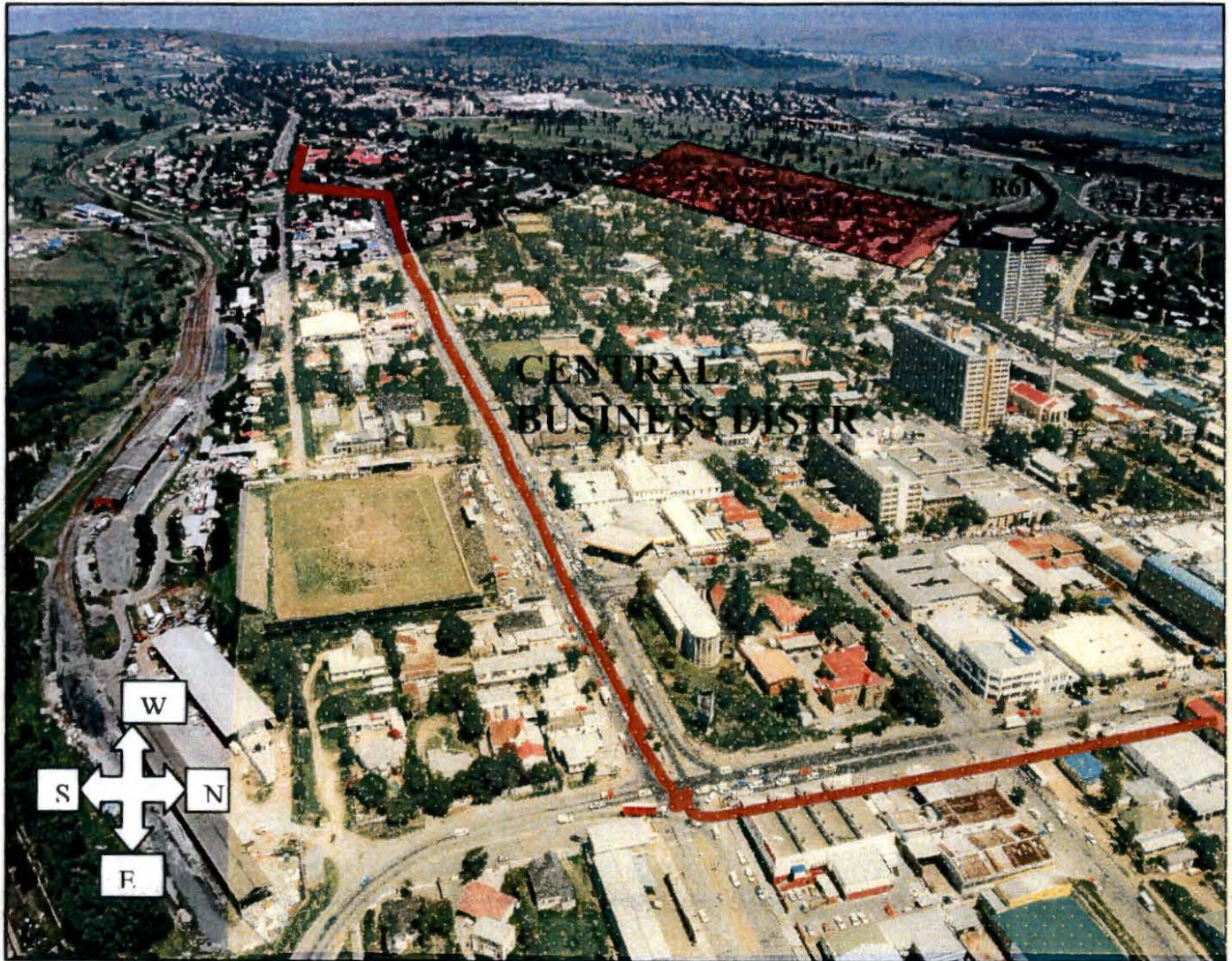


**THE CRITICAL EXAMINATION OF LAND USE  
MANAGEMENT IN MTHATHA WITH PARTICULAR  
REFERENCE TO THE SPATIAL DEVELOPMENT  
FRAMEWORK AND INTEGRATED DEVELOPMENT PLAN.**



**STUDY BY:**

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DEVELOPMENT FRAMEWORK AND INTEGRATED DEVELOPMENT PLAN**

**By**

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SUBMITTED IN FULFILMENT OF THE PARTIAL REQUIREMENTS OF THE  
DEGREE

**MAGISTER IN URBAN AND REGIONAL PLANNING**

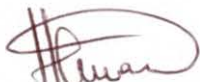
IN THE UNIVERSITY OF FREE STATE  
BLOEMFONTEIN

SEPTEMBER 2008

INTERNAL SUPERVISOR: Mr. P J Potgieter

## DECLARATION

I declare that this dissertation being submitted for the purposes of obtaining Masters degree at the university of the Free State, is my original and independent work, and has never been to my knowledge submitted to any other university/ faculty for degree puposes.



**F.F MABUSELA**

**SEPTEMBER 2008**

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\*\*\*\*\*

## Abstract

The Integrated Development Plan (IDP) of KSD Municipality in relation to spatial planning and land use management is critically examined in this study. The observation made is that the lack of a comprehensive spatial development framework and a clear land use management system for the municipality as part of the municipality's IDP cripples the effective management of land development and use in the area. As Stapelberg (2003: 133) points out, *'the IDPs must be compiled from correct information, with the emphasis on planning and not control. If a municipality has a poorly compiled IDP with a 'bad' SDF, it will not come as a surprise if development does not take place in that municipality as an environment conducive for development will not have been set'*.

The current systems used for the town planning and land use applications are old and outdated, and a lot of reliance placed on the town planning scheme as a guide in dealing with these applications is greatly criticized, as the town planning scheme is only a development control tool that can never replace the forward planning tool.

This study further sought to:

- Examine the current Town Planning practices in Mthatha and more specifically the Land Use Management in the area and how it is linked with the integrated Development Plan by showing current trends in other municipalities specifically Buffalo City Municipality in the Eastern Cape;
- To further establish whether the current Land Use Management tools and strategies used in Mthatha address challenges or objectives of Integrated Development Planning;

- To emphasize the role of Town Planning in Land Use Management;
- To show the implications of Land Use Management in Integrated Development Planning;
- To make assumptions and / or generalizations based on the findings of the research, on whether the Town Planning Scheme is on its own sufficient as a single policy planning document for land use management in Mthatha; and
- Propose a suitable Land Use Management System for the study area using the Municipal Integrated Development Plan as a starting point.

The legal context currently applicable in South Africa has been discussed at length and how the current planning approach differs from the old system. The principles of legislation and policies include, the Development Facilitation act No. 67 of 1995, The White paper on spatial planning and land use management 2001, the Municipal Systems Act No.32 of 2000, the Draft Land Use Management Bill 2001/2007, The Constitution of the Republic of South Africa and the Provincial Spatial Development Framework.

A research survey was conducted in a selected study area. Participants in this research were residents and town council members of the study area of Mthatha Central known as the 10th of Mithella. Four different data collection techniques were used to collect data. This was reinforced by use of the Town Planning Scheme map of the area and consultation of municipality records, the authorized Spatial Development Framework in the study area. For the purposes of data presentation and analysis Statistical Analysis System (SAS) computer program was used.

The findings of the study suggested that the Town Planning Scheme or even development control cannot operate in isolation but needs to be part of an Integrated Development Planning for Mthatha. It became evident from the findings of the research that a more flexible land use management tool that would allow for additional and mixed uses in the study area is indeed necessary. It was also the findings of this research that the approach to Land Use Management does not adequately promote the Local Economic Development needs of the area.

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## **CHAPTER 1 : INTRODUCTION AND BACKGROUND TO THE STUDY**

### **1.1 INTRODUCTION**

Amongst other functions, the process of Town Planning establishes how a local area will develop, what can be built and how. Through the Town Planning or zoning scheme, controls are put on place to determine the type of land uses permitted or restricted in a particular piece of land. The two key elements of spatial planning, land use management and development function of the local government are traditionally known as 'forward planning' currently termed Integrated Development Planning (IDP) and 'development control' currently termed Land Use Management System (LUMS). It is within these contexts that the focus of this study is based, with much emphasis on how these elements integrate and relate to each other.

Traditionally, Local Government performed the development control functions, in the form of building regulations, well before it started doing any form of institutionalized forward planning. Planning requirements were generally superimposed upon the existing legal frameworks for development control, having only a negligible effect on that body of rules and regulations. This meant that planning tended to have very limited impact on actual patterns of land development. Significant resources were expended on the making of elaborate plans which had little prospect of ever being implemented, especially where their planned outcomes differed from what was permitted by the existing development control rules, such as Zoning or Town Planning Schemes. (RSA: Wise Land Use - White paper on Spatial Planning and Land Use Management 2001: 13-14)

The Town Planning Scheme provides the statutory controls for this and comprises the scheme text and map, which set out the requirements that must be followed. From its very foundations it aims to control by prohibiting types of development in a particular area and lacks the strategy of proactively encouraging the desired land uses. The Town Planning Scheme has thus acquired a reputation of being inflexible.

Stapelberg (2003:10) argues that for the reasons highlighted above, Town Planning Schemes should not be used as planning documents, as control measures form the essence of them.

The development control - oriented type of planning is unpopular, especially in the South African Context where it is often associated with the undesired spatial patterns inherited from the apartheid planning system.

In an attempt to address this shortfall in our planning system, the government has called upon all municipalities to engage in Integrated Development Planning that will produce Integrated Development Plans (IDP) which will be used as a planning tool that links, integrates and co-ordinates plans and takes into account proposals for the development of the municipality, and should reflect the Spatial Development Framework which must include the provision of the basic guidelines for a land use management system for the Municipality'. (RSA: Municipal Systems Act No 32 of 2000; Section 25(a) and 26 (e)). In terms of this Act, the key to successful local spatial planning, land use management and land development is the establishment of an effective link between the 'forward planning' function (Spatial Development Framework) and the 'Development Control' function (Land Use Management Scheme traditionally, termed 'town planning scheme').

It is on acknowledging the above that the argument in this thesis has been formed. The research seeks to prove that the town planning scheme can no longer be used as a forward planning document and more so where there is no underpinning framework which will give a comprehensive directive on the pattern of land use in an area, as is the case in the study area. It has been observed with grave concern that in the town of Mthatha, generally and the study area in particular, the land uses have been changing from one use to the other, through special consent application or contravention of the Town Planning scheme. The study shows that approximately 40% of the entire study area has changed the land use from the one it was zoned for, and that

trend is continuous and not static. This unplanned development has negative impact as it is not informed by the Integrated Development Plan of the municipality through the Spatial Development Framework. In the examination of the town planning processes of the municipality and the municipal Integrated Development Plan, there is no Spatial Development Framework forming part of the IDP, as required by the Municipal Systems Act of 2000. The town planning decisions are currently informed by the provisions of the Town Planning Scheme of Umtata which was adopted by the Umtata Transitional Local Council (TLC) in 1989, before the amalgamation with the Umtata Rural council and Mqanduli TLC and Rural Council to form the existing municipality of King Sabata Dalindyebo (KSD).

A proposed new approach to spatial planning, as reflected in the White Paper on Spatial Planning and Land Use Management, is that the scheme should be accompanied by an indicative plan which should influence the contents of the Scheme, be flexible and able to change to reflect changing priorities of the municipality. Some municipalities have thus developed new Land Use Management Schemes and Spatial Development Frameworks. The Municipality of Mthatha (King Sabata Dalindyebo Municipality) has not reviewed its Town Planning Scheme since its adoption in 1989, nor has it developed the Land Use Management Scheme as required in section 4 of the Land Use Management Bill. (RSA: Land Use Management Bill 2001 S(4) :20-21 ). It also has no indicative plan in the form of a Spatial Development Framework as required in Chapter 5 of the Municipal Systems Act No. 2000. This poses a problem, as the dynamics of the changing urban environment in relation to the economic needs or demands and market forces are not effectively considered for areas in the urban centre generally and the area of study specifically. This is even more critical when considering the restrictive nature of the Town Planning scheme.

This chapter gives the general background to the research study and the thought behind developing the research that focuses on this particular topic or area of interest. It further gives the methodology adopted in this study including, the research design adopted, methods of data collection as well as techniques of data analysis adopted in this study.

## **1.2 PURPOSE OF THE STUDY**

The purpose of this research is to examine the town planning practices in Umtata with particular critique to: 1) the use of the Town Planning and zoning scheme to guide land use applications;

2) To verify and/ or confirm the role of Integrated Development Plan (IDP) as a planning, management and strategic tool for municipal development objectives;

3) Spatial planning, through the Spatial Development Framework; and

4) To further suggest a suitable Land Use Management System for the area of study.

The study ultimately aims at suggesting that there exists a gap between land use management (Development Control) and 'forward planning' (in the form of integrated development plan) which has to be bridged in order to attain an effective Land Use Management System.

## **1.3 PROBLEM STATEMENT**

The Town Planning Scheme of Mthatha was developed in 1989 in compliance with the conditions of the Townships Ordinance No. 33 of 1934. Its main objective was to control development and with the aim to attain the desired form of development both in terms of land use and built environment being encouraged, (*RSA. Cape Province Town Planning & Townships Ordinance No. 33 of 1934*).

According to the Town Planning Scheme the Mthatha central (also known as 'the hill') is zoned as a Special Residential Zone and General Residential

zone. This, according to the Town Planning Scheme of Mthatha, is an area zoned for residential purposes where dwelling houses are permitted and other types of residential buildings e.g. townhouses or flats (see *attached plan Annexure A*). However, over the years the land uses have gradually changed from those that are permitted by the town planning scheme to market -related needs and demands. The existing land uses in the area currently have developed as special consent uses or in contravention of the Town Planning Scheme.

The approach used by the KSD Council in response to the changing land uses has been a site-by-site approach guided by the operating town planning scheme with no overall planning framework to guide the area. It would be expected that the municipality's Integrated Development Plan to have a Spatial Development Framework which would provide the guidance mentioned here, in terms of the municipality's priorities and development objectives, which would themselves be informed by the participatory processes of Integrated Development Planning. Due to the current town planning practices, it seems that the maximum potential of the land is not utilized and even more crucially, the lack of guidance through the IDP, the land uses in the area have formed a leapfrog land use pattern. As a result of this there is no coherent and orderly distribution of land uses in the area.

#### **1.4 PRIMARY RESEARCH QUESTIONS**

The research seeks to answer the following primary research questions as a way of understanding the nature, flexibility and effectiveness of the Town Planning Scheme as a Land Use Management tool.

- How effective is the current practice of using the Town Planning Scheme to manage land use in Mthatha?
- Is the current land use management in Mthatha aligned with the objective carried out by the municipality's Integrated Development Plan (IDP).

- Is the Town Planning Scheme flexible enough to incorporate developers'/ landowners' proposals as they relate to land uses, densities, heights, and other scheme controls including those impacting on the natural environment?
- Is the Town Planning Scheme as a management tool promoting or addressing the Local Economic Development needs of the study area.
- What is the link between the Integrated Development Plan and the Land Use Management?

The main objectives that the study seeks to achieve are summarized below.

### **1.5 RESEARCH OBJECTIVES**

The study aims are as follows:-

- To examine the effectiveness of the current Town Planning practices relating to Land Use Management in Mthatha generally and implications to the study area.
- To establish whether the current Land Use Management tools and strategies used in Mthatha address the objectives of the KSD Integrated Development Plan.
- To confirm the role of Town Planning in Land Use Management by showing the link between Integrated Development Planning and Land Use Management.
- To motivate for a comprehensive development plan of the study area by showing the negative impact of 'leap frogging' land uses in the economic development of the municipality and on urban land values.
- To establish whether the Town Planning Scheme of Mthatha assists in the development of the area as regards flexibility to the needs of the developers and Local Economic Development aspects.
- To propose a Land Use Management System for the study area by referring to the Municipal Integrated Development Plan as a starting point.

## 1.6 HYPOTHESIS

The data collected sought to test the hypothesis that, **the existing Town Planning practices in relation to land use management in Mthatha are ineffective and that effective land use management will be attained through proper structuring of the IDP and formulation of a Spatial Development Framework and Land use Management System for the KSD Municipality.**

## 1.7 METHODOLOGY

This chapter provides an outline of the methodology adopted in conducting the research. This chapter identifies the population, sampling methods, data collection methods as well as techniques of data collection applicable in this research. The study area involves 150 erven. The participants made up 54% of the total population of the study area.

### 1.7.1 Research Design and Data Collection

The study is a quantitative study that *'will end with the confirmation or disconfirmation of the Hypotheses'* (Leedy & Ormrod, 2001: 65).

The research itself is a survey study. The data used for the purposes of this research can be classified into secondary and primary data. The former entails the information that has been gathered through review of existing literature, most of which forms part of Chapter 2. The existing literature includes academic books, journals, internet sources, state publications and newspapers.

The latter entails questionnaires that are distributed to the sample studied or respondents i.e. the owners and residents of Mthatha Central.

The researcher distributed the questionnaires to all the erven in the Study Area. The data collection involved a focus on the current zoning of the property and the land use that is taking place on that particular erf.

In collecting data from the respondents the researcher will, as an ethical practice, protect the respondents by ensuring anonymity and confidentiality.

### 1.7.2 Data Analysis and Presentation

The data collected were quantified and analyzed through Statistical Analysis System Computer Programme (SAS) by the technical team at the Walter Sisulu University Research Resource Centre.

This resulted in the data findings or respondents' responses being presented in the form of statistical tables and graph presentation to enable a simplified means of either accepting or rejecting the hypothesis of the study method.

The analysis mainly involves the comparison of the current land uses in the study area and the zonings of those properties as well as the provisions of the current Town Planning Schemes pertaining to each erf. In that way the researcher was among other things able to determine the appropriateness of the Town Planning Scheme when considering the market trends and demands for economic development of the area.

The analysis of interview responses involves coding of responses as a means of quantifying the information received by the interviewer from the interviewees. In nature the interviews conducted in the research are structured, although the researcher has in some instances allowed the respondents to give qualitative information.

### 1.7.3 Sampling Methods

The study is a survey research, for more reliability. Considering the fact that the population is not too big, the data will be collected from the whole population of the study area.

In this type of research the researcher poses a series of questions to willing respondents or participants; summarizes their responses with percentages, frequency counts or statistical indexes, and then draws inferences about a particular population from the responses of the sample. (Leedy & Ormrod, 2001: 45).

## 1.8 CHAPTER OUTLINE

This document is divided into four chapters which are arranged in the following manner:-

- CHAPTER 1 : Presents a general introduction to the dissertation. This chapter will mainly deal with the general background and the purpose of this study. It will also reflect the nature and limitations of the research. This chapter provides an outline of the methodology adopted in conducting the research. It identifies the sampling methods, data collection methods as well as techniques of data analysis applicable in this research.
- CHAPTER 2 : This chapter gives a broad and general background to Planning theory and emerging practices thereof. It provides a conceptual and theoretical framework underpinning the key concepts of the dissertation.
- CHAPTER 3 : Chapter 3 deals with Town Planning in South Africa. This chapter will look at the past and current practices, legislation, policies and approaches in the South African Planning system. These policies and interventions will be discussed within the National, Provincial and Local context.
- CHAPTER 4 : This chapter presents the research case study. It will outline the history and general overview of the town of Umtata, Town Planning practices and tools in Umtata and the spatial and land use patterns, specifically reflecting on the study area. The tendency of leap frogging land uses will be highlighted and their implications discussed.
- : This chapter will also give an in-depth discussion on link between the Integrated Development Plans and Land Use Management, with particular focus to the research area.

CHAPTER 5 : This chapter deals with the analysis of the data collected. The responses will provide valuable information in testing the hypothesis of this study and measuring its validity. This chapter also reflects on the findings obtained and provides a summary of the findings of the study. It goes on to discuss the implications for the future.

CHAPTER 6 : Chapter presents the recommendations which aim to be possible solutions based on the findings of the research as reflected earlier on in the chapter. It also presents the conclusion of the research.

### 1.9 Limitations of the Study

The research had financial and time constraints and therefore concentrated on a small area in Mthatha instead of the municipal area at large, although the town planning practices relating to land use management apply to the whole of the municipal area. However the recommendations and conclusions of this study can be generalized to the whole municipality as the identified gap between forward planning and development control components of town planning affect the whole system of planning in the King Sabata Dalindyebo Municipality.

The research also focused on the Municipal Integrated Development Plan only as far as it relates or links to the Land Use Management through the Spatial Development Framework, the relevance of other sector plans and aspects of the Integrated Development Plan that have not been dealt with in this research. It is emphasized however that the Spatial Development Framework is the basis for all other components of the IDP as they relate to land.

It has not been established whether the findings of this study can be generalized to other municipalities, therefore the model recommended in this study may only be relevant to the case of Mthatha and the municipality within which it falls.

#### 1.10. CONCLUSION

This chapter gives the in-depth background of the research. It voices the thought behind choosing this specific focus of study and the area which is to be studied. It also gives a brief methodology adopted in conducting the research. From this chapter it is understood that the study is limited due to time constraints as well as financial constraints that posed a challenge to the researcher. This therefore implies that the research conclusions can be of particular relevance to the area of study. However generalizations can be made in view of the fact that similar research undertakings have been done in other cities of South Africa and carried similar findings although not precisely the same. An argument can be justified relating to the question of generalization of the research findings in this study.

The next chapter will act as a theoretical pillar for the argument this study presents. It provides a conceptual and theoretical framework underpinning the key concepts of this thesis.

## **CHAPTER 2: GENERAL THEORY IN URBAN PLANNING**

### **2.1 INTRODUCTION**

The evolution of planning theory and practice has been the result of the changing context within which these theories and practices were located.

Prior to the 1930s, there was no coherent planning theory, and planning itself was seen to be regulatory and blueprint- oriented largely because of its function as a state activity to control development.

During and after the 2<sup>nd</sup> world war there was an added political ingredient to town planning for the country as a whole. This was connected with a view that emerged following the war and the economic depression that the state should play a much more active, interventionist role in society. The post war labour government represented this emergent position of social democracy between 1945 and 1951.(Taylor,1998:3)

This movement and change in the planning arena was evident in the British post war government and the enactment of the Town and Country Planning Act of 1947.

This chapter attempts to draw the origins and evolution of the Town Planning theory and practices from the mid 40's through o the new millennium. It also gives a brief discussion of the models that are popular for urban land use studies.

### **2.2 Definition of Urban Planning**

There are many definitions of planning in many publications but for this study Ratcliffe's (1974:4) definition of urban planning has been adopted. It is the allocation, particularly of land, in such a manner as to obtain maximum efficiency, whilst paying heed to the nature of the built environment and the welfare of the community. However, urban planning cannot be confined to the allocation of land use alone, it must bear consideration and coordination of the

associated activities bearing upon the human and physical environment. Planning therefore is the art of anticipating change, and arbitrating between the economic, social, political and physical forces that determine the location, form and effect of urban development.

### **2.3 The role of Urban Planning**

Ratcliffe (1974) states that, in a democracy, urban planning should be the practical and technical implementation of the people's wishes operating within a legal framework, permitting manipulation of various urban components such as transport, housing and employment in such a way as to ensure the greatest benefit of all. Moving from this perspective therefore, the author views the role of urban planning as being that of identifying and implementing the needs of communities operating within a legal framework i.e. the IDP & SDF, permitting manipulation of various urban components.

This then defines the role of urban planning as the management of the implementation process guided by the legislative framework of the IDP and the SDF. From this one can see that the role of urban planning therefore should involve flexible mechanisms which allow manipulation of the urban components as a way of ensuring that the needs of the people or the greatest benefit of all is ensured, and this is exactly what the Integrated Development Plans are based on. In view of the aforementioned statements, it can be argued, as this study does, that in the absence of the IDP and SDF, land use management cannot be effective in terms of the current guiding and enabling legislations of South Africa.

This therefore means that the role of Town Planning can no longer be seen as development control in the current democratic era of South Africa, but an integrated developmental oriented role is required. Land use planning should be as Catanese and Synder (1979: 34) argue, 'the management process in which development occurs according to overall common goals and objectives'.

Albrecht (2000:35) argues that if planning wants to play a major role in the next decade, then it has to be at once **proactive, collaborative, integrative** in

its approach, **international in its orientation**, **political** in its attitude towards power structures (culturally unchallenged), **normative** in purpose, **innovative** in its search for solutions and **entrepreneurial** in scope. Pro-activity of planning means a shift from planning that focused on regulation of private development to a form of spatial development strategy which seeks to work through the interests and strategies of community bodies, of land owners, developers and intermediary agencies. Collaborative planning emphasizes partnerships and development of strategies and policies through 'talk and discussion' (Albrecht 2000:35).

The integrative role of planning is to interlink social, economic and environmental dimensions of issues to do with changes in rural and urban areas. The need for international orientation of planning challenges planners, even those working exclusively at local level is to relate to local policies and developmental problems to international development trends and prospects, thus planning should also be at supranational level (Albrecht 2000:35). Another role of planning and the planner is a political one where the planner must act as a mobiliser and initiator of change, and simultaneously perform the function of a catalyst around which a number of initiatives and processes of change can germinate and gain momentum.

The normative purpose of planning shows that planning is not just how things are but how they ought to be, it is a means of change. This structural change implies putting forward an image of the state of the planning object, which is more desirable than its present state (Albrecht 2000: 36). Again planning ought to reflect the innovative skill and creative ability of a planner to design certain social choices as an answer to problems and challenges posed. He or she has to be able to make use of the attributes of places, know how to enhance the qualities of places, how he/she wants places to evolve and to embody these choices in a coherent proposal within a given structure (Albrecht 2000:36). Finally, planning should be entrepreneurial in approach and the planner must intervene more directly in the spatial fabric. This implies bargaining with all the parties involved, taking into account existing power

structures between and within groups, as well as plurality and diversity within them (Albrecht 2000: 36).

Urban planning has for a long time, been seen implicitly as a process of professional activity. Until the mid-60s, it was practised principally as an art from within a traditional design context. Its purpose was seen mainly in the promotion of new development that was aesthetically pleasing and which complied with certain standards of layout. This purpose was broadly carried forward from the public health and housing reforms of the previous century enforced through an extensive set of statutory controls. Gradually this pursuit has developed into a more general concern for amenities set in a context of rather covert assumptions about service to the public interest. Urban planning, then, became concerned with attempting to resolve conflict over needs and actions between members of society. As urban planning became more comprehensive, largely through the acquisition of greater statutory powers and growing confidence on the part of the planners, a further pursuit emerged. This was a search for an urban efficiency defined in functional terms. To this was linked a traditional, though somewhat latent, concern about the 'efficient' use of resources and particularly land. This aim has also been pursued through extensive physical statutory control (Hall, 1996:53).

The Town Planning and or zoning scheme are such statutory controls. This section seeks to trace the origins and evolution of the aforementioned schemes as land use control tools in the Town Planning field.

#### **2.4 Underlying conceptions about urban planning?**

*'I have come to regard zoning as so anti-egalitarian and hostile to low and moderate-income folk that I have become hostile to zoning. Zoning thy name is exclusion'* (Hagman, 1982: 69).

The most basic question that has dominated the thought in planning is whether there should be any planning legislation or zoning at all? There exist a number of viewpoints in this regard, ranging from the economic or capitalist

arguments against planning and in favour of the market, and those that strongly advocate for planning. The essential justification for land use planning is public interest. Leung (1989: 5). As simple as this statement appears, it has brought about a whole range of arguments about what is public interest or when can a policy be said to have attained public interest.

Delay has become the key word in much of the discussion about development control. Its critics argue that delay in the planning applications hold up, add to the cost and in some cases inhibit development (Davies 2002:8).

While acknowledging the weaknesses of the zoning scheme in addressing the transformation taking place in our cities today, Sorrell and Parker (1995: 56) also acknowledge that it is a legal determinant of property rights and therefore a need to explore ways of using its capacities in a more effective and goal-oriented way. They further maintain that the problem with zoning in its current form is that it is unable to adapt to change without a major redefinition of its contents and purpose. Therefore, in order to realize the objective of better performing environments, zoning needs to be transformed from a control-oriented mechanism to a more flexible management tool capable of responding to the wider needs of the community, the developer and decision-making body.

There are many views and a lot of argument surrounding the appropriateness of town planning scheme and or zoning scheme as a land use management tool. While others, such as Hagman have strong anti-zoning system attitudes, other proponents such as of Oranje (1995:24) argue, 'How sustainable development is to be achieved in the absence of development control is unclear as development control is needed to make the policy itself sustainable'. He further argues that more compact cities and fill-in strategies will inevitably imply higher densities, and a higher density without adequate control is a sure recipe for the overloading of infrastructure and essential public services. This in turn often results in the unhygienic conditions comparable to those that existed in the Industrial cities of England a hundred years ago.

Considering the South African context, Oranje (1995:27) proposes five characteristics that an appropriate system of development control needs to have namely

- **It must be coordinated and integrated with the goals and objectives of the particular city and region in which it is to function;**
- **The focus of control must be on strategic rather than on petty matters ;**
- **It must make empowerment and engagement a real possibility and acknowledgement to the postmodern world we live in;**
- **It must avoid being exclusionary, and**
- **It must be applied creatively.**

The system of urban management on a local level through Structure Plans and Town Planning Schemes does not as yet form an interrelated whole, nor is development control tied up with the goals and objectives of the higher authorities i.e. the provincial legislature. Although structure plans are supposed to fall within a national framework of planning terms of the physical Planning Act of 1991, town Planning Schemes stand alone. The reason for their existence is stipulated in provincial ordinances, with no link between these schemes and structure plans (Oranje,1995:27).

In essence it becomes development control via town planning schemes for the very arbitrarily defined utilitarian goal of the 'health, safety, good order, amenity, convenience and general welfare 'of the area to which it relates (RSA: Transvaal Town Planning and Townships Ordinances, 1986, Clause 19).

In this section a summary of the different viewpoints which have made a significant contribution to the theory of planning are discussed.

### 2.4.1 Economists view

Contemporary arguments for abandoning planning, reducing regulation, and restricting regulation and restricting the size of government interventions and planning legislation are accompanied by calls for increased reliance on entrepreneurship and the competitive forces of the market. The gist of this viewpoint is that, *'government regulation and planning are unnecessary and often harmful because they stifle entrepreneurial initiative, impede innovation, and impose unnecessary financial and administrative burdens on the economy'* (Klosterman,1985:2). It is their contention that planning control impedes the free market system and is therefore counterproductive and, that the market mechanism will find the best use for every piece of land. Affiliates to this liberal way of thinking are Adam Smith and John Stuart Mill (Klosterman, 1985:2).

### 2.4.2 Criticism of the Economist theory

The free market system prevalent in the early nineteenth century failed to address social and environmental concerns, resulting in the slum conditions of the Victorian Cities. Ratcliffe (1974:43) states that the market operating alone does not provide the most appropriate location for what are generally described as the non-profit making land uses, such as termini, roads, fire stations and sewerage plants. Nevertheless, the correct siting of these non-profit making land uses can render the profit making land uses more profitable. Thus planning assists the market in becoming more efficient.

### 2.4.3 Pluralist view

The Pluralist perspective held by Lindblohm's incrementalism also conforms to the principles of this argument. The incrementalists although they see the need for planning, argue for reduced levels of Comprehensiveness of the plans. The best method of planning being *'the science of muddling through'*. Complementing the economists' argument, Lindblohm and other critics of

planning suggest government actions should not be guided by long-term range plans or attempts at comprehensive coordination but by the increased reliance on existing political bargaining processes. Thus it is assumed political and economic competitiveness eliminate the need for independent government action, planning and coordination (Klosterman, 1985:7).

#### 2.4.4 **Marxist view**

From the Marxist perspective, the role of planning in the contemporary society can be understood only by recognising the structure of modern capitalism as it relates to the physical environment. It argues that the fundamental social and economic institutions of capitalist society systematically promote the interests of those who control society's productive capital over those of the remainder of the society (Klosterman,1985:10). The government planning is also suspiciously viewed as being biased in favour of long-term interest of capital by creating and maintaining conditions conducive to the efficient accumulation of capital in the private sector. According to Klosterman, Marxists view the planner's action in each sphere as primarily serving the interests of capital at the expense of the rest of the society.

### 2.5 **Emergence of Urban Planning In Britain**

The emergence of Town Planning Schemes can be traced back in Britain to the nineteenth century, where planning was mainly concerned with providing solutions to the unsightly conditions of the Victorian Slums. Whilst zoning of land for different uses was evident in Ebenezer Howard's 'Garden City, a concept which envisaged a molecular infrastructure of garden cities clustering around a central city of about 50 000 people (Ratcliffe 1974 : 30).

The provisions for the development of the town planning scheme system were echoed in the Liberal Government's Housing, Town Planning Bill which was passed into law in 1909. The Act of 1909 sought to, 'diminish what have been called by-law streets, with little law and much monotony'. It hoped to 'get rid of the regulation roads that are so regular that they lack that line of beauty that Horgarth said was a curve' (Hall, 1996: 55).

The most important provision of the Housing and Planning Act of 1909 was to allow and encourage local authorities to make Town Planning Schemes for large areas liable to be developed for new Housing. Physical control was largely exercised by the public health authorities. The object of the bill was to provide, 'a domestic condition for the people in which their physical health, their morals, their character, and their whole social condition can be improved....The Bill aims in broad outlines at, and hopes to secure the home healthy, the house beautiful, the town pleasant, the city dignified and suburb salubrious', (Hall 1996: 53- 55).The earliest schemes approved by the Local Government Board were for three linked areas on the west side of Birmingham, Edgbaston, Harborne and Quinton. The London Scheme was much superior and covered an even bigger area. It set out roads, building lines, open spaces, shopping, factory and residential areas.

The emerging Town Planning Scheme consisted of a written set of clauses and accompanying maps. It conferred on the Local Authority enforceable powers and specified 'use zones' by indicating the class proposal that needed permission from the authority (McLoughlin,1973 : 56). Zoning is the division of the land according to building design and use. Comprehensive zoning consists of the division of the whole territory of the municipality into districts, and the imposition of the restrictions upon the use of land in such districts. Zoning regulations are drafted and enacted by the legislative authority and they may be enforced by municipal action. Cities have used zoning since the late nineteenth century with the first ordinance enacted in New York City in 1916.

### **2.5.1 In the United States**

According to Hall (1996: 57), like the British, the Americans were also caught up with the problems of congestion and planning was around decentralization through transit. It was not long before the realization that better transit could spell even worse congestion in the city's core, by bringing in more workers and raising land values. The only seemingly logical solution, as the Tenement House Commission observed, could only be 'through a complementary measure: restriction of height and massing of buildings'.

The Commission, influenced by Benjamin Marsh and Basset adopted the German model of 'zoning' to the American Cities. From 1909 onwards California developed a comprehensive land-use zoning, but it was the German model of combined land-use and height zoning that was adopted in the New York Zoning Ordinance of 1916. In 1913, the City's Board of Estimate voted to create a Committee on Heights of Buildings. In December 1913, the Commission's report argued for the zoning concept of police power (the state power to regulate the private use of property so as to guarantee 'health, safety, morals, comfort, convenience and welfare of the community'. By 1916, the Zoning Commission had prepared an ordinance in favour of four types of land use zones, two of which (residential and Business) would be subject to height restrictions (Hall 1996 :59).

Zoning as a land use device proliferated rapidly, with techniques to control land use. However there was a great difference between the new zoning controls and the well-established police power regulation of buildings and factory – the latter being indicative of prescriptive/ discretionary planning, was used to solve the existing problems and to promote health and safety, while zoning applied to new developments only (Allopi, 2000: 35 )

The town planning schemes were not well received for the following reasons:-

- They ignored the differences, i.e. desires, wishes, incomes, cultures, religions, etc. in their regulations and definitions and in effect treated the urban landscape as if it were a homogeneous plain, devoid of meaning; and
- They allowed people only limited input in the drawing up of regulations and codes which bound them and in the making of decisions about the future of their city/town and their immediate locality.

## **2.6 Approaches to Urban Planning**

### **2.6.1 Introduction**

*“ Man is built in such a way that ( unless inspired by hypnosis) his experience of life, both as an individual and as a member of a group, determines his world outlook, his motivations and his scale of values, his actions and his intentions”*  
(Solzhenitsyn, 1972:10)

Approaches in urban planning can be classified between the Modernist and Post-Modernist. These are the forces and schools of thought that have shaped and changed our cities from century to century. Arising from these influences, different approaches and practices in urban planning have emerged.

Modernism was a movement that emanated from a revolution that arose as a reaction to the industrial cities of the nineteenth centuries. Beauregard (in [www.sympatico.ca](http://www.sympatico.ca) June 2007: 384) defines Modernism as a cultural reaction to the processes of modernization associated with the rise of capitalism in the nineteenth and twentieth century. Its initial thrust was to diminish the excesses of industrial capitalism while mediating between capitalists which were inefficiently organized for production and those who were affected by it.

The early modernist planners held utopian attitudes and were pre-occupied with manipulating the physical environment to create industrially efficient towns. This Modernist planning was rejected when political and economic manifestations of post-modernity emerged. These were evident in the form of fragmentation, inequality and alienation inscribed in the physical and social landscapes of cities.

Post-Modernist planning sought pluralistic strategies for dealing with urban development. It aimed at the return to the human scale, the recreation of community and vernacular form. This was in contrast to the habit under modernistic thinking of imposing plans based on functional zoning of different activities.

Table : 2.1 Approaches to Urban Planning

	<b>MODERNIST</b>	<b>POST- MODERNIST</b>
<b>Concepts of the City</b>	The city is seen as an object, as mass housing	The city as landscape, as an expression of social diversity
<b>Themes in urban design</b>	Continued emphasis on lower densities and sunlight; functional zoning;	More diversity, more emphasis on local context, mixed land uses
<b>Themes in Strategic Planning</b>	Redevelopment of slums, controlled expansion through suburbs, new town and green belts	Renewal and regeneration, containment
<b>Decision making style</b>	Comprehensive, either blueprint, "unitary" (1940s) or "adaptive	Piecemeal, " coping with conditions

Source: <http://www3.sympatico.ca/david.macleod/POMO.HTM> 20 June 2007.

There have been more evolving approaches in planning practice since the abandonment of the synoptic planning approach which dominated the utopian era (Post – Modern).

### 2.6.2 **Blue Print Planning**

Up until the 1930s 'Blueprint Planning' ideas and concepts based on 'Garden City' and City Beautiful were dominant approaches. The style of planning included comprehensive and normative planning since the whole city was expressed in a rigid plan based on idealistic concepts. Planners of that era also believed that by manipulating the physical elements of the city they could create certain social benefits.

Control was exercised which had largely negative effects i.e. the schemes and their implications were concerned with what should not occur (development

control) rather than what should come about (strategic planning). Furthermore, they were indicative rather than prescriptive and tended to be unrealistic. The period of 1950s marked a significant period in the history of planning with the start of the revolution that shifted the focus on 'blue print' planning to the Rationale–Comprehensive approach.

### 2.6.3 **Synoptic Planning**

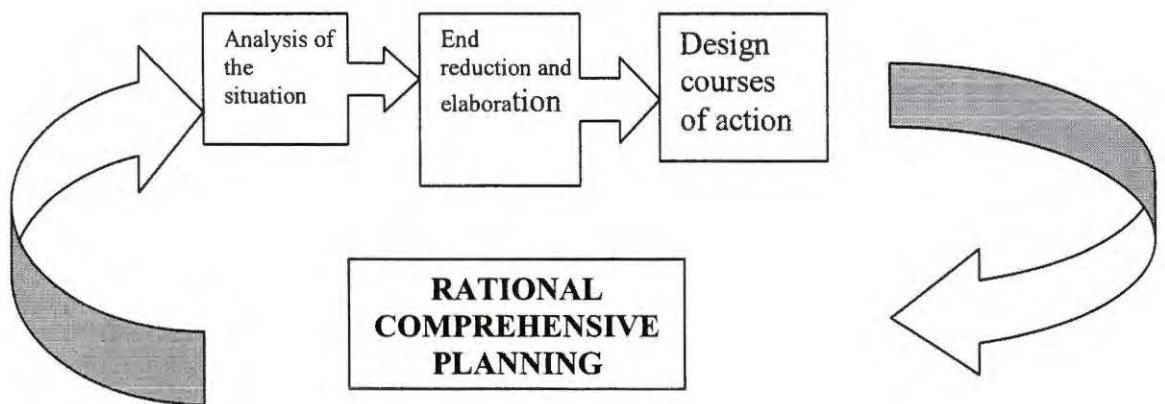
The synoptic planning, also termed the Rational Comprehensive Approach has four classical elements:

- (1) **Goal setting,**
- (2) **Identification of policy alternatives,**
- (3) **Evaluation of means and ends,**
- (4) **Implementation of policy.**

The process is not always undertaken in this sequence, and each stage permits multiple iterations, feedback loops and elaboration of sub-processes. This approach looks at the problems from a systems viewpoint, using conceptual or a mathematical model, relating ends (objectives) to means (resources and constraints) with heavy reliance on numbers and quantitative analysis (Hudson, 1979: 389). The pioneer for this planning approach was Meyerson (1956). Meyerson argued for bridging the gap between long range planning and short range planning.

The rationale planning theory defined planning as a process by which the planner selects a course of action (as a set of means) for the attainment of his ends. It is 'good' planning if these means are likely to cause attainment of ends or maximize the chances of their attainment. This therefore means planning would have to be done in order to achieve the fullest attainment of ends. The planner would make a rational plan guided by the analysis of the situation, End reduction and Elaboration and Design courses of action.

Fig 2:1 Means – End Analysis in Rational Comprehensive approach



Following this guide, the planner would analyse the situation looking at the problem and what opportunities and obstacles exist towards achieving his goal. The ends should be formulated and moreover be reduced to be in specific and operational terms so as to eliminate vagueness. The planner should then develop the course of action and lastly evaluate consequences both intended and unintended (Banfield, 1959:125 ).

Policy formulation is approached through means–end analysis; first the ends are isolated and the means to achieve them are sought. In terms of this approach the test of a good policy is that it can be shown to be the most appropriate means to achieve the desired ends.

#### 2.6.4 Incremental Planning

Advocated by Charles Lindblom, the key element of this theory is a pluralistic view of a society composed of competing interests groups who lobby government for certain policies. In this model, plans are not constructed by a strict process but by a series of consultations largely based on people's actual experiences. Lindblom maintains that for complex social problems the rationale–comprehensive approach is inadequate and that the idea that values should be clarified, and in advance of the alternative policies is appealing, but unrealistic.

In contrast to the Rational–Comprehensive approach the incrementalist approach focuses on the increment values of choice made. To elaborate this point Lindblom (1959) makes an illustration of choosing between two policies, X and Y. For argument's sake these policies both promise the same degree of attainment of objectives *a, b, c, d, and e*. But X policy promises more of *F* than policy Y, while policy Y promises more of *g* than policy X. In making his decision the decision maker is given an alternative of a marginal amount of *F* at the expense of an incremental amount of *g*. Lindblom (1959:), distinguishes between his incrementalist theory and the rational comprehensive approach in the following manner:-

Table 2.2 Comparison between Rational – Comprehensive Approach and the Incrementalist Approach.

<u>Rational – Comprehensive Approach</u>	<u>Incrementalist –successive Limited Comparisons</u>
a) Clarification of values and objectives distinct from each other and usually prerequisite to empirical analysis of alternative policies	a) Selection of value goals and empirical analysis of the needed action are not distinct from one another but are intertwined.
b) Policy formulation is approached through means-end analysis : first the ends are isolated, then means sought	b) Means–ends analysis is inappropriate
c) The test of a good policy is that it can be shown to be the most appropriate means to desired ends.	c) The test of a good policy is typically that various analysts find themselves directly agreeing on a policy (without their agreeing that it is the most appropriate means to the agreed objective).
d) Analysis is comprehensive; every relevant factor	d) Analysis is limited; <ul style="list-style-type: none"> <li>i) Important possible outcomes are neglected</li> <li>ii) Important alternative potential policies are neglected.</li> <li>iii) Important affected values are neglected.</li> </ul>
e) Theory is often heavily relied upon	e) A succession of comparisons greatly reduces or eliminates reliance on theory.

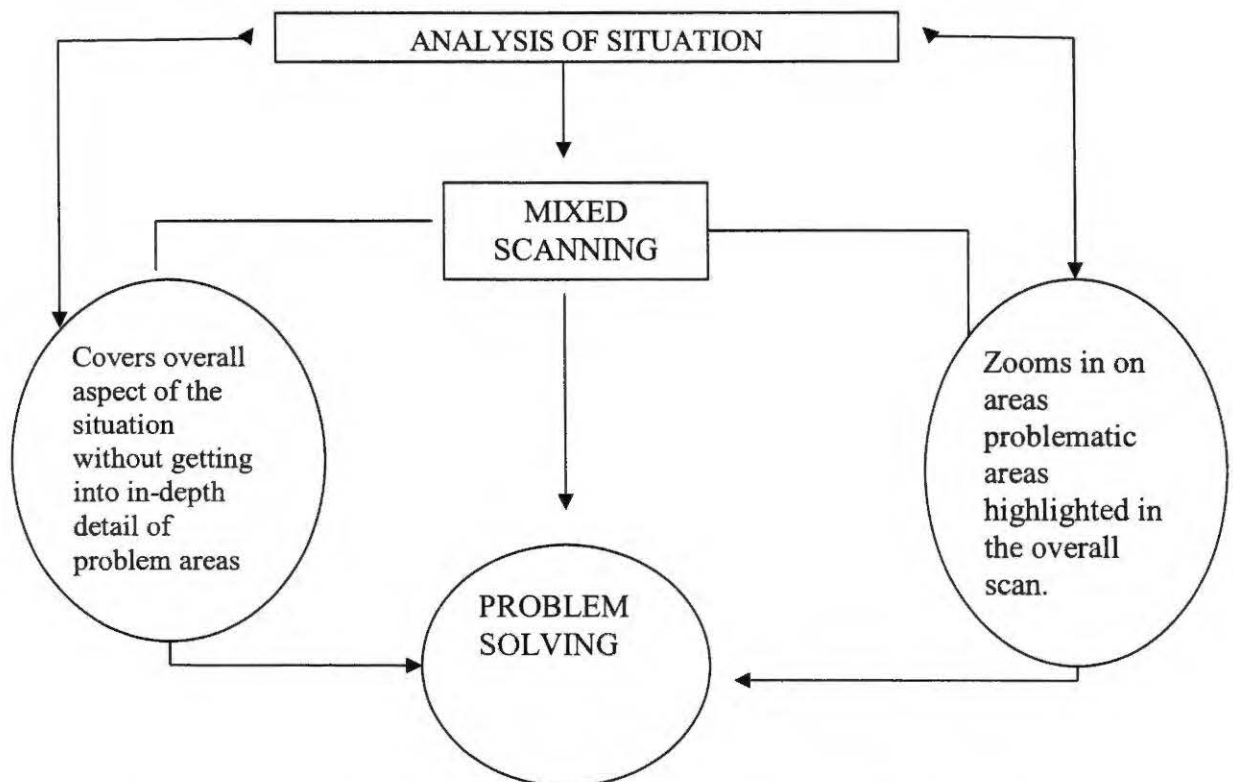
*(Lindblom 1959, p 154)*

The Incrementalist Approach presents a science of muddling through which relaxes the control imposed by the Rational–Comprehensive approach to planning.

### 2.6.5 Mixed Scanning approach

The 1960s saw the development of an approach advocated by Etzioni A, (1967). The mixed scanning approach could be best explained by using the diagram below:

Fig 2.2 Mixed Scanning Approach



The mixed scanning involves the general overview of the problem, situation or area without analyzing even the least problem that might be there, as would be the case in the incrementalist approach. The difference is that whilst the incrementalist view of the situation would overlook or even ignore the problems that might be of significance, the mixed scanning approach attends to those highlighted problem areas in a more detailed manner. Thus this theory combines the advantages of the incrementalist approach and makes an effort to make up for the shortcomings of the incrementalist approach.

*“Thus the two elements in mixed scanning approach help to reduce effects of the particular shortcomings of the other; incrementalism reduces the unrealistic aspects of rationalism by limiting the details required in fundamental decisions, and contextualizing rationalism helps to overcome the conservative slant of incrementalism by exploring longer term alternatives.” (Etzioni, 1967:45 )*

The flexibility of this theory made it preferable compared to adopting solely the rationalistic or the comprehensive theory.

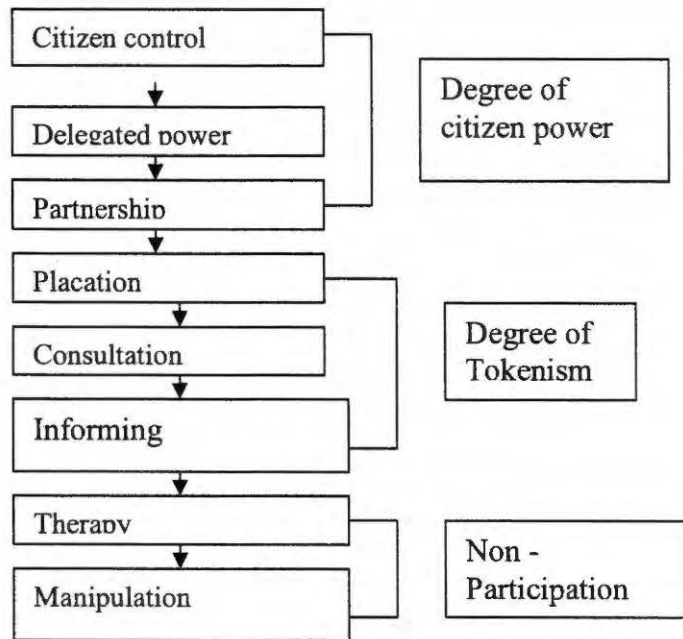
#### **2.6.6 Public Participation and Collaborative Planning**

Arnstein’s article (1969) was a pioneering work in the field of participation. She defines citizen participation as the *“redistribution of power that enables the have-not citizens, presently excluded from the political and economic processes, to be deliberately included in the future. It is the strategy by which the have-not citizens join in determining how the information is shared, goals and policies are set, tax resources are allocated, programs are operated and benefits like? and patronage are parcelled out”*

Arnstein (1969) holds that citizen participation can be classified into a ladder of eight levels with a relatively different extent or power of each citizen.

These levels vary in the extent to which the communities or *involved* participants in the planning process are involved in decision-making processes. The lowest levels in the ladder are *manipulation* and *therapy* which show non-participation or non-involvement of communities in the planning processes. The next levels are *informing*, *consultation* and *placation* which show a degree of tokenism whereby communities are merely consulted and informed about the planned development that will affect them and have no participation in the decision-making processes. At the top of the ladder are *Partnership*, *Delegated Power* and *Citizen Control* which show full participation of the involved communities in the decision-making processes by being partners in the development project, through delegated powers or citizen control whereby the communities drive the decision-making themselves. These can be shown using the illustration from her article;

Fig.2.3 Arnstein's Ladder of Citizen Participation



**Source : Arnstein 1969:217**

The argument behind this theory is that the effective and real citizen participation can only be seen where the community is not merely manipulated, informed or consulted, but where decision-making processes involve the communities as partners in the decision-making processes.

Closely relating to Public Participation is Healey's Collaborative Planning approach (Healey, 1996: ). In this approach, Healey argues that to pursue their (stakeholders) social, economic and environmental agendas in the social contexts of contemporary urban regions, there are shared interests in finding forms of governance which enable discussion to take place among many stakeholders in the design of institutional processes which will facilitate collaboration, mutual learning and consensus building. She maintains that the challenge for urban region strategy-making is to find ways of collaborating across the webs of relations with a ' stake' in an urban region's future, to develop new ways of thinking about how to share place and space which can endure over time. Healey advocates that planning will be meaningful and

conducive if strategic consensus building is achieved through *inclusionary argumentation*. The key words that form the backbone of this approach are collaboration, mutual learning and consensus building.

## 2.7 URBAN LAND USE MODELS

The study of urban land use generally draws from three different descriptive models, namely the Concentric Zone Model, the Sector Model and the Multiple Nuclei Model. These models were developed to generalize about the patterns of urban land use found in early industrial cities of the United States. Although they had received criticism for being mostly applicable to American cities where they were formulated and for predominantly describing the generic city's land use pattern, they have remained the foundations for the generalizations of the way in which land is allocated for different uses within the city.

### 2.7.1 The Concentric Zone Model

In 1925 Burgess presented a descriptive urban land use model, which divided cities in a set of concentric circles expanding from downtown to the suburbs. This presentation was built from Burgess' observations of a number of American Cities, notably Chicago. The model assumes a relationship between the socio-economic status (mainly income) of households and the distance from the CBD. It depicts the urban land use as a set of concentric rings with each ring devoted to a different land use. According to this mono-centric model, a large city is divided into six concentric zones. These zones formed rings which formed around the CBD. (in <http://www.uncc.edu/landuse/b-models/B-3mods.html>)

- **Zone 1 (Central Business District):** The Central Business District is where most of the tertiary employment is located and where the urban transport infrastructure is converging, making this zone the most accessible.
- **Zone 2 (Zone in Transition):** Immediately adjacent to the CBD a zone where many industrial activities locate to take advantage of nearby

labour and markets. Further, most transport terminals, namely port sites and rail yards, are located adjacent to the central area.

- **Zone 3 : (Zone of Independent Workers):** This zone is gradually being reconverted to other uses by expanding manufacturing/ industrial activities.
- **Zone 4 (Zone of Better residences):** Residential zone dominated by the working class and those who were able to move away from the previous zone (often second-generation immigrants). This zone has the advantage of being located near major zones of employment and thus represents a low cost location for the working class.
- **Zone 5 (Commuter's zone):** Represents higher quality housing linked with larger commuting costs (See Fig.2.4, p34).

According to Burgess, urban growth is a process of expansion and reconversion of land uses, with a tendency of each inner zone to expand into the outer zone. He described the changing spatial patterns of residential areas as a process of "invasion" and "succession". As the city grew and developed over time, the CBD would exert pressure on the zone immediately surrounding it (the zone of transition).

### **2.7.2 Sector Model**

This model was developed by the economist, Homer Hoyt in 1939. (<http://www.uncc.edu/landuse/b-models/B-3mods.html>). He suggested that once similar uses emerged around the Central Business District, activities would remain in that particular area and extend over time in the same direction as the city grew.

According to this model, the city develops in a series of sectors, not rings. Certain areas are more attractive for different activities. In the centre is the Central Business District (CBD). As the city grows, activities expand in a wedge, or sector from the centre.

Hoyt's model easily accommodates growth because it allows new activities to be added to the periphery, rather than requiring redevelopment of existing areas as the ring model implies. The model is also consistent with the

observation that cities grow more rapidly in the direction of the high-income sector, as entrepreneurs seek business sites near the affluent market.

### 2.7.3 Multiple Nuclei Model

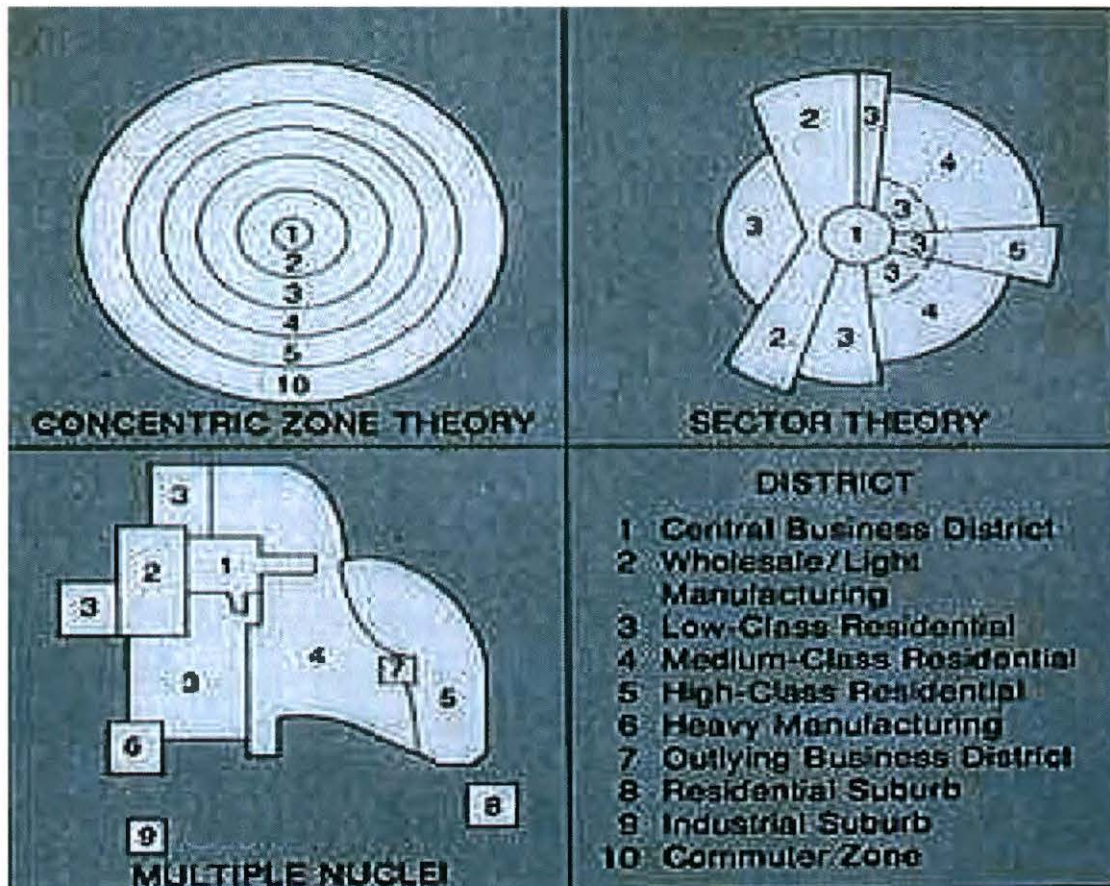
This model was developed by Harris and Ullman in 1945. It provides an alternative conceptualization of urban form, one based on the premise that uses do not evolve around a single core, but at several nodes or focal points. The model recognizes that different activities have varying accessibility requirements, e.g. a cultural centre such as a university or a theatre district or simply a major transportation intersection. Some activities go with particular nodes while others do not. For example, a university node may attract well-educated residents, bookstores, and copy places. On the other hand, the airport may attract hotels and warehouses. Likewise, incompatible land use activities will not be clustered together (<http://www.uncc/landuse/b-models/B-3mods.html>:20 July2007).

According to Saunders et al (2002:76), the separate nuclei become specialized and differentiated in the growth process and are not differentiated in the growth process and are not located in relation to any distance attribute, but are bound by a number of attributes, namely:-

- **Differential accessibility:** some activities require specialized facilities such as port and rail terminals.
- **Land use compatibility:** Similar activities group together since proximity implies improved interactions through the process of economies of agglomeration. This can be defined as centripetal forces between activities.
- **Land use incompatibility :** Some activities repel each other such as high quality residential and heavy industrial activities.
- **Location suitability:** Some activities cannot afford the rent of the optimal site for their location. They are thus located at cheaper places which are optimal sites for their location. (Fig 2.4 below illustrates the Multiple Nuclei Model).

Harris and Ullman philosophized that none of the three models was universally applicable and that all cities exhibited patterns identifying with aspects of one or more models.

Fig2.4 The three Land Use Models



Source: Three models of urban land use. <http://www.uncc.edu/landuse/b-models/b-mods.html>: 20 July 2007).

Of the three models, Mthatha's pattern of development is identical to the sector model, as the expansion and growth does not form outward in a homogeneous ring of activities, but in sectors where some new activities are created in certain areas of the CBD periphery. The Town Planning Scheme of Mthatha currently does not appreciate this fact and is not flexible enough to incorporate the emerging activities, and in the presence of a development framework underpinning the scheme, the current growth patterns could have been projected and provisions could have been created.

## **2.8 CONCLUSION**

This chapter gave a broad theoretical account of the literature relating to the focus of the research study. The evolution and history of zoning has been discussed and the intervening policies at National and local level have been addressed. The chapter also tried to give views based on published literature as answers to the primary research questions that this study seeks to answer. It gave a broad and general account of Town Planning in an international context and the models and theories that are prominent in the planning field. The next chapter will focus on Town Planning in a National context. This includes provincial and local context of Land Use Management and Integrated Development Planning. The case study of Quigney in the Buffalo City Municipality will also be introduced in the next chapter. This is used as a source from which lessons can be drawn for Mthatha Land Use Management System.

## **CHAPTER 3: Town Planning in South Africa**

### **3.1 Introduction**

Much thinking behind the planning system in South Africa originates from the British and American systems of zoning. As contained in the white paper for Spatial Planning and Land Use Management (2001: 5-6), Apartheid planning was integrally linked to blueprint - or 'master' planning as the dominant planning approach. This approach had as its focus the manipulation of the physical environment to implement the plan in an inherently inflexible, static physical representation of a desired future - in this case one of 'orderly', racially separate and unequal development. The approach was comprehensive in nature, striving to predetermine the use of all land parcels in order to achieve the desired end state of separate development.

This desired end state became an inflexible representation of the future which necessitated complete and absolute control on the part of planning authorities. The planning system created to address and support minority interests also led to the evolution of a highly complex, multiple and confusing legal environment for planning. The legal complexity was further aggravated by the fact that the major tools of management and control (e. g. Zoning and title deed restrictions) derive their powers from different laws. (RSA 2001: 5-6).

The effects of this planning approach include displaced urbanisation and a settlement pattern that is grotesquely distorted, fragmented, unequal, incoherent and inefficient. This settlement pattern generates enormous movement across vast areas which is both time consuming and costly, thereby entrenching a system of unequal access to economic and social resources. Features of development patterns reflect disjuncture between inherited schemes and newly drawn up plans: The post-apartheid plans remain hamstrung by the schemes currently in place. These schemes often reflect land use patterns that are very different from those envisaged in the new plans. Because of the greater detail of the schemes, as well as the fact that

they consist of concrete rights to use and develop land in particular ways, they remain relatively unaffected by the new plans. The new plans thus have had only a weak impact on inherited spatial patterns (RSA 2001:6).

According to Phakane (1994:4), 'whether one agrees or not, most of the planners in this country (South Africa) have been trained to emphasise physical planning, and inadvertently know or do nothing about social and development planning. Planning cannot just be physical, but should be economic, social and developmental'.

It was on this premise that the paradigm shift in South African City and Regional or Development Planning was deemed of urgent significance. The post 1994 era saw a change in the Planning Legislation with the formulation of new planning approaches and practices in South Africa, as will be discussed below.

### **3.2 OLD SYSTEM – PRE DEMOCRATIC ERA**

Prior to 1994, the planning in South Africa was supported by legislation that encouraged segregational development. Amongst these law are the following Acts which was key to the field of planning:

#### **3.2.1 The Physical Planning Act 125 of 1991**

The PPA of 1991 was enacted to promote the orderly physical development of the then Republic of South Africa under the banner of the National Party, and for that purpose to provide for 'the division of the Republic into regions, for the preparation of national development plans, regional development plans, regional & urban structure plans by various authorities for physical planning and for matters connected therewith.(RSA:Physical Planning Act 125 of 1991, Chapter1).

The PPA made provision for the formulation of policy plans by the various authorities, these were mostly operating at provincial level. It also provided for the guideline for the contents of the plans. The following are the guidelines:-

- A plan shall consist of broad guidelines for the future physical development area to which that policy plan relates
- A policy may provide that land shall be used only for a particular purpose or, with the consent of the minister, an administrator, or any other authority specified in the policy plan, also for the other purposes for which provision is made in the policy plan.

### **3.2.2 Structure Plans**

A structure plan is an old style development plan and sets out a framework that can be used to guide development or redevelopment of a particular area. It is used to define future development and land use patterns, areas of open space, the layout and nature of infrastructure, and other key features for managing the effects of development. Structure plans comprise of a broad framework of policies looking forward up to 20 years ahead, supported by one or more maps or diagrammatic representations of the proposed layout, features, character and links for areas being developed.

These types of plans are products of the Blue – print planning approach and were adopted from the British style of planning introduced by the British Town & Country Planning Act of 1968. In South Africa these were formulated in terms of the Physical Planning Act o 125 of 1991.

The contents of urban structure plans as contained in Section 24(1) of the PPA 1991 are:

- An urban structure plan shall consist of guidelines for future physical development of the area to which that urban structure plan relates.
- An urban structure plan may provide that land shall be used only for a particular purpose or, with the consent of the Minister or an Administrator or any other authority specified in the urban structure plans. Also for the other purposes for which provision is made in the urban structure plan.

### **3.2 CURRENT INTERVENTIONS / POLICIES(POST APARTHEID ERA)**

A need was identified to redress the undesirable urban growth patterns that were inherited from the apartheid planning system through integration of areas previously planned for white South Africans and the non-white South Africans. As a step towards achieving this goal, Gildenhuys (1995:15-16) makes the following contribution for consideration:-

- **Integrated urban development.** Integrated development does not imply a comprehensive approach (as in the case of the Town Planning Scheme); neither does it imply government control of development processes. It rather suggests a focus on a concerted effort from all concerned to alleviate the problems and crises in our cities and towns.
- **Sustainable urban Development** that takes into cognizance the available resource base of the urban system. A sustainable solution can only be contemplated when needs are redefined in terms of effective demands. It implies that the crisis can only be solved within the limits of the institutional, economic, social and technical capacities of the communities concerned.
- **Neither integration nor sustainability** will be achieved in the absence of an appropriate policy framework. The policy framework needs to translate and link government policy with local realities. An appropriate policy framework requires an understanding and in- depth knowledge of the policy framework.
- **Growth management is a continuous process.** It is more than a solution to development problems.

Never should the communities in our cities again be eliminated from the decisions on their destinies (Gildenhuys, G, 1995:15 -16).

South Africa's integrated planning approach was launched after 1994 as a platform for previously marginalized municipalities to directly partake in service delivery planning; reform old and build new institutions; and to identify and

prioritise strategic development interventions with both short and long-term impact. This process has provided an opportunity for municipal, provincial, and national representatives, as well as other major players, to debate and agree on long term development strategies (over 25 year period) and on immediate ones (over 5 year period) for a given municipality.

These are categorized into National and Local context

### **3.2.1 National Context**

Since 1948, the idea of planning in South Africa had shifted from the domain of planners and becomes the domain of government (Nyezi, 2002:36).

In other words, the planning was centralized at National level. The plans and legislation emerging from this approach were of segregated development.

Since the emergence of the democratic era in 1994, great attention had been devoted to establishing an alternative paradigm for planning and Spatial Development in South Africa, that of **integration and sustainability**.

The new development planning approach provides a sharp contrast to that adopted during the apartheid era, where emphasis was on sectoral planning. Issues such as environmental sustainability, economic viability, poverty alleviation and social health and welfare were rarely considered (Binns, 2002: 922). This shift was partly in response to political pressures for local autonomy and to deliver public services more efficiently.

By 1995, Integrated Development Planning had emerged as a distinct approach to planning in South Africa and was being promoted by the Reconstruction and Development Programme (RDP) office and the Intergovernmental Forum for Effective Planning and Development (FEPD). At that time the Integrated Development planning was conceived mainly as a tool to support the coordinated delivery of reconstruction and development by National and Provincial government departments. However, with the closure of the RDP office, and creation of the Transitional Local Councils (TLC), the

focus had shifted by 1996 to the role of Integrated Development Planning in the local sphere of government (Binns 2002: 923).

Each sphere of the three-tier government in South Africa performs constitutionally allocated functions for which it is accountable. At the same time, the three spheres are interdependent and interrelated. They are part of "one government" and are required to "cooperate" with each other to provide coherent government. National government has the overall responsibility for the spatial planning, land use and land development function. Practically, however it is essential that decision-making powers are exercised, wherever possible, by local government. National government's role is thus primarily that of establishing one, coherent, effective framework, and then only intervening in extraordinary situations (RSA- White paper on Spatial planning and Land Use Management 2001: 38).

The South African government has given effect to the principles of co-operative government and inter-governmental relations by:

- introducing core systems, frameworks and processes governing priority-setting, strategic planning, budgeting and implementation;
- establishing inter-governmental forums through which they routinely coordinate the execution of their functions; and
- implementing programmes and projects, often through joint effort and collaboration where programmes cut through jurisdictional boundaries.

(<http://www.buildnet.co.za/ahani/2003/Nov/oz.html>.)

The function of planning was then decentralized through legislation that vested more power and authority of local government in local development and planning of their respective localities. A key element in facilitating this objective at local government is the process of 'Integrated Development Planning' (Binns, 2002:922).

Several pieces of legislation and policies influence the nature of planning in South Africa presently, all of which focus on improving integration. These will summarily be discussed under this section

### **3.2.1.1 The Constitution of South Africa (Act 108 of 1996)**

The Constitution of the Republic of South Africa (Act 108 of 1996) stipulates that Local Government must serve a politically representative function with active community participation in order to achieve service delivery, social and economic development and a healthy environment. South Africa has two tiers of Local Government, the District and Local Municipalities. The aim was to form developmental local governments that would ensure 'integration of isolated communities into development areas, the integration of diverse land uses and the integration of different sectoral policies on all levels of government; and steered by public ownership of the process' (Van Huysteen, 1998 : 2-3).

Section 152(i)c of the constitution focuses on the role of local government in that a municipality must:

- Structure and manage its administration, and budgeting and planning processes to give priority to the basic needs of the community and to promote the social and economic development of the community; and
- Participate in National and Provincial development programmes.

### **3.2.1.2 The Development Facilitation Act of 1995**

The Development Facilitation Act (DFA) was enacted in 1995 as an interim measure to bridge the gap between the old apartheid laws and the new planning systems. A major feature of this law is its base of normative principles for land development. The enactment of the DFA brought about a new dimension and approach to the planning system in South Africa. Prior to 1994, the planning emphasis had been mainly on controlling the form and spatial location of development by means of legislations passed.

The deliberate emphasis of the on development facilitation of this act represents a departure from the predominant control oriented planning system

Of great significance to the spatial planning fraternal are the general principles for land development contained in the DFA.

Whilst it is possible that the general principles are to be superseded by similar normative principles of the Bill on Land use management, they still remain the only legislated (enacted) principles applicable to spatial planning in South Africa.

These are extracted from section 3.1 and are recorded below as:

**(a) Policy, administrative practice and laws should provide for urban and rural land development and should facilitate the development of formal and informal existing and new settlements**

*<sup>1</sup>This principle requires all who are involved with land development planning and decisions about land use to think in a very broad way. In the past planning focus was on towns and cities, neglecting rural areas. We did not recognize that the housing that is erected in informal settlements provides essential accommodation for many thousands of families. Many informal settlements require further development actions, such as new roads, water taps and community facilities. So when we talk about the development of new settlements, this does not always a 'green fields' project. It could mean providing infrastructure, basic services and community facilities such as schools and clinics for an existing informal settlement.*

**(b) Policy, administrative and laws should discourage the illegal occupation of land, with due recognition of informal land development processes;**

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<sup>1</sup> Extracted from the Buffalo City Municipality SDF 2003

<sup>2</sup> *This principle establishes that public authorities and public institutions should discourage the illegal invasion of land. Illegal occupation results in fragmented settlement pattern and creates conflict. It is difficult to provide services such a water, sanitation and roads to fragmented settlements.*

*This principle does not conflict with Principle 31(a) which recognizes informal settlements that already exists.*

*It says that we should discourage any more illegal settlements because it will be difficult to bring secure tenure, services and acceptable quality of life to such settlements.*

**(c) Policy, administrative practices and law should promote efficient and integrated land development in that they:-**

- Promote the integration of the social, economic, institutional and physical aspects of land development;
- Promote integrated land development in rural and urban areas in support of each other;
- Promote the availability of residential and employment opportunities in close proximity of each other;
- Optimize the use of existing resources including such resources relating to agriculture, land, minerals, bulk infrastructure, roads, transportation and social facilities;
- Promote a diverse combination of land use, also at the levele of individual erven or subdivisions of land;
- Discourage the phenomenon of 'urban sprawl' in urban areas and contribute to the development of more compact towns and cities;
- Contribute to the correction of the historically distorted spatial patterns of settlement in the Republic and to the optimum use of existing infrastructure in excess of current needs; and
- Encourage environmentally sustainable land development.

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<sup>2</sup> Extract from BCM SDF 2003:9

<sup>3</sup>The objective of this principle is to achieve 'integrated and efficient land use'. To clarify what this means, there are eight sub-principles:

- i) The first sub principle calls for a unified approach to planning. It emphasizes that planning is not only about physical development frameworks and spatial decisions. The social, economic, and institutional, environmental and all other aspects must be considered. This means that different government institutions or different departments in one institution or municipality must work together when preparing development frameworks and taking decisions on project proposals;
- ii) The second sub-principle emphasizes that urban and rural planning cannot be done in isolation from each other. Planning and implementing new urban developments must be done in a way that considers the influence and impact of such new development on the adjacent rural, undeveloped land.
- iii) The third principle recognizes how important it is for people to live close to job opportunities. This is particularly important for people of lower income who cannot afford high transport costs. The planning of industrial and commercial developments must be based on integrating working and residential areas and ensuring the integration of land use with transportation.
- iv) The fourth principle is closely related to (iii). It reminds us that resources are limited and therefore we must make the best possible use of investments that have already been made in existing developments.
- v) The fifth sub principle introduces the idea of mixed land-use developments. This means that we should not necessarily plan new areas that exclusively residential or exclusively commercial. It is better to have a range of different types of land uses in ones area. By having mixed land-uses we not only create more vibrant urban places , but we bring people closer to economic activity, which improves property values.

<sup>3</sup> Extracted from BCM SDF 2003:10

- vi) *The sixth and seventh sub- principles are very similar and should be read together. With apartheid planning, the towns created were characterized by urban sprawl. In other words they are very spread out. This creates compromising of agricultural land, difficulty for municipalities to provide and maintain infrastructure, and that people must spend excessively on the transport costs to places of work and the central business districts.*
- vii) *The eight sub principle is about sustaining a good relationship between settlements and the natural environment around them. Any settlement has an impact on the natural environment and is affected by the natural environment.*

***(h) Policy, administrative practice and laws should promote sustainable land development at the required scale in that they should:-***

- Promote land development which is within the fiscal, institutional administrative means of the Republic;
- Promote the establishment of viable communities;
- Promote sustained protection of the environment;
- Meet the basic needs of all citizens in an affordable way; and
- Ensure the safe utilization of land by taking into consideration factors such as geological formations and hazardous undermined areas.

*<sup>4</sup>This principle is concerned with sustainable development. Essentially it means that new developments must be viable to last in the long term from a physical, social and economic point of view. If this is not done, they will become problems, which require more and more resources, particularly from the public sector.*

*Land development policies, laws and administrative practices written by public authorities must address the issue of sustainability. Five sub- principles give more detail about what is meant by sustainable.:*

<sup>4</sup> Extract from BCM SDF 2003:12

- i) *The first sub-principle is concerned with the capacity of the public authorities. If developments require ongoing input from public authorities, they must be planned in a way that recognizes the resources and capacity limitations of the public authorities.*
- ii) *The second sub-principle is about sustainability of communities. To achieve this, land planning must ensure that communities are located close to work opportunities and social facilities.*
- iii) *The third sub-principle focuses on the natural environment. Clearly all development has an impact on the environment and eco-systems. This should be taken into account in land planning and development.*
- iv) *The fourth sub-principle has to do with affordability. If a community cannot afford the developments in terms of service charges, rates and other expenses, then the particular development is not viable.*
- v) *The last sub-principle is about the need to investigate physical conditions that might affect the physical sustainability of a development.*

**(j) Each proposed land development area should be judged on its own merits and no particular use of land, such as residential, commercial, conservational industrial, community facility, mining, agricultural or public or public use, should in advance or in general be regarded as being less important or desirable than any other use of land**

<sup>5</sup>This principle states that no one land use is more important than the other, so no land use should be favoured above any others. Decisions about land uses must be based on sound planning where a number of different factors, such as population, projections, economic growth strategies, the environment and other factors are taken into account. The reason for this principle is that in the past it was assumed that mining, conservation and agricultural land uses were most important for the country. This principle recognizes that not all necessary activities are protected by the mechanisms of land market. It therefore requires local authorities to consider a full range of possible activities and suitability of the land when they draw up plans.

### 3.2.1.3 The Municipal Systems Act No.32 of 2000

The Municipal Systems Act (MSA), promulgated in 2000, preserved in law the principal planning tool for local government, namely, The Integrated Development Plan (IDP). The whole Chapter 5 of the Act encapsulates the Integrated Development Planning legislative requirements that must be observed by municipalities with regards to Integrated Development Planning and its processes.

The Municipal Systems Act No.32 of 2000 lists two main principles to be adhered to in the Integrated Development Planning process, namely:-

- Planning must be **developmentally oriented**. It must support the role of local government as an agent of development and therefore an IDP is a tool for Developmental Local Government; and
- Planning must take place within the framework of co-operative governance, Municipal planning cannot take in isolation. It must be aligned with the plans and strategies of national and provincial government as well as other affected municipalities.(MSA 32 of 2000 s23-24)

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<sup>5</sup> Extract BCM SDF2003:13

The MSA 2000 s26 further lists minimum requirements in terms of the content of the IDP, without which the plan cannot be legally adopted. These requirements are:

- Assessment of existing levels of development, including the identification of communities excluded from services;
- A vision for long – term development with special emphasis on the municipality’s development & internal transformation;
- Development priorities and objectives, including local economic development aims;
- The development strategies, which must be aligned with national and provincial plans & planning requirements;
- A spatial development framework, including basic guide for Land Use Management;
- The operational strategies;
- Disaster Management Plans;
- A financial plan, including a budget projection for at least the next three years; and
- Key Performance Indicators and key Performance targets

The MSA of 2000 s35 (1) states that the Integrated Development Plan adopted by the council of a municipality is the principal strategic planning instrument which guides and informs all planning and development, and all decisions with regard to planning, management and development in the municipality.

#### **3.2.1.4 Wise Land Use: The White Paper on Spatial Planning and Land Use Management.**

The normative approach proposed in the White Paper on Spatial Planning and Land Use Management is presented in the form of principles and norms. The principles are conceived in the sense of general or fundamental values of a democratic and open society, on which the norms are based or from which the norms are derived. The norms emanating from the principles are understood as principles of right action, as authoritative rules or standards asserting or

denying that something has to be done or has value. Both the principles and norms are focused on and correlated to the field of spatial planning and land use, but, as is the case with all principles and norms, need further actualization in specific, concrete contexts.

The purpose of a normative approach is to ensure wise land use. Wise land use is inspired by humane considerations regarding the responsibility that society and the state have to preserve the earth's natural assets for present and future generations in a sustainable and economic way. Wise land use is premised on the consideration that by rational planning of all uses of land in an integrated manner, it is possible to link social and economic development with environmental protection and enhancement, making the most efficient trade-offs, and minimizing conflicts. Such an integrated approach is based on relating sectoral and different spheres of government's planning and management activities to the capabilities and limitations of landscapes to support various land uses.

The principles and norms do not prescribe black and white, yes-or-no outcomes, but serve to ensure that decisions are made with reference to a uniform and coherent set of desired policy outcomes. It is important, however, to emphasize that the interpretation and application of the principles and norms are context specific as conditions upon which principles and norms have to be applied are not uniform throughout the country (White paper on Spatial Planning and Land use Management RSA 2001: 9-10).

The White paper also sees the preparation and approval of the Spatial Development Framework, as an integral part of Municipality's IDP, as the most critical spatial planning responsibility within all three spheres of government. Once the Spatial Development Framework is approved it will have a binding effect on the public and the private sector as well as on all spheres of government.

### 3.2.1.5 The Land Use Management Bill 2006 (Revised 2007)

The purpose for the piece of legislation, The Land Use Management Bill of 2006 was aiming to rationalise the system through an overarching national legislation on spatial planning. The premise for the introduction of the new Land Use Management Bill is to ensure that there is integration between the various planning processes and institutions of different spheres and sectors and that there must be integration of the distorted and segregated spatial fabric inherited from colonialism and apartheid.

Once enacted, the Land Use Management Bill is 'to provide for the uniform regulation of land use management in the Republic; to establish principles for land development and land use management in the Republic; to provide for land use schemes; to establish land use tribunals; to repeal certain laws and to provide for matters attached therewith' (Land Use Management Bill, 2007)

Four main objectives of the Bill (upon enactment) are listed as:

- a) To provide for directive principles applicable to land development and land use management;
- b) To promote co-operative governance in relation to land development and land use management;
- c) To effect a uniform national system and procedures for land development and land use management; and
- d) To provide for the participation of local communities in land development and land use management.

The purpose of the Land Use Management bill is 'To set basic principles that would guide spatial planning, land use management and land development in the Republic; to regulate land use management uniformly in the Republic, and for this purpose to provide for the enactment of national land use frameworks; the adoption of municipal spatial development frameworks and land use schemes' (Draft Land Use Management Bill, 2006: 12).

A single continuum for the Land Use Management System has been introduced which provides for planning scheme across an urban and rural continuum (Draft Land Use Management Bill 2006: 20 -21). This provides for a range of planning schemes ranging from the Elementary scheme and terminating the Comprehensive Scheme. The main advantages of the new approach are:

- It is simplified;
- It is applicable to both rural and urban context;
- It incorporates the idea of Special Zones;
- It maintains the same level of flexibility and choice;
- It strengthens the policy and land use management link; and
- It spells out explicit intentions in the statement of intent.

The provisions for the formulation of the new Land Use Management Schemes are contained in the Land Use Management Bill of 2006.

The objective of the act will be:-

- To provide for directive principles applicable to land development and land use management;
- To promote co-operative governance in relation to land development and land use management; and
- To effect a uniform national system and procedures for land development and land use management; and
- To provide for the participation of local communities in land development and land use management.

The general directive principles entailed in the Draft Land use Management Bill aim at promoting

- **Equality,**
- **Efficiency,**
- **Integration,**
- **Sustainability, and**
- **Fair good governance**

The principle of equality state that every person affected by a decision or process regarding land development and land use management has the right-

- To be treated equally by law;
- To equal protection and benefit of the law; and
- Not to be unfairly discriminated against except as permitted in terms of the Constitution

The principle of efficiency maintains that land development and land use management legislation, programmes, policies and other measures must seek to:

- Ensure the best use of available resources;
- Develop and promote compact human settlements and discourage low density urban sprawl; and
- Secure proximity between residential and work places taking into account the health and wellbeing of affected persons.

The principle of integration maintains that Land Use Management legislation, programmes, policies and other measures must seek to:

- Promote efficient, optimally functional and integrated settlement patterns;
- Be functionally coordinated, aligned with, and take into account related policies and programmes, including transportation systems;
- Promote integration of communities from diverse backgrounds, including race and class; and
- Facilitate appropriate mixed land use.

The principle of sustainability is concerned with ensuring the sustainable management and use of the resources making up the natural and the built environment by emphasizing that land development and land use management legislation, programmes, policies and other measure must seek to:-

- Ensure that land is used or developed only in accordance with the law;
- Create synergy between economic, social, environmental and cultural resources in a manner consistent with applicable legislation;
- Preserve the use of agricultural land and in particular prime and unique agricultural land; and
- Take into account disaster and risk management.

The principle of fair and good governance stresses that land development and land use management legislation, programmes, policies and other measures must be democratic, participatory and lawful and that its process or decision must:-

- Be lawful, reasonable and procedurally fair;
- Comply with the right to just administrative action;
- Take into account and promote the need of affected persons to understand its nature and effect; and
- To promote effective administration, including-
  - The provision of adequate notice of details of officials who may assist the public;
  - Inviting affected persons to forums at which land development and land use management decisions are taken; and
  - Taking decisions within prescribed time frames.

Chapter 4 of the Bill, section 16, 1 and 2 states that a municipality must adopt a land use scheme for its whole area.

According to the Land Use Management Bill, section 17, a land use scheme must give effect to the integrated development plan and spatial development framework of the municipality.

(2) A Land use scheme may :

- Determine a single land use purpose or multiple land use purposes for a piece of land;

- Determine a land use purpose for each piece or all pieces of land falling within a specified area or identified in another manner;
- Determine different land use purposes for parts of the same piece of land;
- Impose conditions applicable to each land use purpose including:
  - Densities and intensities of use;
  - The type, extent and scale of building and structure that may be erected, including maximum coverage, height and floor area ratio and other building restrictions;
  - Layout of building and structures; and
  - Parking ratios
- provide a temporary use for a piece of land contrary to the permitted use;
- Contain provisions aimed at enforcing the scheme.

It is envisaged that the bill together with the MSA will form a comprehensive framework for local authorities embarking on Integrated Development Planning. It will also provide the framework necessary for land development activities of all sectors and spheres of government and private sector to be properly planned, taking into account the overarching development needs of society.

### **3.2.3 Local Context**

In the South African context local sphere of government is two phased, the provincial and municipal spheres. The Department of Provincial and Local Government (DPLG) is responsible for providing national guidance and support for Integrated Development Planning (IDP). IDP is an existing, relatively well-developed instrument of strategic planning in the municipal sphere and as such has led to a landmark resolution by the Presidential Coordinating Council (PCC) on the 14 December 2001 to "accelerate the implementation of a system of state-wide planning wherein Integrated Development Planning (IDP) serves as the basis for aligning policy, planning and budgeting processes across all spheres".

Development planning in the provincial sphere occurs through the Growth and Development Strategies (PDGS) that are driven by the Premier's office and adopted by the provincial cabinet. Currently there is no national legislative framework that governs the formulation, adoption and implementation of the PGDS, as is the case with the IDPs. The PGDS should give effect over the entire province and therefore needs to be completed in consultation with municipalities and key provincial stakeholders. The PGDS and the IDP should be aligned so that a common strategic path is followed and there is complementarity in the way resources are allocated.

As part of the development planning process that underlies the formulation of the Provincial Development Strategy, it is necessary to produce a Provincial Spatial Development Strategy.

The traditional role of Local Authorities was to administer and deliver services within a context of gradual change. Owing to a largely conservative and legally based view of administration, local authorities could not respond pro-actively and innovatively to rapid change. They could not fully realize their economic potential as consumers, producers, land owners and investors to improve the quality of life of those in need (Daniels, 1994: 11).

There was therefore a need to move away from planning for the sake of it, to integrating planning with the other essential functions of urban and regional management, finance and budgeting and administration and management. Planning visions, frameworks and strategies should be seen as integrative management tools, providing not only guidelines for development and conservation, but also for administrative and fiscal management. Current zoning schemes, building regulations, policy frameworks and road schemes reflect, to a large extent, the traditional preoccupation of planners with finding optimal solutions to the problems.

The Local Government (LG) is required to take a leadership role, involving citizens and stakeholder groups in the development process, to build social capital and to generate a sense of common purpose in finding local solutions for sustainability. Local municipalities thus have a crucial role to play as policy

makers and as institutions of local democracy, and they are urged to become more strategic, visionary and ultimately influential in the way they operate

With the repeal of the Physical Planning Act, 1991, numerous other pieces of legislation have since been promulgated, one of which has had a major implication on the planning fraternity. The Municipal Systems Act of 2000 (Act 32 of 2000: section 25(e) required local authorities to prepare an Integrated Development Plan for their areas of jurisdiction.

### **3.2.3.1 Integrated Development Planning at municipal level**

The South African Forum for Effective Planning and Development (FEPD) defined the Integrated Development Planning in 1995 as, 'a participatory approach to integrate economic, sectoral, spatial, social, institutional, environmental and fiscal strategies in order to support the optimal allocation of scarce resources between sectors and geographic areas and across the population in a manner that provides sustainable growth, equity and the empowerment of the poor and the marginalised'(DPLG,2002 a:15).

Integrated Development Planning (IDP) is a process through which municipalities prepare a 5-year strategic development Plan. It is participatory planning process aimed at integrating sectoral strategies, in order to support the optimal allocation of scarce resources between sectors, geographic areas and the population in a way that promotes sustainable development and empowerment of the poor and the marginalized.

The planning approach in South Africa as enacted in the Development Facilitation Act and the Land Use Management Bill is premised around the notion that Planning in all spheres of Government must conform to the principle of integration. Section 4 of the Municipal Systems Act No.32 of 2000 states that, 'The planning taken by the municipality must be aligned with, and complement, the development plans and strategies of other affected municipalities and other organs of state so as to give effect to the principles of cooperative government contained in section 41 of the constitution'.

In contrast to the apartheid form of planning where technocrats made decisions with little or no consultation with the beneficiaries, Integrated Development Planning (IDP) is intended to ensure that:

- Communities arrive at a decision based on their own assertion as to how development problems are to be solved in a consultative, systematic and strategic manner;
- The plan also takes cognizance of limited capacity at local level to deliver their constitutional mandate and issues of performance management.

Such an IDP document therefore becomes a management tool, which guides municipalities, the public and private sector agencies in ensuring developmental local government as enshrined in the White Paper on Local Government and in the Constitution.

([www.saplanners.org.za/SAPC/papers/2003/Agyemang](http://www.saplanners.org.za/SAPC/papers/2003/Agyemang) )

There are three principles that underpin the IDP process. Firstly, as a **consultative process**, the IDP approach stresses that appropriate forums where local residents, government representatives, NGOs, civil society, and external sector specialists come together to:

- Analyse problems affecting service delivery
- Prioritise issues in order of urgency and long term importance;
- Develop a share vision/ end-state and common strategic frameworks
- Formulate relevant project proposals;
- Compile an inventory of proposals and integrate proposals; and
- Asses, align, and approve IDP plans

Secondly as a **Strategic process**, the IDP approach aims to ensure that

- Local knowledge is combined with the knowledge of technical experts;
- Service delivery delays are overcome through consensus building within given time periods;
- Both the underlying causes and symptoms of service delivery problems are addressed;
- Most effective and efficient use is made of scarce resources; and

- IDPs are not planned and budgeted in isolation, but rather integrated from start with other complementary sectors.

Lastly, as an **implementation- orientated process**, the IDP aims to become a tool for better and faster service delivery by ensuring that:

- Concrete, technically-sound proposals are designed;
- Planning- budget links are created with feasibility in mind; and
- Sufficient consensus among key stakeholders on the planned projects is reached.

### **3.2.3.1.a) Integrated Development Plan**

It is a principle strategic planning instrument, which guides and informs all planning, and development, and informs all decisions with regard to planning, management and development in the municipality. (MSA 32 of 2000 s35(i)). It is a legislated plan that supersedes all other plans that guide local development.

IDPs are reviewed annually in line with broader national planning and budgetary process, and evaluated in line with broader national planning and budgetary process, and evaluated every five years to understand their true impact on the ground.

An integrated Development Plan must reflect:-

- The Municipal Council's vision for the long-term development of the municipality with special emphasis on the municipality's most critical development and internal transformation needs;
- An assessment of the existing level of development in the municipality, which must include an identification of communities which do not have access to basic municipal services;
- The council's development priorities and objectives of its elected term, including its local economic development aims and its internal transformation needs;

- The Council's development strategies which must be aligned with any National or Provincial sectoral plans and planning requirements binding on the municipality in terms of legislation;
- A spatial development framework which must include the provision of basic guidelines for a land use management system for the municipality;
- The council's operational strategies;
- Applicable disaster management plans;
- A financial plan, which must include a budget projection for at least the next three years; and
- The key performance indicators and performance targets.

The integrated development plans have been considered and included as relevant to the study for the reason that they are required by legislation, and municipalities are required to prepare them as a guiding plan to eradicate poverty and to boost local economic development and job creation.

While it is acknowledged that IDP's are a broad development programme, it gives guidance on the vision of the municipality for the development of local development plans that will provide guidance for specific land uses (e.g. Spatial Development Frameworks) which will enable the local authorities to make day-to-day decisions and establish controls for land uses.

Section 2.2 to 2.4 of this chapter discussed the literature relating to Land Use Management generally.

### **3.2.3.2 The New Land Use Management System (LUMS)**

In its broader sense, a Land Use Management System refers to the codification and simulation of all actions required by the municipality and other role players to manage land use and regulate land development. It is one element in a suite of land management tools, and is intended to promote coordinated, harmonious and environmentally sustainable development. Its primary aim is guide and manage development and use of land according to the vision, strategies and policies of the Integrated Development Plan (IDP) and the Spatial Development Framework (SDF). (Nquthu Municipality 2006/07 IDP Review).

In order to understand the concept of LUMS, one needs to understand that there is a direct link between strategic decisions captured in the municipal IDP, the Spatial Development Framework, which is a broad illustration of the desired physical (or spatial) form of development in an area, and the tools to ensure that the envisaged spatial form of development is achieved, which is the Land Use Management System.

The overall goal of LUMS is to make it easier for municipalities to fulfill their planning functions, and to provide a better understanding of land use management by developers and property owners. (Buffalo City Municipality Spatial Development Framework 2003).

The Land Use Management System is provided for in the Land Use Management Bill 2001 drafted in the Ministry of the Department of Land Affairs. It builds on the conceptual approach to land use and development reflected in the Development Facilitation Act and takes into account the Municipal Systems Act of 2000. Planning laws inherited from pre-1994 provinces and homelands as well as those designed purely for application in black urban areas reveal an extraordinarily complex and inefficient legal framework, with planning officials in all spheres of government having to deal with numerous different systems within the jurisdiction of each province, and indeed within most municipalities. The difficulty of dealing with this legal inheritance compounds the already difficult task of planning for sustainable, integrated and equitable land use and development in South Africa. The new

LUMS thus aims at providing the municipalities with a commonly applicable Land Use Management System that can be used throughout the province.

The current and emerging legislation governing spatial planning, land use management and regulation of land development indicates that land use mechanisms should be developed on the basis of the Spatial Development Frameworks prepared as part of the IDP. This requires an SDF to be sufficiently detailed. This includes providing an indication of the manner in which land uses should be organised in space and the direction future land development should take. This has necessitated revision and refinement of the existing Spatial Development Framework, and formulation of a Land Use Management Framework (LUMF) to link to the broad SDF with the site specific and detailed LUMS. (Nquthu Municipality 2006/07 IDP Review).

The following are major components of the Land Use Management Systems:

- ✚ A refined **Spatial Development Framework**, which essentially is a spatial imprint of the development vision and strategies;
- ✚ **Land Use Management Framework**, which refers to a guide for the future location of different land uses and identification of areas that are experiencing development pressure and requires detailed level of controls;
- ✚ **Land Use Scheme(s)** which are development management tools; and
- ✚ **Management overlays**, which provides for the recognition of other factors in land use decision making.

The new Land Use Management System (LUMS) is more appropriate and could address the problems of the study area in that it introduces new and additional zonal types of mixed use and zones with buffering qualities, together with different levels of zones such as high, medium, and low impact zones.

*'The system argues for a finer grain to zoning which is change from the conventional homogenous approach; it is more flexible and liberal in that there are more permitted uses in each zone' (Allopi, 2000: 33).*

The Land Use Management System is expected to achieve and include the following:-

- The regulation of land use changes such as, rezoning of property land use
- The regulation of green fields land development
- The regulation of subdivision and consolidation of land parcels;
- The regulation of the regularization and upgrading process of informal settlements, neglected city centres and other areas requiring such processes; and
- The facilitation of land development through the more active participation of the municipality in the land development process, especially through public-private partnerships.

### **3.2.3.3 Spatial Development Frameworks**

In terms of Section 26(e) of the Municipal Systems Act (Act 32 of 2000), every municipality is required to formulate a Spatial Development Framework as a part of its Integrated Development Planning process. This plan should also form the basis of the Land Use Management Systems including a scheme that records land use rights and restrictions established by local government.

Taking into account the current pattern of land use and the nature of development in the municipal area, a Spatial Development Framework is required to describe in words and illustrations how the Municipality sees desirable future patterns of land use and development in its area of jurisdiction. In essence, it is the Municipality's spatial "Vision" of what the municipal area will look like in years to come.

The Spatial Development Framework is a legally enforceable component of the IDP, which indicates both to the Municipality (councillors and officials) and to the public (developers, land owners etc.) where certain types of land use and associated developments are permissible, and where certain activities are unlikely to be permitted.

As such, it forms the basis for land use management and serves as a guideline to inform the municipality in its decisions on land development (new

development and changes to existing land uses) in its area of jurisdiction. Therefore, the Spatial Development Framework also functions as a framework for public and private sector investment in different types or levels of development in those municipal areas that are identified as appropriate or suited to such development.

#### 3.2.3.4 **Provincial Spatial Development Framework**

The province of the Eastern Cape has approved a Provincial Spatial Development Plan, which has significant policy implications for the Wild Coast. The Plan makes provisions for the following key areas or components of the spatial development framework for local authorities. These are:-

- a) *Management Framework*
- b) *Spatial Development Policies & Framework*

##### **a) Management Framework**

The Provincial Spatial Development Plan states that there should be a management framework which all local authorities (district & local) use to achieve an equitable approach. It further contends that the principal settlement strategy supports the view that development should be managed on the basis of nodes and areas of development.

The framework should encourage and ensure that:-

- Focus is on developing nodes and areas where economic opportunities and resources exist, or where such opportunities can be stimulated ;
- Investment should target areas where the economic opportunities and returns are greatest;
- Inter- departmental investment linkages should be identified in order to maximize benefits and achieve and co-ordinate effort; and
- Social expenditure on basic infrastructure for basic needs should be specified as spin offs from economic development investment wherever possible.

##### **b) Spatial Development Policies and Principles**

The PSDP proposes policies and principles which are essentially in line with national norms. It maintains that the investment of public funds must be directed to three levels, namely:

- **Level 1:** Investment at this level would fulfil basic human rights in the provision of basic services to both urban and rural areas, at a minimum level in terms of available resources. This would be guided by backlogs in these areas, the proximity of existing bulk services and priorities in terms of local and regional IDPs;
- **Level 2:** investment will ensure the managed investment of public sector funding in urban and rural areas in order to strengthen local capacity, build on the strengths and opportunities which exist and to maximise potential from existing infrastructure and settlement system; and
- **Level 3:** Investment of public funds would involve the provision of adequate funding to strategically targeted development zones which have development potential. These will represent areas, nodes or areas of opportunity, where a special focus of effort and investment will attract interest from private sector to invest; either in joint ventures with government or independently, in order to develop economic growth opportunities and potential which already exists.

### **3.3 Buffalo City Municipality's IDP & Land Use Management System.**

The Municipality of Buffalo City (BCM) is one of the municipalities under the Jurisdiction of Amathole District Municipalities in the Eastern Cape. It comprises three urban centres namely, East London, King Williams Town and Bisho. East London is the second largest town in the Eastern Cape.

The town of East London in Buffalo city municipality has been used as a reference in this study to showcase and emphasise approaches which could be used as lessons in Mthatha with relation to Land Use Management and intergrated development planning. The area of Quigney is comparatively shown with the study area of Mthatha central as they have similarities and are at the same stage of development.

In the IDP review of 2007/2008, the development of the City's Development Strategy was included in IDP, and from it precinct plans and growth nodes within the city were identified. The City Development Strategy (CDS) forms part of the Integrated Development Plan of this municipality. It is seen as the city's ongoing strategic planning through Integrated Development Planning, and complements the strategic planning process, giving content to BCM's long term vision. The CDS gives content to BCM's key objectives through identification of selected, catalytic focus areas and interventions (Buffalo City IDP- Review 2007/2008: Section C p43).

The key objectives of the BCM IDP 2007/2008 are developed with the framework of National, Provincial and District Plans and Policies. These objectives are premised on the normative principles from a National Spatial Development Perspective (NSDP) and the targets set in the Provincial Growth and Development Plan (PGDP) (BCM IDP Review 2007/2008: Section C p48).

From this level of integration and information, the Spatial Development Framework of the Buffalo City was formulated.

The Buffalo City Municipality has developed a land Use management System that aims at closing the gap between the IDP and the SDF in order to have effective land use management with the aim of creating an economically viable city with opportunity for growth and the development of its people.

The integration is achieved through the three level distribution of spatial planning. Level 1 entails the broader Spatial Development Framework of the Municipality, from which precinct areas that need planning attention are identified. Level two entails the Local Spatial Development Framework which creates a development plan of the precinct area, thereby identifying additional nodal points within the precinct area. Level 3 constitutes the Land Use Management Guidelines (interview with Senior City Planner – Land Use Management Unit, Louis Roodt on 08<sup>th</sup> October 2007). The Land Use Management guidelines would then inform and be reference when the Land - Use Management Schemes for the areas are being formulated and reviewed. Issues identified in the BCM Spatial Development Framework include:

- Spatial fragmentation
- Uncoordinated Spatial Development
- Rapid unmanaged urbanisation
- Low density and urban sprawl
- Depletion of Natural resources and valuable agricultural land

The consolidation and integration of development in urban areas can have a positive impact on transport and create environments where living and working spaces are in close proximity.

### **3.2.1 The BCM Spatial Development Framework**

The broad Spatial Development Framework for the Buffalo Municipality was first formulated in 2003. The main objective being to support the development vision, and sectoral objectives and strategies identified in the Buffalo City's first IDP, approved in 2002.

The BCM SDF further identifies areas prioritised for development and densification, namely:

- CBD
- Quigney
- Sleeper site

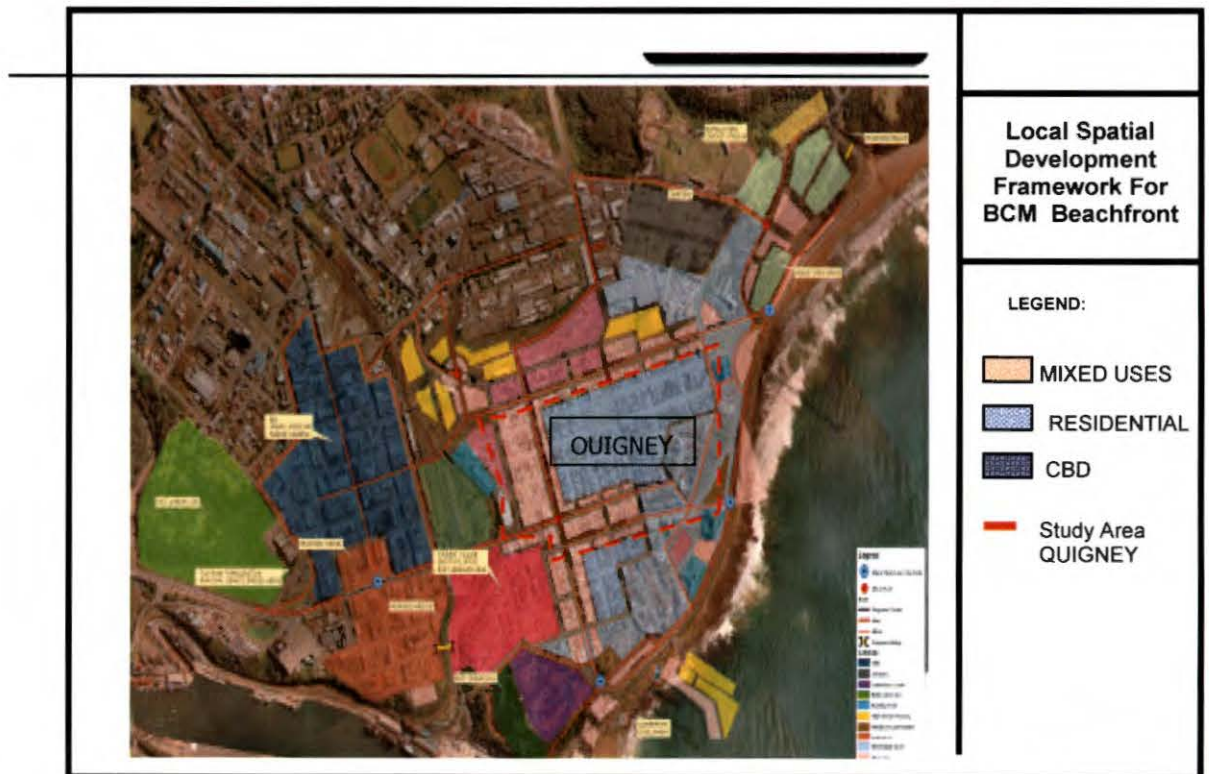
- Beachfront

(East London Final Report 2005, East London Local Spatial Development Framework & Urban Design Precinct Plan :13) . The Buffalo City is currently reviewing its current town planning schemes developed under different ordinances to formulate a Land Use Management Scheme as a step towards an integrated Land Use Management System.

### 3.2.2 The Beachfront Local Spatial Development Framework

The diagram below shows the Local Spatial Development Framework for the beach front precinct, which shows the planning of this area that is in transition. The plan shows the proposal that a variety of land uses should be allowed and used as buffers between the Quigney area which is primarily zoned for residential uses, and the CBD.

Fig:3.2 Proposed Spatial Development Framework for Beachfront Precinct



Source: Buffalo City Municipality: East London Beachfront Local Spatial Development Framework.

From this plan it shows that Quigney is a minor mixed land use node. In terms of the East London Local Spatial Development Framework the term

minor node refers to the area suitable for minor additional growth of appropriate land uses. The Quigney area will remain residential but will be buffered by mixed land uses which will develop along main roads linking it with the Esplanade, which is a major mixed land use zone and thus creating a synergy and integration of Quigney with the major nodes and the CBD.

#### **3.5.4 CONCLUSION**

Discussion of the Town Planning, specifically Land Use Management and Integrated Development Planning in a South African Context has been undertaken in this chapter. This chapter has also attempted to highlight the role and the link that exists between the Integrated Development plan and the Land use planning and the overall service delivery in the municipality.

It has further suggested that effective land use management is directly linked to the properly compiled IDP/ SDF. The next chapter relates to the presentation of data collected in the field work of this research and how it confirms or disproves the issues raised and discussed above.

## **CHAPTER 4: TOWN PLANNING IN MTHATHA**

### **4.1 INTRODUCTION**

1. Mthatha is a town in the Eastern Cape that lies within the boundaries of the King Sabata Dalindyebo Municipality. King Sabata Dalindyebo (KSD) Municipality is one of the seven local municipalities within the O.R. Tambo District Municipality. The municipality is composed of the Mthatha and Mqanduli urban centres and is predominantly rural in nature. It measures approximately 3019km in extent. (See Map1-Regional locality map). KSD is drained to the west by the Mbashe River and to the North and West by the Mthatha river. (King Sabata Dalindyebo Municipality - Status Quo Report: KSD Draft Spatial Development Framework 2006: 9).

### **4.2 The History and Background of Mthatha**

#### **4.2.1 LOCALITY**

2. Mthatha lies on an important route (N2 road) that connects it with Kwazulu - Natal in the North and with East London, Port Elizabeth and Cape Town in the South. To the West the town is connected by the R61 to Queenstown and the N6 to Bloemfontein. (See map below). Mthatha is the regional service centre for the entire former Transkei and is a centre point between two metropolitan cities, Durban and Port Elizabeth through the N2 route. It is third largest town in the Eastern Cape after East London in the Buffalo City Municipality. (King Sabata Dalindyebo Municipality - Status Quo Report: KSD Draft Spatial Development Framework 2006: 9).

### Fig. 4.1 Regional Locality Map of Mthatha

Source :Maps- Eastern Cape. [www.dermacation.co.za](http://www.dermacation.co.za), 12March 2007



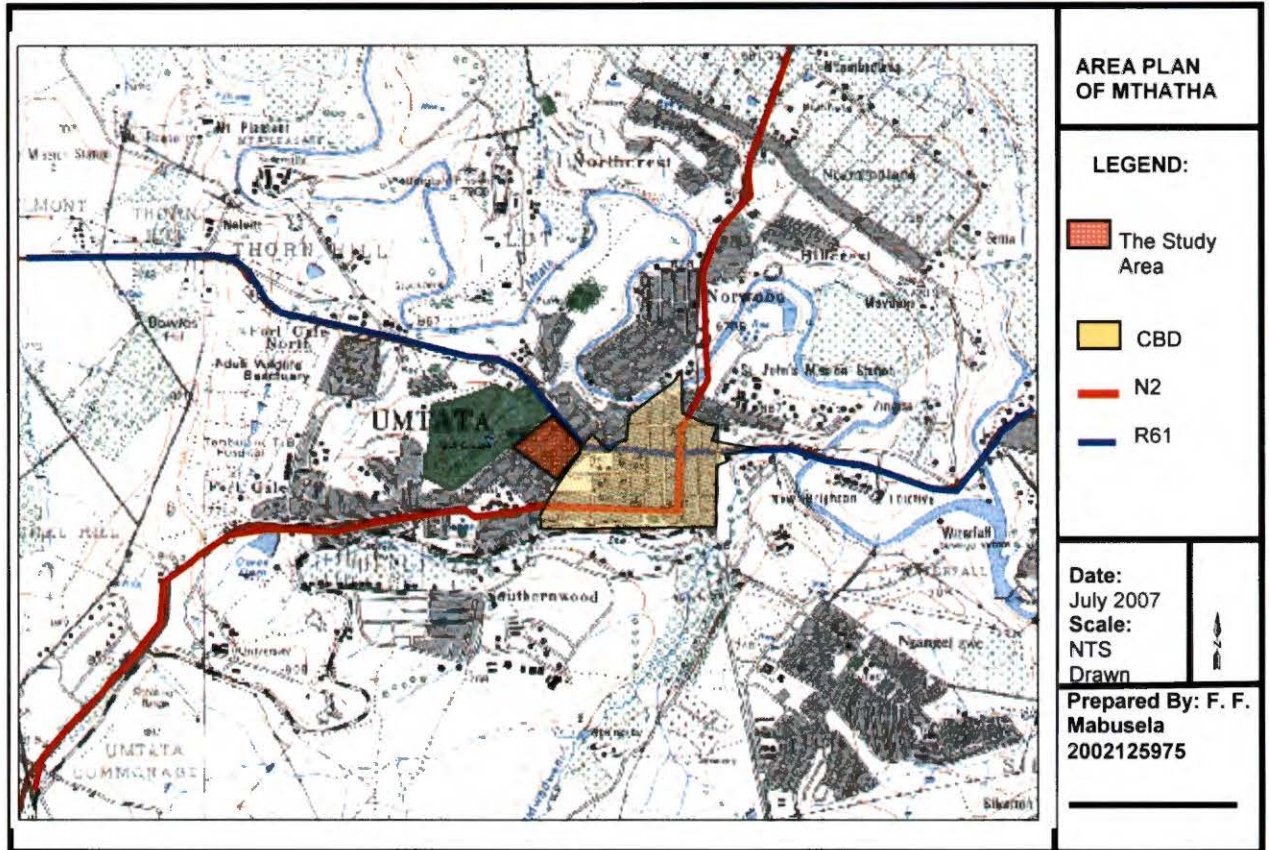
#### 4.2.2 Before the 1994 Democratic Elections

The two settlements which later gave birth to the town were formed in 1869. The Chief AbaThembu, Chief Ngangelizwe, allowed a number of white settlers from the Colony to establish themselves on the right bank of the river. At the same time, Chief Nqwiliso, the amaMpondo Chief, permitted white settlers to settle on the left bank of the river. The white settlers along the banks of Mthatha River acted as a buffer between the feuding abaTembu and amaMpondo.

In 1875, the Colonial Government purchased the strip of land from Chief Ngangelizwe which comprised all the land occupied by the colonists including the settlement. Subsequent events brought about the growth of the town.

The establishment of the Anglican Church mission in 1877 later led to the foundation of St. John's Cathedral. During this period, the seat of the-

**Fig 4.2 Cadastral Plan of Mthatha**



Source: Planet GIS, 2002.

magistracy of abaTembu moved to Mthatha and additional land was acquired for a military post. More accurate survey work was undertaken, and on the 10 November 1882, Umtata was proclaimed a Municipal Area. This, not only facilitated a more orderly manner but services were duly provided. In 1903, Mthatha became the seat of the Transkeian Territories General Council and possibly this event led to the town becoming the Capital Town of Transkei when the area was declared a homeland in 26 October 1976. The town of Mthatha was named after the Umtata River. A theory exists that the name Umtata River originates from the abaThembu tribe who buried their dead in this river. As the body was thrown into the water, all would cry "MTHATHE Bawo!!" meaning "RECEIVE him Father!" Thus Umtata or Mthatha as it is

currently termed was derived from the river (Mthatha Development Plan 1978: 1-2).

From 1976 to 1994, Mthatha served as the capital of the Transkei Bantustan, under the name of Umtata. Its status as the capital of nominally independent Transkei made it relatively safe for South African men avoiding being conscripted by the South African government for political reasons.

After the 1994 Democratic elections of South Africa the homeland system was nullified and the Transkei together with all other areas previously declared homelands were integrated to form part of the Republic of South Africa. This brought about changes in the boundaries and provincial structure of the country. Transkei formed part of the Eastern Cape Province. Mthatha lost its status as a capital town. At the end of apartheid, many businesses left the town leaving it facing significant economic challenges but expansion and urban construction have continued at a noticeable rate.

With more political changes that occurred in the country, the town's name was changed from Umtata to Mthatha. In this study the town will be referred to as Mthatha, but reference will be made to documentation where the name was still Umtata. It can therefore be expected that the two names will be used in the document.

### **4.3 PHYSICAL FEATURES**

Mthatha lies in a summer rainfall region with a summer maximum. In the summer months October to March, 65,8% of the rainfall occurs. The average annual temperatures at 08h00 and 14h00 are 16,3°C and 30,2°C respectively. The average daily maximum temperature is 27, 1 °c, to average daily minimum temperature is 1,1 and the average temperature is 17,6°c. ([www.tutempo.net/en/climate/umtata](http://www.tutempo.net/en/climate/umtata) -12July 2007)

3. Mthatha lies between 650 and 850 m above sea level. The landscape can be described as undulating which is ideal for urban development. The most prominent topographical feature is the Mthatha River. The

river flows generally in a South Eastern direction approximately in the middle of the Mthatha town. On both sides of the river the landscape gradually rises with the highest area being the hills which in the South and West form the boundary of the study area (King Sabata Dalindyebo Municipality Integrated Development Plan 2003: 12).

The area of Mthatha falls entirely in the drainage of the Mthatha River of which Ncamedlana river forms an important tributary. The tributaries are responsible for the watersheds which were taken into consideration when gravitational sewerage was used (Development Plan of Umtata, 1978 :14).

#### **4.4 INFRASTRUCTURE**

##### **4.4.1 Water Supply**

Mthatha draws water from the Mthatha Dam, which is situated approximately 10km North–West of the Mthatha Central Business district. Water is abstracted from the dam utilizing two abstraction systems. The first is employed when the dam water is high. At this level, water is gravitated to the water purification works. The second system is utilized at low water levels; water is pumped to the treatment works (Status Quo Analysis Report: KSD draft Spatial Development Framework 2006: 34).

##### **4.4.2 Roads**

Mthatha is served by a network of roads that serves the residential areas and CBD. The main routes in the area are N2 that traverses Mthatha through the CBD from Durban to East London in a North to South direction, and the R61 that traverses the town through the CBD from Engcobo to Port St. Johns in a West to East direction.

#### 4.5 Land Use and Zoning

The town of Mthatha is made up of surveyed cadastral township extensions which have full ownership title. The predominant land use is residential.

Table 4.(a) Land Use Table of Mthatha

LAND USE	ERVEN		AREA		
	No.	%	(m <sup>2</sup> )	( Ha)	%
Agricultural	114	0.69	3614261	361.43	10.79
Bakery	2	0.01	39275	3.93	0.12
Bed & Breakfast	30	0.18	100265	10.3	0.30
Brick Yard	4	0.02	26170	2.62	0.08
Business premises	200	1.21	345631	34.56	1.03
Cash & carry	3	0.02	51832	5.18	0.15
Commercial	21	0.13	27246	2.72	0.08
Dwelling House	11549	69.84	908645	908.64	27.13
Entertainment	3	0.02	11367	1.14	0.03
Flats	401	2.42	309664	30.97	0.92
Funeral Parlour	7	0.04	592109	59.21	1.77
Government	33	0.20	2523011	252.30	7.53
Hawkers	2	0.01	5876	0.59	0.02
Hospital	7	0.04	592109	59.21	1.77
Hotel	3	0.02	65946	6.59	0.20
Industry	68	0.41	889422	88.94	2.66
Informal business	2	0.01	84	0.01	0.00
Informal Shelter	5	0.03	152192	15.22	0.45
Institutional	8	0.05	359110	35.91	1.07
Instruction	129	0.78	3636753	363.68	10.86
mixed land uses	51	0.31	315358	31.54	0.94
Municipal	35		1050906	105.09	3.14
Offices	67	0.41	116862	11.69	0.35
Places of Assembly	1	0.01	6336	0.63	0.02
Places of Worship	75	0.45	282176	28.22	0.84
Public Garage	13	0.08	31251	3.13	0.09
Public Open Space	1	0.01	796	0.08	0.00
Scrap Yard	165	1.00	2560493	256.05	7.65
Service workshop	2	0.01	84	0.01	0.00
Servitude	35	0.21	1719043	171.90	5.13

Shop	40	0.24	36922	3.69	0.11
Spaza	24	0.15	11784	1.18	0.04
Sport Facility	13	0.08	1344823	134.48	4.02
Tavern	14	0.08	9257	0.93	0.03
Transport Facility	3	0.02	12801	1.28	0.04
Vacant	3359	20.31	3204408	320.44	9.57
Wholesaler	9	0.05	54626	5.46	0.16
Transport Usage	19	0.11	796432	79.64	2.38

**Source: Status Quo Analysis 2006 - King Sabata Dalindyebo Municipality Draft Spatial Development Framework.**

Approximately 9.57 % of the erven in Mthatha are vacant. The growth of business along the main road is becoming obvious, with York road and Madeira streets forming the main spine. As a result of this, development trends are shifting and expanding the CBD into streets like Sprigg, Callaway and Owen Street. Central town (study area) is also fast being converted into a business area. This includes streets like Blakeway, Dellville, Park road, Stanford Terrace and Cumberland. The lack of reviewed zoning schemes results in unmanaged developments and activities in the town. This is evident in the fact that present zoning maps do not correspond with the land uses on the ground. The table below shows the current land uses in Mthatha not per se corresponding with the Town Planning Scheme or zoning maps.

#### **4.6 Economic Background**

The city of Mthatha is the economic hub of the district with a well-developed commercial sector, several major chain stores and high order shops. Although this sector has suffered some severe setbacks, it has grown considerably. It contains retailing facilities and they represent the bulk of employment opportunities in the private sector. Mqanduli has limited growth potential in the formal retail market.

Apart from employment in the privately owned commercial facilities, the rest of the labour force in this municipality is employed in various social service sectors and most are employed in the government service. It is however important to note that important structural changes such as the relocation of some government offices from Mthatha to Bisho and the proposed closure of some regional offices has had a significant impact on this sector's growth and employment level.

The growth of professional offices and tertiary institutions within Mthatha has increased employment opportunities in the commercial sector (Mthatha LED strategy, 2006:16).

The City of Umtata is the tourism gateway and staging centre for tourism in the region and the Wild Coast .The Coffee Bay, Hole-in-the-Wall and the whole coastal area represent a strong recreational tourist node, but this has a limited infrastructure and is hampered by aspects such as access and terrain. It offers opportunities for swimming, surfing, sailing, fishing and hiking along the beach. Both the Nelson Mandela Museum and Myezo Museum hold a significant tourism potential for the area. The development of Qunu Village is expected to trigger vibrant cultural tourism in the KSD. Successfully developed and effectively marketed, these areas stand to be major attractions for both domestic and foreign tourists.

The Mthatha airport has several rental companies, which have cars for both business and tourism purposes. Also the airport provides an important linkage with the Johannesburg International Airport.

The major infrastructural problem lies in both lack of adequate facilities in camping areas and the problem of accessibility to the coast. Crime has also been reported as a problem for tourists.

#### **4.7 KSD Municipality Integrated Development Plan**

The IDP is the principal strategic planning instrument which guides and informs all planning and development, and all decisions with regard to planning, management and development in the municipality (Municipal Systems Act No. 32 of 2000 chapter 5).

The land use management planning tool in the form of the Spatial Development Framework (SDF) contained in the IDP prevails over a guide or structure plan that has been compiled or approved in terms of the Physical Planning Act 125 of 1991.

As a legally required component of the IDP, the SDF sets out a more detailed approach to spatial planning for development and land use management guidelines. The SDF has the status of a statutory plan which serves to guide and inform all decisions on spatial development and land use management of the entire municipality. It is the integral part of the IDP which provides spatial dimensions to the strategies and objectives identified in the IDP. It maps out the direction of growth based on available resources.

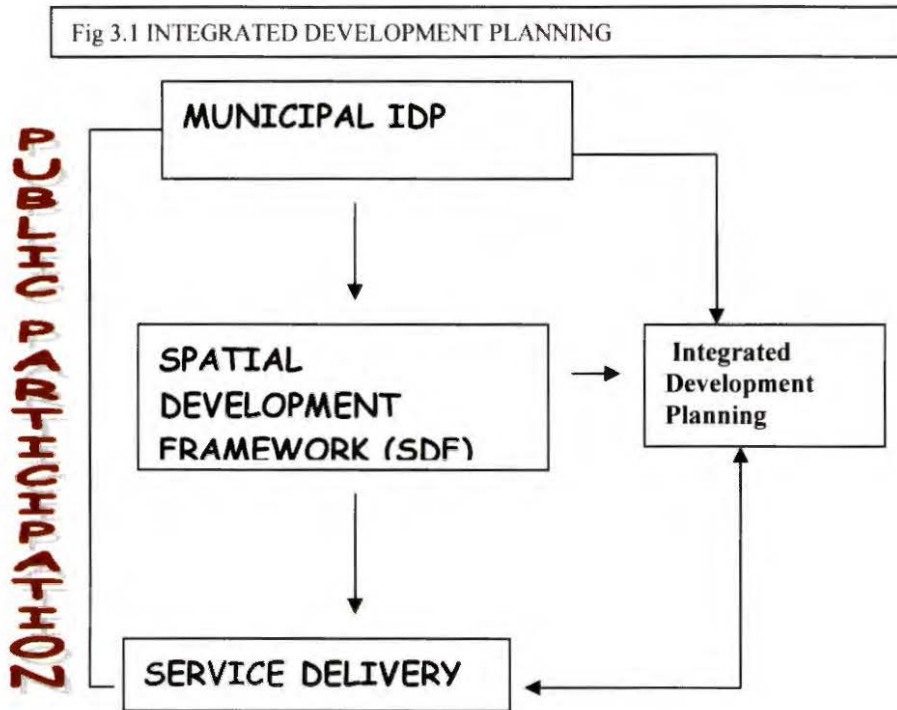
The IDP is indeed a powerful planning tool and, in the case of this research in particular, it should be the key tool to address the changing urban environment of Mthatha and the emerging challenges thereof. The IDP should address the synergy between the forms of development and the concerns of the environment, and these must be managed in such a way that development can take place in a sustainable manner (Swanepoel:133 in Stapelberg 2003:134).

The spatial planning is the basis of the IDP including its sector plans, as all development has got something to do with land. Lacking this vital component, the IDP of the King Sabata Dalindyebo (KSD) municipality is greatly crippled. The current IDP states very little about the burning issues relating to land use management and the CBD issues that need urgent planning attention. Of even greater concern in this research is its total silence about the specific study area despite the rapidly changing land uses in the study area cutting across the CBD boundary. This has remained the status quo despite the IDP reviews that have been conducted in the past few years (KSD Municipality 2007/2008 IDP review:9).

As Stapelberg (2003: 133) points out, ***‘the IDPs must be compiled from correct information, with the emphasis on planning and not control. If a municipality has a poorly compiled IDP with a ‘bad’ SDF, it will not come as a surprise if development does not take place in that municipality as an environment conducive for development will not have been set’.***

The urban centre experiences more pressure from supporting the rural and urban population and it should be under a constant planning eye. It is impeding the effective land use management in Mthatha that the KSD municipality IDP is not vocal on matters pertaining to the planning of the CBD and its periphery. As the primary planning tool of the municipality, it should reflect a priority in this regard.

A range of links exists between IDP and its developmental outcomes that have great relevance, particularly in the context of financial crises in the municipalities, the urgency of service delivery and employment generation (IDP Guide Pack III,2000:2).These outcomes will be realised through the spatial projection of the IDP strategic objectives as a way of attaining speedy delivery.



Appreciating and having the above mentioned information as a background, argument is made that Mthatha Town Planning and Land Use Management needs to be reviewed and amended to be aligned with the current policies so as to reflect the principles and guidelines suggested by the current Land Use Management System.

#### **4.8 KSD Municipality Land Use Management System**

The KSD Municipality has not adopted a Land Use Management System for its area of jurisdiction. The guiding legislation used to date for the land use management and land development is the **Townships Ordinance No.33 of 1934**, which gives guidance on township establishments, provisions for the Town Planning Scheme and Rezoning and subdivision of land.

This legislation is applicable only to “urban” areas within the former Transkei (the homeland of which Mthatha was once a capital town of). Development through Tenure and Use Rights allocations (issuing of PTO’s) in rural areas, is the only available option to administer land use control.

#### **4.9 The Implications of the current Status Quo for sustainable development of Mthatha**

Firstly, the current status quo threatens the *financial sustainability* of the municipality. The problem observed in the study area is the dominating trend of land use changes, mostly without special consent of the municipality. This has negative implications for the financial position of the municipality and is a contributing factor to the existing financial strain that the municipality endures. If the proper processes for land use change are not followed, then that means that the information is not recorded in the municipal finance section. This therefore means that the rates & taxes for the properties is not aligned accordingly. Ultimately, a property that is zoned for residential but illegally used for business will continue paying rates and taxes to the municipality as a residential property, whilst strain may have been added to the municipal infrastructure.

Secondly, the *land use patterns* in the study area are *fragmented* and uncoordinated and have set a trend of 'leapfrog' land use patterns.

According to Catanese & Snyder (1979:241) leapfrog development is a form of urban sprawl, which describes urban growth not as a continuous movement but as skipping over parcels of land, property and or decision- agent characteristics.

The costs of the sprawl can be reduced through land use planning, primarily where planning promotes dense development.

The observations made in the study area were that the land use pattern was not following any form of pattern but mushrooming throughout the area in an ad-hoc manner and further away from the CBD.

Leapfrog development is criticised for raising the cost of development by requiring an increased travel time, energy consumption and provision of services.

On the one hand, Ratcliffe (1974: 253 -245) maintains that this pattern of an urban structure is largely due to a continuous struggle to maximise proximity or

accessibility and minimise friction or transportation. In combination, these forces aim to minimise costs, thus producing a situation where urban activities compete for sites where costs are lowest. In effect these activities are 'bidding away' their economic rent and it is the level of economic rent that determines the level of land values.

On the other hand Catanese & Snyder (1979:241) states that leapfrogging land uses are an indication of the lack of an indicative plan to guide and direct development. Both statements are very true as observed in the study area, although it is the latter statement that bears more relevance to this research.

The fact that there is no indicative plan or development plan to guide development in the study area has caused the leapfrog pattern of development to emerge. And it is on this premise that the pillar of argument of this paper is founded. The Integrated Development Plan of KSD municipality should be informing its SDF about the urban sprawl that is taking place in Mthatha and suggest directive guidelines on land use management of the area.

#### **4.10 Conclusion**

This chapter has discussed the status quo of the Town Planning practice in Mthatha with specific focus on Land Use Management and Spatial development of the town in general. The next chapter intends to show the data collected from the participants of the survey, thus revealing how the community of the selected study area has experience of the existing land use control measures. It is from the data presented below that the researcher will draw on the effectiveness of the currently adopted practices in the planning of Mthatha.

## **CHAPTER 5 : DATA PRESENTATION AND SITUATIONAL ANALYSIS** **FROM MTHATHA CENTRAL RESPONSES**

### **5.1 Introduction**

Chapters 2 and 3 gave a comprehensive review of the relevant literature, which formed the theoretical basis of the research. This chapter forms the practical leg of the research, where the researcher conducted a survey in the study area. Below is a presentation of the responses obtained from respondents from which an analysis could be made and conclusions formulated with regards to the study area and the research undertaken as a whole.

### **5.2 Section 1: Demographic Details**

This section of the questionnaire was related to the demographics of the respondents. The reason for the researcher to include this section of questionnaires was first to draw the profile of the respondents. The researcher needed to ascertain whether the responses that are key to the research found in sections 2 and 3 of the questionnaire were particular to a certain population group, age group or gender.

According to Catanese & Snyder (1979:235), land use planners must learn to work with complex political and legal constraints and they must become familiar with demography, economics, management and other disciplines.

Question 1 is regarded as controversial and even unpopular due to the manipulation of such information to discriminate against racial groups in the apartheid regime. However its inclusion was of significance for this study and from the author's view is significant to any planner. The reason for the inclusion of this question was to show how the area has changed from the area for white commissioners and high ranking municipal and government

officials from the period pre-1976 independence of Transkei to the period of the early 1990s. (Umtata Development Plan, 1978 : 15).

With this change of population structure, the planning for the area has to be reviewed to understand and cater for the new and changing interests of the community planned for.

According to Ratcliffe (1974:121), demography represents a starting point, providing guidelines for deciding total requirements, and a basis for allocating land for various compelling uses. A town planner's terms of reference are principally directed towards people and their needs. He therefore must study the existing population structure, examine inherent changes and equip himself to make future predictions.

The following responses were obtained from the section on Demographic analysis:

**Table 5. 1**

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid BLACK	50	49.4	50.0	50.0
COLOURED	11	13.6	13.8	63.8
ASIAN	2	2.5	2.5	66.3
WHITE	27	33.3	33.8	100.0
Total	80	98.8	100.0	
No response	1	1.2		
Total	81	100.0		

- 50% of the studied participants were black, 34% white, 3% Asian and 14% Coloured. The majority of the respondents were males (*see table above*), and most of them were between 30 and 50 years of age. This information confirms the change that has taken since the formulation of the development plan of Mthatha in 1978. In 1978, 70% of the area was white owned, 17% were Indian professionals (e.g. Doctors and teachers), 5% were Coloured and 8% black. This change is not only relevant as far as change in race, or age or profession but a change in

each of these categories comes with a change in the nature of preferences in terms of business opportunities and living lifestyles.

## QUESTION 2: GENDER OF THE RESPONDENT

**Table 5.2**

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid MALE	47	58.0	59.5	59.5
FEMALE	32	39.5	40.5	100.0
Total	79	97.5	100.0	
No response	2	2.5		
Total	81	100.0		

- o 58% of the participants were female and 39.5 were male. A small 2.5% of the participants did not respond to the question.

## QUESTION 3: RESPONDENT'S AGE

**Table 5.3**

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid UNDER 30 YEARS	5	6.2	6.5	6.5
30-40 YEARS	25	30.9	32.5	39.0
41-50 YEARS	26	32.1	33.8	72.7
ABOVE 50 YEARS	21	25.9	27.3	100.0
Total	77	95.1	100.0	
No response	4	4.9		
Total	81	100.0		

**QUESTION 4: DO YOU OWN OR RENT THE PREMISES?****Table 5. 4**

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid OWNER	60	74.1	76.9	76.9
TENANT	18	22.2	23.1	100.0
Total	78	96.3	100.0	
No response	3	3.7		
Total	81	100.0		

- Almost 77% of the respondents were owners of the property, while 23,8 % were renting the premises themselves.

Most of the respondents are owners of their properties. It was very important to the researcher for the responses to be from owners who can justifiably respond to how the Town Planning Scheme affects them as land or property owners. This would assist in concluding or establishing if the development priorities and planning in terms of the IDP address the needs of the beneficiaries, i.e. the community or property owners.

### **5.3 SECTION 2: RESPONDENT'S UNDERSTANDING AND EXPERIENCE OF DEVELOPMENT CONTROL IN THEIR AREA.**

This section of the questionnaire was to establish the experience of the current measures used for land use management in their area, which is in the form of the enforcement of the Town Planning Scheme.

**QUESTION 5: DO YOU KNOW WHAT A TOWN PLANNING SCHEME IS?****Table 5. 5**

RESPONSE	Frequency	Valid Percent
Valid YES	56	68.4

	NO	25	31.6
	Total	81	100.0

- A majority of the responses indicated that the respondents had some knowledge of the Town Planning Scheme (68,4%), while 31,6 % had no idea what a Town Planning Scheme is.

**QUESTION 6: DO YOU KNOW WHAT THE FUNCTION OF A TOWN PLANNING SCHEME IS?**

**Table5. 6**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	YES	42	51.9	53.2	53.2
	NO	37	45.7	46.8	100.0
	Total	79	97.5	100.0	
No response		2	2.5		
Total		81	100.0		

- Responses from question 6 above showed that although some respondents had an idea of what a Town Planning Scheme is, within that group some were unsure or did not know what the exact function of the Scheme was (Refer to graph above.)

Questions 5 and 6 above show that the consultative process that the SDF would have provided is missing and that the respondents either know what the Town Planning Scheme and do not understand what its function is or know nothing at all about this development control tool.

**QUESTION 7: WHAT IS THE ZONING OF THIS ERF?**

Question 7 and 8 were included to establish the zoning of the erf in terms of the existing zoning scheme and the actual use taking place in that particular erf. These were the key questions to establish whether there is actually rapid land use change in the area and whether this created any form of observ

pattern or not. The researcher personally checked the zoning of the properties in the zoning scheme of the municipality.

**Table 5. 7**

	Frequency	Valid Percent %
Valid SPECIAL RESIDENTIAL	69	86
GENERAL RESIDENTIAL	3	4
GENERAL RESIDENTIAL 2	7	9
INSTITUTIONAL	1	1
Total	80	100.0
No response	1	
Total	81	

- The area of study is primarily zoned for residential purposes. With 86% of the area zoned special residential, 8% general residential and 4% general residential 2 (Refer to table 5.7 above.)

**QUESTION 8: WHAT ARE THE PREMISES USED FOR?**

**Table 5. 8**

	Frequency	Valid Percent
HOUSE ACCOMMODATION	51	63.8
PRIVATE SCHOOL	3	3.8
BED AND BREAKFAST	7	8.8
OTHER BUSINESS	1	1.3
RESTAURANT	1	1.3
CLINIC	1	1.3
DAYCARE, KINDERGARTEN	1	1.3
CHURCH	1	1.3
Total	80	100.0
No response	1	
Total	81	

- The responses received from question 8 above indicate that although the area is primarily zoned for residential purposes, land uses in that area other than for residential use took up approximately 36% of the area.

**QUESTION 9: IS THE CURRENT USE PERMITTED BY THE MUNICIPAL TOWN PLANNING SCHEME?**

**Table 5. 9**

Response	Frequency	Percent %
YES	59	73
NO	21	26
No response	1	
Total	81	100.0

- 73 % of the land uses were allowed by the Town Planning Scheme including those that require special consent applications to the municipality.

**QUESTION 10: DO YOU HAVE THE MUNICIPAL CONSENT TO OPERATE THE CURRENT USES?**

**Table 5. 10**

RESPONSE	Frequency	Percent %
YES	53	65
NO	28	35
Total	81	100

- Most of the respondents to question 10, as shown above, (65%) had special consent from the Municipality. This question applied to the respondents who operated activities that require a municipal special consent to operate.

- Question 11 specifically applied to the respondents who had replied “NO” to question 10 above. The number of respondents was 28. As many as 46% who replied to this question claimed to be unsure of the process to be followed to get one and some were unaware that they had to follow such a process. Only 21.5 % claimed to have applied but had not yet received reply from the municipality. Only 11% were tenants who felt that their lease periods were too short to justify the application for special consent, and were looking for alternative premises. (See the table 5.11 below.).

**QUESTION 11: WHAT ARE THE REASONS FOR NOT HAVING THE MUNICIPAL CONSENT?**

**Table 5.11**

RESPONSE	Frequency	Percent %
NO REASON GIVEN	6	21.5
PERIOD NOT LONG ENOUGH	3	11
NOT SURE OF PROCESS	13	46
HAVE APPLIED, WAITING FOR RESPONSE	6	21.5
Total	28	100

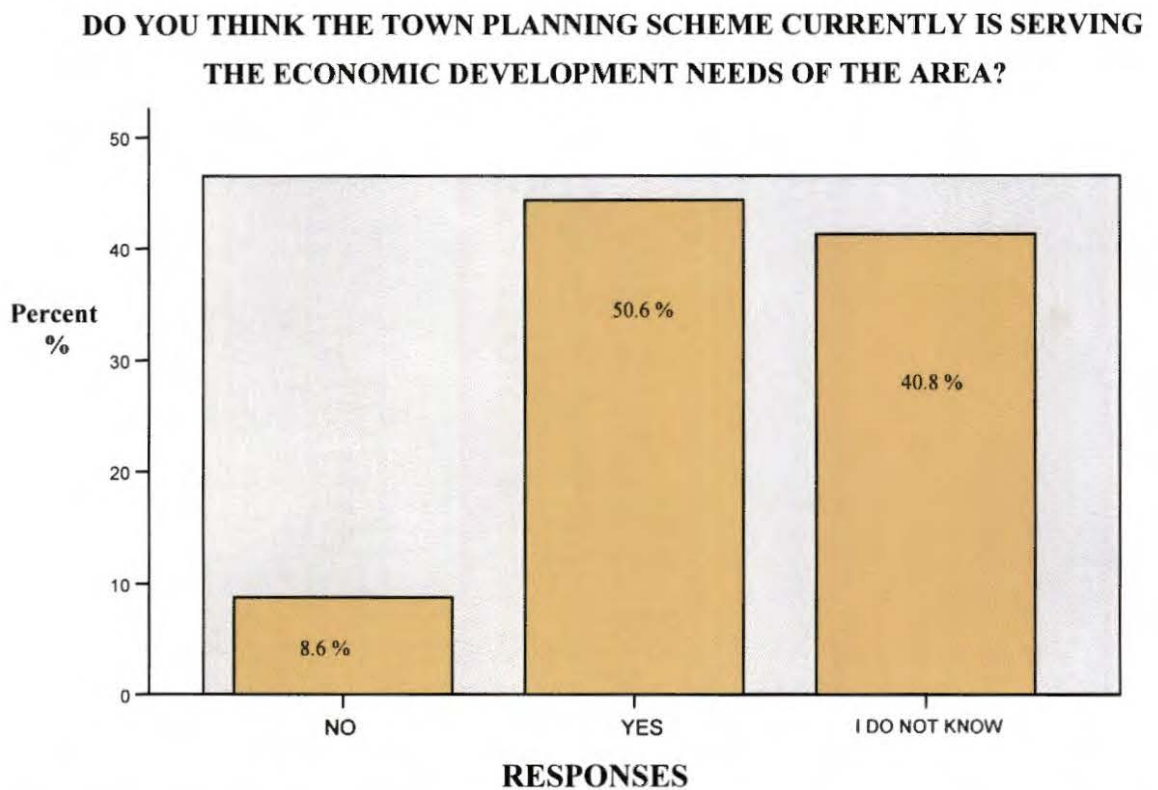
**5.4 SECTION C: RESPONDENT’S PERCEPTION OR EVALUATION OF THE CURRENT LAND USE MANAGEMENT MEASURES.**

This section of the questionnaire was to find out how the Town Planning Scheme as the existing land use management tool of Mthatha is perceived and viewed by the land owners and end users. It also sought to determine whether the land owners and developers felt the Town Planning Scheme was flexible enough or too restrictive in as far as utilising the full economic potential of the land in the area as would a forward planning tool.

**QUESTION 12: DO YOU THINK THE TOWN PLANNING SCHEME IS CURRENTLY SERVING THE ECONOMIC DEVELOPMENT NEEDS OF THE AREA?**

- The responses for question 12 above revealed that 50 % of the respondents felt that the Town Planning Scheme, as it is currently, does not support the economic and developmental needs for the area. only 8% responded 'YES' to the question and 40 % did not know. (refer to the graph below) .
- Question 13 below was included in the questionnaire so as find

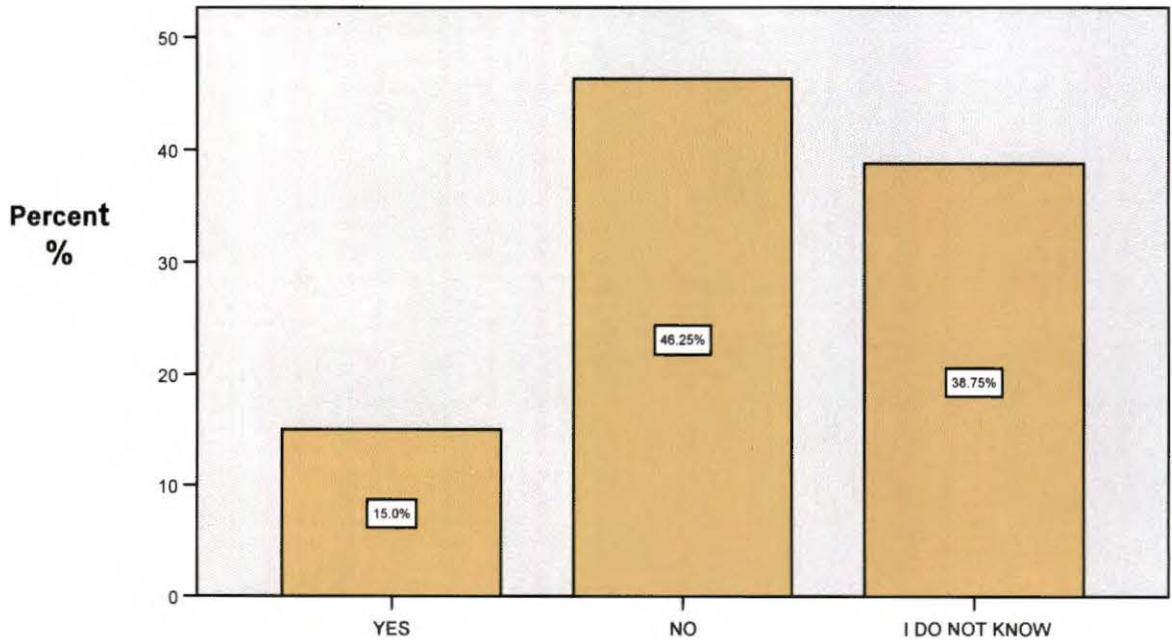
Fig 5:12



- Question 13 below was included in the questionnaire so as to find out whether the respondents felt the Town Planning Scheme was found flexible enough or too restrictive in as far as permitted land uses were concerned including the Special Consent Uses. The majority of respondents, 46.25% felt that it was too restrictive and not flexible in terms of permitted uses.

Fig.5. 13

**DO YOU BELIEVE THE TOWN SCHEME IS FLEXIBLE ENOUGH AS FAR AS THE USE OF LAND IS CONCERNED?**



- Question 14 below was included in the questionnaire below in order to be able to conclude whether the respondents had contributions they felt should be addressed and considered in the planning of their area.

**QUESTION 14: WHAT ARE THE USES YOU WOULD LIKE TO SEE PERMITTED BY THE TOWN PLANNING SCHEME IN YOUR AREA?**

Table 14

RESPONSE	Frequency	Percent %
SHOPPING CENTRE, OFFICES, SALONS, banks & Other Businesses etc.	40	49.4
NOT SURE	7	8.6
GYM AND STORES	4	4.9
LEISURE AREAS	5	6.2
SCHOOLS AND SPORTS GROUNDS	4	4.9

DEVELOP RESIDENTIAL AREAS	7	8.6
MIXED USES	11	13.6
PLANT NURSERIES, VETERINARY OFFICES AND FLORISTS	1	1.26
PHARMACIES AND DOCTOR PRACTICES	1	1.26
RESTAURANTS	1	1.26
Total	81	100

- 49.4 % of the respondents would like to see small business facilities and shopping centres for convenient accessibility. 13.6% of the respondents would like to see mixed uses permitted in the area. Other uses that respondents wished to see allowed by the Town Planning Scheme in the study area were leisure centres, doctor's suites, schools and sports grounds (*refer to table above*).
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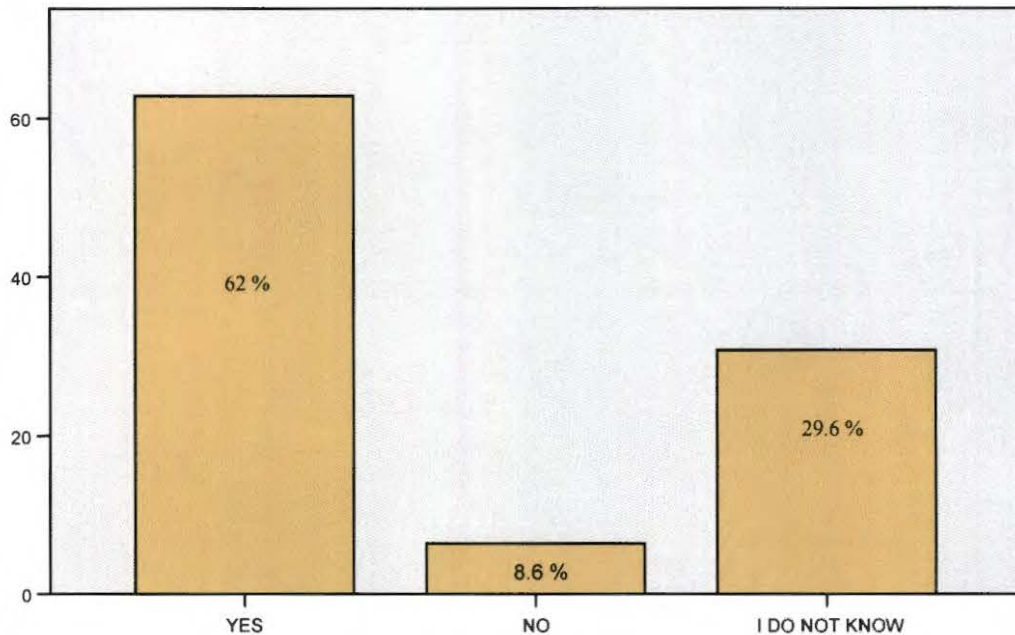
Question 15 below bears the same significance as questions 12 and 13 to evaluate the view of the respondents in as far as flexibility/ restrictiveness of the Town Planning scheme is concerned. In addition it would contribute in the conclusion made in this research that there is a need for a planning tool that is indicative, developmentally oriented for the town of Mthatha in general and the study area in particular.

- 62 % of the respondents believe that there is a need for a more flexible Town Planning Scheme. 62% believe that there is a need for a more flexible land use management tool. 29.6% did not know, and 8.6% responded "NO" to the question.

**QUESTION 15: DO YOU BELIEVE THERE IS A NEED FOR A MORE FLEXIBLE LAND USE MANAGEMENT TOOL FOR MTHATHA?**

Fig. 15

**DO YOU BELIEVE THERE IS A NEED FOR A MORE FLEXIBLE LAND USE MANAGEMENT TOOL FOR UMTATA?**



- Question 16 was an open-ended question that was intended to allow the respondents to give any views or inputs they had on the Town Planning Scheme and land use in Mthatha. This was also purposely done so that the researcher might gain additional information that was not revealed through other questions asked. There were a variety of responses to this question (refer to the table below).

**QUESTION 16: ANY OTHER COMMENTS ON THE TOWN PLANNING SCHEME AND THE LAND USES IN YOUR AREA?**

<b>RESPONSE</b>	<b>Frequency</b>	<b>Percent %</b>
NO RESPONSE	18	22.2
MUNICIPALITY MUST LISTEN TO PEOPLE'S NEEDS	1	1.2
NO FLEXIBILITY TO INCLUDE NIGHT CLUBS, CASINOS , CINEMAS	5	6.2
DEVELOP RESIDENTIAL FLATS	7	8.6
NO ENTERTAINMENT FACILITIES	6	7.4
PROVIDE FOR EDUCATION FACILITIES	5	6.1
DEVELOP BUSINESS COMPONENTS	10	12.3
NOT CHANGE RESIDENCES TO BUSINESSES	4	4.9
ATTRACT INVESTORS	2	2.5
MIXED USES	2	2.5
MUNICIPALITY TO PLAN FOR PRIVATE SCHOOLS	1	1.2
HOSPITALS	1	1.2
SPORTS FACILITIES AND CHILDRENS PLAYGROUNDS	5	6.2
PLACES OF WORSHIP	3	3.7
NO ECONOMIC DEVELOPMENT VISION	10	12.3
Total	81	100

## **5.5 CONCLUSION**

The responses from the participants show the lack of involvement of the participants in the planning of their area. In Arnstein's ladder of participation (refer to Chapter2, p30) the level of involvement is below the degree of citizen power in as far as land use management is concerned. It was further realized that there is a need for a local development plan and a change in the zoning of some areas to allow for additional commercial uses in the area, to encourage economic development as well as a more 'liveable urban environment' . This chapter also confirmed the transition status of the study area from being purely a residential to a mix of business or a commercial and residential area. The exercise of data collection from the respective participants was to understand the participants' experience of the current approach and methods used in land use management in the study area. From the responses obtained, the researcher is able to draw conclusions about the area and confirm that the proposals made for the study area are in fact relevant and needed.

The next chapter extends the discussion of the findings drawn from the above chapter. Recommendations and proposals are then made taking into account the information revealed in this chapter.

## **CHAPTER 6: DISCUSSION AND RECOMMENDATIONS.**

### **6.1 Introduction**

In Chapter 6 data were collected for the purposes of this study and statistically presented using tables, graphs and charts. The distribution of responses as recorded during the data collection phase can be clearly read in that chapter.

This chapter is informed by Chapter 6 in that the summary of findings based on the information and responses reflected in Chapter 6 will be made. These findings will assist the researcher to draw conclusions about the hypotheses of the study as stated in Chapter 1. Moreover, based on these findings, recommendations can be made about alternatives that can be used to address critical issues that the study revealed.

The findings of the research should link or reflect on research questions and the objectives raised in Chapter 1.

### **6.2 Research Findings and Discussions**

The study revealed that the town planning in Mthatha is not effective in relation to land use management and more so in the study area based on the facts that the land use management needs to be informed and aligned to the underlying theoretical framework and forward planning document (the IDP).

In attempting to show how the research participants were affected and experiencing the current nature of development control in their areas, the following were further revealed:

- The study revealed that the majority of the property owners were aware of the Town Planning Scheme although they did not all necessarily adhere to the provisions of the Town Planning Scheme. The study further found that practices which are in the area are not provided for by the Town Planning Scheme e.g. the Bed and Breakfast businesses.

This particular use is becoming more prominent in the area as owners of property are continuously changing their properties to Guesthouses/ Bed and Breakfast.

- The study further showed that most respondents had the council's special consent to operate the land uses that they were operating, whereas approximately 35 % of the owners were in contravention of the Town Planning Scheme (KSD Municipality records: Infrastructure Directorate) .
- From this study it was found that the Town Planning Scheme was too restrictive and inflexible and was not allowing for full utilization of the economic potential of the area. The respondents felt that the Town Planning Scheme was too inflexible to accommodate uses that they would like to see permitted in their area. The responses showed that the property owners and land users would like to see the area develop more business or commercial uses other than just residential, as prescribed by the Town Planning Scheme.

Stapelberg (1999:14) maintains that the rigid segregation of land use results in increasing the distance between residential areas and places of employment especially where the urban area is spread out over a geographical area. Residents are prohibited from conducting small businesses from residential even that could have created opportunities and employment. In developing countries some of the most rewarding activities in the economy take place from people's homes, but then uses should be more flexible.

This confirms the fact that there is a need for mixed land uses in the Mthatha Town Planning Scheme, guided and informed by a more flexible development plan that carries the vision and objective of the municipality's Integrated Development Plan.

- The study also showed that almost 40% of the people in the study area did not know what the Town Planning Scheme was. This could be due to the fact the Town Planning Scheme of Mthatha was adopted 26 years ago and the population that could have been involved in the public participation process could fall in the category of above 50 years of age, which from the data collected makes up only 27% of the respondents.

The study showed that the Town Planning Scheme was not sufficient as a land use management tool for the study area but there was evidence of a need for a development framework that would not only be flexible to accommodate other uses in the area but one which would also address the economic potential and growth in the study area.

### 6.3 Recommendations

The White Paper on Spatial and Land Use Management stipulates that the key to successful local spatial planning, land use management and land development is the establishment of an '**effective link**' between the forward planning tool ( IDP – SDF) and the Development Control function (Land Use Management System).

The key issue then is to understand or to clearly define the term '**effective link**' in the context of land use management and planning. Looking at the scenario or the status quo of the Town Planning in Mthatha, it is indisputable that the effective link which is the detailed Spatial Development Framework and Land Use Management System is missing. The comprehensive Land Use Management System is the missing link between the IDP (Forward Planning function) and the Scheme (development control function) in King Sabata Dalindyebo Municipality. This realised gap can be bridged through development of an Integrated Land Use Management System as proposed Fig.6.1 below.

- In relation to the study area it is apparent that the piecemeal approval of development proposals guided by the town planning scheme alone can neither be sustainable nor ensure wise land use.

A town planning scheme can never be a substitute for planning. Unfortunately, sometimes zoning, in the form of a town planning scheme is the 'tail that wags the dog'. It must always be borne in mind that the town planning scheme has to fit within a strategic spatial management and planning should follow where led and not the other way round (McClendon & Quay 1988:139 in Stapelberg 1999:32).

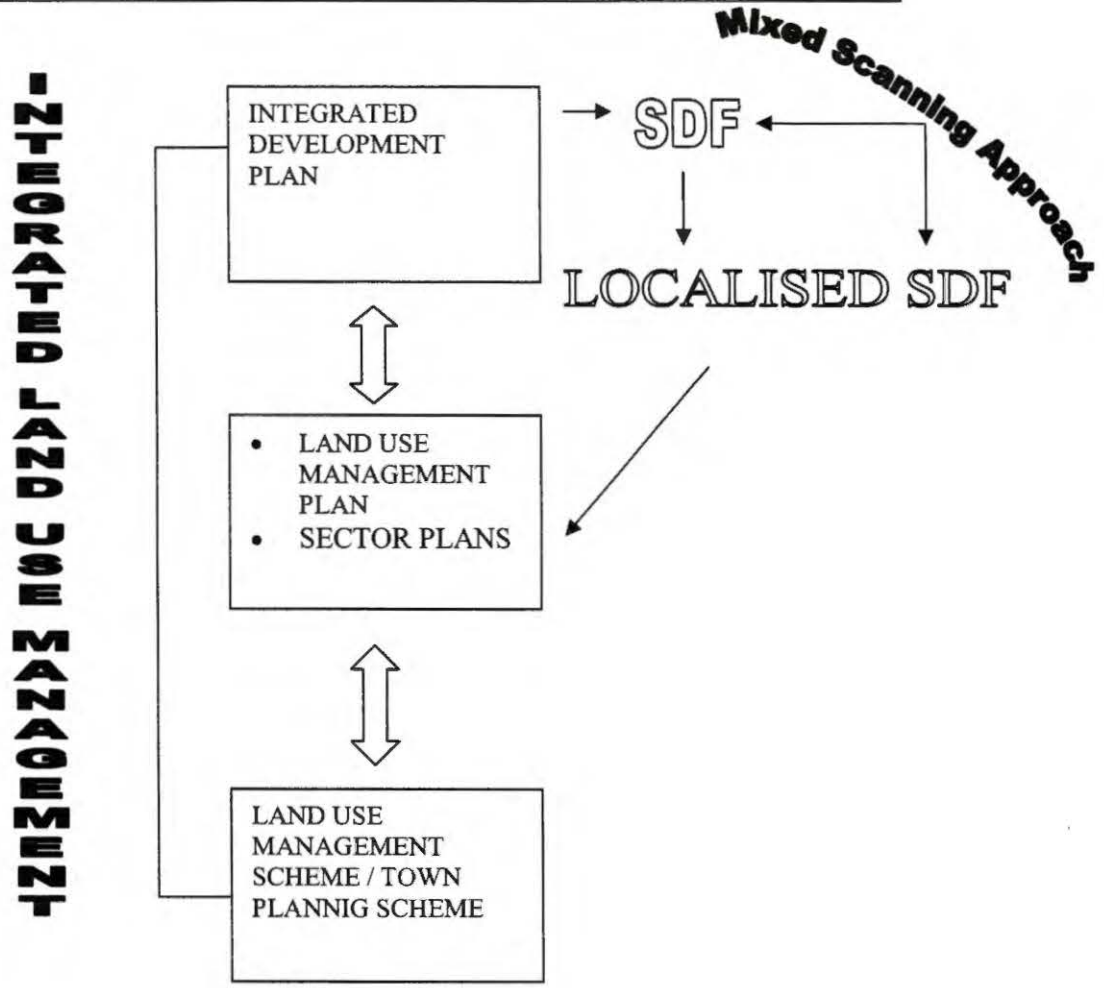
This therefore leads to the recommendation made that wise land use management and effective development planning in the KSD municipality can be realised through creation off a land use management system that encapsulates the following components:

- Integrated development plan key objectives informing the SDF
- Spatial Development Framework reflecting the IDP objectives

The Land Use Management Scheme for all land parcels in the municipal area enforcing the directives of the SDF.

From this point of departure the framework for land use planning in Mthatha should follow the pattern as depicted in the diagram below:-

Fig. 6.1 Framework for Land Use Management System in Mthatha



The diagram above shows that there is a need for an integrated land use management plan for Mthatha and KSD Municipality in general.

This Integrated Land Use Management framework will be achievable when the spatial planning component is integrated and aligned with the municipality's Integrated Development Plan and that the spatial planning tool gives clear guidance for the establishment of the Land Use Management System for KSD Municipality.

This then suggests the formulation of the broad SDF for the Municipality. This will give a directive to development and reflect the strategic objectives of the municipality's IDP. The broad SDF is not intended to be a comprehensive plan, but an overall plan that is formulated at a broader scale. The gap then created

between the local development needs and the SDF will be addressed when areas of strategic importance which require urgent planning attention, as is the case in the study area are zoomed in on and a more detailed plan has been developed.

The data collected have shown that the experience of the respondents pertaining to current land use management in their areas has proved to be unacceptable and not serving the purpose of the Integrated Development approach to planning that local government seeks to achieve, that of involving the people in the planning of their own areas.

It is also important to realize that land use cannot operate in isolation as uses influence several components and this has a ripple effect on the entire integrated planning process. In the past planning components were isolated and this led to disproportionate development, not only racially based but also spatially and ancillary aspects like transportation system.

In addition to the recommendations suggested above the following recommendations are also added:-

- a) The Mthatha Town Planning Scheme needs to be amended and revised in order to accommodate mixed land use zones and or have special zones for uses that are not catered for by the Town Planning Scheme. The lack of an updated zoning scheme results in unmanaged developments and activities in the town. This is evident in the fact that the present zoning maps do not correspond with the situation on the ground. There is a need for a detailing the existing land uses and also identifying land suitable for specific future developments. This will also enable the Municipality to get an understanding of the direction the development is taking and identify potential areas for future land development. Various land use changes will be noted, and will give a broad picture of the needs and demands with respect to land.

- b) The planning and management of Land Uses in the study area cannot continue to be done through approval of special consent applications for the different uses that land owners individually apply to Council for. There is a need for formulating a directive developmental plan, a Spatial Development Plan that will inform and give guidelines to the Town Planning Scheme or Land Use Management Scheme in Mthatha, particularly to the study area.
  
- c) The proposed amendment and review of the existing Town Planning Scheme will involve public participation and thus increase the awareness to people about the legislative nature and provisions of the Scheme in relation to how owners can use their land. This then in turn addresses the evidence found in the study that almost 40 % of the studied population was not aware of the Town Planning Scheme requirements.
  
- d) On its own, the Town Planning Scheme has proved to be insufficient as a land use management tool in Mthatha. It is therefore recommended that a revised scheme should also be informed by the Spatial Development Framework (including precinct development plans) as well as other strategies such as Local Economic Development Strategies and City Development in order to embrace the economic needs of the area in its stipulations.

Highlighted in this research is also the inappropriate placement of the planning function in the municipality's organizational structure. This also needs to be reviewed and considered so as to address the institutional capacity needs within the municipality. This shows a need for a comprehensive institutional framework which will address the issues of organizational capacity and structure of functions.

Table 6.1: Summary of other observations and findings

<b>Critical Observations/ Findings</b>	<b>Research Impact on Land Use Management</b>	<b>Recommended Strategy</b>
There is a trend of adhoc development of land uses in the study area,	<ul style="list-style-type: none"> <li>✓ Municipality does not have accurate information pertaining to operating land uses versus zoning scheme</li> </ul>	<ul style="list-style-type: none"> <li>✓ Run a land use audit to update current data. (in the process of reviewing the current zoning scheme.</li> </ul>
Lack of guiding plan / SDF for future development of Mthatha.	<ul style="list-style-type: none"> <li>✓ There is lack of land use management guidelines &amp; desired pattern of development to guide decision making with respect to land use applications.</li> <li>✓ Creates a gap in the IDP and its priorities cannot be clearly mapped on the ground.</li> </ul>	<ul style="list-style-type: none"> <li>✓ The SDF must be formulated, aligned to the IDP and adopted by council.</li> <li>✓ The SDF must be reviewed with the annual reviews of the IDP.</li> </ul>
Outdated Development Control tools are being used	<ul style="list-style-type: none"> <li>✓ Tools frustrate the current needs of the communities and do not address</li> </ul>	<ul style="list-style-type: none"> <li>✓ Review of current scheme and or</li> </ul>

	change.	formulation of a new land use scheme.
Absence of a uniform Land Use Management System for KSD Municipality	✓ Reliance of operating policies on old legislation and fragmented planning.	Formulation of a Land Use Management of the municipal area reflecting the following components: <ul style="list-style-type: none"> <li>✓ IDP aligned SDF</li> <li>✓ Local SDF or precinct plans</li> <li>✓ Land Use Scheme</li> </ul>
Lack of Institutional framework that addresses the needs for effective planning	Makes implementation of strategies and policies difficult.	✓ Draw an institutional framework that forms part of the municipality IDP.

#### **6.4 Conclusion**

This chapter has highlighted and identified the key issues that reflect the insufficiency and ineffectiveness of Land Use Management System in Mthatha as a result of the missing link between Integrated Development Plan and Spatial Planning. As long as these operate in isolation to one another, land use management in Mthatha will remain ineffective and inadequate, and will always fail to address the adhoc development within the urban core and the service delivery needs specified in the Integrated Development Plan of the municipality. A thought that has left a room for further research is whether the function of the Integrated Development Plan is appropriate as a function outside the development planning unit of the municipality as is the case in the King Sabata Dalindyebo municipality, and common in other municipalities as well. A need has never been greater than now to coordinate and define the profession of Town planning and terms of reference for the planner within the current spheres of government and more so in the local sphere of government in South Africa.

**QUESTIONNAIRE****QUESTIONNAIRE NUMBER [     ]**

This questionnaire forms part of a research study on the effectiveness and sufficiency of the Mthatha Town Planning Scheme as a land use management tool, especially pertaining to the area of study. This questionnaire is carried out in terms of the requirements for the Degree, Masters in Town and Regional Planning, at the University of the Free State in Bloemfontein. It is the intention of the study to examine how the Mthatha Town Planning Scheme has dictated the development of Mthatha Central as it relates to zoning, land uses and the responsive environment.

The respondents' identity will remain anonymous and the responses of participants shall be used solely for the purpose of this study. All information will be treated in strictest confidence and publication will not be in any form be associated with any individual.

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**SECTION 1: DEMOGRAPHIC DETAILS**

1. To which population group do you belong to?

Black	
Coloured	
Asian	
White	

2. The Respondents gender

Male	
Female	

3. Respondent's age

Under 30 yrs	
30 – 40 yrs	
40 – 50 yrs	
above 50 yrs	

4. What is your address / erf no?

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5. Do you own or rent the premises?

Owner	
Tenant	

**SECTION 2: RESPONDENT'S UNDERSTANDING / KNOWLEDGE OF THE TOWN PLANNING / ZONING SCHEME.**

6. Do you know what a Town Planning Scheme is?

Yes	
No	

7. Do you know what the function of a Town Planning Scheme is?

Yes	
No	

8. What is the current zoning of this erf?

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9. What are the premises used for?

.....  
 .....  
 .....  
 .....

10. Is the current use permitted by the Municipal Town Planning Scheme?

Yes	
No	

11. Do you have a Municipal Consent to operate the current uses?

Yes	
No	

12. If NO what are your reasons?

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**SECTION C: RESPONDENT'S PERCEPTION OR EVALUATION OF THE TOWN PLANNING SCHEME.**

13. Do you think the Town Planning Scheme currently is serving the economic development needs of the area?

Yes	
No	
I do not know	

14. Do you believe the Town Planning Scheme is flexible enough as far as the use of land is concerned?

Yes	
No	
I do not know	

15. What are the uses you would like to see permitted by the Town Planning Scheme in your area?

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16. Do you believe there is a need for a more flexible land use management tool for Mthatha?

Yes	
No	
I do not know	

16. Any other comments on the Town Planning Scheme and the Land uses in your area?

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