Address Induced Growth), the Defenders of Wildlife (Integrated Land Use Planning and Biodiversity) and the German Development Cooperation (Integrated Regional Land Use Planning) on the issue of land use planning, with specific focus on the integrated aspect of it (UN Earth Summit, 1992; Bowers, 2008; Cohn & Lerner, 2003; GIZ, 2011). It was however not possible to find research on the issues of land use management, with direct focus on the effective enforcement of its systems, especially in Namibia.

Whereas Land Use Management Studies have been done in neighbouring South Africa (Department of Town and Regional Planning and Business Enterprises, 2008; Görgens & Denoon-Stevens, 2013; Denoon-Stevens, 2014), the direction of these studies is different since they are guided by the Spatial Planning and Land Use Management Act of 2013. This Act was specifically enforced for the development of Land Use Management Systems in both urban and rural areas. This dissertation is based on the effective enforcement of the Windhoek Town Planning Scheme using two of its suburbs, namely Klein Windhoek (a high-income area) and Katutura (a low-income area) as illustrated in the study area Map 1.1 below. The current status of how the Windhoek Town Planning Scheme is enforced in the city is presented in Chapter 5, with specific focus on the schemes consistency and the barriers faced by the planners.

Department of Urban and Regional Planning  
P.O. Box 13033  
Windhoek



Map 1.1: Study Area Klein Windhoek and Katutura  
Source: City of Windhoek, 2015



## **1.2 Research Problem**

In Namibia, and particularly in the Windhoek, land use management is practiced through the enforcement of the Windhoek Town Planning Scheme, which was developed to regulate and manage land use in the city as mandated by the Town Planning Ordinance No. 18 of 1954. After independence and to date, development in the city, specifically in Klein Windhoek and Katutura, has amplified. It can be suggested that the enforcement of land use management systems is not evident in the Katutura suburb, as opposed to Klein Windhoek. The lack of effective enforcement in Katutura can be observed by the growing number of informal settlements surrounding the suburb. Katutura is regarded as the first point for entry by those seeking a better livelihood and various local economic activities are happening in and around it. It is important to point out that there is no expansion of settlements in the form of informal areas around the high-income areas, such as Klein Windhoek, because of the level of enforcement practices in this suburb, resulting in well-managed services and activities.

Based on direct observation, the current situation is that nine out of ten houses in Katutura are being utilised for some type of economic activity, such as shebeens, car-washes, hair-salons, home shops, and so on. This difference can be linked to income inequality and the unfair distribution of wealth in the city, as Katutura is a low-income suburb and Klein Windhoek is a high-income suburb (Jauch, Edwards & Cupido, 2009: 34; National Planning Commission, 2007: 9). However, in the high-income suburbs, such as Klein Windhoek, homeowners are rezoning their properties to high density, which allows them to have both office and residential land use on their properties. This research will look at Klein Windhoek as a well-managed suburb and Katutura as a somewhat neglected suburb.

Effective enforcement of the Windhoek Town Planning Scheme (WTPS) is questionable, based on the fact that since 1990 the growth of informal settlements on the outskirts of the city has not reduced, instead they are doubling (Begu, 2003: 11; Sem, 2010: 22). This presents a major challenge for planners as they are finding it difficult because they do not know how to deal with the current state of informal settlements in the city, which are growing uncontrollably despite the existing upgrading programmes (Haidula, 2012: 1; Tjitemisa, 2013: 1). The planners do not know where they should come in right now when it comes to the low-income areas. The ineffective enforcement of land use regulation is resulting in major development challenges.

Therefore, based on a thorough document analysis, the concept of land use management in the city is not receiving as much attention in research as it should. Thus, this research will endeavour to minimise the current gap by exploring the barriers experienced by the City of Windhoek in enforcing its Town Planning Scheme and to further determine whether the enforcement of WTPS is consistent.

### **1.3 Research Objectives and Questions**

#### Research Objectives

1. To explore the barriers experienced by the City of Windhoek in facilitating land development applications under the Windhoek Town Planning Scheme of 1976 in Klein Windhoek and Katutura.
2. To determine whether the enforcement of the Windhoek Town Planning Scheme of 1976 is consistent in Klein Windhoek and Katutura.

The key research question is:

**What are the barriers experienced by the City of Windhoek in facilitating land development applications under the Windhoek Town Planning Scheme of 1976 in Klein Windhoek and Katutura suburbs?**

This research question is guided by the following subsidiary research questions:

#### Subsidiary Research Questions

1. What do planners of the City of Windhoek experience as barriers when facilitating land development applications under the Windhoek Town Planning Scheme of 1976 in Klein Windhoek and Katutura?
2. Is the enforcement of the Windhoek Town Planning Scheme of 1976 consistent in Klein Windhoek and Katutura?

### **1.4 Study Area**

The case study area for this research is situated within Windhoek, the capital city of Namibia. Namibia is situated in the south-western corner of Africa, bordering the Atlantic Ocean to the west, South Africa to the south, Angola to the north, Botswana to the east, and Zambia and Zimbabwe to the north-east. It is the driest country in Sub-Saharan Africa, with deserts occupying around one-fifth of the country (World Bank, 2006). In addition, Namibia is Southern Africa's most sparsely populated country with a population density of 2.6 people per km<sup>2</sup> (NSA, 2012).

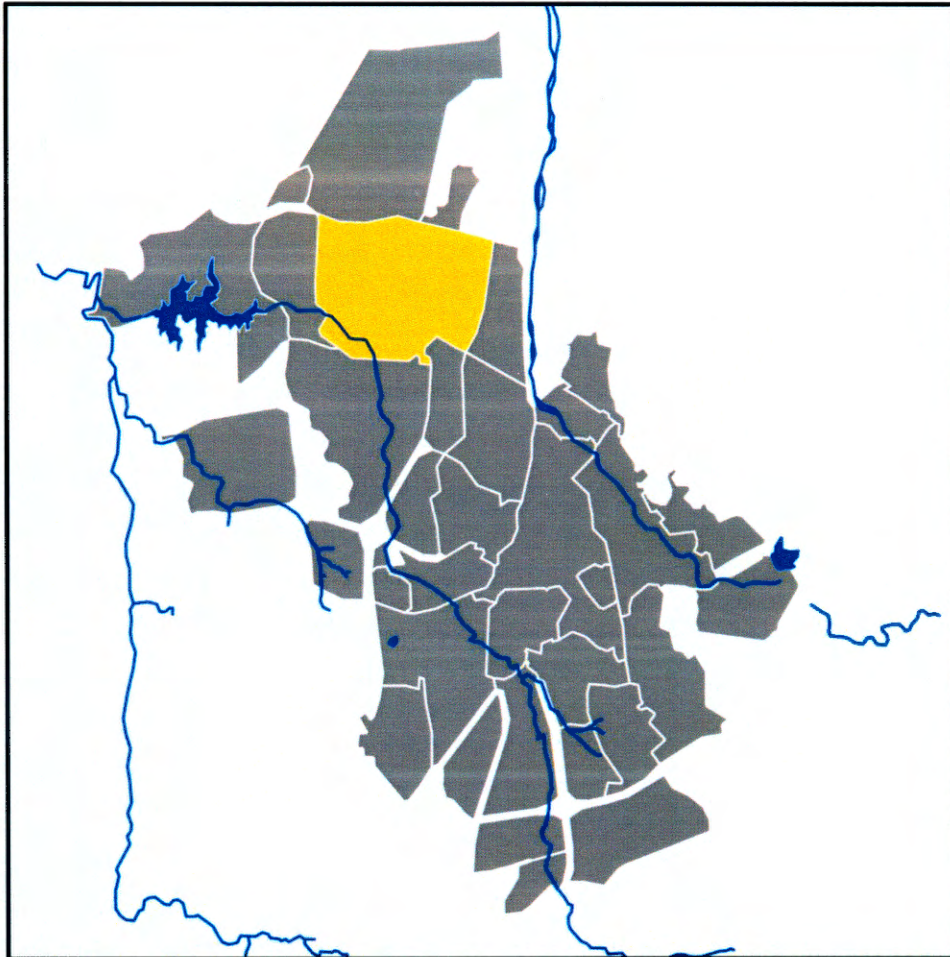
#### 1.4.1 Windhoek

Windhoek, is located in the Khomas region and serves as the administrative, political and economic centre of the country (Tjirera, 2013). The city is almost at mid-point between the South African and Angolan borders, being approximately 600 kilometres away from each. Namibia was colonised by Germany before being taken over and ruled by South Africa until 21 March 1990 when the country gained its independence. Being colonised by the two regimes, Namibia was left with durable scars on the “structure and spatial nature of its urban environment” (Friedman, 2000:1; Kandjinga, 2015: 23). The planning legacy of the colonial regime in Windhoek remained intact, thus defining its morphology with two manifolds: the physical segregation of the former townships from the main city, and the segregation along racial lines (Friedman, 2000). Segregation is still evident with people being clustered based on their ethnic and racial group while the physical segregation of former townships can be ascertained by their layout (Friedman, 2000). Even now there is an unequal distribution of services and facilities (Friedman, 2000). In 2011, Namibia’s population was recorded at 2 113 077, of which 342 141 people lived in the Khomas region; of the total population of Khomas, 325 858 people resided in Windhoek (NSA, 2012).

Dept. Spatial and Street Planning UV  
Dept. Urban and Regional Planning I  
Postbus 901, Box 339  
Windhoek  
8300

#### 1.4.2 Katutura

Katutura was formed in 1959 during the apartheid regime (the South African colonial regime). The black community was instructed to move to a new area. However, they opposed it, and as a result the colonial regime used force to move them from the old/main location (currently known as Hochland Park) and settle them into the New Location (Katutura), which is about eight kilometres from the old location (Ejikeme, 2011; Mooya, 2009). Since people were forced to settle in the new location against their will, they named the new area Katutura, which is an Otjiherero word meaning “The place where we do not want to live” (Ejikeme, 2011:88). After settling in Katutura, their initial location (the main/old location) was demolished in 1968 (Mooya, 2009). People were then segregated based on ethnicity; this resulted in different locations being created within Katutura, namely Damara Location, Nama Location, Nama Seven and Vambo Location (Ejikeme, 2011). Katutura, with a population size of 24 600, is still regarded as marginalised compared to other areas in Windhoek. Katutura is situated in the north-western part of Windhoek (see Figure 1.3 below, NSA, 2012).



Map 1.2: Katutura within Windhoek  
Source: City of Windhoek, 2015: online

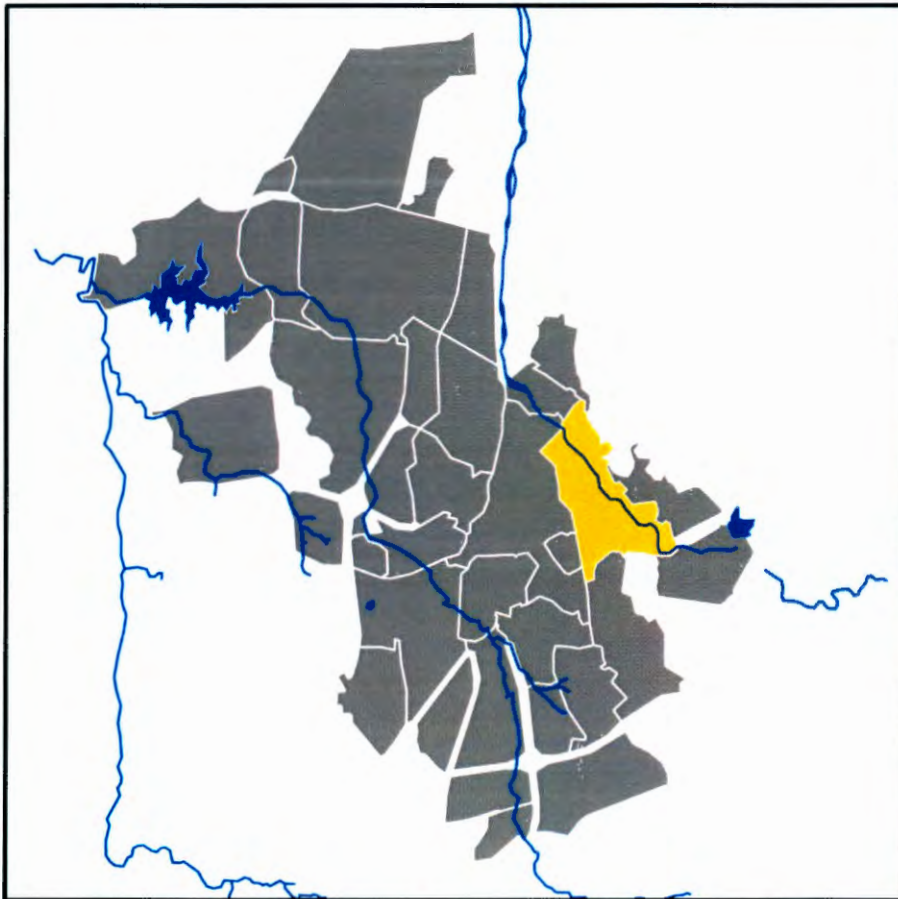
The new government has been improving the townships in terms of infrastructure provision and other essential services. However, even after independence in 1990, other areas, such as Windhoek West, Windhoek North, Eros, Pioneers Park, Klein Windhoek and Hochland, continue to be favoured, and this can be seen even today in terms of their development (better infrastructure – roads, sewerage network, electricity, water). Although the City of Windhoek continues to improve the spatial planning and development of Katutura and the surrounding townships, some of these townships are characterised by a low level of development, poor services, and a lack of quality public spaces. As Tjirera (2013: 2) states:

*Until the end of the 1970s, Windhoek was a typical example of this tradition: a fragmented territory composed of white, black and coloured 'townships' separated by buffer zones; urban space characterised by the unequal distribution of services and infrastructure; a*

*residential area segregated on the basis of ethnic groups in the black 'townships' of Katutura, built in 1957, 6 km to the north of the city centre; and finally, a specific type of habitat for the black population – mirroring the colonial conception of the African in the apartheid system.*

#### 1.4.3 Klein Windhoek

Klein Windhoek is an affluent suburb of Windhoek. It is the oldest part of the town established in 1840 by Jonker Afrikaner (Vedder, 1997). In Klein Windhoek, plots were allocated to settlers, who started small-scale farming with fruit, tobacco and dairy cattle. Klein Windhoek has flourished into an extravagant modern-day exurbia. Klein Windhoek is characterized by a proliferation of German style commercial buildings and houses surrounded by lush gardens. It is one of the upmarket suburbs of Windhoek, located in the Windhoek East Constituency, with about 22 600 inhabitants (NSA, 2012). It is also situated only five minutes' drive from the City Centre.



Map 1.3: Klein Windhoek within Windhoek

Source: City of Windhoek, 2015: online

Katutura and Klein Windhoek were selected as case studies for this research from over 30 suburbs because they are the oldest settlement areas in Windhoek formed before and during the colonial regimes. It is only feasible to perform a comparative analysis of the effective enforcement of the Windhoek Town Planning Scheme on two suburbs, which were developed in the same era.

### **1.5 Chapter Outline**

This research is structured and divided into six main chapters.

#### **Chapter 1: Setting the Scene**

Is the introductory chapter which gives a brief overview on the research topic by stating the problem; it also presents the key research question together with its research objectives and subsidiary questions with a brief introduction of the case study areas.

#### **Chapter 2: Literature Review**

Provides the literature review where the concept of land use management together with other related concepts such as land use planning, sustainable development and sustainable land management are unpacked to support the research findings.

#### **Chapter 3: Research Methodology**

Introduces the methodology employed for this research, highlighting the data collection and sampling methods, as well as an overview of the respondents.

#### **Chapter 4: Legislative and Institutional Framework of LUMS in Namibia**

This chapter describes the institutional and legislative frameworks under which land use management is enforced in Windhoek.

#### **Chapter 5: Findings and Discussion of the Results**

Presents the findings and discussions of the results of analysed data from the field research.

#### **Chapter 6: Conclusions and Recommendations**

Concludes the research by providing the conclusions and recommendations.

## **CHAPTER 2**

### **THEORETICAL AND CONCEPTUAL FRAMEWORK**

#### **2.1 Introduction**

This chapter aims to contextualise and discuss different theories and views related to Land Use, Land Use Management (LUM) and Land Use Management Systems (LUMS). The chapter first provides different theoretical arguments and definitions of LUMS. These theories do not necessarily agree on all aspects of LUM, but the end goal is the similar in that LUMS should be effectively enforced. Reviewing these theories enabled the researcher to understand and effectively use and apply the concepts in the chapters to follow. Understanding the specific components of LUM, as explained by Parnell and Pieterse (2010), is essential for the researcher, especially in the data collection phase.

This chapter is divided into two forms. It first contextualizes and describes Land Use, LUM and LUMS to offer readers an understanding of these concepts, after which a brief history of LUMS globally and in Southern Africa follows, which is followed by how LUMS are implemented and the challenges faced in the implementation of LUMS. The concepts of Land Use Planning, Sustainable Development and Sustainable Land Management in relation to LUM has been briefly discussed at the end of the chapter.

#### **2.2 Land Use**

Land use mean different things to different people, and from person to person. There is not one agreed-upon definition of what LUMS are. For instance, Cruz (2010: 22) argues that the concept of land covers a variety of functions that usually are classified into the categories of the environment, economics, society, and spirituality. Thus, land use represents a critical intersection of economic and ecological systems. Land-use changes, as Chen, Liu, Liaw and Yu (2005: 24) posit, are most often directly linked with economic decisions and the goals of planning. Charlton (2008: online) indicates that land use can be seen as the human modification of the natural environment or wilderness into built environment such as settlements, agriculture or pasture. Humans are transforming the environment through defining new functions to the land, hence giving it different utilities. Vancutsem (2008: online) explains that management is a human activity, meaning the action of people working together in the aim to accomplish desired goals. Land use is one element in a suite of land management tools, and is intended to promote coordinated harmonious and environmentally sustainable development (SPC Land Resources Division, 2010: online).

### 2.3 Land Use Management

“Land use management generally refers to the officially recognized system that determines and regulates the use of land” (Charlton, 2008: online). It can be seen as a sub-component of the broader concept of land management, which can be conceptualized as having four dimensions, as illustrated in Figure 2.1 below (FIG, 2006: online). Berrisford and Kihato (2008: 383) provide a useful way of locating LUM activities by suggesting that “the broad concept of planning” has two parts: activities that are “geared towards shaping development over a period of time” such as Integrated Development Plans, and activities that implement the strategic plans.

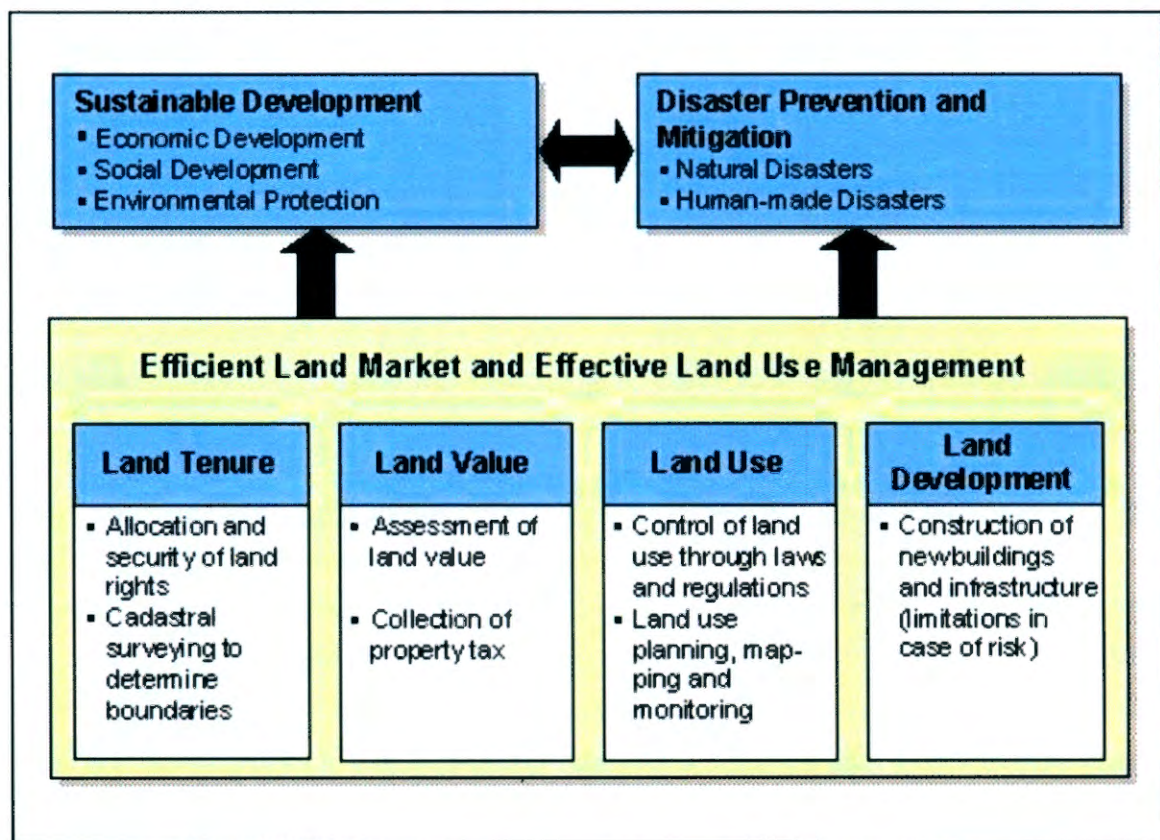


Figure 2.1: Sustainable land use management as a tool  
Source: FIG, 2006: online

There are different categories of legal and regulatory systems/mechanisms and the manner in which they are implemented differs based on the specific development and its land use. These implementing and monitoring instruments include various legal and regulatory mechanisms used to regulate land development and land uses, including zoning schemes, which are also known as land use management systems (Berrisford & Kihato, 2008: 383).



Therefore, LUM can be seen as the process of managing the use and development of land, in which the spatial, sector-oriented and temporary aspects of urban policy are coordinated (Parnell & Pieterse, 2010:147). It is believed that LUM can achieve solutions that satisfy human needs while maintaining ecological functions. It includes the following activities, but is not limited to them. It leads to the regulation of land-use changes, the regulation or restriction of land development, and the regulation of the subdivision and consolidation of land parcels (Alfasi, Almagor & Benenson, 2012: 866).

Görgens and Denoon-Stevens (2013: 87) pointed out that the resources of land are used for different purposes, which may produce conflict and competition, and that LUM has to see those purposes in an integrated way. Namibia and Burkina Faso are the only countries in Africa that have started an integrated land use management programme (*The Namibian*, 10 September 2009: 1). In general, LUM is driven by various decisions taken at different levels of administration, namely, local, regional and national.

According to Kuntiyawichai (2012: 56), one of land use management's key roles is promoting a safe and secure environment. For instance, by preventing occupation of land that is potentially affected by hazards, limiting densities and offensive land uses, and guiding the design of the street. LUM symbolizes various systems through which the public sector seeks to establish an influence over the way in which land is used. In the framework of this research, LUM refers to the local government activity which seeks to influence or control the ways in which individuals use their land (Booth, 2009). The proposal that LUM is one of the most powerful tools in the context of planning, both locally and internationally, with the potential to transform the urban landscape is contended by Görgens and Denoon-Stevens (2013: 97). However, Enemark (2007) indicates that the success of a flexible LUM relies on its ability to allow "everyone to understand the role of the land administration functions (which are land tenure, land value, land use and land development)".

The goal of LUM is not to prevent or limit development but to increase the intensity of the land use within a zone (Aribigbola, 2008:3). Land use restrictions are able to provide benefits to communities, such as decreased traffic congestion, higher property values, open space, lower taxes, better schools, and less pollution (McLaughlin, 2012:51). According to Bailey (1959) and Davis (1963) (cited in Kim, 2011), welfare increase is a major benefit of land use controls.

### Integrated Land Use Management

According to Enemark (2004: online), integrated LUM is based on land policies laid down in the overall land policy laws dealing with cadastral/registration and planning/building. Enemark (2004: online) goes on to explain that the LUMS, sometimes referred to as the Planning Control System, is where the various sectoral interests are balanced against the overall development objectives for a given location. They form the basis for the regulation of future land use through planning permissions, building permits and sectoral land use permits, according to the various land use laws (Enemark, Williamson & Wallace, 2005: 51).

The understanding of the land management paradigm is essential to determine how LUM fits into it. Land management itself encompasses of all activities that are associated with the management of land and natural resources which lead to sustainable development (Enemark 2007: 3). Figure 2.2 illustrates the position of land use in a set of land administration systems which leads to effective LUM and ultimately sustainable development.

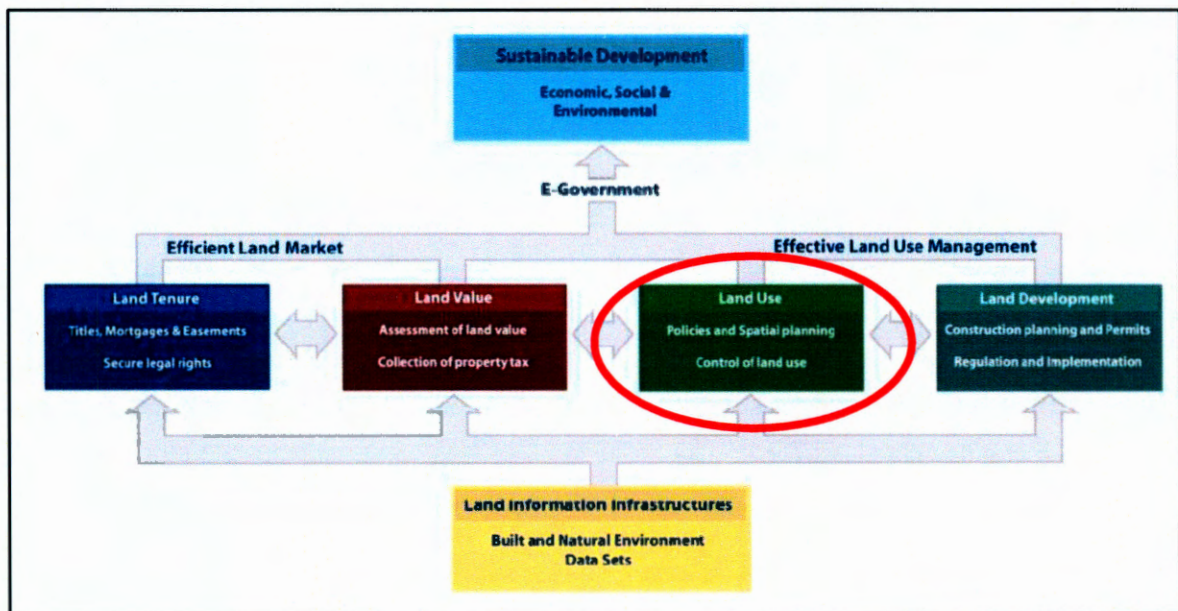


Figure 2.2: A global perspective of modern land administration systems

Source: Enemark *et al.* (2005: 53)

One of the principles of integrated land-use management, comprehensive planning, combines policies and land-use regulations into one planning document covering the entire jurisdiction (Hammah, 2015: 5). Land use planning and regulation should be justified when presenting political aims, objectives, problems and preconditions (Geerlings & Stead, 2003: 189).

Comprehensive planning also caters for public participation to create awareness and understanding of the need for planning regulations (Foster, 2006: 17). The City of Windhoek needs to focus more on public participation to increase the levels of awareness and understanding of planning regulations for its residents. This also results in a dialogue between the government and the citizens. There is a need for a monitoring system for continuous updating of the large scale topographic map base in relation to the land policies.

Enemark *et al.* (2005: 56) describes the land administrations functions as illustrated in Figure 2.4 as follows:

- **Land Tenure** is the allocation and security of rights in lands; the legal surveys to determine parcel boundaries; the transfer of property or use from one party to another through sale or lease; use of land as security; and the management and adjudication of doubts and disputes regarding rights and parcel boundaries.
- **Land Value** is the assessment of the value of land and properties; the gathering of revenues through taxation; and the management and adjudication of land valuation and taxation disputes.
- **Land Use** is the control of land use through adoption of planning policies and land use regulations at national, regional and local levels; the enforcement of land use regulations; and the management and adjudication of land use conflicts. The design of adequate systems in the areas of land use control and land development will lead to effective land use management.
- **Land Development** is the building of new physical infrastructure; the implementation of construction planning and change of land use through planning permission and granting of permits; and management of complaints and disputes.

According to Enemark (2007: 12), the interrelations appear through the fact that the actual conceptual, economic and physical uses of land and properties influence land values. Land value is also influenced by the possible future use of land as determined through zoning, land use planning regulations, and permit granting processes. And, the land use planning and policies will, of course, determine and regulate future land development.

Dept. Stads- en Streetbeplanning UV  
Dept. Urban and Regional Planning U  
Postbus 339  
Bloemfontein  
9300

## **2.4 Land Use Management Systems**

Kim (2011: 36) brilliantly points out that LUMS are mostly implemented to better manage the spatial arrangement of various human activities by controlling the associated uses of land for these activities. This linkage is particularly observable in low-income areas. The South African Spatial Planning and Land Use Management Act of 2013 defines LUMS as the system of regulating and managing land use and conferring land use rights through the use of schemes and land development procedures (South Africa. Spatial Planning and Land Use Management, 2013: 12). It is the system of legal requirements and regulations that apply to land in order to achieve the desirable and harmonious development of the built environment (Berrisford & Kihato, 2008: 383). LUMS involve zoning, development control and decision making.

Görgens and Denoon-Stevens (2013) support the argument that updating and improving the flexibility of LUMS may well have some pro-poor effects; examples of such include increasing the supply and availability of urban land and housing. There is need for LUMS to find credible ways in which to partner with communities to construct locally appropriate regular structures and practices (Nel, 2015: 8). It is equally important to determine whether there is an under supply or over supply of certain land uses within an area (Görgens & Denoon-Stevens, 2013). For instance, traditional zoning is mainly designed to implement a spatial form that minimizes negative externalities among different types of urban activities by separating conflicting uses (Kim, 2011: 36).

The process of planning and the regulation of land use can be traced back thousands of years in some parts of the world, such as the United Kingdom, the United States of America, and Europe (Charlton, 2008: online). Aspects of town planning can be seen in ancient cities, *inter alia* the first gird-iron layouts and that they were already familiar with the idea of regulating land uses.

### **2.4.1 Global Perspective on Land Use Management**

The global perspective on land use management through various case studies is presented and discussed in this section. A case study on the evolution of land use management in the United Kingdom is presented in order to determine whether Namibia is also on a similar path. United Kingdom was selected as a case study because the Namibian planning system is partly developed from it. United States of America was also selected as a case study to discuss how exactly land use management systems are implemented in this country with a specific focus on New York City. These case studies assisted in the discussion of the findings.

#### 2.4.1.1 United Kingdom

In the **United Kingdom**, modern land use management was developed in reaction to the conditions of the Industrial Revolution, which began towards the end of the 18<sup>th</sup> century in Great Britain (Bryant, Russwurm & McLellan, 1982: 80). This reaction was prompted by the growth of cities due to the Industrial Revolution, which started attracting people into the city in search for work whereby they ended up living in cities that could not support them. This movement of people placed tremendous pressure on the cities, translating into the city officials not having control over land uses, building standards, sanitation and health, together with unbearable living conditions (Houghton, 2003: 379). This state of cities forced the authorities to enact measures to control development and improve the living conditions by introducing health and building regulations.

Around 1909 the first town and country planning legislation was introduced with the general objective of securing proper sanitary conditions, amenities and convenience in regard to the layout and use of the land and any neighbouring lands (Van Dam, Junginger & Faaij, 2010: 2446). In the United Kingdom, LUMS is used to ensure that development and growth are sustainable. The United Kingdom's Town Planning Act of 1925 formed the basis of South African Town Planning legislation and ultimately Namibian Town Planning legislation, which was developed based on South Africa's administrative controls (Nel, 2015). Zoning is regarded as a European idea which was first adopted in Germany and Sweden in the 1870s (SA Planners, 2014: online).

#### 2.4.1.2 United States of America

In the 19<sup>th</sup> century many cities in the **United States of America** had ordinances with some zoning-like features, such as fire and building regulations, height restrictions and nuisance laws. For instance, in 1916 New York City adopted the first comprehensive zoning ordinance called the New York Zoning Code 1916 (SA Planners, 2014: online), which had a pyramid approach, as illustrated in Figure 2.3 below.

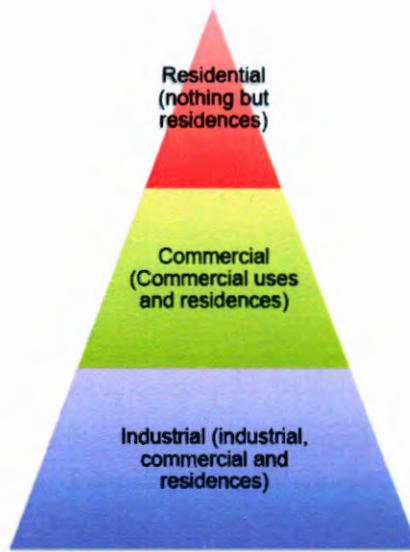


Figure 2.3: New York Zoning Code 1916

Source: SA Planners, 2014: online

The concept of zoning in the USA began because of an obvious need to reduce the congestion of land use, which was a major problem during the 1800s and early 1900s (Qian, 2010: 32). Among other issues, commercial areas were crowded in with private dwellings, and industries were located throughout residential areas. In some larger cities, tall buildings were crowded in next to each other without consideration for what was happening below where the streets were dark and never received any sunlight (Waddell, 2002: 300). Before zoning regulations came into being city officials had no effective mechanisms for controlling such developments. Therefore, the main reasons for the emergence of LUM can be connected to congestion, public health, and safety and nuisance.

#### 2.4.2 Land Use Management in Southern Africa

The origins of LUM in Southern Africa was as a result of colonial planning, such as the British town planning activities, which were concerned with improving the health and safety of urban residents living under bad social conditions such as overcrowded areas with inadequate services, facilities and amenities (Charlton, 2008: online; Parnell & Pieterse 2010: 148). Land resources are a source of food, shelter and economic development. Managing land resources sustainably is crucial to ensuring they continue to provide important ecosystem services such as watershed protection, biodiversity conservation and carbon sequestration (SPC Land Resources Division,

2010: online). Land use planning is probably one of the most well-known instruments of LUM, representing and illustrating a public policy (FIG, 2006: online).

#### 2.4.2.1 Namibia

Similar to South Africa, the **Namibian** planning system is based on the South African apartheid planning systems and the German colonial planning administration. The implementation of LUMS in Namibia is mandated by the Town Planning Ordinance of 1954, which requires local authorities to develop Town Planning Schemes. The other planning legislation is the Township and Division of Land Ordinance of 1963, the Local Authorities Act, the Draft Land Use Planning Policy, and the Draft Urban and Regional Planning Bill. Evidently, the effective enforcement of LUMS in any set up is not possible without the appropriate policy and legislation in place. These legislations and policies are applicable to all local authorities, including Windhoek and are discussed in more detail under Chapter four.

#### 2.4.2.2 South Africa

The origins of LUMS and planning in **South Africa** is connected to both the British planning system and the Dutch planning system. Between the colonial period, from 1652 until the 1800s, the Dutch settlers introduced formal planning and development towns through the survey, layout and registration of streets and erven (Denoon-Stevens, 2014; Nel, 2015). By then the early towns demonstrated a form of LUM in that provision was made for certain uses such as markets, churches and playgrounds. During this period the need for formal LUM was not necessary because the land was in abundance and the natural separation of land uses were regarded as sufficient. The period from the late 1800s until the 1920s was viewed as the early LUMS phase whereby the British introduced the Restrictive Covenants legally as part of the townships establishment procedure of 1908, which presented chaotic situations in mining towns, racial bias and growth of towns and cities, which was closely linked to the discovery of diamonds and gold (Kahm, Von Riesen & Jewell, 2001). Thus, the existing town planning measures were no longer sufficient as cities and towns became more complex resulting into a growing number of urban problems, particularly in mining towns. Increasing housing problems resulted in overcrowded situations, which made town management difficult and expensive. The implementation of LUMS through the setting aside of land for trading, industrial, residential and mining activities, and the layout of mining towns with restrictive conditions was introduced.

In 1925, the Parliament granted provincial authorities legislative powers in respect of town planning and townships establishment, which gave birth to town planning legislation in the form of town planning ordinances for the Transvaal, Cape and Natal, and the Orange Free State (SA Planners, 2014). This planning was linked more closely to segregate planning with restrictive title conditions and presented a process-driven approach as LUMS became overly legalistic. The government later developed the Black Communities Development Act in 1984, which was viewed as a separate LUMS for the black areas. The aim of the Act was to “provide for the purposeful development of Black communities outside the national states to amend and consolidate certain laws which apply with reference to such communities; and to provide for matters connected therewith promote racial segregation” (South Africa. Black Communities Development Act, 1984: 12).

Present day South African planning is based on the legacy of apartheid planning, which promoted inequality and spatial segregation and marginalisation. After the 1994 general democratic elections, planning saw a turn in situations similar to other areas, with the introduction of new LUMS with a more comprehensive integrated approach which incorporated spatial planning and environmental management. LUMS now also performs facilitation, and not just control. A range of policies and legislation has been introduced, such as the Green Paper on Development and Planning, the White Paper on Spatial Planning and Land Use Management, the Spatial Planning and Land Use Management Act, the Integrated Development Plans and the Spatial Development Frameworks. Post 1994 saw the introduction of a normative framework for planning and development, together with a regulatory (process) framework which governed spatial planning and LUM. The main goal of LUM is to guide and manage development and the use of the land according to the vision, strategies and policies as stipulated in the Integrated Development Plans and the Spatial Development Frameworks (Charlton, 2008: online; Harrison, Todes & Watson, 2008: 21).

#### 2.4.3 Rationale and Objectives of LUMS

LUMS deal with uncontrolled land development through facilitation, by discouraging uncoordinated land development and to ensure safety and aesthetics and the distribution of land rights (Chen *et al.*, 2005: 25). Uncontrolled development of the land can lead to overcrowding, environmental damage and unsafe building construction as some land uses can be detrimental to the health and safety of the inhabitants. It deals with promoting desired land developments



(including optimal utilisation of land at the highest and best use). It also facilitates in order for development goals and related plans and policies to be implemented.

#### 2.4.4 Benefits of LUMS

Some of the benefits of having LUMS in place, as outlined by City Renewal (2012: online), are to resolve conflict between different land uses and to control negative externalities while promoting the certainty of land uses which protects property values and creates investor confidence. It is also believed that LUMS promotes convenient access to opportunities and services and the creation of safe and healthy living environments. It provides the legal basis for the participation of the general public in LUMS matters in order to balance the interests of individuals with those of the public. The SPLUMA (South Africa. Spatial Planning and Land Use Management Act, 2013: 2) states that LUMS also promotes sustainable urban management. Several regulations were adopted to guide the quality and location of land use.

Görgens and Denoon-Stevens (2013: 85) argue for LUMS that move away from the traditional exclusive emphasis on zoning towards a more flexible system based on a tiered set of plans. These authors (*ibid.*) envisage that this system must take into account and respond to the dynamics of the urban land market, both in its formal and informal dimensions, and directly address the poor and their needs as the central focus of LUM.

#### 2.4.5 Town Planning Scheme

The general purpose of a Town Planning Scheme (TPS), which is one of the most well-known forms of LUM, is to ensure coordinated and harmonious development of the area to which it relates in such a way as will most effectively tend to promote the health, safety, good order, amenity, convenience and general welfare of such an area, as well as efficiency and economy in the process of such development (Friedman, 2006: 15).

LUM requirements are contained within a TPS. A TPS consists of two components, namely, a zoning map and a set of written regulations (Namibia. Town Planning Ordinance, 1954). Bailey (1959) and Davis (1963) (cited in Kim, 2011) propose that the welfare level of landowners can be increased through appropriate land use controls, particularly zoning, that eliminate negative externalities, among different uses.

#### 2.4.6 Zoning

LUMS are developed and implemented to ensure that properties are used in conformity with the specific use or zoning rights. The development of such LUMS should be done by the respective councils. The widely felt resistance to the idea of uncontrolled land development and the commonly expressed wish by particular sectors to promote various types of desirable land development are the basis for LUM, as affirmed by Zeidler (2007).

The implementation of LUMS is directly linked to the type of zoning assigned. Zoning is defined by Levy (2011: 72 cited in Hirt, 2013: 292) as a municipal law that divides the area under a particular local government's jurisdiction into sub-areas or districts in which it "limits the uses to which land can be put". The function (residential, commercial, industrial, etc.), shape and bulk of a built form is normally regulated by zoning (Kayden, 2004 cited in Hirt, 2013: 293). According to Bowers (2008: 378), zoning refers to the legislation that governs land use planning and specifies the uses for which particular sites may be utilised.

Once a plan is developed, local governments control the uses of various parcels of land by legal and economic methods. The most widely used approach is zoning, in which various parcels of land are planned for certain uses (Aribigbola, 2008: 56). Principal categories include commercial (various categories), residential (various categories), industrial, utilities, transport, recreation (parks and forest preserves), bodies of water, flood plains and wildlife reserves (Qian, 2010: 35). Zoning can be used to control growth and to protect areas from certain types of development and to set up separate areas for residential, commercial, and industrial activities.

However, every property in a city has a set of regulations to control and manage development. These regulations are determined by the zoning of the property which is set out in the applicable TPS (City Renewal, 2012: online). In addition to the zoning regulations, development is also controlled by the conditions of title set out in the Title Deed of each property, which can restrict the way in which a property can be developed (Berrisford & Kihato, 2008: 383). Harrison *et al.* (2008: 20) explain that a TPS is used for the purpose of land use management on a daily basis; each scheme also provides the legal basis and definitions for the rights to develop and use any parcel of land in a municipality according to the specified zonings. In practice, zoning attempts to achieve its purpose by the physical separation of potentially conflicting activities such as industrial and residential, and by the grouping within a specific zone of compatible activities.

#### 2.4.7 Implementation of LUMS

As Parnell and Pieterse (2010: 150) argue, appropriately integrated directive planning and a LUMS, which is responsive to formality and informality alike, is an indispensable part of the state's ability to pursue redistributive goals and the transformation of city spaces. Görgens and Denoon-Stevens (2013: 95) indicate that the other aspects of this argument is the need for LUMS (and the wider planning system) to find credible ways in which to partner with (informal) communities to construct locally-appropriate regulatory structures and practices.

In Namibia, LUMS is implemented through development control and other statutory procedures, including Town Planning Schemes, Township Establishments, Rezoning, Consent Use, and Building Plans, Site Development Plans, Subdivision and Consolidation, among others. The implementation of LUMS is guided and done in accordance with legislation, otherwise it would be impossible to implement LUMS without legislation backing it up. Refer to Chapter 4 on the Policy and Legislative Framework for a detailed description of the legislation and policies in Namibia.

#### Implementation of LUMS in Namibia

In Namibia, LUMS is implemented in both urban and rural settings - in urban areas through the specific Town Planning Scheme and in rural areas through the respective Regional Council. However, in urban areas the implementation of LUMS is not equally carried out. Implementation is more consistent and rapid in upmarket formal areas and suburbs, and neglected and inconsistent in informal and low-income areas and suburbs (Zeidler, 2010). In the case of Windhoek, the City of Windhoek is the implementing and enforcement authority of LUMS through its Town Planning Scheme. LUMS should be implemented in the interests of the general public to promote sustainable development and quality of life (Görgens & Denoon-Stevens, 2013: 96). Unlike other modern forms of regulation, land use policies were implemented to promote land development. Kim (2011: 36) states that without effective LUMS at local government level, high-level strategic planning will remain ineffective.

Therefore, it should be acknowledged that different areas may require varying degrees of control and this should be considered when developing a LUMS for any area. LUMS should be part and parcel of an attempt to achieve full employment, and to enable government at all levels to fulfil its obligations to provide services and infrastructure, particularly to the poor (Booth, 2009). Mere control of development is no longer sufficient, and LUMS need to actively attract and retain investment. Sridhar (2010) in his article on land use controls and regulation in India's cities affirms

that land use controls everywhere are to ensure the orderly and planned development of cities and public services. It is further important to note that all land use regulations have costs and benefits.

Booth (2009) proposes that participation can be introduced into LUMS on the preparation of the plan and its policy, and consultations to be done when potentially conflicting land use applications are made. He (2009) further indicates that land use legislation needs to provide a comprehensive approach for development. For this to be possible, LUM procedures must have explicit, expeditious and simplified applications (Nel, 2015: 10). In this gradually competitive global economy LUM must promote growth and development. In a city like Windhoek where local conditions are constantly changing and the social and economic conditions of its residents are different from suburb to suburb, land use planning and management plays a vital role. It is quite evident that their land use needs and its accompanying regulations call for more flexible techniques.

#### 2.4.8 Challenges of LUMS

LUMS are criticized based on its two key aspects. It is constituted that its rigidity suppresses the smooth functioning of any land market, and its bureaucratic and legal form limits the access of the poor to formal opportunities to land (particularly to urban land) (Booth, 2009). The implementation of LUMS is faced with a range of challenges, and town and regional planners are at the forefront of these challenges. These challenges result in negative criticism against LUMS.

The White Paper on Spatial Planning and Land Use Management discussed several problems and challenges associated with LUMS and its implementation. The most obvious is the difference in LUMS evident in different former 'race zones' in both South Africa and Namibia. Another challenge is the impractical LUMS policies and legislation, inherited from the colonial era, are still being applied today, and the slow pace at which such policies and legislation are reviewed, updated and amended to fit the current planning environment (Friedman, 2006). This presents a separation between the inherited policies and legislation and the newly set up LUMS, such as the Land Use Management Plans in South Africa and the Integrated Regional Land Use Plans in Namibia.

The administrative and management jargon associated with the implementation of LUMS makes the approval process too lengthy because they exercise too much control, compared to

facilitation. The time-consuming nature of work at local authorities results in the poor enforcement of LUMS in major cities and towns. This is evident in Windhoek, as confirmed through this research. Another reality is that LUMS is not applied in informal settlements, and not effectively applied in low-income areas (Indongo et al., 2014: online). Critics view LUMS as a system that is not people-centred, which cannot deal with the current reality. Planning controls such as LUMS are viewed to be discriminatory against the poor and tend to exclude them from the benefits of urban living because of their socio-economic status (Jauch *et al.*, 2009). Therefore, it is regarded as a non-people friendly approach which does not involve people in the decision-making process and that does not recognize the needs of the people who are really affected. It is argued that LUMS, as is, does not have any control over informality.

On the one hand, the enforcement of LUMS has had a negative impact on the land market, depriving the working class of certain benefits. The planning system directly and indirectly is curbing the supply of land, and in so doing, pushing up the cost of land and making it unaffordable for the average person. This reality is currently being experienced in South Africa and Namibia alike whereby an average working class individual cannot afford a standard property. LUMS has also been viewed as an anti-development instrument/system of planning based on the time constraints, costs of applications, and restrictions of development in terms of location, type and intensity. In reality it happens that certain developments are promoted where they are not feasible and prohibited where they are feasible, which leads to non-development.

## **2.5 Land Use Planning**

Land use planning is an essential town planning process which can embrace diversity and participation, and which can ensure that consultation is done with significant groups (FAO, 1993). Land use planning, its policies and the procedures created should be enabling and development oriented (Haub, 2009). In order to achieve development, planning should be concerned with people, their activities and their use of land. As a consequence, the organization and quality of both the built and natural environment cannot be assured without taking people's social, economic, community and other needs and perspectives into account (Haub, 2009; Raith, 2012).

Planning refers to a decision-making process that is fundamental in policy making. Planning is problem-driven, information dependent, and never an absolute or perfect answer (Rydin, 1995: 370). Land use planning is a process examining different land use options, choosing between them, and the drawing up of a land use plan to make the chosen priorities come true (GIZ, 2011).

Land use planning is one of the most important means of land use management. Though some planning is always involved when making decisions about land use, the term land use planning usually involves some level of government and “is usually concerned with reconciling the goals and objectives of individuals and groups in society” (Sridhar, 2010: 1543). Thus, land use planning reflects the value discussion between individual land users and the nation as a whole and is concerned with establishing compromises between different participants (Bowers, 2008: 378).

## **2.6 Sustainable Development**

Sustainable rural and urban development is a contribution to the welfare of mankind. It will ensure existing resources and provide better living conditions for future generations. Sustainable development can be achieved through many things. Sustainable development can be described as a system framed by the ideal sustainable situation, the actors involved, their actions, and their visions. “Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs” (World Commission on Environment and Development, 1987: 43). This is how The World Commission on Environment and Development defined the concept of sustainable development. Therefore, sustainability must be seen as a process rather than a status (Kaphengst, 2014).

Despite the fact that sustainable development has become a universal ideal and that administration and politics have actively been mainstreaming it through all policy sectors, the actual definition of and approach to apply the concept have remained in enormous dispute (Girard, Duru, Hazard & Magda, 2008: 333). As Girard et al. (2008: 343) state, there is no exclusive or complete interpretation of the “need” and “development” of sustainability, and the ecological and social conditions for sustainability have not been fully described and detailed.

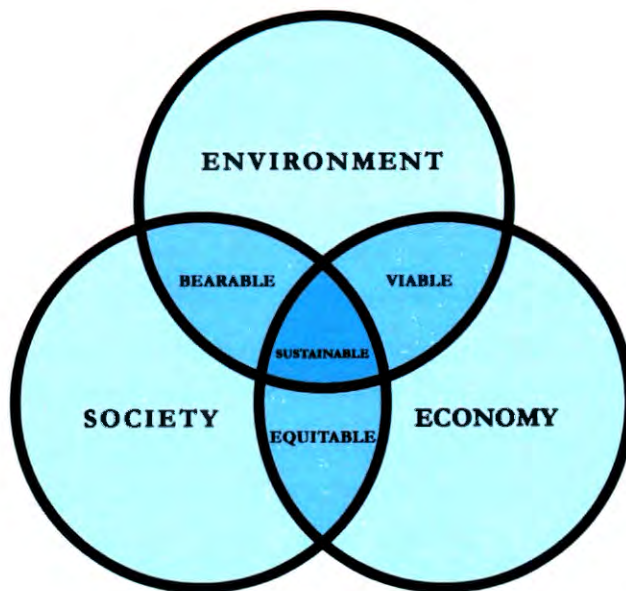


Figure 2.4: The three pillars of Sustainability  
 Source: Office of Sustainability (.n.d.:online)

The three pillars of sustainability consist of the social, environmental and economic dimension as illustrated in Figure 2.4. The general idea behind the three pillars is that with sustainable development, neither the social, environmental nor economic dimension can be compromised, but synergies between the three should be found. However, the most important aspect of sustainable development concerning this research is that the process of land use planning and regulation is considered “as key instruments for delivering a more sustainable society” (Office of Sustainability, n.d.: online).

### 2.7 Sustainable Land Management

Sustainable Land Management (SLM) can be defined as “the use of land resources, including soils, water, animals and plants, for the production of goods to meet changing human needs, while simultaneously ensuring the long-term productive potential of these resources and the maintenance of their environmental functions” (UN Earth Summit, 1992). TerrAfrica (2005) has further defined SLM as “the adoption of land use systems that, through appropriate management practices, enables land users to maximize the economic and social benefits from the land while maintaining or enhancing the ecological support functions of the land resources”. SLM refers to practices and technologies that aim to integrate the management of land, water, biodiversity, and

other environmental resources to meet human needs while ensuring the long-term sustainability of ecosystem services and livelihoods (Weith, Schulz, Gaasch, Seppelt, Werntz & Eppink, 2010).

As management is the human activity, meaning the action of people working together in the aim to accomplish desired goals, land use management is a process of managing the use and development of land, in which the spatial, sector-oriented and temporary aspects of urban policy are coordinated (Vancutsem, 2008). Resources of land are used for different purposes, which may produce conflicts and competition, and land use management has to see those purposes in an integrated way. Therefore, land management covers the debate about the norms and visions driving the policy-making, sector-based planning both in the strategic and more operative time spans, the spatial integration of sectoral issues, decision making, budgeting, the implementation of plans and decisions, and the monitoring of results and the evaluation of impacts (World Bank, 2006). The definition of the European Network for Land Use Management for Sustainable European Cities may be used as a reference. It emphasizes the inter- and transdisciplinary cooperation on sustainable land management.

It is crucial to minimize land degradation, rehabilitate degraded areas and ensure the optimal use of land resources for the benefit of present and future generations. SLM is based on four common principles (Office of Sustainability, n.d.):

- Land-user-driven and participatory approaches;
- Integrated use of the natural resources at ecosystem and farming systems levels;
- Multilevel and multi-stakeholder involvement; and
- Targeted policy and institutional support, including the development of incentive mechanisms for SLM adoption and income generation at the local level.

The main objective of SLM is to promote human coexistence with nature with a long-term perspective so that the provisioning, regulating and cultural land supporting services of ecosystems are ensured (World Bank, 2006). Considering the complexity of sustainable development, sustainable land management, being supposed to support sustainable (land) development, has as well to be defined as process orientated as action orientated.

## **2.8 Conclusion**

This chapter highlighted the most relevant definitions of LUM and LUMS which are applicable to the case study area and presented a historical perspective of LUMS globally and in Southern



Africa. The objectives, benefits and implementation of LUMS were also discussed in detail. The literature also enabled the researcher to determine whether the implementation of the land use management system in Windhoek is sustainable by providing the attributes that relate to it. Finally, the challenges faced in the implementation of LUMS were briefly discussed.

Dept. Stads- en Streekbeplanning W  
Dept. Urban and Regional Planning I  
Postbus 70000  
Rosenfontein  
8300

## **CHAPTER 3 RESEARCH METHODOLOGY**

### **3.1 Introduction**

The aim of this chapter is to provide a detailed description of the research methodology that was employed to answer the key research question. Both qualitative and quantitative methods are discussed in order to indicate why the qualitative research method is the best fit for this dissertation. This is followed by describing the research strategy to be used for data generation and data analysis. The chapter is concluded by addressing the ethical and consent provisions, and the limitations experienced during this research.

In order to achieve the main objective of the study, which is to explore the barriers experienced by the City of Windhoek in facilitating land development applications under the Windhoek Town Planning Scheme of 1976 in Klein Windhoek and Katutura, this research relies on the qualitative research method whereby both primary and secondary data sources have been consulted and used. The qualitative research method is primarily exploratory in nature and is used to gain an understanding and provide insights into a problem (Owen, 2014: 3). Key respondents in the field of land use management were interviewed and direct observation of the enforcement of the Windhoek Town Planning Scheme in Klein Windhoek and Katutura was done. Document and policy analysis of the most relevant documents, reports and policies was performed.

### **3.2 Qualitative Research Method**

Qualitative research has been defined in a variety of ways (Malterud, 2001: 484; Owen, 2014: 3). It focuses on subjective experience and seeks to answer questions which are not easily quantified, such as the land development process. According to Patton (2002: 39), it seeks to understand the phenomena of a "real world setting [where] the researcher does not attempt to manipulate the phenomenon of interest". This method is concerned with how the world is viewed, constructed and experienced by social actors (Golafshani, 2003: 597). It provides access to the motives, aspirations and power relationships, existing in a social context, that account for how people, places and events are represented (Smith, 2000: 660). Thus, it is used to know the geographic processes that cannot be revealed through the quantitative method only (Crang, 2002: 24). Therefore, this research fits well into a qualitative research design that is subjective and based on experience in the existing patterns of LUM.

On the other hand, quantitative research is generally characterised by a methodology of formulating hypotheses that are tested through a controlled experiment or statistical analysis (Kaplan & Duchon, 1988: 574). According to Myers (1997: 241), the underlying assumption in quantitative research is that the research design should be based on the positivist approach. Positivism assumes an objective reality, which can be described by measurable properties that are independent of the researcher and research instruments (Myers, 1997: 242). Thus, when comparing quantitative and qualitative methods, it can be said that "qualitative research refers to the meanings, concepts, definitions, characteristics, metaphors, symbols and descriptions of things. In contrast, quantitative research refers to counts and measures of things" (Berg, 2001: 43).

Based on the definitions provided for qualitative methods and quantitative methods, as well as the collection of reasons weighed against the research questions, qualitative methods are selected as the most appropriate for this dissertation. As qualitative research methods allow the researcher to go in to depth during the data collection stage and the discussion stage. The researcher used three qualitative research methods for this research, which enabled the collection of adequate data through the semi-structured interviews of key respondents, direct observations and document and policy analysis of relevant documents. The data collected is presented through an effective discussion of the results and findings, to be highlighted in Chapter 5.

Strauss and Corbin (1998: 54) explain that qualitative research is best used when the methods are complementary to the preferences and personal experiences of the researcher, congruent with the nature of the research problem, and employed to explore areas about which little is known through document and policy analysis. The semi-structured interviews conducted in the Namibian capital, where most town planners (registered) are based, are complementary to the preferences of the researcher. Performing direct observations in Klein Windhoek and Katutura on the enforcement of the Windhoek Town Planning Scheme is connecting it to the nature of the research question and personal experience.

The key research questions, as well as their objectives and subsidiary questions, required a data collection strategy that combines different qualitative methods. The research additionally determined whether the enforcement of the Windhoek Town Planning Scheme of 1976 is consistent by comparing its enforcement in the Klein Windhoek and Katutura suburbs; this was only possible through the qualitative research methods. The semi-structured interviews

conducted allowed the researcher to explore the views, experiences and beliefs of town planning professionals responsible for the enforcement of the Windhoek Town Planning Scheme in different sectors. The three qualitative research methods mentioned above enabled findings on the reasons why matters are implemented in the way they currently are. The key research questions that form part of this research strategy are highlighted in Table 3.1.

In Windhoek, focusing on the area of land use management, little is known; thus this research aims to explore the area further than it is currently being done (Indongo, Angombe & Nickanor, 2014: online; African Planning Association and UN-HABITAT, 2013: 87). For the effective enforcement of land use management systems in Namibia, each local authority is required by law to develop a Town Planning Scheme (RoN, 2013: 2). At the regional level, each region through the Ministry of Land Reform is busy developing Integrated Regional Land Use Plans (IRLUP). IRLUPs are a new approach to planning in the regions. Its goal is for all stakeholders present in the region to plan together in order to choose the best land use option for the most preferred and desired development through a simple decision support system where all stakeholders are present to raise their opinions. Such regulation, management and enforcement of land uses can easily be delegated down to the local authority level (Raith, 2012: 6).

### 3.3 Research Strategy

Table 3.1: Research Strategy Employed in the Study

Objective	Research question	Primary source	Secondary source	Analysis
To explore the barriers experienced by the City of Windhoek in enforcing the Windhoek Town Planning Scheme of 1996 in Klein Windhoek and Katutura.	What are the barriers experienced by the City of Windhoek in facilitating land development applications under the Windhoek Town Planning Scheme of 1996 in Klein Windhoek and Katutura suburbs respectively?	Semi-structured interviews	Document analysis	Content Analysis

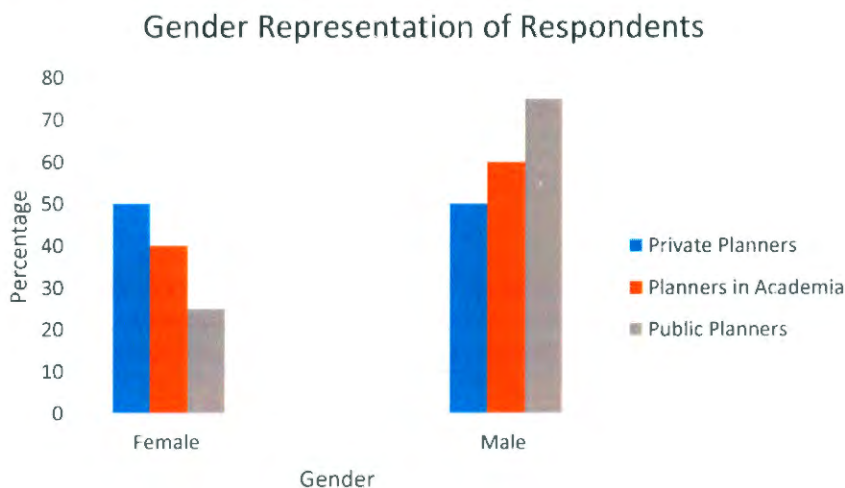
To determine whether the enforcement of the Windhoek Town Planning Scheme of 1996 is consistent in Klein Windhoek and Katutura.	Is the enforcement of the Windhoek Town Planning Scheme of 1976 consistent in Klein Windhoek and Katutura?	Semi-structured interviews Direct observations	Document analysis	Content analysis
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Source: Author, 2015

### 3.3.1 Profile of the Respondents

This research is based on data collected from town and regional planning professionals working in Windhoek. For the purpose of data collection, these professionals have been categorized as follows: one group for the private planners, another group for the public planners and the final group for planners in academia. In the framework of this research, the town and regional planning professionals are referred to as respondents.

Figure 3.1: Gender Representation of Respondents



Source: Author, 2015

A brief overview on the interview statistics for this dissertation. A total of 15 respondents from three different categories were interviewed to uncover the issue of land use management in

Windhoek. From the 15 respondents interviewed 40% were private planners, over 30% were planners in academia and over 20% public planners.

Gender analysis for this dissertation is that 50% female and males were interviewed from the private group of planners while only 25% female and 75% were interviewed from public planners as showed in Figure 3.1. The ratio for the planners in academia is 40% females and 60% males. Thus, the gender representation is sufficient to draw applicable conclusions from the findings as a total 38% females and 62% males were interviewed.

### 3.3.2 Sampling Procedure

In terms of the sampling procedure, the purposive method was employed to identify individuals for the semi-structured interviews. Purposive sampling is very useful for situations where you need to reach a targeted sample quickly and where sampling for proportionality is not the main concern (Crang, 2002: 31). According to Patton (2002: 58), the purposive sampling technique, also called judgment sampling, is the deliberate choice of a respondent due to the qualities the respondent possesses. It is a non-random technique that does not need underlying theories or a set number of respondents (Tryfos, 1996: 47). Simply put, the researcher decides what needs to be known and sets out to find people who can and are willing to provide the information by virtue of knowledge or experience. Hence, the researcher consulted at least five town planners from two sectors in the planning profession (public and private), and made appointments accordingly. It also enabled the researcher to select two practical case study areas for analysis.

According to Small (2009:11), non-probability sampling is a sampling technique where the samples are gathered in a process that does not give all the individuals in the population an equal chance of being selected. It is therefore not a product of randomized selection processes. Thus, selection is made on the basis of the respondents' accessibility or by the purposive personal judgement of the researcher. Non-probability sampling is used when demonstrating that a particular trait exists in an area and when the researcher aims to do a qualitative, pilot or exploratory study. This research uses non-probability sampling because it is more suitable for in-depth qualitative studies in which the focus is to understand complex social phenomena (Trochim, 2006: online). Thus, a total sample of 15 key respondents were selected for the semi-structured interviews, applying non-probability sampling in qualitative research where the choice is given to only select the number of key respondents who can provide the required data.

Under non-probability sampling methods, the purposive expert sampling type was selected for this research, where persons with known or demonstrable experience and expertise in land use management were selected and interviewed. Purposive sampling was used for this research because there are only a limited number of people with Town Planning expertise specializing in land use management in Windhoek. Therefore, a specific sample of 15 key respondents were selected from the public and private sector based on their appropriateness for the study.

Tongco (2007: online) affirms that it is non-probability sampling that is most effective when the research sample is based on knowledgeable key respondents in the field of the study. Furthermore, Acharya, Prakash-Saxem and Nigam (2013: 332) indicate that the purposive sampling procedure is cost-effective and time-efficient, as the researchers do not have to list the entire population for a particular sample and because it is less complicated. This research required exactly that, and one of the main attributes of purposive sampling is that it not time-consuming because the researcher knows who the targeted audience are and approaches them immediately without wasting time. The research required a cost-effective and time-efficient sampling procedure because the research was to be conducted in a specific time period with no set budget. Therefore, through purposive sampling and without wasting time the appropriate sample size was reached.

#### 3.3.2.1 Sample size

Due to the broad perspective of the literature that informed the research and the extensive nature of the document and policy analysis, it was essential to select the appropriate sample that represent the interest of the general public. Therefore, a selected population sample was required to capture the views and opinions of the respondents on the subject matter to draw conclusions. The sample size for this research was 15 respondents, four employees from the Municipality of Windhoek (Group 1), five lecturers from the Polytechnic of Namibia (Group 2), and six private consultants in the town planning field (Group 3). The sample size was informed by the need to provide a more in-depth qualitative analysis which could yield the most information and have the greatest impact (Creswell, 2013 in cited Guetterman, 2015: 9). According to Crouch and Mckenzie (2006: 485), for research of this nature a smaller sample size ranging between 15 and 20 respondents is more appropriate because it allows the researcher to critically analyse the individual responses.

Table 3.2: Overview of Key Respondents Interviewed

Code	Institution	No. of Respondents
Group 1	Municipality of Windhoek	4
Group 2	Polytechnic of Namibia	5
Group 3	Private Planners	6

Source: Author, 2015

### 3.3.3 Data Collection Process

According to Devers and Frankel (2000: 265), data collection is the process of gathering and measuring information on targeted variables in an established systematic fashion, which then enables one to answer relevant questions and evaluate outcomes. Therefore, it provides guidelines for the collection, processing and analysis. The data collection process for this research will comprise of semi-structured interviews, direct observations, and document and policy analysis.

#### 3.3.3.1 Document and Policy Analysis

Document analysis is a form of qualitative research in which documents are interpreted by the researcher to give voice and meaning around an assessment topic (Owen, 2014: 5). There are three primary types of documents: public records, the official, ongoing records of an organization's activities; personal documents, first-person accounts of an individual's actions, experiences and beliefs; and physical evidence, physical objects found within the study setting (often called artifacts) (Glass, 1976:3).

A literature review is always the first method in gathering data and information, and which provides an understanding of the circumstances surrounding the research topic. By applying the secondary data collection method a comprehensive literature review of government publications, legislative and policy documents, academic papers, published books, journals, organizational reports/records, and corporate studies was done. The available, though limited, number of studies on land use management were reviewed. Besides relevant previous research, secondary data sources mainly included the following:

- Official records related to LUM, namely, Windhoek Municipality Annual Report, Municipal Council Resolutions, Annual Mayoral Report and Guidelines of Town Planning Procedures from the City of Windhoek were collected and analysed. Local



Authorities guidelines and the Local Authorities Annual Report from the Ministry of Urban and Rural Development were equally analysed.

- Official documents regarding land use management collected from private consultants, which mainly comprise of town planning applications within Windhoek such as rezoning.
- Documents on existing spatial planning by reviewing maps of the city whenever obtainable from the City of Windhoek.
- Existing rules and regulations regarding land use management and systems such as the Windhoek Town Planning Scheme, Windhoek Structure Plan, Local Authorities Act, Regional Councils Act, Urban and Regional Planning Bill, Town Planning Ordinance, Township and Division of Land Ordinance, and Land Use Planning Policy were analysed.
- Newspaper articles from different newspapers about current events and policy measures in land use management were sourced.

The researcher followed ethical procedures as briefly described under Section 3.5 and sought answers to a set of prepared questions to the interviewees which also allowed further deliberations. **The set of prepared questions are provided under Appendix A: Interview Schedule.** Most key respondents have experience as planners or in other technical or management positions within the public or private sectors in Windhoek. All the interviews were conducted in person. The data collection process was conducted over a period of four months. It started on 1 June 2015 and was concluded on 30 September 2015. The duration of a single in-person interview session ranged from 30 to 60 minutes on average.

#### 3.3.3.2 Direct Observations

The direct observation of the city was crucial as it helped to better understand the situation under investigation as illustrated by the pictures provided and discussed in Chapter 5 under Findings. The field or direct observation is another method for collecting qualitative data. The objective of the observation is to collect data in a "natural setting" (Glass, 1976: 5). As with most qualitative data collection methods, the individual identified as the observer is the instrument for the data collection. The observer notes things such as what people say and do, as well as their location. It is important for the sake of understanding and making one's own judgements (Myers, 1997). Direct observation has been used as an additional tool to help gather more information which might not have been mentioned during the semi-structured interviews or retrieved during the

review of the secondary data. Furthermore, through direct observation the researcher was able to obtain first-hand information on the enforcement of the Windhoek Town Planning Scheme in Klein Windhoek and Katutura in order to balance the practical and theoretical findings of the research. This was also possible by observing how land use management in the 32 suburbs of the city has been applied; it can partially also enable the researcher to discuss to what extent it has been effectively enforced in Klein Windhoek and Katutura respectively. Through direct observation, the researcher was looking to identify consistency in the enforcement of LUMS in Katutura and Klein Windhoek and also to determine what could have contributed to the current inconsistency.

#### 3.3.3.3 Semi-structured Interviews

Semi-structured interviews are conducted with a fairly open framework which allows for focused, conversational, two-way communication (Kvale, 1996). According to Kvale and Brinkmann (2009: 61), an expert is a person who is responsible for the development, implementation or control of solutions/strategies/policies and who has privileged access to information about groups of people or decision processes. They offer expert knowledge which can be divided into three dimensions (Meuser & Nagel, 2002: 82):

1. Technical knowledge: the interviewee expert can offer specific knowledge on a certain subject with details, e.g. on laws, policies, etc.
2. Process knowledge: the expert is able to give information on routines, specific interactions and processes due to their direct involvement with the subject.
3. Explanatory knowledge: the interviewed person can converse about subjective interpretations of relevance, rules and beliefs, as well as ideas/ideologies and their inconsistencies.

These semi-structured interviews were conducted in a more flexible manner in order to capture relevant information and bridge the gap left from the document and policy analysis. Expert interviews are essential instruments to be used during qualitative research because experts have deep insight into aggregated and/or specific knowledge, as well as the meaning of processes and strategies (Denzin, 2009: 140). In general, experts work and live in an environment of vast networks and, therefore, may provide the interviewer with further contacts and resource persons (Cohen & Crabtree, 2006: online). In this dissertation semi-structured interviews were used as a

tool to complement the other methods applied. **The set of prepared questions are provided under Appendix A: Interview Schedule.**

Lucas (2014: 389) defines semi-structured interviews as a qualitative method of inquiry that combines a pre-determined set of open questions with the opportunity for the interviewer to explore particular themes or responses further. These interviews do not limit respondents to a set of pre-determined answers. It uses open-ended questions, some suggested by the researcher and some arise naturally during the interview. They are primarily used to understand how interventions work and how they could be improved. Semi-structured interviews were held with City of Windhoek employees from the Urban Policy, Planning and Sustainable Development sections, private town planning consultants and town and regional planning academics from the Polytechnic of Namibia. Participants were selected based on their experience in land use planning and land use management in Windhoek, especially in relation to planning and zoning controls and their implementation, and their willingness to spend at least one or more hours on an interview. Background on the research topic was presented to the interviewees so that they could familiarize themselves with it.

### **3.4 Data Analysis**

The analysis of qualitative research involves aiming to uncover and/or understand the bigger picture by using the data to describe the phenomenon and what this means. Qualitative analysis involves labelling and coding of all the data in order to recognize similarities and differences. Due to the fact that the data was collected through interviews, document analysis and observations, the best method to be used for coding qualitative data of such nature was content analysis. Content analysis is a procedure for the categorisation of verbal or behavioural data, for purposes of classification, summarization and tabulation (Krippendorff, 1980). The following analysis was derived from the interviews.

The feedback obtained from direct observations and semi-structured interviews has been used for the final analysis and to draw accurate conclusions supported by the theories and views found through document and policy analysis. The data analysed was graphically illustrated in forms (graphs, charts, figures and tables) in order to enable the reader to better understand the findings. The reason for analyzing the data was to reach possible conclusions based on the research topic and also to answer the research questions identified for this research. The end result of the analyses of all the information gathered contributed towards answering the key research question.

### **3.5 Ethical Aspects and Consent**

As part of this research, personal interviews were held with those employed, practicing and teaching in the field of Urban and Regional Planning. Their personal opinions, in their personal as well as professional capacity, were treated confidentially. According to Hemmings (2005: 13), the principles of ethical conduct in research include that the researcher should do no harm, that the privacy and anonymity of participants must be protected, that the confidentiality of the information must be maintained, and that informed consent of participants needs to be obtained. The findings and results of these interviews are only to be used for academic rating purposes and will not be displayed for public viewing or to the disadvantage of those who were interviewed.

Prior consent was sought from key respondents before the interview sessions. This was done in order that their views, which might require the attention of the local authority, to be communicated accordingly for further implementation which could alleviate the problems experienced in the current land use management system. For this dissertation, the confidentiality of the information shared, and the anonymity and privacy of the research participants was maintained. Therefore, no identifying information about the individuals has been revealed. Rustin (2010: 2) and Dingwall (2008: 4) pointed out that ethical issues arise during data collection and data gathering. They are however also experienced during the data analysis phase when researchers are shaping findings in a particular direction in order to respect the privacy of the participants as their information is reported (Brinthaup, 2002: 243).

### **3.6 Limitations of the Research**

As with many studies, minor challenges were experienced during this research. These related mostly to the data collection stage, while arranging appointments for the semi-structured interviews. It was difficult to fix appointments either telephonically or in person with the various key respondents, especially the councilors. The collection of secondary data from relevant stakeholders, such as the City of Windhoek, was an additional challenge. However, it is important to note that these limitations were not of such a scale that they could have prevented the research from being carried out. It is also important to note that this dissertation has been limited to only two of Windhoek's suburbs, namely Katutura and Klein Windhoek, where the emphasis was on the enforcement of the Windhoek Town Planning Scheme.

Due to the time allocated for this research and the scope of the dissertation residents from both Katutura and Klein Windhoek were not engage. The other limitation was the difficulty in tracing council resolution records to ascertain when exactly the policy/policies were implemented, as well as the non-existence of relevant data in public and private offices. In addition, there was the lack of cooperation from relevant stakeholders, which resulted in important information being withheld and the ultimate cancellation of interviews. This hampered the timeframe of the data collection schedule.

### **3.7 Conclusion**

In this chapter, the researcher provided a brief overview of the qualitative research method used and outlined the research strategy followed. The research strategy dealt with the preferred sampling method and the different data collection methods used. A brief description of the data analysis techniques to be employed in Chapter 5 were given. The ethical procedures followed, as well as the limitations experienced during the data collection and analysis phases, were discussed. The next chapter will deal with the institutional and legislative framework of LUMS in Namibia.

## **CHAPTER 4**

### **LEGISLATIVE AND INSTITUTIONAL FRAMEWORK OF LUMS IN NAMIBIA**

#### **4.1 Introduction**

The legal and institutional frameworks that have an impact on land use management are presented. Hence, this chapter does in greater detail elaborate on the latter, as well as clarifies the legal framework of land use management which is of relevance to the subject matter. There are various policies and legislation that directly impact on land use management and municipal administration in Namibia. These policies and legislations (the major ones) are discussed briefly in this section in order to serve as a guideline when regulating land uses in this chapter. The legislations and policies are first be listed below, and thereafter a brief description of each is given, highlighting each piece of legislation's major role in planning and decision making in land use management. The legislation and policies:

- The Constitution of the Republic of Namibia (1990)
- Regional Councils Act No. 22 of 1992
- Local Authorities Act No. 23 of 1992
- Town Planning Ordinance No. 18 of 1954 as amended
- Townships and Division of Land Ordinance No. 11 of 1963
- Environmental Management Act No. 7 of 2007
- Urban and Regional Planning Bill 2013
- Windhoek Town Planning Scheme
- Draft Land Use Planning Policy

#### **4.2 Legislative Framework of LUMS in Namibia**

##### **4.2.1 The Constitution of Republic of Namibia, 1990**

The Constitution of the Republic of Namibia of 1990 is the supreme law of the country and it is through it that various legislation has been enacted by Parliament. Thus, it provides the legal framework through which various governance levels can exercise and implement the rule of law. The Constitution has been included in this research as it is the supreme law through which all activities and development programmes take place. Article 102 (4) of the Constitution states that a Local Authority shall include all municipalities, communities, village councils and other organs of local government defined and constituted by an Act of Parliament (Republic of Namibia. Constitution of the Republic of Namibia 1990, art. 102).

#### **4.2.2 Regional Councils Act No. 22, 1992**

This Act was established through Chapter 12 of the Namibian Constitution, which provides for the systems of regional and local government in the country. It is Article 102 (1) of the Constitution that provides for the creation of the regional and local administration in the country. This Article 102 (1) states: "For purposes of regional and local government, Namibia shall be divided into regional and local units which shall consist of such regional and local authorities as may be determined and defined by an Act of Parliament". Consequently, the constitutional provisions under Chapter 12 were put into effect and the Regional Councils Act 22 was enacted in 1992 as Act No. 22 of 1992. This Act provides for the establishment of regional councils in respect of regions determined in accordance with Article 103 of the Constitution and sets forth the rights, powers, duties and functions of such councils (Republic of Namibia. Regional Councils Act, 1992: 1).

#### **4.2.3 Local Authorities Act No. 23, 1992**

The Act was established through the same procedures as the Regional Councils Act above. The Local Authority Act No 23 of 1992 provides for the determination of local authorities and the establishment of local authority councils (Republic of Namibia. Local Authorities Act, 1992: 2). It also sets forth the powers, duties and functions of such councils. This Act came into force in 1992 and replaced the old colonial Municipal Ordinance 13 of 1963.

The objective of the Local Authorities Act is to provide for the establishment of an ordered system of management of cities, town, villages and settlements. The Act defines the hierarchy and powers and duties of local authorities in Namibia. The hierarchy is as follows: municipalities, towns, villages and settlements, with the municipalities being at the top of the hierarchy and settlements at the bottom. The scope of the Local Authorities Act is to deal with development procedures and approval; give power to local authorities to first approve and use proposals before any other authority; and set out the duties and responsibilities of local authorities.

#### **4.2.4 Town Planning Ordinance No. 18, 1954**

This Ordinance has been amended several times after the independence of Namibia in 1990, and it is still largely being applied in the country. It requires from the established municipalities and towns in Namibia to create Town Planning Schemes for their urban areas for effective enforcement of land use management.

**Dept. Stads- en Streekbeplanning UV**  
**Dept. Urban and Regional Planning U**  
Postbus 339  
Bloomfontein  
9300

The aim of the Town Planning Ordinance 18 of 1954 is to make provision for the preparation and carrying out of town planning schemes; and to provide a framework for planners, through which such schemes are prepared. Its objective is to facilitate and coordinate harmonious development in local authority areas and ensure the promotion of health, general welfare, and safety amenities of local authority areas. The scope of the Town Planning Ordinance establishes the Namibia Planning Advisory Board, a body that advises the Minister of Urban and Rural Development on scheme preparations and other planning issues; it also sets procedures to be followed during the preparation of town planning schemes; deals with expropriation, the purchase, betterment, claim procedures and payment of land rights affected by coming into effect of a scheme; and specifies offences and penalties incurred when scheme provisions are transgressed.

The Ordinance under Section 1(1) provides that "every town planning scheme shall have for its general purpose a coordinated and harmonious development of the local authority area, or the area or areas situate therein, to which it relates (including, where necessary, the re-construction and re-development of any part which has already been sub-divided, whether there are or are not buildings thereon) in such a way as will most effectively tend to promote health, safety, order, amenity, convenience and general welfare, as well as efficiency and economy in the process of development and the improvement of communications" (Republic of Namibia, Town Planning Ordinance 18 of 1954, 1954: 8). Furthermore, a scheme shall contain such provisions as may be deemed necessary or expedient for regulating, restricting or prohibiting the development of the area to which the scheme applies and generally for carrying out any of the objects for which the scheme is made, and, in particular, for dealing with any of the matters mentioned in the Second Schedule to this Ordinance (Republic of Namibia. Town Planning Ordinance, 1954: 1).

#### **4.2.5 Townships and Division of Land Ordinance No. 18, 1963**

The main aim and objective of the Townships and Division of Land Ordinance 11 of 1963 is to consolidate and amend the laws relating to the establishment of townships and to provide for the regulation and control of the development and subdivision of land and for matters incidental thereto (Republic of Namibia. Townships and Division of Land Ordinance, 1963: 1). Therefore, all subdivision and consolidation of land and establishment of new townships, all over the country, are done in respect of this legislation.

This legislation is important when assembling the land for development. The process involves various subdivisions and consolidations of various portions of land within the municipal boundaries and the applications and approvals are obtained from the Government (Townships



Board) in terms of this Ordinance. The scope provides for the establishment of the Townships Board, prescribe procedures to be followed when subdividing, consolidating and de-proclaiming and proclaiming of townships (Polytechnic of Namibia, 2007). It is a lengthy process which needs to be enhanced with new approaches, and the Regional Councils and Local Authorities are the leading agents seeking such changes.

#### **4.2.6 Urban and Regional Planning Bill, 2013**

This legislation is still in its draft form and will replace the two Ordinances described above when promulgated. The Bill is attempting to streamline land use management and planning in Namibia by combining the activities proposed in the Town Planning Ordinance and Townships and Division of Land Ordinance.

Therefore, its main aim and objective is to regulate national, regional and urban structure planning; to provide for subdivisions of land and establishment of towns in such a way as will most effectively promote health, safety, order, amenity, convenience and economy in the process of development; and to provide for matters incidental thereto (Republic of Namibia. Urban and Regional Planning Bill, 2013: 11). The Bill is proposing the creation of a Town and Regional Planning Board. Currently, with the two ordinances mentioned above, there are two bodies that deal with land use matters and this causes unnecessary delays in land development. The two bodies are NAMPAD and TB who are both branches of the Ministry of Urban and Rural Development.

An important aspect of the Bill is that it will require the creation of structure plans from the national and regional level to the local level. Thus, regional and local councils are required to prepare structure plans for their areas, and in the case of failure to do so, or being unable to do so, the line Ministry will do it and recover the costs from the concerned regional or local council (Republic of Namibia. Urban and Regional Planning Bill, 2013: 17).

The main objectives of the Regional Structure Plans have been outlined in the Bill as follows:

*A regional structure plan must deal with spatial aspects and potential for social and economic development of a region or part of a region, more than one region or parts of more than one region, and must consist of such statement of policies, plans and such background studies, reports, maps and such other information prescribed by regulation, in such a manner that the general welfare of the region or regions concerned or parts thereof is the most effectively promoted (Republic of Namibia. Urban and Regional Planning Bill, 2013: 19).*

The local authorities are required to formulate and draft Urban Structure Plans for their areas, and the main objectives of such plans are highlighted as follows:

*An urban structure plan must deal with spatial developments of an urban or rural centre and must contain planning aims, objectives and principles and development proposals, plans, maps and such background studies, reports and information prescribed by regulation, with the purpose of securing orderly, co-ordinated, efficient and environmentally sound urban development and proper use of land in such a manner that the general welfare of the urban or rural centre concerned, as well as the order of that centre, are the most effectively promoted (Republic of Namibia. Urban and Regional Planning Bill, 2013: 21).*

#### **4.2.7 Environmental Management Act No. 7, 2007**

This Act has been created to, among others, perform functions like the promotion of the sustainable management of the environment and the use of natural resources by establishing principles for decision making on matters affecting the environment. In addition, it has also been created to provide for a process of assessment and control of activities which may have significant effects on the environment, and to establish principles for decision making on matters affecting the environment. (For example, the promotion of community involvement in natural resources management and the sharing of benefits arising from the use of the resources and protection of Namibia's cultural and natural heritage, including its biological diversity). Section 3(2) of the Act has put together a list of principles as far as environmental management is concerned (Republic of Namibia. Environmental Management Act, 2007: 7). Effective enforcement of land use management systems should conform to the requirements and conditions of this Act in both rural and urban setting.

#### **4.2.8 Windhoek Town Planning Scheme**

A Town Planning Scheme (TPS) is a document containing a comprehensive policy statement serving as a framework and foundation for future development and land use patterns for the area to which it applies (Municipality of Windhoek, 2008). It is a statutory document enforceable by law and assigns real rights to land. Statutory plans may not be amended without the approval of the Ministry of Urban and Rural Development. TPSs are the only statutory plans currently in force in Namibia pertaining to land use management (Municipality of Windhoek, 1997).

A TPS must be comprehensive, or thorough and all-inclusive, to ensure that planning remains relevant and effective. Thus, it is important to obtain a holistic picture of the existing structure and direction of growth and development in a town. A lack of such a comprehensive picture may lead

to piecemeal and uncoordinated planning, which may in turn be detrimental to the future health and welfare of the inhabitants of the area (Polytechnic of Namibia, 2007: 25). Such planning can later result in mixed and conflicting land use patterns in an area.

In order to ensure that all relevant information is considered during the preparation of a scheme, the Town Planning Ordinance prescribes the matters to be dealt with in surveys to be done towards understanding the existing situation in the area for which the scheme is to be prepared. Prescribed subject matter includes commerce and industry and its infrastructure; land utilization with maps indicating usages and different activities of the area; land ownership; and population statistics and densities. The information obtained from the survey are analysed and used to prepare the TPS. There are two components to a town planning scheme, the map and the document with its regulatory clauses.

The map must show as much cadastral information as possible. Land use zones and building restrictions defined in the document must also be shown on the map. The document provides a detailed description of the policy and intentions of Council.

Applications may be made to the local authority for the amendment of a town planning scheme, for example for rezoning, the removal of building restrictions, etc. Should the local authority approve such applications, the scheme must be amended accordingly through an application to the Minister of MURD, advised by NAMPAB.

#### **4.2.9 Draft National Land Use Planning Policy, 2015**

The overall aim of the National Land Use Planning Policy is to gain optimal benefit for present and future generations from the equitable and sustainable utilisation of land and natural resources. It further aims at the establishment of consistent and transparent land use planning procedures from local to regional and national level. According to the policy, Regional Councils will promote and coordinate land use planning activities at the regional level and the planned Urban and Regional Planning Board (once the Urban and Regional Planning Bill has been enacted) will coordinate and evaluate land use and structures plans, such as zoning schemes, local land use plans, Integrated Regional Land Use Plans, as well as planning policies and standards. It will perform the overall coordinating role for the integration of spatial planning with socio-economic development plans at the national level (Republic of Namibia, 2015).

### **4.3 Institutional Framework of LUMS in Namibia**

#### **4.3.1 Ministry of Urban and Rural Development**

The Ministry of Urban and Rural Development (MURD) is committed to facilitating the establishment of an effective regional and local government system that brings government closer to the people and is capable of delivering services to the satisfaction of all communities (Polytechnic of Namibia, 2007). It provides central government support to regional and local governments in the areas of housing, community development and physical planning. It is also responsible to ensure appropriate town planning and establishment, infrastructural development and land use management, among its many duties.

It is also the agency responsible for the formulation and the implementation of the Decentralisation Policy in Namibia. According to the policy, its broad and ultimate goal will remain the decentralisation of authority (power), functions, financial responsibilities and resources to lower tiers of government (Republic of Namibia, Decentralisation Enabling Act, 2000). In addition to being the lead agency for the implementation of the decentralisation policy, the ministry remains responsible for legislation and policy issues related to housing, regional and town planning, regional government, local authorities and administration.

The Regional Councils Act and the Local Authorities Act are administered by MURD. Furthermore, the local authorities are given the power to administer land according to their relevant legislation. The Townships Board (TB) and Namibia Planning Advisory Board (NAMPAB) are the administrative secretariats within the ministry.

##### **4.3.1.1 Townships Board**

This statutory body is responsible for all technical aspects of town planning in proclaimed townships. The function of the Board is to consider applications for township establishment, subdivisions and consolidations. For example, the establishment of a township can only occur after the Board has determined whether the land is suitable in respect of area position, water supply, contour and other physical features and accessibility (Polytechnic of Namibia, 2007). The Board is legally constituted through the Townships and Division of Land Ordinance (No 11 of 1963).

##### **4.3.1.2 Namibia Planning Advisory Board**

This statutory body, constituted through the Town Planning Ordinance (18 of 1954), advises the Minister of Urban and Rural Development on planning policy issues, for example to formulate in general terms a town planning policy for the country. This body does not focus on technical issues, but advises the minister on policy issues such as the desirability and necessity of establishing

townships, the deproclamation of townships, as well as advising the minister on matters pertaining to town planning schemes (Polytechnic of Namibia, 2007; Raith, 2012).

#### 4.3.2 Ministry of Land Reform

The Ministry of Land Reform (MLR) is mandated to facilitate the utilization of land and coordinate the planning and administration of land in Namibia. The Division of Land Use Planning and Allocation falls under this ministry and is tasked with the development of land use plans for land (commercial and communal) and for drafting guidelines to regulate land use planning (Raith, 2012). According to the National Development Plans, the MLR is responsible for the preparation of Integrated Regional Land Use Plans (IRLUPs), which are plans developed to ensure the optimum and beneficial use of scarce and fragile natural resources (MLR, 2011: 26).

#### 4.3.3 City of Windhoek

The City of Windhoek is a first tier municipality in the hierarchy of municipalities in Namibia. The City of Windhoek consists of nine departments, which are geared towards increasing service delivery to the residents of the capital. The Department of Urban Planning and Property Management deals with the planning of the city and is to a large extent responsible for the land delivery process as spelled out in its vision: "Innovative urban management to create a quality living environment for all generations" (Municipality of Windhoek, 1997). It is further guided by its mission: "To facilitate, communicate and implement an integrated sustainable urban management service through its employees and to ensure":

- Sound environmental practice
- Optimal use of city land
- Affordable land and housing options for all residents
- Integrated urban planning and design
- Service land delivered as planned, on time and within budget
- Upgrade of informal settlements
- An equitable tax base
- Accurate advice on property values (CoW, 2015: online).

The Division of Urban Planning within this Department is responsible for the effective enforcement of the Windhoek Town Planning Scheme, which is the only land use management system in place (CoW, 2015: online).

#### 4.3.4 National Planning Commission

The National Planning Commission (NPC) plays a key role in ensuring consistent national development planning. One important function is to relate national planning frameworks to local planning (National Planning Commission, 2007). This requires a participatory identification of Namibia's socio-economic development priorities, which can only happen in close collaboration with RCs. Therefore, the NPC is tasked to assist RCs, in particular, with regard to development planning. For a land use planning process such as IRLUP, the NPC should nominate specific representatives to take part in all key planning stages.

#### **4.4 Conclusion**

In this chapter a brief overview was provided of the legislation directly and indirectly dealing with land use management in Namibia. The relevant institutions responsible for the implementation of this legislation were also presented and discussed. The next chapter will cover the research findings and a discussion of the results based on the research methods employed.

## CHAPTER 5 FINDINGS AND DISCUSSION

### 5.1 Introduction

This chapter presents the research findings and a discussion is generated. Successively, this chapter presents answers to the following research questions through the different themes outlined below:

1. What are the barriers experience by the City of Windhoek (CoW) in facilitating land development applications under the Windhoek Town Planning Scheme of 1976 in Katutura and Klein Windhoek suburbs?
2. Is the enforcement the Windhoek Town Planning Scheme of 1976 consistent in Katutura and Klein Windhoek?

### 5.2 Presentation of Findings

This chapter provides a detailed account of the findings from the three empirical data collection phases. Accordingly, this chapter is structured into three parts: the first part answers research question one, the second part answers research question two and the third part discusses the planning implications of the research findings. The answers to the two research questions are derived from the methodology employed, namely: semi-structured interviews, direct observations and document and policy analysis. The research has one key research question: *“What are the barriers experienced by the City of Windhoek in facilitating land development applications under the Windhoek Town Planning Scheme of 1976 in Katutura and Klein Windhoek suburbs?”*

#### 5.2.1 Categories of Respondents

A total of 15 respondents from three different categories were interviewed to probe the issue of land use management systems in Windhoek. From the 15 respondents interviewed, six were private planners, five were planners in academia, and only four were public planners. For purposes of confidentiality and anonymity the respondents have been grouped into three different groups. Therefore, the discussion and analysis is on a group basis.

### 5.3 Research Question 1

The objective of research question 1 is to explore the barriers experienced by planners of the City of Windhoek when facilitating land development applications under the Windhoek Town Planning Scheme of 1976 in Klein Windhoek and Katutura. This is answered through the following thematic discussions. These are lack of capacity; outdated policy instruments; no public awareness and the rigidity of the systems in place.

#### 5.3.1. Barriers experienced in the effective implementation of LUMS

The study revealed that there are four barriers that are experienced by the CoW in facilitating land development applications under the Windhoek Town Planning Scheme of 1976 in Katutura and Klein Windhoek, namely: **(1)** lack of capacity in Land Use Management within CoW, **(2)** outdated Town Planning Ordinance 18 of 1954 and Windhoek Town Planning Scheme of 1976, **(3)** no public awareness on land development applications in Katutura and Klein Windhoek, and **(4)** rigidity of the Windhoek Town Planning Scheme of 1976.

##### 5.3.1.1 Lack of Capacity in Land Use Management within CoW

Based on the semi-structured interviews conducted with Group 1, the Town Planning Officers of CoW are responsible for land development applications under the Windhoek Town Planning Scheme in Windhoek. It was also learnt that only the Town Planning Officers under the Urban Policy and Planning section are responsible for dealing with land development applications and not those under the Sustainable Development section. These officers are then allocated townships which they are responsible for, as illustrated in Table 5.1 and subsequently in Map 5.1. Hence, there are only four officials, whereby each is responsible for close to eight areas and he/she needs to attend to all land development applications from the specific areas allocated to him/her. The current state of the office is resulting in delays of municipal works and testifies that the municipality is highly under-capacitated.

Table 5.1: Town Planning Officers – Areas of Responsibility 2015

<b>Officer 1: Town Planning Officer</b>	<b>Officer 2: Town Planning Officer</b>	<b>Officer 3: Town Planning Officer</b>	<b>Officer 4: Town Planning Officer</b>
Windhoek South	Okuryangava	Havana	Windhoek North
Brakwater	<b>Katutura</b>	Wanaheda	Eros
KleineKuppe	Otjomuise	Khomasdal	Pionierspark
Dobra and Ujams	Nubuamis	<b>Klein Windhoek</b>	Elisenheim
Academia	Prosperita	Cimbebacia	Dorado Park
Finkenstein	Rocky Crest	Auasblick	Hochland Park



Omeya	Goreangab	Hakahana	Windhoek EBA Farms
Emmarentia	Lafrenz	Olympia	

Source: City of Windhoek, 2015



Dept. Study on Strategic Planning for  
 Regl. Urban and Regional Planning  
 Postbus P.O. Box 559  
 Bismarckstein  
 9300

Map 5.1: Windhoek Townships  
 Source: City of Windhoek, 2015

The document analysis and responses from the semi-structured interviews from the three groups highlighted that the lack of capacity within the municipality is evidently visible and results in a number of negative effects. These negative effects range from land development applications that are being processed over a longer period than desired and approvals which require the involvement of various planners that are delayed considerably. As a result of the lack of capacity and the time-consuming nature of operations, the municipality has been presented with unintended consequences. At least four out of six Group 3 respondents indicated that they have stopped doing business in Windhoek and have moved to the smaller towns.

A total of ten town planners, town planning officers and town planning technicians are employed by the City of Windhoek under the Department of Urban Planning and Property Management, the Division of Urban Planning, the Section of Sustainable Development and Urban Policy, Strategy, Facilitation and Implementation Services. Four of the ten employees were interviewed, due to the non-availability of the others. It was established during the semi-structured interviews that the city has lost many of its planners to the private sector. Four out of six respondents from Group 3, who now operate in Windhoek and around the country, are resources from the municipality. The research determined that all Group 3 respondents, when interviewed, were the first to point out that the municipality did not have enough capacity.

All land development applications received by the department are distributed among the town planning officers according to their respective areas of responsibility, as illustrated in Table 5.1. According to Billawer (2015: personal communication), in the year 2014 about 207 rezoning applications were received of which only 50% might be approved within the next two years. He further echoed that most of the rezoning applications are requests to change from Residential to General Residential or to Office. In general, the city approves around 50 to 60% of such applications per year. The major land use types in Windhoek are residential, general residential, office and business zones.

Group 2 and 3 respondents however felt that the CoW is mostly engaging in Ad Hoc enforcement of land use management due to the lack of capacity. Group 1 respondents highlighted that the city is much stricter with the enforcement of its regulations in the high-income areas, compared to the low-income areas. They also react much sooner to complaints from high-income areas. In Klein Windhoek, the case study area, a resident will not get away with any unauthorized

development - be it a home office, a home shop or extension of a main house. This is based on the fact that residents in Klein Windhoek are fully aware of the town planning procedures which need to be followed. In contrast, two out of the six Group 3 respondents pointed out that the municipality is stricter in one part of the city and relaxed in another part. Katutura is regarded as the one of the parts where the city is relaxed when it comes to the enforcement of land use management systems; the residents of Katutura can easily get away with land development. (Pictures of the two townships are presented under section 5.4.)

**Here follows some of the responses relating to the capacity and manpower problem of the CoW:**

**Group 1 Respondent** recalled:

*"The two divisions in the Municipality of Windhoek dealing with LUMS do not have enough registered Town Planners."*

**Group 3 Respondent** supported this finding by stating that:

*"The city does not have the capacity to control the entire land uses of the city."*

**Respondent from Group 2's** response:

*"Planners are required to effectively and fully control land uses by visiting the different sites but they are limited by the lack of manpower."*

The consequences of this barrier is that the Group 3 respondents, who are professionals in the town planning field, do not have confidence in the capacity offered at the municipality in order to deliver and provide services to the residents, which ultimately influences its overall performance (as discussed above). Group 1 respondents indicated that they were in need of more human resources in order to be able to improve their service delivery. Group 3 respondents were of the opinion that the shortage of human resources of the CoW is hindering the land development process in the city. Group 2 respondents argued that the city should source the right skills from the market.

#### 5.3.1.2. Outdated Town Planning Ordinance and Windhoek Town Planning Scheme

The Town Planning Scheme of Windhoek is the most important instrument for the management of land uses and was developed in accordance with the Town Planning Ordinance 18 of 1954. The Scheme has not been updated since its inception and all the respondents (Groups 1, 2 and 3) felt that the Windhoek Town Planning Scheme is outdated as it has not been reviewed or improved.

According to the Town Planning Ordinance 18 of 1954, an approved town planning scheme must be reviewed every five years with a view to its variation or revocation (Owoses-/Goagoses, 2013: 64).

*Section 27(4) of the Town Planning Ordinance 18 of 1954; every approved scheme shall be reviewed periodically at intervals of not more than five years with a view of its variation or revocation in terms of subsection (1): Provided that the Minister may on application extend the interval in any case upon such conditions as he may deem proper.*

According to one respondent from Group 2, in 2008 the then Ministry of Regional, Local Government, Housing and Rural Development (MRLGHRD) (recently renamed as the Ministry of Urban and Rural Development (MURD)) took a decision to stop accepting and discussing town planning applications submitted for deliberations by the two Boards (the Namibia Planning Advisory Board and the Townships Board) from the City of Windhoek. These applications ranged from township establishments and subdivisions to consolidations, rezoning and consents.

MURD made this decision because the Windhoek Town Planning Scheme, since its inception, has not been reviewed and updated. MURD instructed the municipality to review and update their Town Planning Scheme over a period of one year. During this period the municipality was not supposed to place any applications, as such applications would not be processed. This decision by the ministry affected the city's residents more than it affected the municipality as no applications could be processed and certain developments and activities could not take place, as alluded to by one respondent from Group 1. This basically means that the untimely actions of the municipality end up negatively affecting its residents.

The municipality however failed to meet its deadline of submitting the reviewed and updated Town Planning Scheme to the MURD. They only submitted a draft review of the Scheme, which the ministry decided to accept. One of the reasons given by the city as to why they could not submit a completely reviewed and updated Town Planning Scheme was because of "its lack of adequate capacity" (Group 2 Respondent). All the respondents interviewed however indicated that the legislative framework was sufficient, even though it was developed decades ago and might need to be updated.

The document and policy analysis of the Windhoek Town Planning Scheme and the Town Planning Ordinance revealed that these two land use management instruments are outdated as they have not been reviewed and updated since their respective inceptions. The analysis further found that the TPS is the most important land use management system that the CoW uses to facilitate land development applications.

#### 5.3.1.3. No Public Awareness on Land Development Applications

This research is based on Katutura a low income area and Klein Windhoek a high income area. The semi-structured interviews and the document analysis revealed that residents of the Katutura township are not aware of the importance of the town planning process and the facilitation of the different land development applications. This was confirmed through the direct observation made of Katutura as shown in the pictures below. The growth and development of Klein Windhoek clearly indicates that its residents are fully aware of the different land development application process. Because of no public awareness the CoW finds itself in a difficult position to control land use activities in Katutura. The lack of public awareness is also evident based on the document analysis of the TPS, whereby just over 10 land development applications were recorded from Katutura residents compared to Klein Windhoek residents. There is a lack of public awareness on town planning procedures, processes and applications. Most of the city's residents, especially those living in low-income areas, are not aware of the actions and procedures to be followed should he/she wish to start a small business on their erf. Because they are unaware of these practices, it is difficult for them to know what their neighbour is doing is right or wrong, or whether he/she has consulted the city.

#### 5.3.1.4. Rigidity of the Windhoek Town Planning Scheme

Based on the semi-structured interviews conducted at least half of the respondents referred to the current land use management system in Windhoek as rigid. Their reasons were because the system tends to follow the law strictly without any flexibility, and that it is not adaptable to individual situations. However, those who cited that LUMS is rigid were challenged by some respondents who felt that the system is flexible and that due to the flexibility of the system a number of area-specific policies were developed and were currently being implemented. Examples of such policies as indicated by Group 1 Respondent include the Office Space Policy, the Free Residential Bulk Policy and the Resident Occupancy Policy. The rigidity of the system prevents or blocks the establishment of mixed land use as it promotes individual or single zoned land use.

## 5.4 Research Question 2

Research question two seeks to determine the consistency of the Windhoek Town Planning Scheme of 1976 in Klein Windhoek and Katutura, these are addressed through the non-applicability and acceptability of the LUMS and the analysis of land uses in the two suburbs.

### 5.4.1 Inconsistency in the enforcement of the Windhoek Town Planning Scheme in Katutura and Klein Windhoek

#### 5.4.1.1 Non-applicability and acceptability of the Windhoek Town Planning Scheme in Katutura and Klein Windhoek

At least nine of the 15 respondents interviewed indicated that LUMS is not applicable and acceptable to the wider community as it does not cater for all residents' needs. The Windhoek Municipal area has a unique set-up; one which was adopted from colonial times. It contains five categories of income classes and different suburbs that relate to each one of them. At the top of the hierarchy is the ultra-high income class, followed by the high, middle, low and ultra-low income classes. Klein Windhoek falls under the high-income class, while Katutura falls under the low-income class.

The implementation of LUMS is different in the low-income areas compared to the high-income areas as the activities that take place in these two areas are different. Therefore, the provision of services varies across these income classes. Townships and suburbs have been developed to serve and cater for these income classes. You will not find an ultra-high income area close to an ultra-low income area in Windhoek, as is the case in other parts of the world such as Ethiopia and India (African Planning Association, 2013). However, the CoW only has one legislative framework to serve all these categories of income class townships. Based on the direct observation and resident-based experiences, this legislation is not applicable in the low and ultra-low income classes. This variance makes land use management in the city across these categories challenging and difficult.

The pictures in Figure 5.3 provided below show hair salons in two different locations, but both are in Windhoek. The one is found in Klein Windhoek, build out of concrete, and the other is in Katutura, build out of corrugated iron. The construction of a building is based on the income level of an individual. The person staying in Klein Windhoek would object staying next to a hair salon, while the person in Katutura will not have a problem with it.



Picture 5.1: Hair salons in Katutura (right) and Klein Windhoek (left)

Source: Author, 2015

In many cases, the city demolished businesses made out of corrugated iron as the owners did not use the right materials, as prescribed by the city in its building control regulations. Based on this observation it is evident that the city does not consider the socio-economic status of an area, in some cases, and only looks to enforce its laws even if they are not applicable and acceptable. Relating to the acceptability and applicability of the current laws, Group 3 respondents stated that the enforcement of land use management differs across the different suburbs. In the ultra-high, high and middle-income areas, the enforcement of land use management is much stricter because residents in these areas cannot even open a small home office or home shop without the neighbours complaining and the city reacting speedily to it.

However, in the low and ultra-low income areas residents can pretty much get away with what they want, even if it is not permissible, mainly because the city does not do its own controlling, as observed from the scenarios presented in the high-income areas. Compared to the high-income areas, residents in the low-income areas do not complain to the city about activities taking place in their neighborhood, instead they also engage in similar activities. And, the city will never know about these activities; the city only learns about unauthorized activities in the low and ultra-low income areas if such activities are either destructive or negatively affecting the neighbourhood.

Based on this scenario it is believed that enforcements are not done on an equal basis. The implications of such a system is that it presents a city that is segregated because the one section of the city consist of well-planned, managed and regulated suburbs where everything is in place. The other section compromises of chaos, which makes it difficult to distinguish between different

zones, be it residential, commercial or industrial, as everything is found all over the place. The state of LUM in Klein Windhoek and Katutura is presented in the pictures below. When the City develops a LUMS that applies to all the income class areas individually it will become an integrated city that is well presented.

The research indicates that in higher-income areas (such as Klein Windhoek), land use regulations are enforced, while in low-income areas (predominately black residential areas such as Katutura), there is little or no land use management, and little or no concern for the health, safety and amenities of residents of these areas. As such it undermines "the right to a safe and environmentally protected city" (Parnell & Pieterse, 2010: 1567; Nel, 2015: 3). The absence of the enforcement of land use regulation in Katutura makes it prone to the influx of people and the development of informal settlements around its periphery. Building or land use regulations are not applicable in informal settlements due to the circumstances under which they developed.

The document analysis and review of the town planning amendment scheme showed that approximately 70% of all formal housing in Klein Windhoek and 20% of all formal housing in Katutura complied with the town planning scheme and municipal building regulations (De Klerk, 2015: personal communication). Parnell and Pieterse (2010) in their study revealed that such lawlessness may arise from the inconsistent enforcement of legislation, as well as the incapacity of local authorities to inspect and prosecute "illegal land uses".

The research further found that the capacity to perform land use management, the preparation and maintenance of a town planning scheme, the processing, evaluation and decision on applications for land development, as well as the law enforcement component, are unevenly spread throughout the city - especially between Katutura and Klein Windhoek.

The restrictions imposed by the town planning scheme on the use of houses for business purposes are widely regarded as a limiting factor in the provision of supplementary income-generating activities for less wealthy residents (Nel, 2015: 6), especially in Katutura.





Picture 5.2: LUM Impressions from Katutura  
Source: Author, 2016

Dept. Stads- en Streekbeplanning UV  
Dept. Urban and Regional Planning U  
Posbus/P.O. Box 339  
Bloemfontein  
9300



Picture 5.3: LUM Impressions from Klein Windhoek  
Source: Author, 2016

#### 5.4.1.2 Land Use Analysis of Klein Windhoek and Katutura

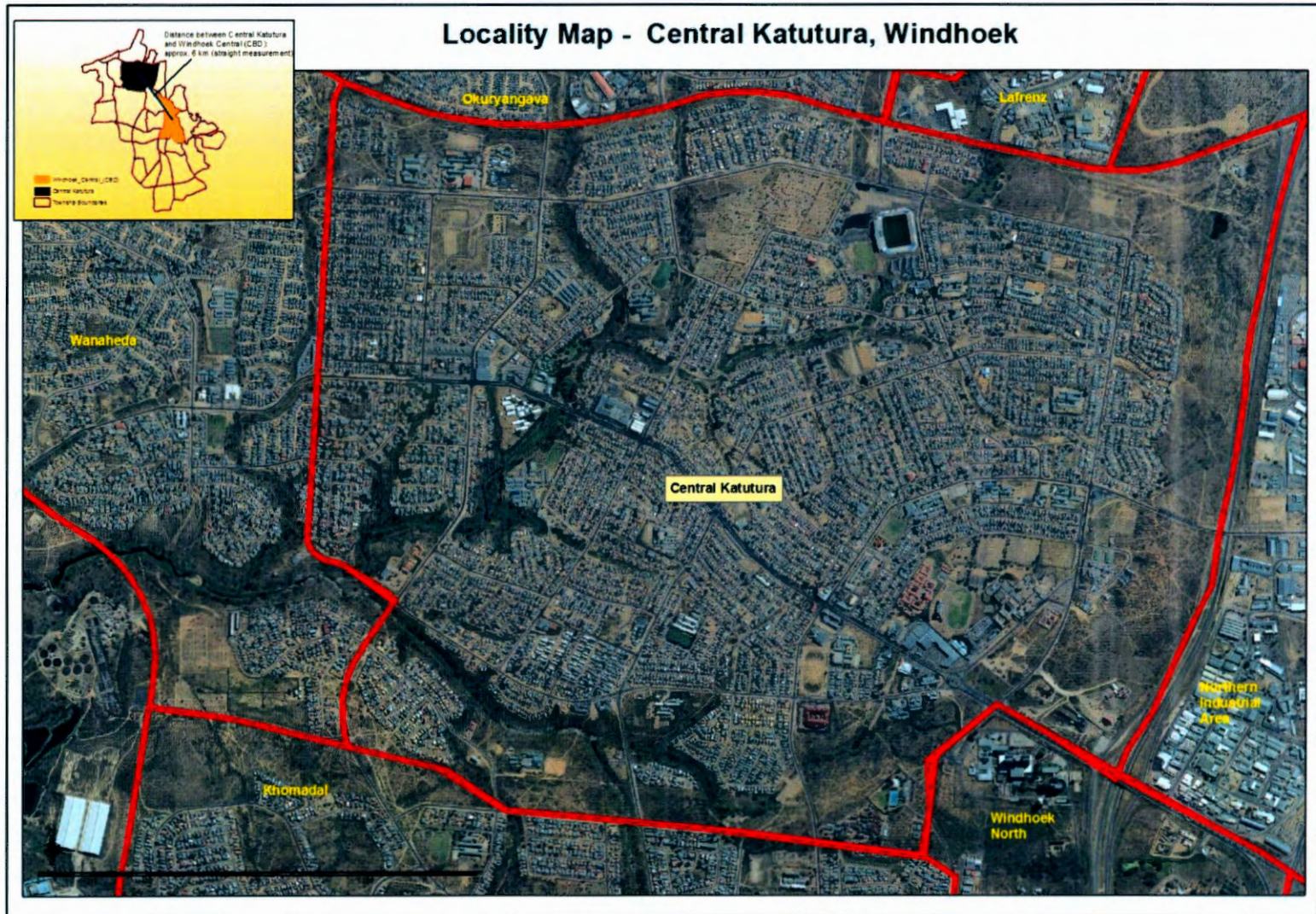
Land use analysis was undertaken for Katutura and Klein Windhoek to determine the type and extent of existing land uses in the areas. Map 5.2 and 5.4 provided below show the existing zoning for Katutura and Klein Windhoek. The zoning for the two areas looks similar as illustrated in Map 5.3 and 5.5.

Zoning should be regarded as an important planning tool that is used to manage and direct development in Katutura and Klein Windhoek by designating the permitted uses of land. The existing zoning maps of both Katutura and Klein Windhoek clearly illustrate:

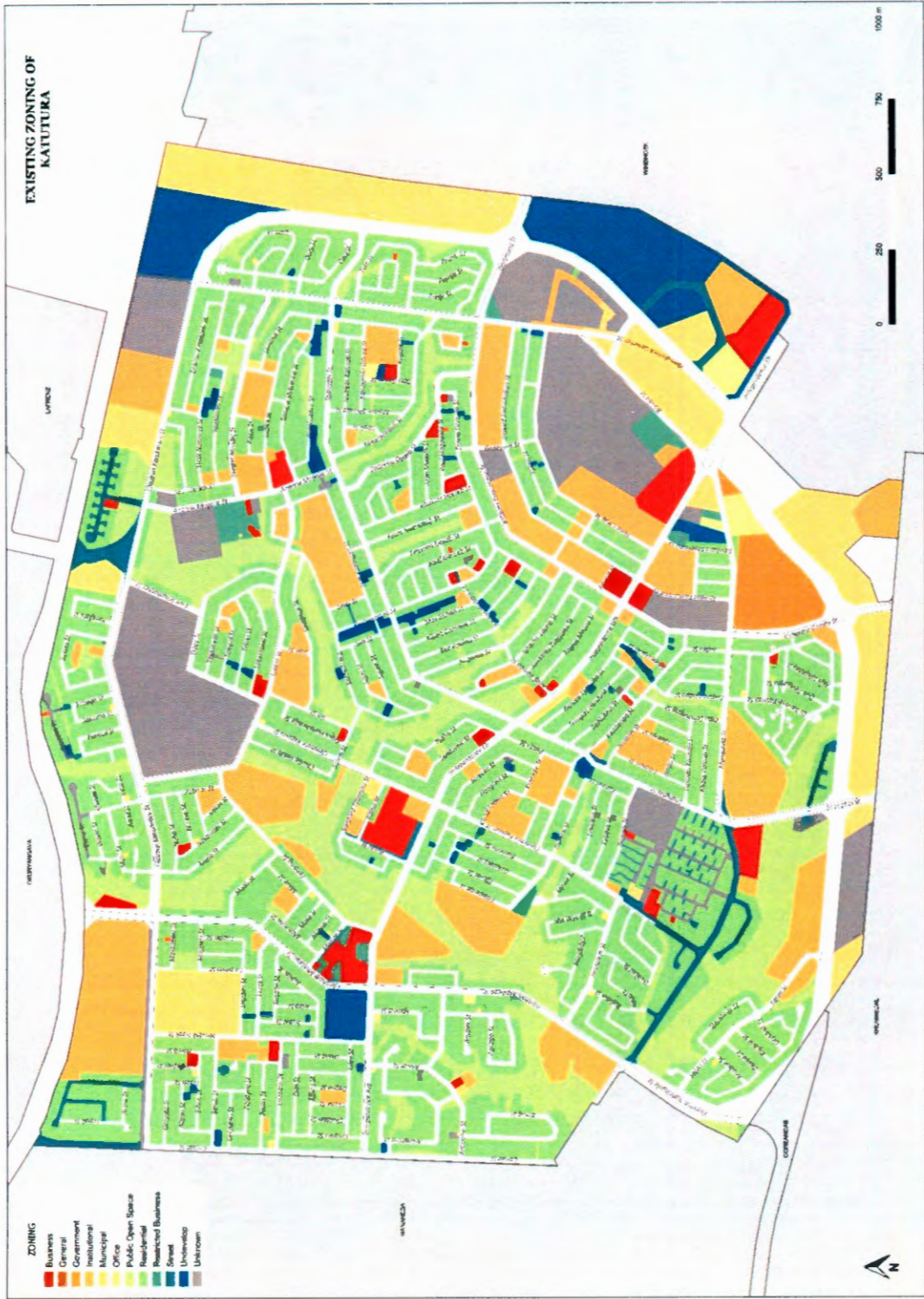
- The predominantly residential parts of the suburbs;
- The prominence of institutional facilities, including for example the Katutura State Hospital (the biggest state hospital in the country), Katutura Magistrate Court and Klein Windhoek Charge Office.
- Klein Windhoek suburb shows the prominence of business zonings along Nelson Mandela Avenue and Sam Nujoma Drive, mainly as an influence of the CBD since it directly borders the CBD.

There is slight evidence of public open space zonings in both areas. Zoning is an essential tool because it provides an indication of the intended function of an area in Katutura and Klein Windhoek. This indication of intent helps the town planners to know exactly what should be where in order to effectively control land uses.

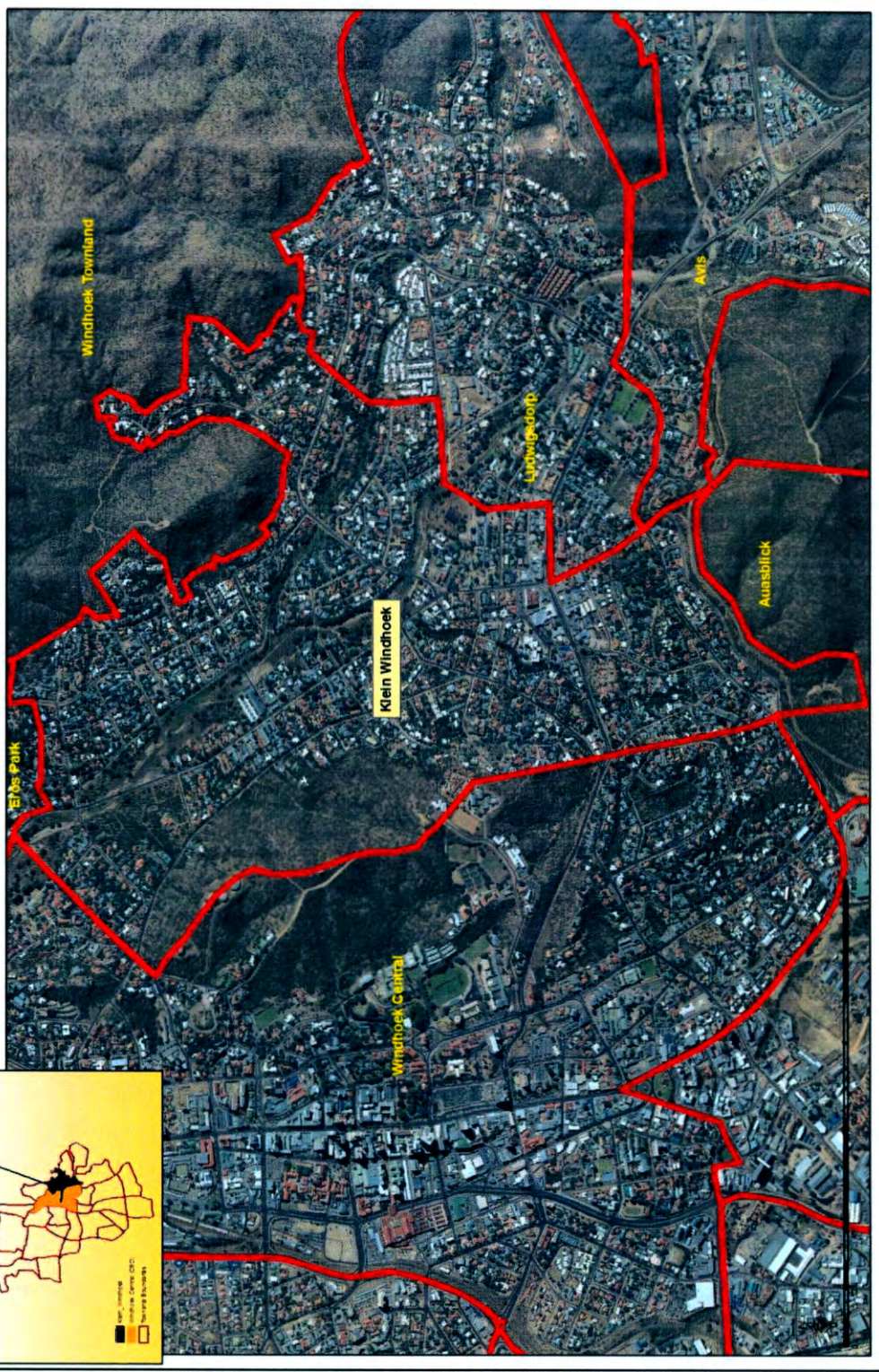
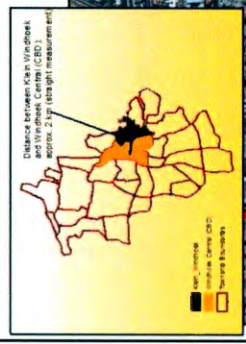
Based on direct observations and through analysis of the latest Google Earth images of Katutura and Klein Windhoek, a comparative analysis of the existing zoning and existing land uses are presented. The existing land uses for Katutura and Klein Windhoek can be studied through Map 4, as presented. There is a big variance between the existing zoning and existing land uses in Katutura because it is a predominantly residential suburb; however, there are more business activities taking place in Katutura compared to Klein Windhoek. Katutura has to a large extent been infiltrated by non-residential land uses, such as shebeens, carwashes, salons and home shops. In Klein Windhoek, the variance between the two is not visible. Therefore, as revealed under Section 5.4, the presentation and subsequent comparison of these two maps confirms that inconsistency exists in the enforcement of land use management in Katutura and Klein Windhoek. It is evident from the land use and zoning maps that there are enormous differences between the zonings and the actual land use of numerous properties within Katutura, mostly, and Klein Windhoek.



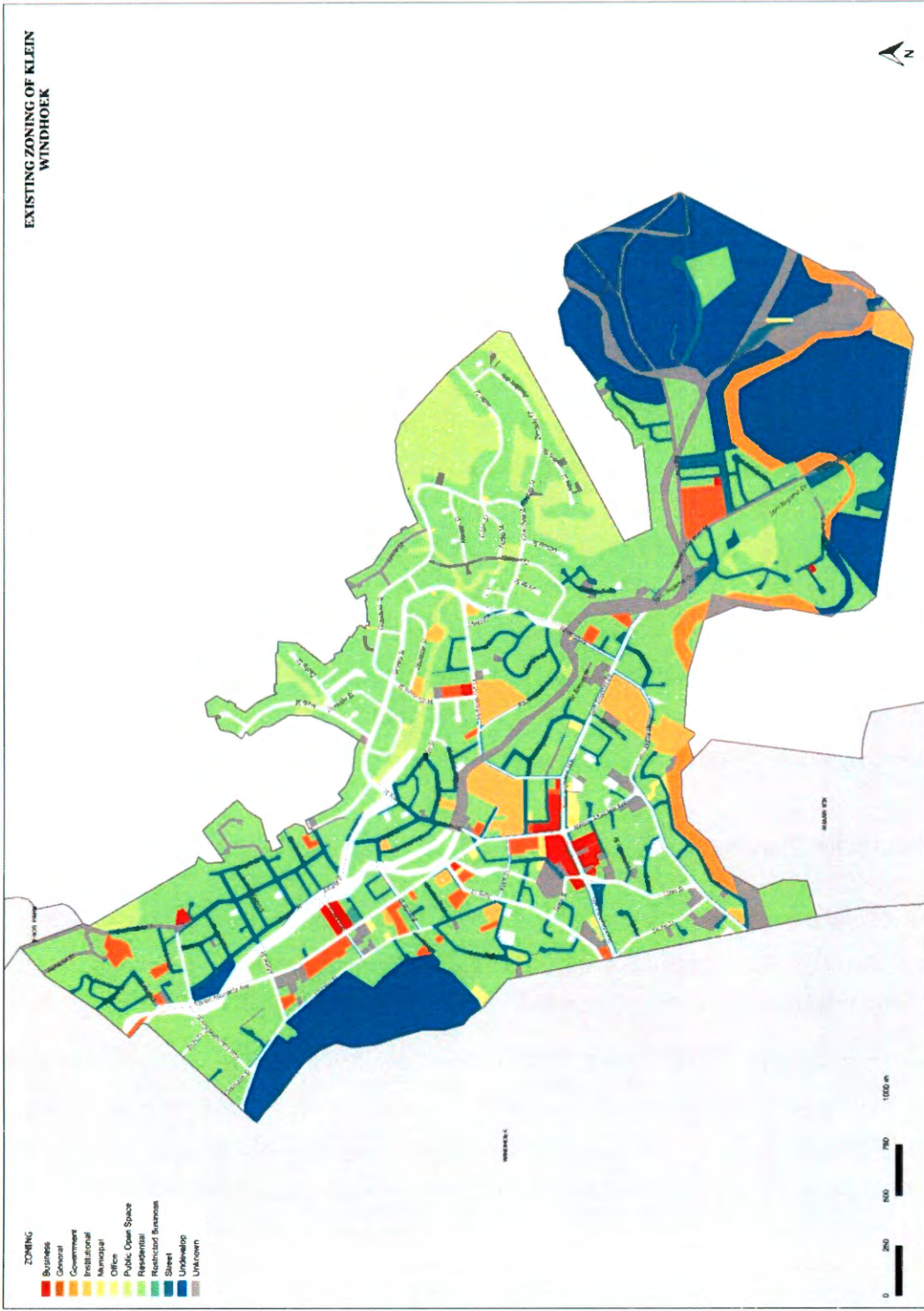
Map 5.2: Locality Map of Central Katutura, Windhoek  
Source: CoW, 2016



# Locality Map - Klein Windhoek, Windhoek



Map 5.4: Locality Map of Klein Windhoek  
Source: CoW, 2016



**Map 5.5: Existing Zoning of Klein Windhoek**  
 Source: CoW, 2016

### **5.5 Positive Perceptions on LUMS in Katutura and Klein Windhoek**

The LUMS operating in Windhoek at present is one of the central instruments used to carry forward growth and development in the city. Based on the findings, an effective LUMS is required to respond to the diverse and complex environment such a system is operating in. There is a need for more flexibility in the process of evaluating and adjudicating land development applications from Katutura and Klein Windhoek, as the city will attempt to find an appropriate balance between control and facilitation. According to the CoW, the city is characterized by strong land use control that has a positive impact on the city's growth. However, two out of six Group 3 respondents argue that land use control has both a negative and positive impact on the city's spatial form and delivery of public services.

The responses regarding how LUMS contributes towards the growth and development of the CoW were positive, even though the system was said to be too rigid. As Denoon-Stevens (2014) indicate, one of the attributes of LUMS is to promote and facilitate growth and development. However, in some instances it is believed that LUMS delays development in the city. The respondents explained that this is due to the fact that LUM applications are not processed on time by the city, for example, the approval for a rezoning application can take two to three years. The time-consuming nature of the city's operations/processes discourages developers and investors. The research found that some developers and investors prefer to do business in other Local Authorities, rather than in Windhoek.

### **5.6 Implications for Planning**

There is a shortage of technical and professional skills in CoW. Thus, there are not only a shortage of suitably qualified persons, but also people with adequate experience in the administration and evaluation of land development applications. This has serious implications for the nature of an appropriate and effective land use management system in Windhoek (Nel, 2015: 4).

As financial constraints on local administration have increased, as the numbers of home businesses have grown, and as access to certain township areas has become increasingly difficult, the local administrations have been forced either to turn a blind eye to non-conforming land uses, or at least to reply to neighbours' complaints to alert them to non-conformance. The inappropriateness of the current system of land use controls is re-affirmed by the fact that, in all parts of Katutura, systems of official control have partially or completely broken down.



As the research has revealed that land use management is mostly done on a reactive basis, and not proactive. Most investigations concerning land use control are based on complaints from neighbours, community members or concerned city residents. The scenario at present is that land uses/changes without the relevant application being approved only become known to the city once a complaint reaches their offices, so in some cases or in certain areas neighbours do not complain and end up doing the same thing. This is common in ultra-low and low-income areas.

It is not surprising, therefore, that residents increasingly disregard the existing systems of control and that local administrations are frequently forced to implement the legislation in a partial and ad hoc manner.

### **5.7 Conclusion**

In this chapter the findings of the two research questions were discussed based on the data collected through the semi-structured interviews, direct observations, and document and policy analysis. The next and final chapter of this research will summarize the research findings and present possible recommendations for the City of Windhoek.

## **CHAPTER 6 CONCLUSIONS AND RECOMMENDATIONS**

### **6.1 Introduction**

This research commenced by setting the scene on LUMS and by providing a brief introduction of the study area. An extensive review of the literature was done to support and inform the research findings. The research methods employed for the research were also highlighted and discussed. A brief overview of the legislative and institutional frameworks of LUMS in Namibia was given. The findings and discussion of the results pertaining to the effective enforcement of LUMS in Windhoek were provided, which led to the development and proposal of possible recommendations.

In this chapter, the research will indicate how it answered the research questions, informed by the research methodology, findings and literature review. It also includes possible recommendations on the effective enforcement of LUMS in the suburbs of the City of Windhoek, in a consistent manner.

### **6.2 Summary of Research Findings**

This research is possibly the first attempt to contribute to the debate on the enforcement of LUMS in the suburbs of Windhoek, in Namibia. This research is relevant to town planners and city residents who should ensure the consistency in the enforcement of the Windhoek Town Planning Scheme.

The research employed three methods, namely, document and policy analysis, direct observation and semi-structured interviews. A total of 15 respondents in the public and private sectors were interviewed and their experience and background provided the basis for discussing and describing the consistency of the Windhoek Town Planning Scheme and barriers experienced by the City of Windhoek.

The research comprised of two main research questions. The first research question was: "What do planners of the City of Windhoek experience as barriers when facilitating land development applications under the Windhoek Town Planning Scheme in Klein Windhoek and Katutura?"

The answer to this question revealed that there are major barriers presently being experienced by the City of Windhoek in facilitating land development applications under the Windhoek Town Planning Scheme of 1976 in Klein Windhoek and Katutura. These barriers include the following:

- the lack of capacity in the City of Windhoek to handle and facilitate land development applications, which results in the delay of the implementation process;

- the outdated Town Planning Ordinance 18 of 1954 and the Windhoek Town Planning Scheme of 1976 which are used as the main legislative framework;
- the lack of public awareness of the land development application procedures and process; and
- the rigid nature of the Windhoek Town Planning Scheme in its implementation.

The second research question was: "Is the enforcement of the Windhoek Town Planning Scheme of 1976 consistent in Klein Windhoek and Katutura?"

The answer is that there are major inconsistencies in the enforcement of LUMS in Katutura and Klein Windhoek in that the latter benefits more from the system. LUMS in Windhoek is not applicable to the low-income areas and the informal settlement as its conditions do not consider their socio-economic setting. The research further found that the enforcement of the Windhoek Town Planning Scheme of 1976 is not consistently applied in Klein Windhoek and Katutura. This was determined through the direct observations done in these two suburbs. The enforcement of the Windhoek Town Planning Scheme of 1976 in the Katutura area was more relaxed, while in Klein Windhoek it was applied more strictly. This difference in enforcement between the two suburbs presents an inconsistency as the Windhoek Town Planning Scheme was developed for the effective and efficient enforcement throughout the city, and not only for certain areas.

The inconsistency is directly linked to the barriers discussed under research question one. The first barrier, the lack of capacity, is a major player in the inconsistency. The insufficient capacity of the city translates into it paying more attention to the suburbs closer to the Central Business District and neglecting those further away so as not to shift the focus from the city centre and surroundings. The available capacity works promptly in the high-income areas (Klein Windhoek), compared to in the low-income areas (Katutura). This inconsistency has resulted in Katutura being one of the dense-populated suburbs in Windhoek. The respondents interviewed also confirmed that enforcement of the Windhoek Town Planning Scheme is not consistent.

### **6.3 Recommendations**

#### **6.3.1. More Human Resource Investment in Town Planning at CoW**

The City of Windhoek should invest time and effort into the recruitment of registered and qualified Town Planners. The Namibia University of Science and Technology (NUST) offers a four year Bachelor's degree in Town and Regional Planning and an additional one year Honours degree, with which registration is possible. The city can collaborate with NUST to recruit such graduates upon completion of their studies.

### 6.3.2. Updating of the Town Planning Ordinance 18 of 1954 and the Windhoek Town Planning Scheme of 1976

The city should without any delays facilitate the review and revision of the Windhoek Town Planning Scheme. Only through the review of the Windhoek Town Planning Scheme will the city be able to identify that the present LUMS is not working for all its residents and that its enforcement is inconsistent.

### 6.3.3. Create Public Awareness on Land Development Applications

Utilising the available media, the city should create public awareness around the planning process and procedures, including its land development applications. This recommendation is necessary because not all city residents are aware of the fact that there are certain requirements you need to fulfil before you can set up a home shop or a hair salon. This is especially visible in the low-income areas. Awareness should be created through advertisements, notices and information-sharing on television stations, radio stations and in newspapers.

### 6.3.4. A More Flexible Land Use Management System

Through the update of the Windhoek Town Planning Scheme and the Town Planning Ordinance 18 of 1954, the city should ensure that LUMS is a flexible system that allows for mixed land uses. The current scheme is rigid in the allocation of land uses in that it requires a citizen to adhere to the land uses zoned as the city is still hesitant towards allowing mixed land uses.

### 6.3.5. Promote Growth and Development

The city should ensure that its LUMS is geared towards promoting growth and development in all its areas. Growth and development varies from area to area, and LUMS should practice equity, where appropriate, and equality, where necessary.

### 6.3.6 Proactive Implementation of LUMS in Windhoek

One of the most important recommendations based on the findings of this research is that the City of Windhoek should approach the effective enforcement of LUMS in Windhoek in a proactive manner. This can be done through undertaking routine monitoring, evaluation and controlling of land uses in its townships at least once a year. Through monitoring the city will be able to identify and curb illegal land uses and that residents will be more cautious.

#### **6.4 Conclusion**

In conclusion, effective facilitation of land development applications and the consistent enforcement of the Windhoek Town Planning Scheme is necessary in both Klein Windhoek and Katutura. It should not be based on the income class and level and public awareness as the current situation presents. Land use planning, through the allocation of different land use zones, is the first step in land use management. Developing different systems for the management of these land uses is essential. The present LUMS of the City of Windhoek requires improvement in order to cater for all its residents, in high-income and low-income suburbs, and to increase the city's growth and development potential.

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## **ANNEXURES**

### **ANNEXURE A: INTERVIEW SCHEDULE**

Preamble: Permission to record

#### **Section 1 – Introduction**

- What are your main responsibilities?
- For how long have you been a town and regional planner?

#### **Section 2 – Understanding Land Use Management**

- What is Land Use Management to you?
- Is Land Use Management visible to you in Windhoek?
- Who is responsible for Land Use Management and through what?

#### **Section 3 – Enforcing of the Land Use Management Systems**

- What is position of Windhoek Town Planning Scheme?
- How is the Windhoek Town Planning Scheme enforced?
- What barriers are experienced during its enforcement?
- Are the barriers different in Klein Windhoek and Katutura?
- Are the present land use management instrument sufficient for effective enforcement?
- Why is it important to have an effective land use management system in place?

#### **Section 4 – Consistency of the Enforcement of Town Planning Scheme**

- Is the enforcement of the Town Planning Scheme consistent in Klein Windhoek and Katutura?
- How does consistency affect the growth and development of the city?

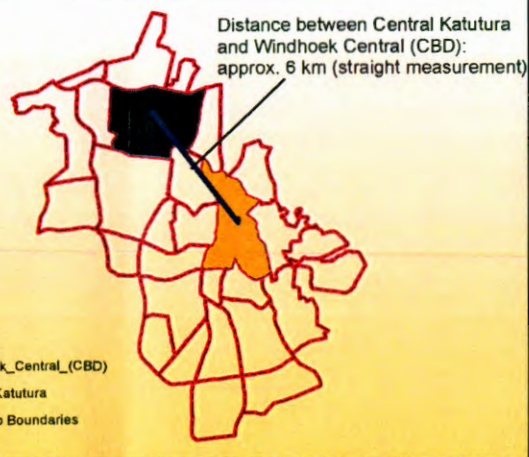
#### **Section 5 – Closing**

- Is there anything you will like to add?

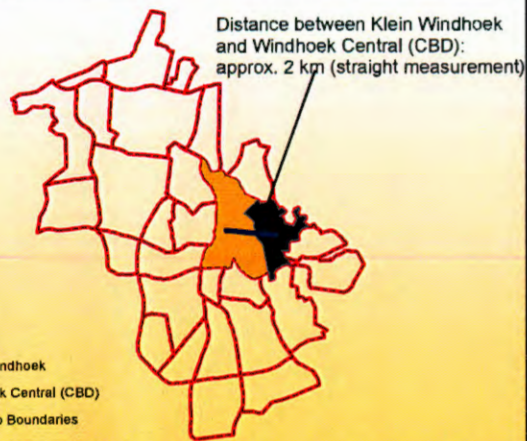
ANNEXURE B: LOCALITY MAPS OF KLEIN WINDHOEK AND KATUTURA



# Locality Map - Central Katutura, Windhoek



# Locality Map - Klein Windhoek, Windhoek



ANNEXURE C: EXISTING ZONING MAPS OF KLEIN WINDHOEK AND KATUTURA

ZONING

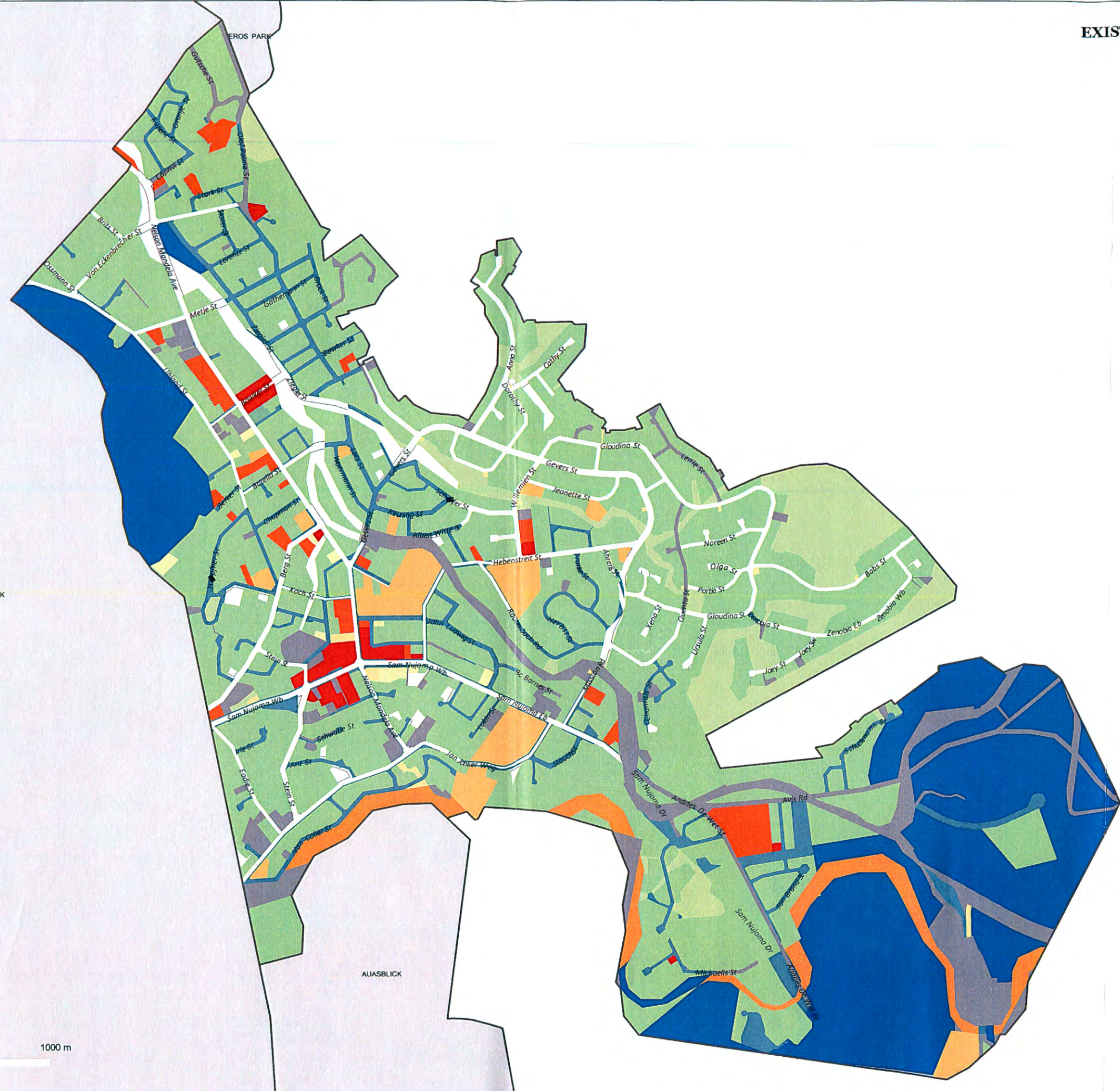
- Business
- General
- Institutional
- Municipal
- Office
- Public Open Space
- Residential
- Restricted Business
- Street
- Undevelop
- Unknown

EXISTING ZONING OF KATUTURA



# EXISTING ZONING OF KLEIN WINDHOEK

- ZONING**
- Business
  - General
  - Government
  - Institutional
  - Municipal
  - Office
  - Public Open Space
  - Residential
  - Restricted Business
  - Street
  - Undevelop
  - Unknown



0 250 500 750 1000 m

