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THE ROLE OF LAND DEVELOPMENT OBJECTIVES AS PART OF A FRAMEWORK TO GUIDE LAND USE MANAGEMENT SYSTEMS TOWARDS DEVELOPMENT PLANNING IN SOUTH AFRICA

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A discourse submitted to the Faculty of Architecture, University of the Witwatersrand, Johannesburg, in partial fulfilment of the requirements for the Master of Science degree in Development Planning

Johannesburg, 1998

DEDICATION

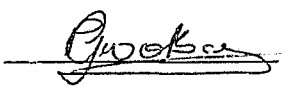
To my mother, Mrs. T. A. Grootboom, my greatest inspiration.

ABSTRACT

There is an increasing sense of urgency in South Africa to seek a proper and effective planning system which is line with the current thinking, there is a need therefore to regenerate land use management systems to suit the new ethos for planning. Th new ethos require a moral justification of planning to openly support the principles of the integrated approach to reconstruction and development via legislation. The Development Facilitation Act, with respect to inter-relatedness with the fundamental principles of the Reconstruction Development Programme, sets out a new planning environment through the Land Development Objectives. The DFA therefore provides a useful point of departure on which to build land management systems. This therefore, implies that land development objectives provide an opportunity as planning new tools to manage and guide land use development and management systems in a manner that supports the new ethos. It is the aim of this discourse to evaluate land development objectives as part of a frame to guide land use management systems for development planning in South Africa.

DECLARATION

I declare that this discourse is my own unaided work. It is submitted for the degree of Master of Science in Development Planning in the University of the Witwatersrand, Johannesburg. It has not been submitted before for any other degree or examination at any university.



Portia Grootboom

October 7, 1998

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Table of Contents

Chapter One: *Introduction* 1

1. Background 2

2. The aim and objectives of the discourse 4

3. The methodology and structure of the discourse 4

4. Synopsis 4

Chapter Two: *The Context of Planning* 8

2.1 Introduction 8

2.2 What is land use planning? 8
2.2.1 The historical context of planning in South Africa 9
2.2.2 How do determine the level at which a land issue is addressed? 11
2.2.2.1 Issues related to growth 12
2.2.2.2 Issues related to the maintenance of a stable population 12
2.2.2.3 Issues related to population decline / increase 14
2.2.2.4 Issues related to the exploitation of natural resources 13
2.2.2.5 Issues related to preservation 14
2.2.2.6 Issues related to reclamation 14
2.2.2.7 Issues related to impact 14
2.2.2.8 Land use planning at local level 14

2.3 Summary 15

2.4 The contesting land (use) issues 15
2.4.1 The international context 15
2.4.2 The South African context 17
2.4.3 Reforming land management policies 18
2.4.4 Land management reform policies in South Africa 20

2.5 Conclusion 23

Chapter Three: *New Approaches to Land Use Planning in South Africa* 25

3.1 Introduction 25

3.2 The guiding principles of the new ethos for planning 26
3.2.1 Social justice or equity 26
3.2.2 Upliftment of the poor 27
3.2.3 Democratisation and participation 27
3.2.4 Devolution of power 27
3.2.5 Promotion and protection of human rights 28

3.2.6 Integration and integrated planning....28
3.2.7 Economic development....28
3.2.8 Prioritisation of reconstruction areas....29

3.3 The general legislative framework....29
3.3.1 The specific problems within existing land development and management systems....30

3.4 The new legislative framework....32
3.4.1 Background on the Reconstruction and Development Programme....32
3.4.1.1 Summary....34
3.4.2 Background on the Development Facilitation Act....34
3.4.2.1 The nature of the Development Facilitation Act....35
3.4.2.2 The aims of the Development Facilitation Act....38
3.4.2.3 The purpose of the Development Facilitation Act....39
3.4.2 4 Summary....40
3.4.3 Background on the Black Communities Development Act....41
3.4.3.1 The purpose of the Black Communities Development Act....41
3.4.4 Background on the Town Planning and Township Ordinance....41
3.4.4.1 The purpose of the Town Planning and Township Ordinance....42
3.4.4.2 Summary....42
3.4.5 Background on the Less Formal Township Establishment Act....43
3.4.5.1 The purpose of the Less Formal Township Establishment Act....43
3.4.5.2 Summary....43
3.4.6 Background on the Land Development Planning Objectives....44
3.4.6.1 The nature of the Land Development Objectives....44
3.4.6.2 The purpose of the Land Development Objectives....45
3.4.6.3 The process of formulating LDOs....45
3.4.7 Summary....47

3.5 Conclusion....48

Chapter Four: *A Case Study*....51

4. Introduction....52

4.1 Consultation....52

4.2 Background....53

4.3 Problem statement....54
4.3.1 Principal problem areas....55

4.4 Aim and objectives of the LDO process in the area....56

4.5 Understanding the study area....57
4.5.1 The national perspective....57
4.5.2 The provincial perspective....57
4.5.3 The regional perspective....58
4.5.4 The local perspective....59

4.6 Summary 61

4.7 The process and approach 62
4.7.1 Methodology 62
4.7.2 The process thus far 62

Chapter Five: *Conclusion* 65

Bibliography

Appendix

Reports

List of Maps

Map 1	Orientation (Northern Province)
Map 2	Lowveld Region
Map 3	Bushbuckridge South

1

Chapter One

Introduction

1. Introduction

Planning in South Africa (SA) has its roots in the British planning system which, was in turn based on promoting the social goods (through social development) after the Industrial Revolution, is defined as an ongoing activity of processes. Planning therefore evolves since it should respond to the forces of continuous change and the present situation in order to shape policies. " The planning profession in S.A is at a cross-road with the past seven decades of repression; a catalogue of apartheid policy which has left the social economic pillars of the country in 'near-ruin' " (Lerner, 1996, p 2). Planning and planning legislation in South Africa has symbolised a need for a transformation of the country through democracy, which still at its fragile state has to overcome decades of the apartheid policy. As a point of departure, planning needs to rectify the imbalances of the past which provided advantages only to a minority of the general public, and leaving the majority at a disadvantage through no fault of their own.

It follows that planning, in order to develop a foundation for the future and to promote the social good development and interest of the disadvantaged communities, should acknowledge the disparities of the past first in order to correct those disparities and to strive towards the attainment of prosperity in future. However, it can be argued that our interpretation of the past is subjective and in interpreting that past, according to Muller, is formidable (Muller, 1993).

Land use planning has in the past been concerned about giving physical solutions to land use issues but since then the democratisation of planning has gone as far as providing non-physical solutions in relation to land use issues. This is not only linked to the introduction of zoning and raising, mostly, legal devices but also to policy-planning actions (Fabos, 1985, p. 91) which can be said to have been caused by the evolution to planning. Concurrently, the democratization of planning has offered a premise on which land use issues could be determined, and who should pursue them. Because this type of planning has become a highly complex activity, Fabos (1985)

advocates that it should be pursued at all levels of government especially at local level to include the public and planners at large. This is because planners not only have to provide understanding of the total planning process from problem identification to implementation and evaluation to decision makers only (i.e. stakeholders such as government and private sector) but also need to communicate their plans to the public.

2. The aim and objectives of the discourse

In its search for a proper and equitable planning system in South A has taken a stream which Fabos (1985, p 151) defines as an integrated approach to physical planning by private sector (government) and public sector. This approach is defined in the Development Facilitation Act (DFA) as an important enactment to land development, to provide guidelines for and the expedition land development throughout the country. The Reconstruction and Development Programmes (RDP) initially promulgated the principle of integrated planning in 1994 through its fundamental principles. The Land Development Objectives (LDOs) as the agencies to help facilitate development in relation to land and the new approach of integrated planning, have to be formulated as part of and according to the DFA general principles, which govern land development establishment in the country.

The aim, therefore, of this discourse is to evaluate LDOs, in South Africa, as viable development planning tools to guide land use development and management systems. Without any prior experience in this regard, as well as in democratic processes and the problems of the past physical planning, makes the task of local government and planning (a) difficult and hazy (one). There are fundamental objectives therefore which follow from the argument above:

1. To evaluate the definition of land-use planning in general and with respect the context of South Africa, how it has evolved and what it aims to achieve.

2. To evaluate existing legislation and its commitment to the new ethos for planning in South Africa.

3. To evaluate Land Development Objectives as viable development planning tools and to evaluate them as guidelines to effective land use management and their aspiration in the context of a new and future ethos for planning in South Africa.

The most distinctive concept arising from the above is the acknowledgement that planning in South Africa – within the current thinking – needs regeneration. Since this acknowledgement is in line with the new planning environment in South Africa, two further concepts spring from this position namely, ***the spirit of planning*** and ***the purpose of planning*** which openly supports the principles of the RDP and new legislation such as the DFA.

3. The methodology and structure of the discourse

It is vital at this point to provide clarity on the terminology which, will be used the course of the study.

Planning in this study will be referred to within the generally acceptable definition as 'an ongoing process'. Since this discourse is primarily concerned with land use development and management, physical planning and land use planning will be used interchangeably with the assumption that physical planning is primarily concerned with land use. Land use planning therefore, will make reference to land use management systems by definition and application. Land use management within context should be viewed as relating to both land use development and land use management.

By reference to the new ethos for planning, the study implies the new spirit of social justice and equity to planning in South Africa. The new ethos is viewed as having the same meaning with current thinking and the new principles for planning within a

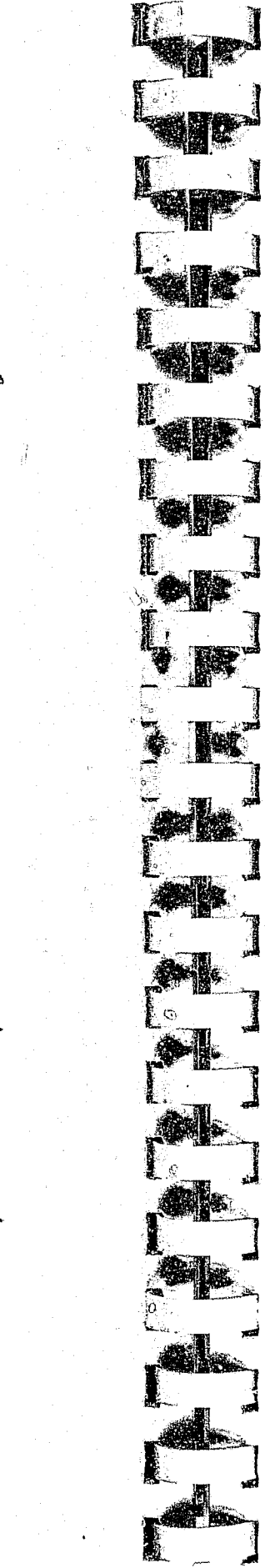
democratic society. These concepts are further developed in separate chapters in an attempt to address the aim of this discourse as aforementioned.

The first two concepts which are planning and physical planning by reference to land use management systems are developed in *Chapter Two*. In this chapter, the study attempts to lay down the foundation for the systems of planning which relate to land and land use issues. The purpose of planning with respect to land issues in general (in international context) and specific to South Africa is defined further in this chapter, whereby the discourse begins to establish how planning has evolved in the country and why the need for reform in policy after the 1994 elections.

Arising from the premise that reform in (undesirable) land management policies is pertinent for the facilitation of development, *Chapter Three* therefore expands on the legislation which came into effect after the 1994 elections. This new legislation will be viewed in light of the guiding principle of the new ethos for planning in relation to old legislation in order to establish the similarities and differences, the ability of old legislation to facilitate development and its relevance to the new ethos for planning. This therefore attempts to identify the icebergs which, will be encountered and the flexibility thereof of this old (and new) legislation to respond adequately. *Chapter Four* thus outlines *legislation relevant to this study* as well as outline the specific problems with existing land use management systems. This chapter progresses in the same light to define the guiding principles of the new ethos for planning, through historically correct and applicable legislation such as the RDP (1994), the DFA (1995) and the Less Formal Township Establishment Act (1991) and the interrelated thereof. It is also in this chapter that the subject matter of land development objectives is discussed in more detail since the underlying background to the prevailing planning environment will have been covered substantially.

The second last chapter, *Chapter Four*, promises to illustrate the formulation of LDOs and the problems inherent therewith, through a the study area conducted in the area called Bushbuckridge South in the Lowveld Region of the Northern Province boarding Mpumalanga.

The conclusions and recommendations resulting from the findings of this discourse in *Chapter Five*, will deal profusely with the perceptions and generally held views about the viability of LDOs as defined throughout the study. Interviews and consultations with a vast number of planning practitioners were held to complete the recommendations which are therefore perceptions and ideals by other planning who have to deal with the new planning system on a day-to-day basis, and are therefore devising new ways of dealing with current and future planning environments. This is the crucial point where the promises and argument of this discourse and its validity will be established.



2

Chapter two

The Context of Planning

2.1 Introduction

Comprehensive planning represents planning objectives and are in no sense a final plan, since planning is generally viewed as an ongoing process. This implies then that it is continually subject to modification in the light of actual land use development and serve as a guide rather than a straitjacket (Cullingworth, 1993, p.12). The new technologies, increased scientific knowledge and societal changes offer specialists from various backgrounds new and time challenging problem-solving tasks. These reduces any control-orientated planning with strict legal implications and rigidity when dealing with complex problems of change.

As a planner one need not assume a neutral role because one does not want to be held accountable to any errors since unaccountability and neutrality removes any possibility for democratic decision-making and promoting the moral mandate of the profession. This is very crucial in today's world because a planner needs to employ truly democratic processes, for instance through public participation and well-informed decision-making. This enables planners to respond to greater public concerns, thus making the planning process a truly democratic one.

2.2 What is land use planning?

Planners respond to the forces that have shaped global and national policies and have influenced regional and local land use plans. Prospects, such as accessible and high technology, with the use of improved tools, have provided opportunities which have improved and democratised decision making processes and control land use. Improvements or their regeneration is essential in planning for development.

Land use planning has always enjoyed the status of being a highly specialized activity involving zoning and subdivision regulation on land use, and its failure to achieve its set objectives is apparent. This calls out for new ways of looking at and addressing

land use issues, and the DFA through the land development objectives provide a guide to this end.

During the 1960's and 1970's land use planning in the United States (US) had been pre-concerned and dominated by controls on land use through legal devices especially at local level. This has been due to the dominant approach that "land use planning can be looked upon as both an all inclusive process and as a collection of related activities" (Fabos, 1985). In his book, Fabos assesses the way in which planning and planners should respond to the historical and contemporary changes in land use planning and on people/society and the environment. These changes, including both positive and negative impacts, vary significantly e.g. societal change, scientific knowledge and technological advancement. Fabos, thus asserts that decisions and its consequences could be transmitted effectively from local through national to global levels respectively and vice versa. This implies that decision making processes at only one level need to have a fundamental understanding of the interaction among all types of land use decisions (Fabos, 1985).

2.2.1 The historical context of land use planning in South Africa

Land use in S.A has in the past been focused on the aspect of control. It comes as no surprise though since the past regime used, or maybe, misused the US planning system to promote the ideals of a apartheid through separate development of the South African people, and the subsequent events are well known.

Control might be a good component in a fast growing environment, however it is not necessarily the best instrument for development planning which in the 20th century is centered around integration and the facilitation of development. The Botha regime was not the least interested in integrating South African societies but rather preserving white areas for white South Africans. However these controls might have been useful or even good in dealing with particularly the past and present conditions and future uncertainties in planning, but it was in no way fruitful in the long run.

The continuous changes in societies however do need land use planning processes dealing with positive opportunities; and this approach to planning require change in thinking and other alternative tools in planning. Therefore this type of planning (land use planning) had to forgo ideas of state control, and thereby powers of decision making at local level less

centralised to more local planning. This change in focus can be based on what one might ascribe as failures of land use regulation devices, such as the American experiences of redevelopment (i.e. replacement of poor neighborhoods with complexes and office buildings) and control orientated planners from various planning backgrounds, with legal implications such as architecture, engineering, economics, forestry etc. (Fabos, 1985).

There are various historical changes and revival of land use planning which has forced planners: 1. To respond to a new set of opportunities and 2. To re-define their role. The need to understand the interaction of all factors in land use planning has set implications for planners and their emerging role in land use decisions which need to be well-informed decisions and decision making processes which are well-aware of the whole set of interrelated planning factors. There arises, therefore, a holistic approach to planning which is concerned about the continuous changes in society and environment in order to make well-informed decisions about land use.

South African planning in the past remained stuck on the emphasis of control even when their pioneers of that approach moved on to emphasize creativity and innovation both in the metropolitan and rural areas. The state in which rural areas are in today had a lot to do with SA's regime of separate development and non-development of the rural planning. These forces caused by apartheid led to population concentrations in the urban areas through migration (legal and illegal). Many advocates (of control) might argue that regulations imposed by the past regime were useful in ensuring that over-crowdedness in rural areas is prevented before serious problems occur such as

shortages in services, deterioration of urban environment, housing, etc. It is such issues, which make migration (for instance) a land use planning issue.

2.2.2 How do we determine the level at which a land issue is addressed?

"However styled, ferment in the land use planning filed is now pervasive that, like Alice's flamingo, hedgehog and card soldiers, nothing seems to stay put for very long at which judges will draw their line between police power and the power of eminent domain" (Costonis, 1973).

- How many people does the issue affect?
- The magnitudes effect that the issue might have.

These are the questions which, come to one's mind when attempting to determine the level in which land related issues are to be addressed and the laws relating to their revision. Despite the ferment and debates underlying this matter, there is growing adoption of land issues at provincial and specifically at local government. In so doing, this enhances local government's influence on changing land use and facilitating land development in their areas of jurisdiction. For the apartheid government, land use issues, such as migration were held highest priority at national government level because migration for instance impeded the government's plans of a planning process of directed towards separate development.

The apartheid government planning system perceived issues as problem, which made the system control orientated and rigid in its sense of planning. This notion of issues perceived as problems limited the scope of planning in SA for the sole purpose that a problem tends to require set regulations to control it. This is different from the current planning perception that an issue can be a problem as well as an opportunity, which is likely to offer a creative approach in dealing with it.

Land-use issues such as social, political and economics are vast and interrelated. Therefore they require specialized knowledge. These issues have led to the adoption and application of new approaches to planning in the changing environment. These land use

issues require planners to perceive or adapt to new ways of dealing with complex societal problems. Currently in the country, new ethos for planning are surfacing and the existing government sectors and bodies do not have the experience nor the available capacity to deal with the complexities which we are a result of the old inflexible legislation and procedures. This implies therefore that South Africa seriously requires co-operation and interaction between old and new planning approaches in order to heed any icebergs in the path of a prosperous development planning. It as this point that one needs to clarify the differing land issues which, continue to bedevil planning.

2.2.2.1 Issues related to growth

Growth in more ways than one symbolise population explosions, this in turn has had serious implications for land-use planning. Growth pressures require government policy that can control growth. Secondary to this is change, this specifically reflects the changes in land uses and also has significant implications related to:

- Finding the right land-use
- Zoning – i.e. separating land uses (as compared to the contemporary mixed uses-bring things together)
- Land-use density i.e. limits affecting privacy, cost and flexibility
- Flow of movement from different uses and the volume of flow are important to land use planning.

2.2.2.2 Issues related to the maintenance of a stable population

Planning has responded to issues in areas of stable population whereby land use continue to change even at zero growth of the population due to technological advancements. Land use planning, through change or conversion of uses in areas of no growth, has occurred wherein demand in new services and housing has increased. Land use of development of natural resources to maintain existing population (Fabos, 1985, p 12). Waste disposal remains important in any density level of population with

or without growth (Fabos, 1985, p 12). Issues of concern are those of pollution and degradation (physical and visual).

2.2.2.3 Issues related, exclusively, to population decline

Degradation in environment (i.e. cities etc.) resulting from population decline are important to planning in that planners have to create new strategies for redevelopment or alternative use of abandoned structures (Fabos, 1985, p 13). Pertinent issues such as over-crowdedness, pollution and the depletion of natural resources are evident today as envisaged two decades ago.

2.2.2.4 Issues related to the exploitation of natural resources

The fundamental concepts to this are social justice and environmental integrity, which can never be divorced from resources utilisation anywhere in the world. The exploitation of natural resources has been and still is a concern not only at regional level but recently also at local level e.g. water demand and supply. These issues of renewable and non renewable resources present both problems and opportunities for land use planning

2.2.2.5 Issues related to preservation

These are issues to respond to the aforementioned issues such as exploitation of natural resources. These issues are not only of concern to environmentalist alone but to land use planning as well, for instance the preservation of withdrawal heritage as a concern for the conservation of the sites and its effects and implications on the built environment (Fabos, 1985, p 15).

2.2.2.6 Issues related to reclamation

These issues might be considered together with resources utilization issues (Fabos, 1985, p. 16) Reclamation is particularly concerned about correcting or changing land

uses. In many countries planners have found reclamation issues important in changing the undesirable land use of cities as unpleasant and deteriorating in them rather more preferred conditions. This has since sparked the need for the creation of shopping complexes which will alleviate this undesired incremental growth in CBO's (Fabos, 1985, p. 16).

2.2.2.7 Issues related to impact

Impact issues have positively and negatively been made major concern to planners not only in terms of socio-economic aspects. These concerns as at everywhere in the world have arisen due to the awareness of deterioration of the environment. The planning community has also been concerned with responding to these impacts which determine how best planning can alleviate negative impacts and promote the positive ones. This has been done through various approaches, but the most common and effectively implemented ones are:

- Forecasting (Titanic Planning)
- Integrated impact assessment
- Preventive planning

2.2.2.8 Land use planning at local level

Local level planning is very important in that, through its results, it can be visible to all. The lack of such results of planning can also be experienced daily through housing, employment, recreation, etc. Therefore land use planning attempts to correct the undesirable conditions created by development and misuse of landscape resources.

In many areas land use responses have taken three major streams namely (Fabos, 1985, p. 151).

1. **Innovative approach to physical planning by private sector.**

This being concerned with growth-related issues and impact related issues.

2. Proliferation of land use controls.

As emphasising concerns with controls especially during the 1960's and 1970's which even through originally established social concerns were increasingly promoted by environmental concerns (i.e. land use controls always prevailed).

3. Implications

This was the immediate response by planners to existing and emerging problems and issues discussed above.

2.3 Summary

This inevitably implies that the spirit and purpose of planners need to change in order for planning to respond effectively to the changing conditions. It is irrefutable therefore that the planning process needs to be restructured to integratively deal with land use planning and well informed decision making at local level as well as democratisation of planning at local level. It is important to note that two years ago and maybe even today, we still have icebergs in our path, but also we are living in a rapidly changing part of the world and unless we formulate dynamic plans, which are capable of adaptation as circumstances change, those plans will soon be irrelevant. LDOs should not only be viewed in line with the uncertainties and dangers ahead, but they rather in relation to the opportunities the future presents. They are a starting point and are must not be looked at as merely temporary desperate measures to facilitate development of the historically disadvantaged.

2.4 The Contesting land (use) issues

"Stop me before I plan again" (Hedman, 1977)

2.4.1 The International context

There is increasingly replete literature about land discussions on the contesting issues about land, what underlines land issues, issues related to the management, reforming land policies (especially urban policies), effectiveness of policies to achieve objectives as means to manage land use and development as well as to facilitate

development, balanced government intervention in land use development and management, and so on.

The purpose of planning with respect to land has been very much influenced by politics both at national and local levels, through the choice of alternative policies. Another major upsurge is that of the public participation as an essential component in the planning process with respect to land issues. The intended purpose since the 1980s is seen as providing the framework for spatial development with radical policies. The upsurge for concern about the public interest is closely related to land issues in the following respect: (Cresswell, 1984, p.96)

- The need to have concern for the social issues
- The need to assist in the regeneration of society (economically, socially, culturally and politically) and
- The need to enhance environmental integrity.

In so doing, land issues internationally are concerned with proper land management systems which, facilitate and optimise development. However, these concerns are still conserving existing development, controlling and programming new development in the desired direction. Land use management systems internationally produced unsatisfactory development and imbalances, maybe not as extraordinary as in SA, but socio-economic imbalances anywhere are unacceptable and do not lead to development rather they inhibit it. Planning Acts tend to concern themselves with securing development. SA is no exception since its planning are founded on these international trends. The enormous problems of unemployment and so forth which, faced Britain after the war in the 1940s are facing SA today, and unless a positive strategy is embarked upon these problems worsen. In SA a positive strategy was established to guide development in the new era, and this carried further through the LDOs which provide realistic planning whereby it is not necessary to stop planning now since it is headed in the right direction of a social justice, where planning makes plans work. The development pressures are apparent but they are accommodated with some degree of urgency.

In the context of SA, land issues are very complex owing to the long disturbing legacy of apartheid by reference to the laws, policies and racially discriminatory practices. The new ethos for development planning have has lead to the acknowledgement that there is a great need to revise existing land use management approaches which tend to focus on regulation and control of development rather than facilitating and promoting development (Development Planning Bill Draft Report, 1997, p.8). These difficulties encountered with current land use management require their revision, and local authorities have been entrusted with this role of revising existing approaches through the preparation of Land Development (LDOs) and Integrated Development Plans (IDPs) by reference to the principles of the Development Facilitation Act (DFA) and the Local Government Transition Act (LGTA), respectively.

2.4.2 The South African context

Land use planning in South Africa during 1940 and 1969 was centralised, at provincial and national government level, through the institution (in 1942) of the Social and Economic Planning Council, which was a non-statutory, body (Rabie, 1992, p.18). After this body, came the 1947 Natural Resources Development Act 51 which provided for a Development Council seeking to achieve its objectives of planning and promoting better and increased effective co-ordination in the exploitation, development and utilisation of natural resources (Rabie, 1992 p.18). Some years later after the establishment of the Department of Planning (in 1964), the Physical Planning and Utilisation of Resources Act 88 of 1967 replaced it, and the former became the Department of Planning and the Environment in 1973. Prior to this, priority and policy determination had been done through the Planning Advisory Council, however the Department of Planning was still entrusted to the function of co-ordinating legislation relating to the control of pollution and the conservation of natural resources. In 1975, in making provisions for the consideration of the environment during land use planning, the Physical Planning Act 88 of 1967 had been amended

and renamed the Environmental Planning Act 88 of 1967. By 1979 the Department of Planning and the Environment, to this effect, became the Department Environmental Planning and Energy (Rabie, 1992, p.19).

It is evident, thus far, how environmental concerns in South Africa have developed to form part of legislation especially in the 1970s, where South African legislation broadened considerably to encompass elements of social, economic and political as an int. gral part of planning, promoting environmentally and otherwise sustainable integrated land (both urban and rural) development. In the past, historical and socio-political elements effected certain environmental responses by certain affected communities (i.e. black communities), and their perceptions on environmental issues and planning issues. In this effect, injustices and unfair land practices during apartheid shaped their perceptions. There has been specific consideration given in this regard to black communities through land use mechanisms since it is generally acknowledged that the same standards could not be applied in both poor and wealthy areas due to the existing disparities. The LDOs are part of such mechanisms in an attempt to address the challenge to proper and effective land use management. Mixed land uses indicated in the Development Facilitation Act as well as in the town planning schemes, for instance, are more appropriate to poorer areas than they would be in wealthy areas where the protection of property rights are at the heart of land use management through the more restrictive town planning schemes.

2.4.3 Reforming Land Management Policies

"If reform is to be achieved, government must be involved far more extensively than they usually are" (Barriers, 1991).

Land development principles and policies are a significant part of Government programs to develop and promote effective tools for land management, infrastructure management, environmental management and poverty alleviation (Dowall and Clarke, 1991). This therefore makes the effectiveness of polices, if they have to achieve those and other objectives, critical. Government worldwide are attempting to come up with detailed operational guidelines to help their policy makers and technical staff carry

prioritisation of proposals; and seldom consider the real-life conditions (especially conditions) i.e. capacity of household to pay for land or properties (Dowall & Clarke, 1991, p.ii).

The crisis has arisen especially in development countries to transplant models from developed countries to their conditions. A very good example is the traditional Geddesian paradigm of survey-analysis-plan.

The setting up of organisations to act as interventionists into land development management has also proven to be far too centralized and the success of public land development can easily be elusive. Land-use planning and land development locally controlled and managed by specifically set up parastatal organizations to target a limited range of objectives offer little benefit as a result of serious time constraints. The lack of proper records could also be the cause of time delays and inevitably cost implications give rise to problems. South Africa is more than just an example due to its special or peculiar circumstances, since:

1. A very high percentage of its inhabitants occupy land without formal secure land tenure because they reside in squatter or informal settlements.
2. Many rural areas are still using tribal systems of land tenure
3. Poor or planning (appropriate) administration and development in many areas especially in the villages.
4. Poor or lack of co-ordinated land development (i.e. infrastructure adequate services).

2.4.4 Land management reform policies in South Africa

In SA land policy reform was inevitable when the new government was voted into power and now this government has been forced to carry a burden created by the

legacy of the past. The aforementioned problems are only a few of many problems but these are the most critical when talking about a need for land reform policy. The SA White Paper on Land Policy Reform has provided the extent of reforms (minor and major) modifications, however, limitation are inevitable regarding the extent of reforms mainly because the reforms need to enable legislation. This however presents another serious problem of fragmented legislation, which we are faced with because at this stage the government gets rid off all the past laws since there has to be a foundation background for new legislation.

In SA, a series of reforms have been initiated by Government to speed up land development or access and service provision. LDO's are part of these reforms as indicated in the DFA (1995). Land management aims at facilitating efficiency, equitability, flexibility and accommodation (i.e. accommodation of future development) it follows then that land policy reformed other related policy initiatives have to become significantly far more responsive to policy demand pressures (i.e. demand – orientated and accommodating, e.g. Botswana Land Reform) and this the key being co-ordination and efficiency. The success thus lies in co-ordination between government agencies and the private sector in their roles in land development (i.e. proper balance or division of labour and co-operative governance) (Dowall and Clarke, 1991, p.6).

Land development and management should thus be horizontally integrated especially within government agencies. In this instance, municipality and all departments of a municipality should know what has been prioritised in terms of development projects. For instance, in the 5-year plan of the implementation of LDOs, the implications are that the financial department should ensure that the budget presented to council has been integrated with the engineering department who in turn has integrated their projects with the departments responsible for land use management and so on.

In short, the above introduces the meaning of land use management system in relation to this study where the fundamental issue of land management is providing for the different interest in a way that the *interests of other sectors* (especially local

authorities which is the central power of the public) are *not impeded upon.* Land use management should therefore ensure that the implementation are not hampered as the local authority's performance will be measured against the attainment of the delivery targets set in within the LDOs.

There are numerous problems associated with land demand and supply especially regarding policy. Like in many African countries (with both tribal systems and formal systems) lawful acquisition in SA is a major problem which takes long and might even be costly (i.e. in terms of procedures) making the legal system difficult to access. The South African case is also a complicated one, however the general problems of access to land, land registration, land development and secure tenure persist all over in the Third World countries whereby the tedious process of access to land can take years. This (lawful acquisition of land) is the only part of a greater problem which makes land policy reforms a necessity, particularly in SA where the new context and ethos disable old policy from applicability, which is part of the reason behind all this new and fragmented and replicatory policies and laws.

For instance;

(i) Peru: adjudication process of state lands takes about 43 months involving 48 different government offices.

(ii) Ghana (tribal system): access to land through customary authorities can take several years involving 20 major steps importantly the tribunals do not sit because no members are appointed which explains the number of problems related to:

- Land resolution cases dating as far back as 40 years
- Compensation for compulsory land acquisitions cannot be paid due to unresolved disputes about who is entitled to compensation (Farvacque and McAuslan, 1992, p.vi). (Note the importance of the work or existence of development tribunals).

(iii) Cameroon: registration of land takes about 2 to 7 years.

2.5 Conclusion

The aforementioned problems cannot be divorced from and may be seen as part of the wider issues of cooperative governance, participation and decentralisation in government (transparency, support rather than control and accountability). LDOs attempt making clear provisions for these issues through an "enabling" environment. The future of the new planning environment lies within the DFA through LDOs and IDPs. Importantly so, when assessing LDOs, it is essential not to solely think of the Titanic but instead also of the Santa Maria and the Goede Hoop – the gallant ships which pressed ahead despite the dangers of the unknown and uncertainties, to a gleaming destination conceived by inspired men.

3

Chapter Three

New Approaches to Land Use Planning in South Africa

"Planning on the Titanic"

3.1 Introduction

The inherently vast potential for initiating a new Renaissance in South Africa out of the disparate conditions is clearly evident. However this potential is merely an idea which is being received and embraced with great exuberance but not exploited full to form good practice. This depends primarily upon essential skill and strategic plans within the new planning environment, implying that resources are needed for the attainment of this regeneration. The resources are there but what are we doing about them. Taking a very fundamental example, to have a vision you must have faith in that vision and its capabilities. Currently in SA, local governments lack the capacity and experience to carry out effective planning, but experience is in fact there through those people who have attained the essential skills working for the past government. Unless these skills are not exploited fully by government bodies the "new comers" in the field of planning are ill fated and if that is the case, so is efficiency in planning.

Interestingly though, despite the substantial number of experienced planners with all the knowledge, who operated in the 1960s, 30 years later tremendous adjustments are more than just necessary. What has happened then? Planners planned and designed a plan of action and development for SA on the basis of their knowledge, perceptions and maybe their ideals as they manifested at the time. However in the 1980s should it not have seemed necessary to use that knowledge to scan the *total environment* in order to identify the icebergs to a safe passage into the future (Titanic Planning Conference, 1985, p.8).

Today we are caught in a planning system which, is not only complex but also fragmented and confusing. The new planning environment requires a restructuring and regeneration of the planning system and the skills incorporated into the new thinking can help in this regard. Planners are presented with a real opportunity to further their purpose and should start becoming more enthusiastic about their renewed purpose and the new ways of addressing planning problems and issues.

The LDOs are envisaging the new route to development planning through the 1 to 5-year planning period and review in order to cultivate short reaction time. This does not assert the view that LDOs are merely temporal and should not be developed further to create stronger and more focused systems for planning in the country. LDOs through their constant review could be of importance in heeding adverse effects and conditions within and outside the process whereby time is of essence. Importantly so LDOs view a need for a vision and faith in our own capabilities and resources within a new ethos and a new Renaissance.

3.2 The guiding principles of the new ethos for planning

Fundamental to the new spirit and beliefs of South Africa's democratic government is the moral responsibility for change through reconciliation. This responsibility lies primarily with the promotion of the rights and skills of the disadvantaged communities in the country. This is extended into the new legislation importantly so because it introduces official policy framework for ideals of advancing the public interest through the benefit of the weak, vulnerable and correlating the need for a social justice in the context of land development and reform (Lerner, 1996, p.111). The traditional definitions of the public interest in South African context and within the study are partial to substantial re-evaluation.

The DFA through land use mechanisms, deal directly with the new guiding principles by promoting a land use management system consistent with the new context of a thoroughgoing democratisation. At the heart of these principles are the following:

3.2.1 Social justice or equity

This concept recognises redistribution and 'equalisation' as significant aspects towards reducing the imbalances and leveling the play-field. Directly linked to this is the buzzword 'public participation'. The disadvantaged communities do not buy the handout type of planning any longer because it is top-down. The new context is not in line with this type of planning because it has evidently backfired. Planning has now

taken a grassroots approach and interestingly though, this needs to take into account the interests of the public in its strictest sense of *anyone or everyone.* This is very vital as a staring point because normally people are afraid of change until they *really* participate in change itself, implying that the approach should be just and with an open agenda. Public policy in managing the distribution must do so equitably in order to achieve social justice, something that the old and some existing land use management systems fail to strive towards. The moral mandate of planning today emphasises a renewed focus on the promotion of a social justice and environmental integrity (Bickenbach and Hendler, 1994, p.167).

3.2.2 Upliftment of the poor

This places emphasis on empowerment of the disadvantaged communities, by advancing their interests since they were formerly marginalised and disempowered. This is the positive redistribution focusing on the needs of the poor and geared towards social justice through legislation such as the Less Formal Township Establishment Act, the Black Communities Development Act (albeit racially bias) and the DFA through LDOs.

3.2.3 Democratisation and participation

The DFA has extended participation immensely initially promoted by the RDP principles of 'people-driven process' and a 'thoroughgoing democratisation'. Public policy therefore now pays specific attention to strategies of effective and meaningful participation, for instance through access to information, institutional structures and their accountability to the public.

3.2.4 Devolution of power

Local government has now been granted powers and responsibilities which, were previously vested with national and provincial government. This devolution of power

increases the opportunity for grassroots involvement in the planning process and the processes of democracy.

3.2.5 Promotion and protection of human rights

Fundamental to the constitution (Bill of rights) of a democratic society is the protection and promotion of human rights. This is particularly crucial in the South African society dived by decades of discrimination and gross human rights violation. This principle is pertinent for the establishment of a true co-operation between the haves and the have nots; the minority and the disadvantaged majority in order to achieve effective nation-building.

3.2.6 Integration and integrated planning

Integration emerges as a collective effort to facilitate development and proper planning, rather than segregated development and planning. The RDP recognises the concept of integration (economic, social, cultural, physical and institutional) as the most significant concept to the facilitation of constructive sustainable development. The DFA, genuinely promotes non-discriminatory policies since integration is one of its overriding principles, unlike the Ordinance and the town planning schemes which, in effect were based on racial discrimination and symbolised racial segregation. In so doing, the DFA aggressively discourage urban sprawl and promotes the popular concept of compact cities.

3.2.7 Economic development

This principle reflects the concept of social justice (equitable redistribution) in so far as it is linked to providing support specifically to the poor and vulnerable communities. In this instance, economic and social empowerment is intertwined in the promotion of development, which stimulates economic growth. Land development

and management legislation (DFA and Less Formal Township Establishment Act) address some of the problems related to poverty through the acknowledgement that similar standards cannot be applied in both poor and wealthy areas. The DFA through the LDOs encourages mixed residential and economic activities and the establishment of residential areas in close proximity to places of employment opportunities.

3.2.8 Prioritisation of rcconstruction areas

This is very critical in the LDO process since many municipalities are working within stringent resources and budgets. Reconstruction therefore, requires serious prioritisation in order to focus the resources to those areas of urgent need; particularly the areas where land use management systems seldom existed.

Other principles of the new ethos for planning not area addressed due to the limitations of this study relate to: balancing the protection of property rights with the public interest; freedom of choice; protection of the environment; recognition of the importance of urban areas; dealing with rural-urban differential; increased access to land and security of tenure; leveraging; co-ordination and coherent land use management; monitoring and review; accountability; transparency; fast-tracking reconstruction projects; importance of housing; expeditious processes; accommodation of diversity of need; implementation of government policy and linking land use management systems with available capacity.

3.3 The general legislative framework

Emanating from the new dispensation which requires new policies to be introduced, in order to complete the new context or conditions, new models to land use management mechanisms were proposed albeit including old laws.

The government, through the promotion of a social justice, endeavours to achieve in its own particular way, goals which cannot be realised in a short space of time, but goals towards which the country and its people can move by means of a series of

intermediate objectives which can be realised within medium to long term period and by which means progress can be gauged as is the case with the LDO s and its process. The Development Planning Bill attempts to bring new and old but appropriate development laws under one coherent and uniform law (Development Planning Bill Draft Report, 1997, p 1). This is to imply the intention or purpose of chapter four of the Bill (as being to) replace fragmented ordinances, acts and policies which, currently apply to land use management. This study pays particular attention to land use management laws which, were based on racially discriminatory practices and new legislation which, attempts to readdress the racially discriminatory practices. Therefore the discourse will pay special attention to:

1) Town Planning and Township Ordinance (15 of 1986)
2) Black Communities Development Act (4 of 1984)
3) Less Formal Township Establishment Act (113 of 1991)
4) Development Facilitation Act (67 of 1995)

Without implying that land use management laws are limited to these laws only, however, due to scope and the limitations of the study therefore other laws pertaining to land use management require a new level of discussion other than this one.

3.3.1 The specific problems within existing land development and management systems

In the same manner, the study pays attention to some and not all of the problems identified within the current system of land use planning and management. This in respect implies that the problems which will be identified are seen as very significant and relevant to land use planning, development and management (and regulation) either short or long term as 'consequences of the transition that (South African) local government is going through at the moment' (Development. Planning Bill Draft Report, p.1). The problems identified therefore include: (Development Planning Draft Report, p.1-2)

- In some areas a system of control is non-existent, because no planning mechanism exist, or

- If planning mecnanism exist, they are not implemented appropriately or enforced for a wide range of reasons.
- The current system has no clarity of purpose. Whilst single point mechanism may have been structured to achieve one and/or other objectives, there tends to be an overarching aim which gives all mechanism a unified purpose.
- The current system is not based on only coherent and explicit set of principles, where some underlying principle, which more often than not, opposite to the past, may not be appropriate and applicable in the new democratic dispensation.
- The consequential application of different principles and plethora of different objectives make our current attempts towards integrated, consistent and strategic approach to land use management difficult to achieve.
- Numerous existing mechanisms are outdated and thus their application to the current situation is ineffective.
- The current system is complex, confusing and involves lengthy procedures which is not appreciated by communities as well as by reference to the DFA (i.e. speed up implementation / to expedite land development)
- The complexity of the current system demands management and experience beyond the capacity of existing administration's ability to provide, which further makes it difficult to achieve and apply consistent and effective land use planning mechanisms.
- There is too much emphasis placed on conforming to a set of procedure rather than on the purposes underlying the land use management mechanisms
- The public tend to feel they are excluded by the current system because it is difficult to understand, which in turn undermines their confidence in the system.
- There tends to be no explicit, common definitions of the terms: land use management or land use planning.
- The fragmentary nature of the current system :

(i) Undermines the goals of land use management

(ii) Creates confusion among practitioners and communities

(iii) Undermines confidence in the system

(iv) Creates problems when dealing with different mechanisms across township boundaries (e.g. Town Planning Schemes – applicable to white areas only in the past, and now when transplanting some form of control to the town is very difficult to achieve).

(v) Creates different roles for different people in different areas and is therefore considered discriminatory (even unconstitutional) e.g. town planning schemes – applicable to white areas only.

(vi) Because it is based on geographic factors (like township boundaries) it is very difficult to achieve non-geographic objectives, such as the spatial integration of formerly white and black townships.

(vii) At times, the current system causes more conflict than to provide a mechanism for resolving or preventing conflict.

(viii) There is a great incoherence and inconsistency between land use management and other legal mechanisms impacting on land use (like transportation legislation).

3.4 The new legislative framework

Resulting from the April 1994 elections were two fundamental pieces of legislation introduced to enforce democracy, namely the Reconstruction and Development Reconstruction (RDP) and the Development Facilitation Act (DFA).

3.4.1 Background on the Reconstruction and Development Programme (RDP)

The Reconstruction and Development Programme, as a policy document, forms the guiding principles of the new ethos for planning in general rather than a formal development approach. It is set on the premise of creating sustainable "development based on reconstruction and redistribution of incomes and restructuring the economy" (ANC, 1994, p.1). This fundamental document to the new government have profound effect on any or all issues relating to planning and development, because it reviews important guiding principles towards a just, equitable and empowered democratic

society in promoting the social good. These principles form the root for the new planning environment via legislation (DFA) in the formulation and implementation of LDOs. Within the new context, *Social justice or Equity* is the driving force behind the new government's interventions in development and planning processes.

The RDP encourages sustainable development through the mobilisation and redistribution of resources in addressing the existing disparities and yet promoting the concept of democracy as the fundamental approach in the country in order to spatially breakdown the apartheid geography, as well as racism and sexism.

The following six principles fundamental to the RDP are:

(i) Integrated and sustainable development
(ii) People-driven process (public participation)
(iii) Peace and security
(iv) Nation-building
(v) Linking reconstruction and development
(vi) Democratisation process

and have subsequently been applied to a wide range of development projects throughout the country via legislation (DFA) drafted to promote and facilitate this progressive principles of the RDP.

In trying to explain these six principles further, I have come to the following conclusions of the RDP as:

- An integrated and sustainable programme, promotes the facilitation of the integration of existing diverse systems of development to ensure constructive sustainable development through revised policies.
- A people-driven process encourages active public participation as an integral part of social development and promotion towards serving the needs of the public interest (which restricted to the SA context refers primarily to the previously disadvantaged communities).

- Closely bound up with peace and security for all, is very significant in a country which has a long disturbing history of unrest and lack of security provisions for the majority of the people in the black township. It is unquestionable that peace and security for all South Africans in SA is indispensable for a democratic society, however the realisability of this is still uncertain.
- Envisaging nation-building faces a challenge of rebuilding, reconciling and integrating a society torn apart by decades of discrimination. The ideal is sound and yet very sensitive for both minority and majority groups in SA.
- Linking reconstruction and development in relation to the provision for the public interest in order to reflect and implement social justice 'building long-term in the country aimed at productive capacity and human resource development'.
- A democratisation process is based on serving the needs of the majority (which in South African context refers to the disadvantaged community) in order to impart a sense of social justice characterised by a fundamental principle for the new ethos of the country.

3.4.1.1 Summary

The RDP was therefore introduced as an influential policy document to guide any development in the country in the promotion of one vision and common goal of a sense of social justice and towards integrated sustainable development through different projects. The vision being formulated towards empowerment and around community participation in order to create jobs; develop skills; target the disadvantaged communities; urban and rural integration, with prior focus on rural areas; public-private and public-public partnerships and support of community based projects and developments.

3.4.2 Background on the Development Facilitation Act (Act 67 of 1995)

As part of significant legislation pertaining to land use management especially in the current post-apartheid era, government structures at all spheres are placing emphasis on a new approach to planning and development issues different from that of their

predecessors. The DFA was drafted to initiate the "institutional, procedural and legislative changes needed for the speedy realisation of the RDP" (Vundla, 1995, p.34). The Development Facilitation Act was introduced to replace the Physical Planning Act (Act 125 of 1991) which was aimed at promoting the "orderly physical development of the (Republic Preamble) by the apartheid government. Even more so because the Act of 1991 would not have rendered it suitable to implement the reforming policies in the new democratic context.

The DFA enacted in the Government Gazette 17395 on the 30th of August 1996, has emerged as the most influential policy document and important guiding principle relating to spatial and development planning. Integrated planning and management is an integral part of land use planning incorporating principles of integrated sustainable environmental and land development (of both urban and rural). Development integrating social, economic, institutional and physical aspects.

3.4.2.1 The nature of the Development Facilitation Act

The DFA is best described as a piece of legislation to facilitate and "fast track" land development projects. The DFA aimed primarily at addressing the urgent land development/delivery needs is at the core of government's stabilisation initiative to growth and development. The DFA marks a good start to a continuing process of reconstruction and development known as the RDP. The aim of the DFA as defined in the act (Preamble, p.2) is:

"To introduce extraordinary measures to facilitate and speed up the implementation of reconstruction and development programmes and projects in relation to land; and in so doing to lay down general principles governing land development through the Republic, to facilitate the formation and implementation of land development objectives by reference to which the performance of local government bodies in achieving such objectives may be measurable."

The principles of the DFA as set out in Chapter 1 are those, which relate to land development, decision-making and conflict resolution. Section 3 of the DFA outlines

the general principles as broad guidelines to land development, inter alia that they should promote environmentally and otherwise sustainable integrated land (both urban and rural) development, integrating the social, economic, institutional and physical aspects of planning as part of discouraging urban sprawl, promoting public participation and in the context of the fundamental rights as laid out in the Constitution. The DFA further determines tools such as the LDOs as broad guidelines to land development and management operating at local level of government. The Act applies to certain provinces but not all (for instance they do not apply to the Western Cape). The agencies for the implementation of the broad-based plans in relation to the DFA documentation are:

i) Provincial development tribunal (s15-23)
ii) Provincial development appeal tribunal (s24)
iii) Provincial development and planning commission (ss11-13)
iv) Development and planning commission (ch2)
v) Local government body (s84/1/f/Act 32/1961)
vi) MEC (s27)
vii) Minister (s27)

The main innovation introduced by the DFA was the establishments of decision-making agencies such as the tribunal who may approve or refuse of his own accord any land development application. The tribunal has in this respect far-reaching powers in imposing upon approval any conditions of establishment relating to both urban land development areas (as indicated in chapter v) and rural land development areas (as indicated in chapter vi). The relevant guiding principles relating to land development of the DFA (section 3 (1)) relating to all land development are:

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.
B. Policy, administrative practices and laws should discourage the illegal occupation of land, with due recognition of informal land development processes.

c. Policy, administrative practice and laws should promote efficient and integrated and development in that they –

(i) promote the integration of the social, economic, institutional and physical aspects of land development;

(ii) promote integrated land development in rural and urban areas in support of each other;

(iii) promote the availability of residential and employment opportunities in close proximity to or integrated with each other;

(iv) optimise the use of existing resources including such resources relating to agriculture , land, minerals, bulk infrastructure, roads, transportation, and social facilities;

(v) promote a diverse combination of land uses, also at the level of individual erven or subdivisions of land;

(vi) discourage the phenomenon of "urban sprawl" in urban areas and contribute to the development of more compact towns and cities;

(vii) 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

(viii) encourage environmentally sustainable land development practices and process.

E. The skills and capacities of disadvantaged persons involved in land development should be developed

F. Policy, administrative practice and laws should encourage and optimize the contributions of all sectors of the economy (government and non-government) to land development so as to maximize the Republic's capacity to undertake land development and to this end, without derogating from the generality of this principle–

(i) national, provincial and local government strive clearly to define and make known the required functions and responsibilities of all sectors of the economy in relation to land development as well as the desired relationship between such sectors; and

(ii) a competent authority in national, provincial or local government responsible for the administration of any law relating to land development shall provide particulars of the identity of legislation administered by it, the posts and names of persons responsible for the administration of such legislation and the address and locality of the offices of such persons to any person who requires such information.

H. Policy, administration practice and laws should promote sustainable land development at the required scale in that they should –

(i) promote land development which is within the fiscal, institution and administrative means of the republic;

(ii) promote the establishment of viable communities;

(iii) promote sustained protection of the environment;

(iv) meet basic needs of all citizens in an affordable way; and

(v) ensure the safe utilization of land by taking into consideration factors such as geological formations and hazardous undermined areas.

I. Policy, administrative practice and laws should promote speedy land development.

3.4.2.2 The aims of the Development Facilitation Act

- To introduce extraordinary measures to facilitate and speed up the implementation of reconstruction and development programmes in relation to land. In so doing, to lay down general principles governing land development in South Africa;
- To provide for the establishment (in the provinces) of development tribunals which have the decision-making powers as well as functions of mediators in conflict resolution in relation to land development projects;
- To facilitate the formulation and implementation of land development objectives (LDOs) in compliance to the DFA principles, by reference to which the performance of local government bodies in achieving such objectives may be measured;

- To promote the speedy provision and development of land for residential, small-scale farming or other needs and uses and
- To promote security of tenure.

3.4.2.3 The purpose of the Development Facilitation Act

- To expedite land development projects. It provides a national uniform and coherent point of reference to assist land development and to form as the basis to the establishment of land use legislation. In so doing by-passing bottlenecks in existing regulation in relation to public sector resources;
- To establish Development Tribunals (in each province elected by the Premier), invested with over-reaching decision-making powers to: 1.Appoint experts, officials and stakeholders to review, overturn, amend or uphold decisions relating to land development areas; 2. Impose restrictive conditions for development and development procedures;
- To initiate local planning through measures to facilitate the formulation and implementation of land development objectives by reference to which the performance of local government may be measured. In so doing it stands in cue with implications of land use dimensions – spatial and land development;
- To link strategies to key performance indicators and plans and ultimately programmes, budgets and monitoring activities (through LDOs and later through IDPs – i.e. Integrated Development Plans). In so doing it serves to restructure development planning processes as well as reinforcing a strategic approach to development, requiring objectives to be set against the backdrop of socio-economic analysis, consultation and strategies to be formulated;
- To permit the setting of development performance measures (e.g. targets), as a fast track procedure to development. This also helps to evaluate the performance (towards development) of local government
- To define land development applications and procedures and the enforcement of land use management systems such as town planning schemes: zoning (formerly applying to white areas only).

With respect to land development applications/projects, development tribunals are invested with far-reaching powers to make decisions pending land development applications relating to conditions of establishment. Those conditions, which a tribunal may impose, include:

- Land use contr ls contained within and in compliance with LDOs; restrictive conditions of title; registration of additional servitudes; erection of buildings; regulation of land usage; amendments to zoning schemes and whether certain laws apply to a development application or not.

This establishes the overriding powers of the DFA through its provisions relating to land management. Land use conditions (from town planning schemes or otherwise) regulating land use may apply to a land development area with respect to zoning schemes (restrictive) and yet relating to the DFA (less restrictive) for instance mixed land use.

3.4.2.4 Summary

The DFA only provides part of the key existing land use mechanisms. Others include the Black Communities Development Act 4 of 1984, the Town Planning and Township Ordinance 15 of 1986 and the Less Formal Township Establishment Act 113 of 1991. These are some laws relating to land use mechanisms effecting provisions in terms of procedures applicable to the overlapping and sometimes confusing pieces of legislation which currently exist in South Africa.

The Development Facilitation Act in sum as a "fast-track" approach to development by-passes existing apartheid planning policy legislation through the initiation of development planning in the form of Land Development Objectives, with the establishment of provincial tribunal to handle decision-making processes and to act as mediators in conflict resolution relating to land development applications or projects. Therefore there needs to be a fundamental review of planning system to be undertaken by the Development Planning Commission.

3.4.3 Background on the Black Communities Development Act (BCDA) (4 of 1984)

This Act having been repealed (by Act 108 of 1991, except chapter vi and vi (a)) deals with *township establishment* and *land uses* applying to specific (i.e. former black urban) areas within a local authority area through land use conditions (such as conditions of title or township conditions) which, are commonly referred to as Annexure F regulations. These land use conditions under the establishment of townships can be granted either as per permitted uses or as per consent uses within residential, business, industrial, community facility, municipal, passive and active open spaces (namely zoning). The agencies responsible for this legislation are:

i) Premier under section 32
ii) Local authority
iii) Registrar
iv) Minister
v) Surveyor General

3.4.3.1 The purpose of the Black Communities Development Act

The act in relation to land use regulations allows for consent use applications if land use change to a property is proposed. This therefore means that actual rezoning is not allowed under this act since consent use rights are granted only to permissible land uses (use-zones). In so doing flexible land uses other than rezoning are applicable and thus promote the new concepts of the DFA for mixed residential and economic activities.

3.4.4 Background on the Town Planning and Township Ordinance (15 of 1986)

This is applicable to land development issues in the former Transvaal Province (now known as: Gauteng, Mpumalanga, Northern Province and North West Province). This

piece of legislation relates to *township establishments* and *land use management* systems aimed at regulating all aspects of town planning schemes (chapter 2). However this was not applicable to former black townships. The agencies responsible for setting the Ordinance are:

i) Local authorities as defined in the Local Government Ordinance 17 of 1939
ii) Township boards under section 3 – 16
iii) Compensation courts
iv) Premier
v) Director: Development Planning and Local Government
vi) Town planning committee of local authority

3.4.4.1 The purpose of the Town Planning and Township Ordinance

The purpose of these schemes as defined in section 19 of the Ordinance is the "co-ordinated and harmonious development of the area to which it relates in such away as will most effectively tend to promote the health, safety, good order, amenity, convenience and general welfare of such area as well as efficiency and economy in the process of development."

3.4.4.2 Summary

This Ordinance make provisions for the preparation of town planning schemes as tools for regulating and controlling land use, for example, through zoning which is more restrictive and discretionary. It must be noted at this point that since the town planning schemes were based on racial discrimination, through their application to historically white areas only, in the new ethos for planning they have lost their meaning and usefulness as sighted (in chapter 2 of this discourse) by Delogu (1984). This implies therefore that where these land use plans differ from the new ethos such as the LDOs, then the LDOs prevail (DFA, section 29 (2)). This has a significant implication that LDOs must now set out the development vision and priorities (as well as service delivery strategies and procedures) for ***any*** land development area.

3.4.5 Background on the Less Formal Township Establishment Act (113 of 1991)

This Act, introduced in 1991, specifically relates to *township establishment* and the *procedures* thereof. The aim of its introduction was to provide for "shortened procedures for the designation and development of land and the establish of townships for less formal forms of residential settlement as well as to regulate the use of land by tribunal communities for communal forms of settlement" (Preamble). The essence, of township establishment general plans submitted to the Registrar of deeds, is to ensure the accordance of the plans with the law governing township establishment. The agencies responsible for setting Act are:

i) Minister of Housing
ii) Premier
iii) Local authority
iv) Registrar of deeds
v) Surveyor general

3.4.5.1 The purpose of the Less Formal Township Establishment Act

The purpose is to facilitate the fast track of delivery of low income housing to black communities through the provision of simplified and short-circuit procedures. The Act also makes provisions for township establishment outside the formal urban areas (under chapter 3). This acknowledges other forms of land ownership, for instance traditional forms of communal land tenure where the tribal chief or leader holds the land on behalf of his/her tribe.

3.4.5.2 Summary

This Act unlike the BCDA and the Ordinance does not make provisions for individual management of land such as zoning or land use control systems, but rather applicants must indicate land uses for specific purposes prior to the completion of the process of township establishment. The DFA however, despite its consistency with the new

ethos for planning, is not a replacement for comprehensive land use plans. It anticipates a restructured development planning process therefore, it serves to reinforce a strategic approach to development requiring objectives to be set against the backdrop of socio-economic analysis, consultation and strategies to be formulated accordingly.

3.4.6 Background on the Land Development Objectives (LDOs)

LDOs form an integral part of the Development Facilitation Act, 1995 (Act 67 of 1995). According to the DFA, all local authorities are being required to formulate and implement LDOs in terms of the principles of the DFA. Chapter 1 of the DFA provides for the setting up of interim land development objectives by reference to which the performance of the local government bodies in the field of land development may be measured. The LDO planning process is a new approach to planning and is an essential part of the new ethos to development envisaged by the RDP. It is for this reason and the severe capacity constraints that many local authorities are struggling to formulate and implement their LDOs.

Nevertheless, LDOs are useful to ensure that land reform in the country takes place as part of integrated development planning through local Integrated Development Plans (IDPs). The IDPs are meant to incorporate land use planning, transport planning, infrastructure planning and promote integrated economic development as envisaged by the RDP. This integrated planning is a significant objective for government through Schedule 2 of the Local Government Transition Act (LGTA) and the white paper on National Transport Policy of 1996. The agent responsible for setting land development objectives is:

i) Local government body (with the approval of the MEC)

3.4.6.1 The nature of the Land Development Objectives

Land Development Objectives is the co-ordinated, integrated formulation of a land development policy for the designated local government body (local government

body, as defined, means any body referred to in section 84(1)(f) of Act 32/1961 and includes bodies established under various laws). This indicates the level, therefore, at which land developments objectives are to be addressed which is local, making them community-based. Section 28 of the DFA determines the subject matter of land development objectives as including access to and the standard of services for land development; the development strategies of the relevant authority and the quantum of land development objectives. The DFA outlines the subject matter of LDOs as set out in section 28 and section 29 of the ACT (Appendix A).

3.4.6.2 The Purpose of the Land Development Objectives

Land Development Objectives are planning tools of the DFA by reference to which are broad-based plans. LDOs are used to initiate development projects for a local area, and they will ensure that these projects are executed in an orderly and co-ordinated manner leading to the bigger picture of the process of Integrated Development Plans. LDOs are therefore part of an even bigger and overall process to land use management. LDOs are arguably not land use objectives since land use mechanisms are seen more as control mechanisms as in the Development Planning Bill. Land development objectives should be looked at with placed emphasis on ***development,*** however as part of the DFA, especially through the IDPs, do in their form constitute principles within which land management should occur. The general purpose of LDOs as set by any local government body is outlined in the general provisions of the DFA for formulating LDOs (Appendix A).

3.4.6.3 The process of formulating Land Development Objectives

The formulation and implementation of LDOs is a process, which will inform development planning in future, in SA. Therefore like any planning, it is an ongoing process that will receive continual assessment and review. This review in terms of the LDOs is the yearly reviews, and the LDOs are based on a 5-year plans. The process of formulating LDOs uses ***four*** basic policies as its point of departure namely the

objectives of local authority; the objectives in reverence to local circumstances; the development strategies of the local authority and the quantum of LDOs. The process of formulating LDOs by many local authorities is done with the assistance of private consultants and with effective and meaningful community participation, and the process must follow the guidelines for setting LDOs in terms of the regulations of the jurisdiction area (Appendix B).

The objectives of the local authority

This relates to the existing circumstances of the local authority area. A status quo report is later compiled in order to outline the conditions prevailing in the local authority area, which leads to the next policy of formulating LDOs.

The objectives in reverence to local circumstances

The objectives and the needs in the local authority area are outlined in order to determine what should be done. This is includes the demographic circumstances and the prevailing spatial patterns which will inform the areas of urgency in the local authority area.

The development strategies of the local authority

The development of strategies relates to the relevant means of achieving the objectives specified in the earlier stages of the formulation. This relates to an implementation strategy that will be undertaken by the local authority.

The quantum of LDOs

The needs of the local authority and the strategies formulated thereof are now linked to the projects which, have to be undertaken and this in turn is linked to a budget through prioritisation. This links the projects to the 1year and 5 year budget plan to determine which projects will be implemented.

3.4.7 Summary

The LDO process is charaterised by the crucial aspects of ***budgeting***, ***phasing*** and ***programming*** and is comprised of the following components: (a procedural flow diagram is found in Appendix C)

- A status quo report is compiled to outline the existing circumstances and the needs required thereof.
- A vision emanating from the needs identified through community participation is formulated by both the community and the local authority, and this determines where the local authority area want to go in terms of development in their area.
- The identification of the gaps or where the gaps are between the status quo and the formulated vision.
- The identification of the projects to uplift areas to the standards needed and envisaged within a 5-year plan.
- The projects in order to implement the development strategy, are prioritised into 1 and 5 year plans.
- The implementation programme (i.e. development) is then linked to a budget and the actual implementation.
- Monitoring and evaluation is done on a basis determined by the local authority.

It is important to note the significance of aligning everything to a budget since local authorities are operating within a stringent budget but also the existing sense of urgency by community requires the implementation of LDOs in the most efficient and proper way possible. It is also important to note that throughout the whole process of LDOs, community participation (as required initially by the RDP) is very vital to the proper formulation of LDOs in order to ensure that the community needs and problems are addressed fully and that the community is well informed about the

process itself. The implementation of LDOs in form and as part of the bigger plan of implementing IDPs are monitored and evaluated in order to determine what has been done by the LDOs and therefore direct the IDPs. This new planning process therefore symbolises the nature of a business plan. In Appendix D, the content and manner of setting LDOs in terms of the LDO regulations with reference to the DFA.

LDOs, as part of IDPs, create a development strategy for the local authority whereby projects can be initiated and co-ordinated. This therefore indicated that LDOs in the form and as part of an IDP (as in the Local Government Transition Act) are viable mechanisms to result in development particularly because the LDOs, in essence, is concerned with alleviating the pressure on resources. In so doing, the LDOs when implemented, directly control where, when, how, by whom and for whom the budget will be spent, which is very vital when dealing with limited resources and redistribution towards a social good (social justice). The approval of LDOs is done by the MEC with the assistance of the assessment panel which administers the approval of LDOs by monitoring and advising the MEC. The assessment panel uses the criteria outlined in the DFA (section 27 (1)) in order to administer the proper formulation of LDOs. The terms of reference for the assessment panel are referred to in Appendix E.

3.5 Conclusion

"Future planning based on a moral justification."

Despite varying views, land use management systems in general, refers to the laws, institutions, plans, policies and procedures through which government (provincial and local particularly) conducts its land use management activities which seek to influence or control change and facilitates development in the correct direction in which individuals can use their land.

Fundamental within the new context of land use development and management systems in the country are the concepts of:

- integration (of diverse systems)
- (into a) single, uniform system
- (where) procedures (are) defined
- Decision-making streamlined, and institutions strengthened.

In so doing the new planning processes promote effective public participation; defined roles and functions relating to roles and procedures in the management system of local authority bodies and ultimately, principles underlying integrated development plans. This therefore introduces the new meaning of land use management systems in relation to this study.

In this chapter the current systems of land use management geared towards facilitating proper (land) development have been demonstrated as diverse and very complex. The fundamental principles of the old legislation in incorporating the new principles of the democratic dispensation are not only failing to do so but also creates various problems of inconsistency, fragmentation and ineffectiveness of the current system (see also section 3.1).

The population of South African provinces both urban and rural, is rapidly changing and so are the land uses as a result of existing and emerging business within formalised and strengthened/enhanced by the new legislation such as the DFA and the Less Formal Township Establishment Act (by reference to mixed land uses) introduced with the new democratic dispensation. The new conditions for land use management are thus based on the new disposition characterised by the fundamental principles of the RDP as well the its implementation agent (namely the DFA). These relate to social justice or equity, serving the public interest through effective public participation in decision-making and planning processes (see also the RDP principles, section 4.1).

Nonetheless, the changes occurring within the new political era, attempt to address the existing disparities created in the past. In so doing, the current laws introduced

after the April 1994 elections also has to deal with these inequalities without imposing on the protection of the rights of others as one of the issues central to land use management. There is however a growing perception and threat that serving the formerly disadvantaged majority of people (black) might result in the impingement of the rights of the formerly privileged minority of people (white) and thus reversing the process of apartheid.

These are only a few problems characterising the implications and inconsistencies of changing land use and the current land use management systems within the new ethos for planning. Difficulties (see section 3.1) encountered with existing land use management systems have led local authorities within the new planning environment to attempt revising or amending existing land use management systems. The constraints experienced towards this attempt are irrefutable. The problems experienced with the LDO process itself primarily emanate from two aspects namely: (1) LDOs are a new concept to planning and (2) the burdens of the past have to dealt with in a short space of time.

4

Chapter Four

Case Study

4. Introduction

As part of the illustration and assessment of the viability of land development objectives, a case study has been conducted and it will provide part of the answers and conclusions relating to the topic under scrutiny. This case study refers to the Transitional Local Council (TLC) of Bushbuckridge South in the Northern Province, formerly known as part of Transvaal, bordering Mpumalanga to the East and Gauteng to the South. Although the border dispute of greater Bushbuckridge is not finalised, it seems that Bushbuckridge will stay in the Northern Province jurisdiction, however the Mpumalanga will be responsible for the administration of the are. The study area has presented a major limitation in the lack of in-depth or access to information from the beginning to the end. This was primarily due to the significant factor that the study area in the past lacked the presence of co-ordinated land use planning and development mechanisms. However despite this major disadvantage, wide consultations and research was undertaken to reduce the negative impact of the limitations.

4.1 Consultation

Since in-depth information is unavailable, least of all updated new and relevant information to the focus of this study. Data collection as the first step to any planning process chosen was very difficult as a result of the lack of information and sometimes when it is available it is out of date and irrelevant and inapplicable to the study. The one source of data collection was done by consultation through a series of workshops conducted in the area, with members of the community, community associations and other stakeholders. Research was done through consultation with other planning consultants also employed by the local government body to undertake the formulation or preparation of the land development objectives in the Bushbuckridge area. Additional consultation was undertaken with the community, private and public sector institutions in the form of interviews.

In summary, the following organisations and groups were consulted:
Local Government Body; Provincial Government Departments; Planning Practitioners; Private Sector and the Communities. The institutional structures set in place to oversee the LDO process in Bushbuckridge are respectively: Department of Housing and Land Affairs, Local Authority and Consultants.

4.2 Background

The TLC of Bushbuckridge South (map 3), like any other local authority body is developing a new planning environment characterised by the requirements of the DFA to prepare land development objectives which will later form part or the basis for the formulation of Integrated Development Plans (IDPs). These processes as demonstrated earlier in the study are to form part of a (new) system of land use management, which will pay specific attention to the facilitation, and promotion of development rather than its regulation and promotion. Since this was the case in past experiences where land management mechanisms, when they existed, were characterised by restrictive controls. The fundamental concept being the "integration of diverse systems into a single, uniform system, where procedures are defined and streamlined and institutions strengthened" (Development Planning Bill Report, 1997, p (i).

As part of the legislation in the new dispensation, Land Development Objectives (LDOs) with the view to facilitate and expedite the delivery process, which will act as a guide for the local authorities to effect and accelerate development. LDOs for this study area are still being formulated.

The Bushbuckridge South area Land Development Objectives (LDO) document will primarily serve to provide guidance and to be used as a planning tool for the TLC in order to guide decision making on issues of development. The LDO's capture the prioritised needs of the communities, form the basis for the allocation of scarce resources for the achievement of a social justice as well as set out a strategic

framework for development planning and equitable distribution of resources, taking into cognisance time, scope and budgetary constraints.

As guiding principles via legislation (i.e. DFA), land development objectives must also build on the progressive principles of the RDP through the principles of the DFA. The guiding principles of the new ethos for development planning must be incorporated in the approach, such as the more central ones like:

- Social justice or Equity;
- Public participation;
- Peace and security for all;
- Integration (planning systems and society);
- Sustainable development;
- Nation-building and
- Democratisation of the country and society among others.

The LDO process endeavours to focus and achieve its development goals in a comprehensive and integrated manner, putting in place, an effective monitoring machinery to oversee delivery and meeting the standards and criteria laid down. The holistic and integrated approach ensures that all areas of concern including economic, social, institutional as well as physical dimensions are addressed to achieve viability and sustainability.

4.3 Problem statement

Like with many black areas, Bushbuckridge has been marginalised and experienced problems of neglect as a result of the planning laws and practices which were characterised by racial discrimination and segregation. The problem in Bushbuckridge South is very complex and difficult to solve through just one attempt at a new process of planning. The success of the LDOs in the area will remain to be seen depending on whether that faith and moral justification of planning in implementing these objectives and principles is repaid by the people who have been divided by decades of

conflict and social injustices. Generally, problems in the area emanate mainly from socio-economic factors resulting from the past discriminatory practices through legislation. Like most black areas, Bushbuckridge has suffered a long history of neglect and fragmentation as a result of the previous planning legislation. Emanating from this are the key problems in the area that form the cornerstone for the formulation and implementation of LDOs.

4.3.1 Principal problem areas

- The greater Lowveld region has a high level of poverty. This is demonstrated by the findings of the UNISA Bureau for Market Research (1991), that calculated that a large majority of the population earn well below the minimum living level for a household in the Northern Province. 73% of the total population in the Lowveld region earned less than R5000 per year in 1991.
- The unemployment rate is very high, at 41% (including the informal sector as unemployed), with the assumption that the situation has not changed dramatically since 1991.
- Approximately 62% of the economically active people on average have no or only primary education (Report 2, 1998, section 2.2).
- The social infrastructure (community facilities) is inadequate and not optimally located.
- Lack of basic infrastructure services (water, sanitation, electricity and roads) particularly in the rural areas, where available (in the black townships), they are unreliable and inadequate.
- The settlements are largely scattered making access to community facilities almost impossible. The spatial patterns have an enormous effect on the rendering of services to communities in terms of costs and efficiency.
- The large population numbers result in great pressure on existing land, with uncontrolled increase in settlements.
- There is no management system in place to regulate sustainable use of land.
- Lack of economic development and employment opportunities for the people within their residential areas, due to poor economic investment in the area, the

- outcome therefore being that more people commute long distances to the surrounding towns for employment opportunities, as well as business (i.e. shopping and specialised services).
- The natural resource base and economy do not have the capacity to support the large population, therefore forcing a large percentage of people to seek employment opportunities outside their area (migrant labour).
- These economic effects increases the unemployment levels, which vary between 25% and 40%, force that portion of the population to enter and participate in informal and marginal economic activities (Report 2, 1998, section 2.5).
- The low income levels implies that most people are unable to pay taxes and this put enormous strain on the effectiveness and feasibility of local authority to operate and provide services.
- There is an enormous capacity constraint regarding government departments.

4.4 Aim and objectives of the LDO process in the area

Failing the presence of any co-ordinated planning and development in the area, the process of the land development objectives in the study area aims to restructure *development* planning to redress the past. Against the background of the socio-economic analysis of the area, it is evident that something needs to be done about the existing situation. The situation in the area is alarming and requires some degree of urgency in some form of planning intervention. This increases the importance of establishing the LDO process in the area to counter the deterioration of the area. This process will reinforce strategic and integrated approach to land development and management in Bushbuckridge. The process will among others promote the development and welfare of the communities through the initiation of projects including housing, water, sanitation, roads, industry and electricity.

4.5 Understanding the study area

4.5.1 The national perspective

After the first non-racial, democratic elections held on the 27 April 1994, the homelands were dissolved and the country was divided into 9 regions called Provinces. The Northern Province, formerly part of the Transvaal, is the province of South Africa most to the north and covers an area of approximately 123910 km, it is bordered by the North - West Province (to the west), Gauteng (to the South) and Mpumalanga (to the East) (see locality map: map 1).

4.5.2 Provincial Perspective

The Northern Province, popularly known to be the "Home of Peace" is a province characterised by a combination of both urban and rural settlements. The province has an abundance of mineral resources, a multi-faceted industrial sector, great agricultural and tourism potential as well as a growing consumer market, all of which provide potential for development and investment in the area.

The location of the Province between Botswana, Zimbabwe and Mozambique makes South Africa's Northern Province the country's natural gateway to Africa. The province is bisected by the N1 route which, runs from the Johannesburg/Pretoria hub, the industrial powerhouse of Africa, to Beit Bridge on the Zimbabwean border, eventually linking up with Botswana, Malawi, Zimbabwe, Zambia and Mozambique. The already existing infrastructure and the growing domestic market represent attractive opportunities for investment and development in the region.

An example of a major investment opportunity, which is likely to be a catalyst for future investment in the province is the development of the Maputo Corridor, based on public - private partnerships. The Project involves investments estimated at R20 billion in infrastructural and industrial development, which is likely to have a profound impact on the neighbouring countries.

4.5.3 The regional perspective

Bushbuckridge falls under the Lowveld Region, located on the eastern side of the Province as depicted in map 1. The region contributed about one third of the total GGP of the Province in 1994 which is slightly higher than in 1991 (CSS, 1994). However, this economic dominance has declined somewhat over the last few years due to the temporary stagnation of the mining and agriculture sectors of the region and the removal of a large portion of the government administrative function from Giyani. The economic growth rate in the Lowveld Region has broadly followed the same trends as that of the Province in having sustained an economic growth of 5.8 percent between 1980 and 1991, slightly lower than the provincial average of 6.6 percent. The statistical figures for 1994 suggest that economic activity has completely stagnated during the year. The area around Tzaneen actually saw a decline in economic activity probably due to severe drought (CSS, 1994).

Since 1994 a mixture of both positive and negative factors has affected the regional economy. The most positive factor was the renewed interest in mining investment around Phalaborwa and Gravelotte. The extension of the Maputo Corridor to Phalaborwa and Tzaneen – the so-called eastern sub-corridor – could provide a further boost to the growth prospects of the Region particularly in the mining sector. The improvement in tourism activity in South Africa after the inauguration of the new democratic government was also a positive factor towards development in the region. The good rains that fell during 1996 also boosted the agricultural sector in the region

The negative factors included the reduction of government expenditure particularly in the Giyani area, which lost its capital function to Pietersburg; and the interruption of government projects during the initial transformation period.

4.5.4 The local perspective

Bushbuckridge emanated as result of the Group Areas Act under the Nationalist Government, whereby the Shangaans became incorporated into the Gazankulu

Bantustans and the Pedi people into Lebowa, with the two only being separated by tarred throughway. The population of the area grew rapidly as more people were forcefully removed from their homes in Graskop and Sabie to resettle in Bushbuckridge.

Bushbuckridge falls under the Lowveld region of the Northern Province (map 2), and is defined by Hazyview in the South to Acornhoek approximately 70kms of tarred road to the North. On either side of the tarred road, which serves as a through road, are pockets of dwellings, stretching haphazardly along the road and across the hills. The area comprises five proclaimed townships and about two hundred villages. The area is approximately 2000km^2. Wealthier, more developed areas surround Bushbuckridge. There is sub - tropical produce farmers in Hazyview to the south and in Hoedspruit to the north. Forest plantations cover the hills, stretching over long distances to the west. To the east lies the Kruger National Park, a famous international tourist destination. Bushbuckridge consists of 25 communities with a total population of 269 850. This constitutes 37.9% of the entire Bushbuckridge district population (DWAF, 1997). Thus, forming the largest population concentration in the Lowveld region.

In a study undertaken by the Health Systems Development Unit (HSDU) of rural villages in the area in the early nineties, the following information was assembled:

- 44% of the population was under 15 years.
- Average household size was 6.2 persons, with many households accommodating 10 or more people.
- Average household income was estimated at approximately R520. 00 a month.

- Migrant workers constitute 60% of the men aged 30 and 49 years and 14% of the women were.
- Single parenthood is very common, with women comprising 93% of this group.

- Teenage parenting is common, with 25% of 18 year olds and nearly 40% of 19-year-old women having at least one child. This therefore disrupting their education.
- Most children only become enrolled in primary schools at a much older age than normal.

Although no recent information is available on the unemployment level, it is estimated to be very high. The available studies estimated unemployment levels to be 90% by some of the interviewees; others estimated unemployment to be between 40 - 50% and even higher (Report 3, 1996).

Employment opportunities exist outside the Bushbuckridge area mainly in Forestry Companies, on the Goldmine Belt (Phalaborwa Mining Company) and in Nelspruit. Most of the people are migrant workers, some commuting every day between their places of work and residence. Women migrants work seasonally on white farms in adjacent areas.

The local economy is dominated by retailing, which includes mainly self - employment, evident everywhere in the form of hawkers selling fruits, vegetables, meat, clothes, toiletries etc. The formal retailing activity in the Bushbuckridge area includes national footwear, furniture, clothing and supermarket chains found in strategically located areas such as shopping plazas / commercial nodes.

The seat of local government is located in Mkhuhlu. The Bushbuckridge South TLC operates under former Mhala/Mapulaneng district. The South TLC is divided into six (6) Wards for purposes of administration and each is administered by a Ward Councillor. Each Ward consists of a number of Towns and Rural Villages which are listed in *figure 1*. The villages are linked to each other and to major transport routes

through gravel bus routes. The bus system is the most common form of transportation for the residents.

4.6 Summary

As a result of the long history of apartheid, Bushbuckridge South has entrenched socio - economic and development problems. Co-ordinated planning and development procedures in the area were non-existent in the past, thus a result of communities in Bushbuckridge South experiencing a total lack of adequate basic services such as water supply, electricity, access roads, etc. Severe erosion damage makes access to residential areas even more difficult and time consuming. These problems have accumulated over the years and can never be solved over a short period of time as anticipated by most people in the community. However this should not discourage people from realising the potential for growth and development in the area through the implementation of LDOs. The Lowveld region itself has great economic and mining potential which, needs to be resuscitated. Therefore with proper planning, infrastructure development, equitable redistribution of resources and attraction of investment into the area, the quality and standard of living of the Bushbuckridge population can be improved.

The individual development potential impacts of Bushbuckridge differ from each other and cannot be accounted for in all instances, however with the implementation of an effective intervention strategy such as the one offered by the LDOs, a more optimal and functional development can be established in time.

4.7 The process and approach

4.7.1 Methodology

During the LDO process in Bushbuckridge South a two pronged approach has been adapted which extensively involves the participation of all stakeholders and a technical investigation. Public meetings in the form of workshops were held to discuss the concepts of the DFA and the LDO's. The aspects of the process itself which have been covered thus far in the area include: the compilation of a status quo report, needs assessment, development principles and policies, development strategies and the prioritisation framework as well as the formation of Project Steering Committee (PSC) (which is almost non-functional) to drive the process on behalf of all the stakeholders.

4.7.1 The process thus far

Due to the lack of planning and development in the project area, very little map information exists. This is a major constraint which, could have resulted in the downward spiral process where little development is possible because of the lack of plans and maps of the area. In any land development proposal, procedures and projects, a basic mapping system will be required as point of departure. The land audit will cause an integrated map of the Bushbuckridge area.

A Project Steering Committee was established in terms of the guidelines provided by the implementing agent. The community is part of the decision making process through the involvement of the Project Steering Committee, however this committee has since disintegrated. This Project Steering Committee was supposed to approve the several phases of the formulation of the LDO's before submitting it to the implementing agent.

Due to the active participation of the community and definite community outlooks, the needs of the community and the development strategies, which form an integral

part in the formulation of the LDOs, have been formulated successfully. Training and reporting to the community has been satisfactory and meaningful. The TLC has submitted its 5-year plan for the prioritisation of development projects.

The community in the area generally accept and support the process, even though they are skeptical about its seriousness to facilitate development in the area and the expectations are somewhat very big because there is still some confusion on what LDOs are and what they intend doing. Nevertheless, the communities have approved the work done by some of the appointed consultants.

The consultants have provided the management skills and ability to set off the process, however the lack of capacity, skilled staff and financial resources in the local authority is slowing down the process. The local authority with the assistance and support of the engineering consultants will be able to implement, manage and maintain the LDOs reasonably. The department of Local Government, Housing and Land Administration indicated that there are three scenarios of funding Land Development Objectives, namely:

- Entirely funded by the local authority
- Partially funded by the local authority
- Entirely funded by the Department

Due to the financial status and the lack of income generating services of Bushbuckridge South TLC, the council will not be able to contribute to the much-needed Land Development Objectives. Consideration however, is being given on how to provide income-generating services for the local authority to implement its projects.

Nevertheless, the Department of Land Affairs has, since the beginning of the year, decide to make available a grant for determining LDOs which will assist poor, under resourced but primarily rural municipalities in the process of formulating LDOs. This initiative by the Land Affairs Department came into existence with the realisation of the major financial constraints faced by many local authorities in their struggle to establish LDOs. There are 2 qualification criteria used by the department to decide

which local authority receives the grant, namely the rural local government bodies and the provinces with LDO regulations or similar framework for planning. The qualifying bodies and the procedure followed in applying and receiving the grant are outlined in Appendix F as set out in the guide by the Department of Land Affairs

5

Chapter Five

Conclusion

5. Conclusion

It was the aim of this discourse to evaluate LDOs as viable development planning tools to guide land use development and management. There are three different interrelated implications to this position.

The first implication involved land use planning as a process of managing (through control and regulation) the way land is used. This has been established the same route that land use planning took in this country. In this country this process of spatial ordering of uses was carried out with respect to racial discrimination and setting rules for the intensity of development especially in the urban and black areas.

The second implication arise from this whereby the legacy of apartheid is held responsible for the consciousness (moral responsibility) as its integral part. This defines the important component of land use planning as being aimed reducing and mediating conflict between land uses, and minimising adverse impacts of the usage of land or the changes thereof and lastly abating over-crowdedness.

The study of the different meaning and approaches of land use management systems defines the third implication of the study. This was used to define land use management in context and the reforms occurring within it. The integrity of land use management systems, until recently, has been severely undermined because they led to extre disparities. At the core of the new ethos in SA, guiding these systems is social justice or equity. This emphasises the point made by Delogu that the time for land use planning as control measures has expired and there is a need to develop new systems. In SA, government realises this and through a moral mandate to planning, envisage restoring public confidence in planning and land use management with renewed focus on social justice and environmental integrity. The principles of the RDP have geared planning towards this achievement and through the DFA its principles are facilitated and implemented through LDOs , for instance.

There are several positions held with respect to LDOs and land use management systems. The first, held by most practitioners, is the general agreement that land use management systems apply within a broader planning policy and the LDOs provide the framework towards policy. It is therefore from this premise that the DFA, through these LDOs, provide a useful point of departure on which to build a new approach to land use management in SA. The LDOs as part of the implementation agencies of the DFA should therefore, guide land use management in the manner that supports the current thinking for planning.

With this in mind, since LDOs emphasise the facilitation of development, then it should also create a framework within which planning decisions for a land use management system can be made and development can occur. Because these systems today must reflect the current thinking to planning, they should therefore create a measure, which can be the LDOs, to ensure that development takes place and thus promote change rather than control it. This is an important view of the flexibility and dynamism of the new system like the LDOs, which has to be created fully in order to cultivate short reaction times through long range planning.

Nevertheless, another group of planning practitioners believe that land use management systems are more control-oriented and in this effect are not line with the principles of the LDOs and because of this, LDOs should not be viewed in line with land use mechanisms or objectives since LDOs emphasise development rather than control.

Despite the different beliefs though, LDOs have been established as one of the best ways to facilitate development and so far they have proven, through debate that they are a viable mechanism to result in development and importantly to guide future planning which is the essence of developing land use management systems. Apart from guiding these systems, LDOs as part of developing the IDP process also has an important role through the IDPs facilitating transformation.

The skepticism on the effectiveness of LDOs is overshadowed by the orientation of LDOs through a common vision. Central to the formulation of LDOs is the component of a vision. This is an integral part of regeneration and reconstruction towards integration (social, economic and physical). In essence, that is precisely what is needed in SA, a common vision and faith in our own capabilities and resources. A commonly held vision is significant to the success of any venture because it is an integrated approach to planning, through collective effort and active community participation and co-operation that enables the achievement of a goal and dealing with the milestones along the way. This is what was meant in a planning conference held 13 years ago, that to build a new SA, taking time into account, and yet being compassionate and willing to share our country on an equitable basis and taking hands over barriers require "equinimitas" – a calm patience.

LDOs are a new concept in SA and despite the controversies surrounding them as well as the slow implementation of the process, they are a good tentative step into future development planning. Planning practitioners must recognise that we do not have to look at taking big leaps into realising a new planning approach, but we firstly try to restructure land use development and planning to support the current thinking through sharing a vision and faith in our own capabilities and resources.

The last part of this discourse was dedicated to a case study of the LDOs process in Bushbuckridge South. The most critical point to note about the study area, is that historically land use management systems seldom occurred. This is the biggest challenge in the area for implementation of LDOs despite the existing problems of problems such as the decaying black areas. There is a need though to acknowledge that the development challenge facing this area will not be resolved by merely applying LDOs. This increasingly highlights the significance of reconstruction

through prioritisation of projects in the LDO 1year and 5 year plan. This prioritisation is not unrelated to the need for fast-tracking development, since local authority must focus their resources to areas of urgent need. The implication being a collective effort towards a common vision and identifying gaps and projects linked to the budget plan which will lead to the upliftment of the poor.

This collective effort is essential because the lack of capacity within the local authority hinders the progress of the LDO process in particular, and this will undoubtedly be supported by any practitioner who has done some work in Bushbuckridge. The local government body is facing a challenge of integration and developing land use management systems applicable to the conditions of the area of jurisdiction. These challenges area only less than few, because the conditions in the area were orchestrated over decades. The municipality has to start from point zero – and important to note – and without any prior experience.

Nevertheless, the people of Bushbuckridge are confident that LDOs will have profound effect on the current situation in the area. The active and meaningful involvement in the planning process slowly renews their faith in planning. This is one step closer to effective and proper land use development and management systems.

Land development objectives as demonstrated are initially envisaged as guidelines for development which have to be implemented over a 5-year cycle. In various areas, LDOs serve various means (and ends). For instance LDOs, in retrospect can be viewed by the majority of role-players as an all-inclusive (activity0 kick-off to an ongoing process of development that will serve as an attempt to integrate spatial and non-spatial planning, programming, budgeting and implementation of land development plans. The LDOs through the DFA therefore present a starting point for land use (development and) management systems in SA. Despite its "sound good" and "feel good" principles, LDOs are yet to be seen as "good practice" tools for development in the future of the new planning environment. Nonetheless, LDOs have been formulated or prepared in various areas coherent and relative to the DFA and the

RDP principles to address the socio-economic disparities created by apartheid. The land development objectives are a new practice in the country and therefore the lack in experience in this capacity as well as the lack of capacity in local authority personnel presents insurmountable difficulty in their understanding, preparation and implementation.

The problems which have been identified in various levels of government especially local government have been summarised as demonstrated below.

LDOs in numerous areas have not been formulated to address the various components of development and planning. This implies that in these areas LDOs, fall short of a thorough assessment and address of the area's needs and problems.

There is skepticism about the practicality of incorporating the DFA principles with existing legislation relating to land development and management.

Government does not have an explicit and prominent route or guide which will indicate the discretion and/or criteria in formatting the LDO process. This does not refer to the guidelines provided in the DFA but rather to the guidelines to provide directives that each TLC together with the appointed consultants should assume. This is vital in ensuring that all LDOs are inclusive of all the components of development and of all the sectors of development in order to strengthen LDOs as more than just good ideas which are hollow in their implementation.

The prominent constraints to the success of LDOs vision of service delivery are the limited resources both financial and human resources. In the Midrand scenario, where this also applies, the capital budget had to be integrated with the development principles in order to establish a development framework of the area in realisation of Midrand's vision. The elements of financial and human resource should be carefully looked at in order to ensure that the budget is well spent as determined by the LDO process. This therefore requires a real commitment towards the area's vision by all players. The term players refers to all role-players (local authority, community and

private sector among others). One way of showing real commitment 'was to link the budgetary process with the issues forthcoming from the intensive public participation process' (Midrand LDOs and Development Framework Draft, 1997).

Other local councils particularly those based in urban areas such as the Midrand local council have *reflected* LDOs as an urban management mechanism. This somehow takes no account of rural development and management. These local councils might refute that they have no rural are within their jurisdiction and therefore need not concern themselves about rural or peri-urban areas (even those nearby), however LDOs have to lead to the integration of all development plans but how will this be possible when LDOs are prepared in isolation to other LDOs in surrounding areas. This is the reason therefore why it is imperative to for government to give prominent and specific (discretionary) guide to be used in formatting the LDO process.

Needless to say, there are some local councils that have formulated their LDOs to be all-inclusive and comprehensive of the current situations such as the Midrand LDOs. I have placed specific attention to Midrand though not as my case study but in contrast to the study area (Bushbuckridge) because I would like to demonstrate the existing disparities in several areas (regions and provinces) in order to view the viability of LDOs as good practice or as sound good principles. The Midrand area forms part of the Kyalami Metro Region which is usually viewed as part of the primary development area of the Gauteng Province and the nature of this area is such that development is essentially market-driven because it is reliant on an enabling interaction between the functioning of the economy and the establishment of supportive residential areas with the concomitant urban facilities and amenities (Midrand LDOs and Development Framework Draft, 1997, p 23). Bushbuckridge in contrast forms part of one of the most neglected provinces of the country and it is not an enabling environment whereby progress is very slow and the lack in human resource capacity of its local council makes it difficult to achieve development.

Despite the vast and almost unparalleled differences in comparison, Midrand and Bushbuckridge both lack (although to a certain degree) compatible interaction and

support between economic activities and residential areas (especially black residential areas).

Decision-making is also a critical component of the new ethos to planning especially with specific reference to capacity. There is a clear lack of capacity, experience and efficiency in local authority and this inevitably leads to no-single point responsibility and unaccountability in local authority tiers.

The lack of capacity due to an increasing number of skilled and experienced is a major problem because it leads to inconsistencies. The officials in local authority lack clarity on what their roles and responsibilities are.

There is a serious lack of understanding what LDOs really are and their legal status especially in previously marginalised homelands where the present authorities want to own the LDO process and make it represent their political party interests. This is the result of the lost of more experienced staff, capable of dealing with a wide range of tasks at local authority level. The lack of commitment of local authority staff is also a contributing factor to these problems, especially in the former Gazankulu area where local authority staff are more concerned with their political affiliation and status.

Political interests are therefore a major problem in equitable decision-making processes, and thus causing incredible delays on development and delivery as well as corruption.

The lack of data is also a critical problem to the new planning system, especially in areas such as Bushbuckridge where no planning system existed in the past.

Apart from the assessment process, there are no clear provisions made for objections against LDO decisions at grassroots level.

In summary the capacity and co-operation (relationships) at local government is evidently the starting point of where the existing problems emanate from. These

problems relat ng to LDOs slow down the development process and inevitably land use management which, is to be guided by the LDOs through the compilation later on of IDPs.

Having indicated that no prior experience or in-depth research and documentation is available with reference to LDOs in the country, consultation in the form of interviews was undertaken in order to establish the perceptions and the recommendations of practising planners and land management officials. The following comments were established.

There is generally one undisputed factor evident from all responses gathered, and that is the significance of the RDP principles in guiding the application of new planning systems of land use, land development, land management and service delivery. The objectives of the RDP should therefore be paramount to all development processes (i.e. land development objectives and integrated development plans) in the country. This recognises the importance of the new planning environment relative to the new democratic dispensation.

It is important that we do not engage ourselves in fruitless and endless debates that are nothing better than a formalised rationalistion of the LDOs as more than just good ideas. The process of LDOs is slowly becoming accepted as the correct point of departure, despite any shortcomings that obviously result from any new venture. This therefore requires a renewed faith in the capacities of the LDOs, but it is not up to planners alone to decide if planning systems are good or not, in fact ***"the ultimate test a planning systems must survive is not its legality or even its wisdom, but rather its acceptability to the public at large"*** (Haar in Cullingworth, 1993, p.246).

B

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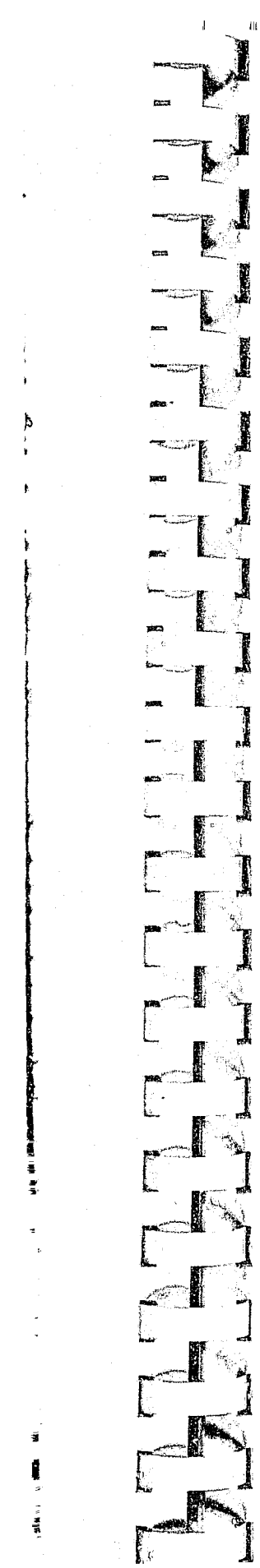
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A

Appendix

A: THE SUBJECT MATTER OF LAND DEVELOPMENT OBJECTIVES

B: THE NORTHERN PROVINCE LAND DEVELOPMENT OBJECTIVES REGULATIONS

C: PROCEDURE FOR THE SETTING OF LAND DEVELOPMENT OBJECTIVES

D: THE CONTENT AND MANNER OF SETTING LAND DEVELOPMENT OBJECTIVES

E: TERMS OF REFERENCE FOR THE ASSESSMENT PANEL

F: GRANT PROCEDURES

A: THE SUBJECT MATTER OF LAND DEVELOPMENT OBJECTIVES

28. Land development objectives must include the subject matter referred to in section 28 of the Act, as set out in this part of the regulations.

29. (1) The land development objectives must start by providing a description of the local government area, known as a status quo report which gives general information about the area, including -

a. demographic information on the population;

b. socio-economic information on employment, income, education, health etc;

c. spatial information on the area that indicates where development is taking place, what the settlement patterns are, what land use patterns there are in the area and how the area is laid out;

d. physiographic information on the climate, land and soil conditions, water, vegetation, environmental conditions and general natural features of the area;

e. information on the state of municipal infrastructure services such as water, electricity, roads, sewerage, refuse removal and stormwater services;

f. information on municipal services such as libraries, clinics, recreational facilities, museums, public transport, public open spaces and other non-municipal services in the area, including housing;

g. information regarding the strengths and weaknesses, opportunities and constraints in the area;

h. development priorities and needs within the area; and

i. information on the overall contribution that the area may make in respect of the growth and development strategy of the region and province.

B: THE NORTHERN PROVINCE LAND DEVELOPMENT OBJECTIVES REGULATIONS

IN TERMS OF THE DEVELOPMENT FACILITATION ACT, 1995 (ACT No. 67 OF 1995)

I, Norman Manuel Mashabane, being the MEC in the Northern Province to whom the Premier has assigned the performance of certain functions in terms of section 27 (3) of the Development Facilitation Act, 1995 (Act No. 67 of 1995), hereby make the regulations contained in the Schedule hereto.

Given under my Hand at Pietersburg this .... day of .....t. One thousand Nine hundred and Ninety-eight.

.....

N M. Mashabane

Member of executive council

SCHEDULE

Definitions

1. In these regulations any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned unless the context otherwise indicates and-

   a. "Development Tribunal" means the tribunal set up in terms of section 15 of the Development Facilitation Act, 1995, in the province to hear land development applications;

   b. "land development objectives" means land development objectives set by a local government body or an MEC, as the case may be, in accordance with these regulations;

   c. "MEC" means the Member of Executive Council in the Northern Province responsible for Development Planning and Local Government;

   d. "planning" means planning that is undertaken that has as its object, changes to the spatial organisation of land, or changes in the use to which land is put, for developmental purposes;

   e. "public participation plan" means a plan for public participation prepared by a local government body in accordance with regulation 16;

   f. "responsible department" means the provincial government department responsible for implementing the Development Facilitation Act in the Northern province;

   g. "the Act" means the Development Facilitation Act, 1995 (Act No. 67 of 1995);"working plan" means a plan, prepared by a local government body prior to the setting of land development objectives, as contemplated in regulation 15.

   h. "the province" means the Northern Province;

B: THE NORTHERN PROVINCE LAND DEVELOPMENT OBJECTIVES REGULATIONS

GENERAL PROVISIONS FOR FORMULATION OF LAND DEVELOPMENT OBJECTIVES

Principles relating to land development objectives

2. The setting and implementation of land development objectives by any municipality shall be consistent with the general principles for land development as set out in section 3 of the Act and such further principles as may be prescribed by the relevant Minister in the National Government or the Premier of the Province of the North-West in terms of the said section.

Purpose of land development objectives

3. The general purpose of land development objectives set by a municipality shall be -

(a) to create a new participatory system of planning for development at a local level which deepens and promotes democracy;

(b) to create an integrated development planning framework for municipalities that will inform and be informed by development strategies as may be formulated from time to time by both the national and provincial spheres of government;

(c) to create a planning system for development at a local level which links public expenditure to financially sustainable development strategies, plans and targets that are guided by a vision and priorities determined jointly by a municipality and the community it serves to promote good governance;

(d) to build co-operation and co-ordination between the respective spheres of government and other organs of state in planning and development;

(e) to emphasise the developmental role of municipalities thereby ensuring the synthesis of the local development planning process with the provincial and national development planning processes.

(f) to create a framework within which a municipality will be accountable for its

PART B

PUBLIC PARTICIPATION WITH REGARD TO THE SETTING AND IMPLEMENTATION OF LAND DEVELOPMENT OBJECTIVES

General objectives of public participation

8. (1) The objective of public participation shall be to ensure that land development objectives are based, as far as possible, on consensus between the local government body concerned, the public and interested bodies in the area of jurisdiction of the local government body.

(2) The purpose of public participation should be to -

a. enable direct input from the public and interested bodies in the relevant area into the setting of land development objectives;

b. identify the way in which resources from different groups may be mobilised to assist in the effective implementation of the land development objectives.

Identification of participants

9. (1) The members of the public and interested bodies that should be involved in setting land development objectives could include -

a. organisations which are broadly representative of particular interest groups, such as -

i. civic organisations or rate payers associations;

ii. development forums;

iii. youth organisations;

iv. womens' organisations;

v. taxi organisations;

vi. welfare, sport, cultural and consumer organisations.

b. representatives of the business sector;

c. national and provincial government departments; and

d. any other organisation which could assist in the setting and implementation of land development objectives.

(2) Traditional Authorities must be consulted in the process of formulating land development objectives in areas where land development objectives will have an impact on Traditional Authority areas.

Dispute resolution in respect of public participation

10. In the event that the local government body and a member of the public or an interested

body cannot agree on the subject matter of a land development objective or anything else in respect of the setting of land development objectives, the local government body shall use appropriate dispute resolution mechanisms to attempt to resolve any disputes and in the event that such mechanisms fail to resolve the dispute, the local government body must take the final decision as to the content of a land development objective or any aspect thereof.

Public Participation Plans

11. (1) Local government bodies must prepare a public participation plan, after consulting interested bodies, which must be submitted to the MEC as a component of the working plan, as set out in regulation 15 below.

(2) A public participation plan must demonstrate the manner in which public participation will take place in regard to the setting of land development objectives.

PART C

PROCEDURAL STEPS TO TAKE TO SET AND IMPLEMENT LAND DEVELOPMENT OBJECTIVES

Time period within which land development objectives must be set

12. (1) Land development objectives must be set within one year of the working plan referred to in regulation 14 below having been approved.

(2) District councils are responsible for submitting composite land development objectives for the councils in their areas and must ensure that they receive such land development objectives timeously in order to meet the deadline set in the working plan.

Notification that land development objectives must be set

13. (1) The MEC shall by notice in the Provincial Gazette require a local government body, individually or in conjunction with other local government bodies, to set or review, as the case may be, land development objectives.

(2) Such notice shall be given in writing to each local government body in the Province.

Requirement that a working plan must be submitted

14. (1) The notice referred to in regulation 13 above shall require that the local government body must submit a working plan to the responsible department in the case of district councils and to the district council in the case of rural, representative and local councils.

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(2) The working plan must be submitted by rural, representative and local councils to the district council within 60 (sixty) days of the date of the notice referred to regulation 13 above being published.

(3) The district councils must submit composite working plans consisting of the working plans of the rural, representative and local councils in their areas and their own working plans to the responsible department, within 90 (ninety) days of the date of the notice referred to in regulation 13 above being published.

(4) A district council may apply to the MEC for an extended period within which to submit the composite working plans, as long as such application in made before the 90 (ninety) day period has expired.

Contents of working plan

15. The working plan must, include the following -

a. a public participation plan which demonstrates the manner in which public participation in the setting of the land development objectives will take place;

b. a statement describing what assistance the local government body requires from the responsible department in respect of the setting of land development objectives;

c. in the case of a district council, an indication of the budgetary cycles of local government bodies, within its area of jurisdiction, which are affected by the land development objectives;

d. a statement indicating the availability of existing financial resources for the setting of land development objectives, any shortfalls anticipated and how these shortfalls will be financed;

e. a statement setting out if any capacity building programmes will be conducted in order to allow disadvantaged groups to participate in the setting of land development objectives; and

f. any other documents that the MEC may specify in the notice referred to in regulation 13.

Contents of the public participation plan

16. The public participation plan must include proposals with regard to-

a. organisational arrangements and proposed structures for public participation;

b. the manner in which cooperation and coordination will take place with any department of State or province, or other authority or body as mentioned in regulation 6(2) and (3);

c. methods for dissemination of information relating to the formulation of land development objectives;

d. the training, to the extent necessary, of local government officials and councillors and representatives of civil society organisations; and

e. the financing of the public participation process.

Approval of working plan

17. (1) The district councils must submit the composite working plans to the MEC for his or her consideration.

(2) The MEC may within 30 (thirty) days of receiving the working plans -

a. approve such working plans; or

b. reject such working plans.

(3) If the MEC rejects a working plan he or she must refer the working plan back to the district council, together with his or her comments, for amendment.

(4) The district council must, after consultation with any particular council in its area whose working plan requires re-submission, re-submit the amended plan to the MEC for his or her consideration, within a period of 30 (thirty) days or such longer period as the MEC may allow after consultation with the district council.

(5) The final approval of working plans must be made in writing by the MEC to the district councils.

(6) Each district council must inform the rural, representative and local councils in their areas, in writing of the date that the approval is given.

Notice of intention to set land development objectives

18. (1) After the approval of the working plan in accordance with regulation 17, the local government body shall notify members of the public and interested bodies within its area of jurisdiction of its intention to set land development objectives and invite their participation in accordance with the public participation plan.

(2) If the local government body intends to set up a land development objectives implementation committee, the notice referred to in sub-regulation (1) must make proposals regarding members that should serve on this committee.

(3) The notice in terms of sub-regulation (1) -

a. must be published in English and another official language commonly used in the local government body area, in two issues of a daily newspaper circulating

in the local government body area, the second notice to be published a week after the first;

b. may also be advertised in other appropriate media, such as radio, pamphlets, mass meetings and on bill boards;

c. must, if an implementation committee is to be set up, provide a deadline for comment on the proposed members that should serve on this committee, including proposals for names of members, the deadline for which must be no more than fourteen (14) days from the date of the second notice referred to in sub-regulation (3)a above;

d. must state, in accordance with the public participation plan, the manner and time period within which members of the public and interested bodies will be entitled to participate in the setting of and comment on land development objectives.

Establishment of a land development objectives implementation committee

19. (1) The local government body may set up an implementation committee for the purpose of co-ordinating the setting and implementation of land development objectives in the area under its jurisdiction.

(2) The local government body must ensure that the implementation committee is broadly representative of members of the public, interested bodies, national and provincial departments, service providers, stakeholder groups identified as being important in the area as contemplated in regulation9(1)(a) above.

(3) The implementation committee may make recommendations to the local government body that sets it up regarding land development objectives.

(4) The implementation committee must be chaired by a member of the local government body.

Publication of draft land development objectives

20. (1) The local government body must advertise the draft land development objectives for comment, before they are submitted to the MEC for approval.

(2) The notice calling for comments on the draft land development objectives -

a. must be published in two (2) official languages commonly used in the local government area, in two issues of a daily newspaper circulating in the local government area, the second notice being published a week after the first;

b. may be advertised in any other appropriate medium, such as radio, pamphlets, mass meeting, bill boards;

c. must state the place where the draft land development objectives may be

inspected and the address where comments may be lodged.

d. must provide a deadline for comments, which deadline must not exceed 30 (thirty) days from the date of the first notice.

Processing of comments on the draft land development objectives

21. The implementation committee must study all comments received and make changes to the draft land development objectives if it considered the comments to be justified.

Submission of land development objectives

22. (1) District councils must submit composite land development objectives to the MEC for his or her consideration, subject to sub-regulation (2) below.

(2) Rural, representative and local councils must submit their land development objectives to the district council in which they are is situated on a date agreed between them and the district council, in order that the district council is able to submit composite land development objectives for its area within the stipulated time period, being a year of the approval of the working plan.

(3) Included in the submission of land development objectives should be any comments and representations received, together with the comments and recommendations of the rural, representative and local councils and the district council concerned.

Approval of land development objectives by the MEC

23. (1) The MEC may, within 60 (sixty) days of receipt of land development objectives submitted to him or her in terms of regulation 13-

a. approve such land development objectives; or

b. refuse to approve such land development objectives in accordance with section 27 (1) of the Act, in which case the MEC must furnish his or her written reasons as required in terms of that section of the Act and must refer the land development objectives back to the local government body for -

i. compliance with the working plan;

ii. compliance with the subject matter as contemplated in regulation;

iii. compliance with the general principles of the Act.

(2) Where land development objectives have been referred back to a local government body in terms of sub-regulation (1) (b) above, the local government body must, within a period of 30 (thirty) days or such longer period as the MEC may allow after consultation with the local government body, resubmit the land development objectives to the MEC for his or her consideration and approval.

Notice of approval of land development objectives

24. (1) Once the MEC has approved the land development objectives, the local government body shall-

a. publish a notice in the Provincial Gazette and in a daily newspaper circulating in the local government body area in English and another official language, commonly used, in the area, to the effect that-

i. the land development objectives have been approved in respect of that area of jurisdiction; and

ii. copies of the land development objectives are open for inspection at the place specified in the notice; and

b. make available for inspection, copies of the approved land development objectives at a place determined by the local government body.

(2) The MEC shall notify the Designated Officer and Tribunal Registrar that land development objectives have been approved in respect of that area.

Review and monitoring of land development objectives

25. (1) Land development objectives must be reviewed annually for the first 5 (five) years and there after at such intervals as the MEC may determine by notice in the Provincial Gazette and which intervals shall be consistent with the budgeting cycles followed by local government bodies.

(2) The process of submission of land development objectives for review must be done by the relevant local government body in accordance with these regulations, which shall apply with the necessary changes, to such review.

Withdrawal

26. (1) The MEC may at any time, in consultation with the local government body concerned, withdraw land development objectives or a portion thereof if he or she has reasonable cause for such withdrawal.

(2) The MEC must, in writing, give notice to the local government body concerned that he or she intends to withdraw the land development objectives or a portion therefor, together with his or her reasons for such withdrawal.

Monitoring the implementation of land development objectives

27. At the completion of each review period, the local government body shall submit to the MEC a report describing its performance in terms of its approved land development objectives over the said period, which should -

a. describe and evaluate the performance of the local government body in meeting the approved goals against quantifiable targets and performance measures over the review period:

b. gives reasons for departures from the set targets and performance measures:

c. indicates the revisions affected to objectives, if any:

d. incorporates the annual financial statements of the local government body.

PART D

SUBJECT MATTER OF LAND DEVELOPMENT OBJECTIVES

28. Land development objectives must include the subject matter referred to in section 28 of the Act, as set out in this part of the regulations.

29. (1) The land development objectives must start by providing a description of the local government area, known as a status quo report which gives general information about the area, including -

a. demographic information on the population:

b. socio-economic information on employment, income, education, health etc:

c. spatial information on the area that indicates where development is taking place, what the settlement patterns are, what land use patterns there are in the area and how the area is laid out:

d. physiographic information on the climate, land and soil conditions, water, vegetation, environmental conditions and general natural features of the area:

e. information on the state of municipal infrastructure services such as water, electricity, roads, sewerage, refuse removal and stormwater services:

f. information on municipal services such as libraries, clinics, recreational facilities, museums, public transport, public open spaces and other non-municipal services in the area, including housing:

g. information regarding the strengths and weaknesses, opportunities and constraints in the area:

h. development priorities and needs within the area; and

i. information on the overall contribution that the area may make in respect of the growth and development strategy of the region and province.

(2) Land development objectives should include a vision statement that has been formulated, to guide overall development in the area.

(3) Land development objectives should include objectives on how the local government body intends to provide people living in its area with access to the municipal services, either itself or by using other service providers, and what the standards of these services should be.

(4) Land development objectives should indicate how the local government body intends to -

a. integrate the areas settled by low income communities into the area as a whole;

b. ensure that the environment is used in a sustainable manner;

c. plan for transportation in the area;

d. provide bulk infrastructure for the purpose of land development;

e. regulate the overall density of settlements in the area, with due regard to the beneficial occupiers of such settlements;

f. coordinate land development in consultation with other authorities;

g. manage and control land use in its area;

h. use natural resources optimally; and

i. *We must add others*

(5) Land development objectives must include development strategies on -

a. how to facilitate the following sectors and sub-sectors of the economy becoming optimally involved in land development -

i. industry;

ii. the formal business sector;

iii. small, medium and micro enterprises;

iv. the informal sector;

v. community labour;

vi. the non-governmental sector;

vii. the urban and rural agriculture sector; and

viii. the tourism and eco-tourism sector;

b. how to access finance for land development, including

i. a capital investment programme and estimates of the financial implication of the programme, including-

(aa) capital improvements to be undertaken and how this is to be achieved; and

(bb) implications of the programme for operational and maintenance budgets;

ii. financing mechanisms and sources of funding for the capital investment programme, including-

(aa) public sector contributions;

(bb) private sector contributions; and

(cc) community sector contributions;

iii. overall financial requirements for the implementation of the land development objectives, including revenue sources, financing mechanisms and implications on existing and future financial policy;

iv. encouraging the payment of services as part of the overall financing of the land development objectives; and

v. cost-containment and efficiency measures within the local authority and its departments to give effect to the plan;

c. how to develop administrative capacity to deal with land development in the area including proposed new administrative and delivery structures for the area (such as one stop shop offices, development corporations, partnerships, promotion agencies, etc.);

d. *We must add others*

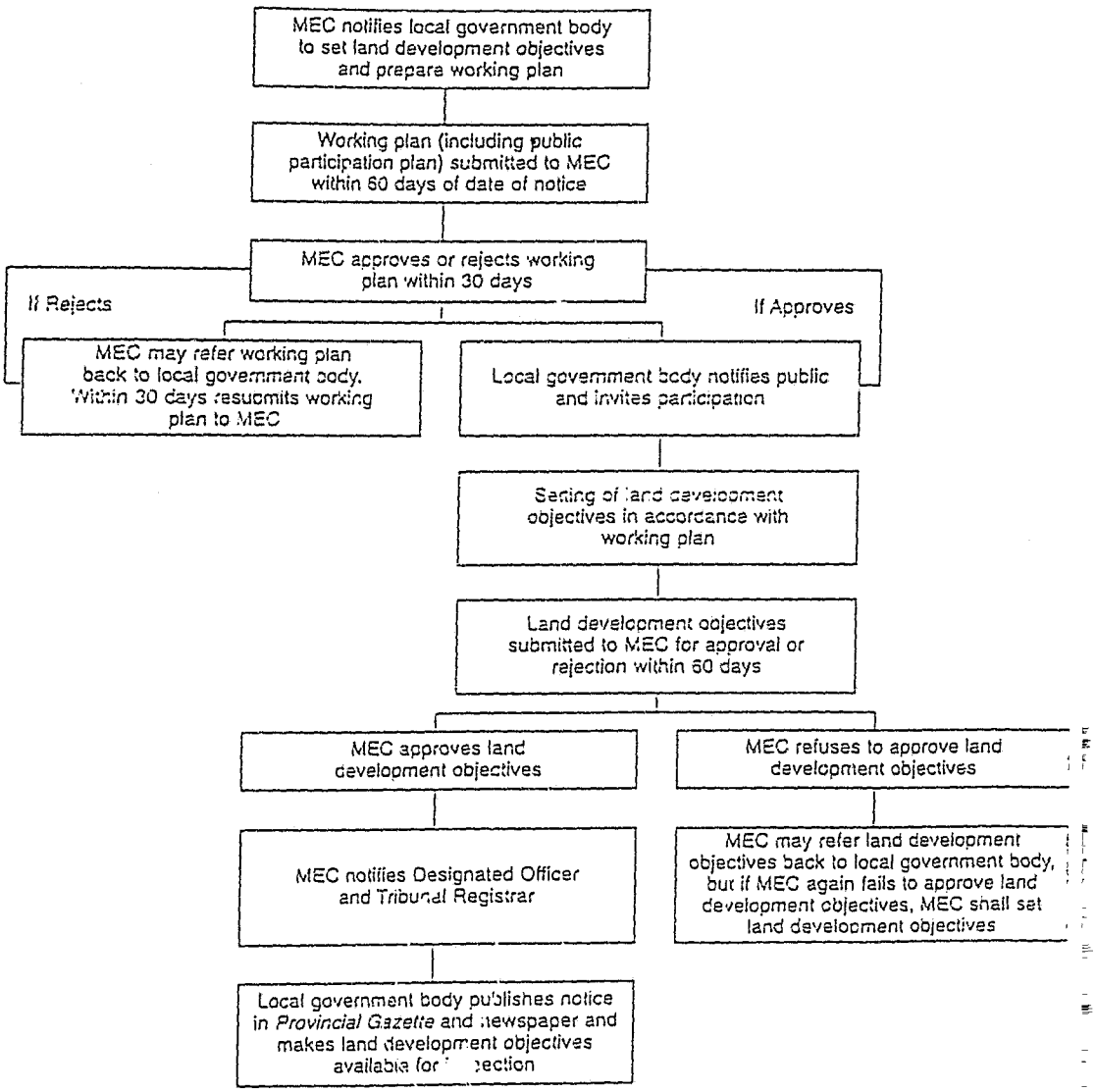
(6) Land development objectives must include quantifiable targets such as -

a. the number of housing units, sites or other facilities planned for;

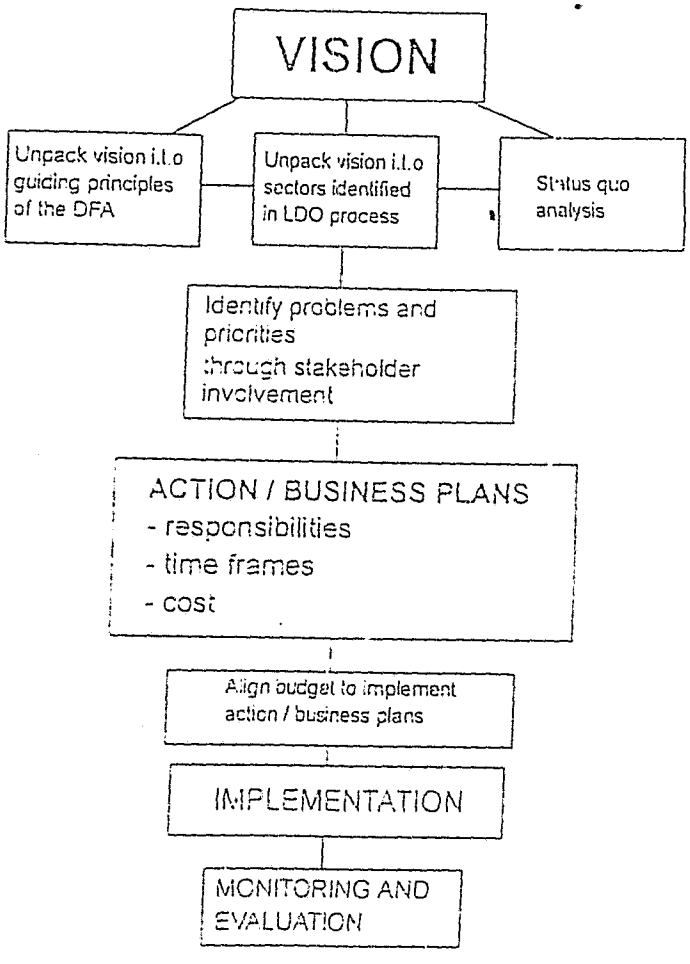
b. whether such units, sites or other facilities will be delivered by means of upgrading land or built environments, undertaking new land development or letting of land or buildings;

c. the rate at which production or delivery of such units, sites or facilities will

C: PROCEDURE FOR THE SETTING OF LAND DEVELOPMENT OBJECTIVES



LAND DEVELOPMENT OBJECTIVE PROCESS



D: THE CONTENT AND MANNER OF SETTING LAND DEVELOPMENT OBJECTIVES

A. Description and background of area of jurisdiction of municipality, including:

1. Name of the area
2. Physical location
3. Areas that constitute the area of jurisdiction of the municipality
4. Brief historical background of the area

B. Brief SWOT (Strengths, Weaknesses, Opportunities and Threats) analysis of the area, including the following aspects:

1. Climate
2. Land and soil conditions
3. Water
4. Topography
5. Vegetation
6. Flood lines
7. Environmental conditions
8. Human resources
    - 8.1 Population size
    - 8.2 Population growth projections
9. Socio-economic characteristics
    - 9.1 Employment and labour conditions
    - 9.2 Average *per capita* income and expenditure
    - 9.3 Education and literacy levels
    - 9.4 Occupation and skills levels
10. Spatial conditions, land use planning and land use control
    - 10.1 Urban development
        - 10.1.1 Land development/ town establishment, land use
        - 10.1.2 Industrial development land use
    - 10.2 Rural development

10.2.1 Rural settlements

10.2.2 Agriculture

10.2.3 Parks and nature reserves

10.2.4 Land reform programmes

10.3 Conservation and open spaces

10.4 Provincial and National Government land use

10.4.1 Defence

10.4.2 Police station

10.4.3 Prison

10.4.4 Game parks

10.4.5 Airport

10.5 Land use and transport networks (roads and railways)

10.6 Dumping

11. State of Housing

11.1 Formal and informal

11.2 Estimated backlog

11.3 Type of ownership/ tenure

12. Municipal infrastructure and services

12.1 Bulk infrastructure

12.2 Infrastructure services

12.2.1 Water

12.2.2 Electricity

12.2.3 Roads and streets

12.2.4 Sewerage

12.2.5 Storm water drainage

12.2.6 Refuse removal

12.3 Public amenities and services

12.3.1 Education

12.3.2 Health

12.3.3 Recreational facilities including sport, arts and culture (in particular, sports fields, cinemas, resorts, parks, cultural centres and community halls)

12.3.4 Museums

12.3.5 Public transport

12.3.6 Public open spaces

12.3.7 Posts and telecommunications

12.3.8 Welfare services and facilities

12.3.9 Public safety and security

13. Economic conditions

13.1 Industry

13.2 Formal business sector

13.3 Small, medium and micro enterprises

13.4 Informal sector

13.5 Urban and rural agricultural sector

13.6 Tourism and eco-tourism sector

14. Community organisations and forums, including non-governmental organisations

15. Statutory organisations

16. Traditional authorities

C. Land development objectives shall include:

1. A vision statement to guide overall development in the area

2. Guiding principles for the development planning process

3. Objectives of the municipality in relation to

3.1 the contribution of the municipal area to the growth and development strategy of the district and the Province

3.2 a spatial planning framework within which identified objectives will be realised

3.3 the optimum utilisation of natural resources

3.4 land development and land use

3.5 planning of transportation

3.6 urban and rural development

3.7 bulk infrastructure provision

3.8 municipal services and, in particular

3.8.1 access to and the standard of the following services

3.8.1.1 water

3.8.1.2 electricity

3.8.1.3 roads and streets

3.8.1.4 sewerage

3.8.1.5 storm water drainage

3.8.1.6 refuse removal

3.8.2 access to and the standard of the following municipal public services and amenities

3.8.2.1 education

3.8.2.2 health

3.8.2.4 community halls

3.8.2.5 cemeteries

3.8.2.6 public transport

3.8.2.7 recreational facilities, including sport, arts and culture

3.8.2.8 posts and telecommunications

3.8.2.9 welfare facilities

3.8.2.10 public safety and security

3.8.3 provision of housing

3.8.4 integration of areas settled by low-income communities into existing residential areas

3.8.5 overall density of settlements with due regard to the interest of beneficial occupiers

3.8.6 local economic development and, in particular

3.8.6.1 formal business sector

3.8.6.2 small, medium and micro enterprises

3.8.6.3 public/private sector partnership business activities

3.8.6.4 informal sector

3.8.6.5 labour-based development activities and public works

3.8.6.6 industrial development

3.8.6.7 commercial development

3.8.6.8 mining

3.8.6.9 agricultural development

3.8.6.10 eco-tourism

3.8.6.11 job creation

3.8.7 co-ordination with other municipalities, departments of the National and Provincial Governments and statutory organisations

3.8.8 environmental protection

D. Strategies and plans to achieve land development objectives:

1. A land development strategy for the municipal area

2. A housing development strategy

3. An infrastructure investment strategy with aggregate projections of capital and recurrent expenditure

4. A strategy to facilitate the optimal involvement of all sectors and sub-sectors, including partnership arrangements

5. A strategy for job creation

6. A financial strategy to meet land development objectives and, in particular

6.1 the expected expenditure of public funds for capital projects or developments, services, administration and management

6.2 sources of revenue, including

6.2.1 public sector contributions, including inter-governmental grants, municipal fees, tariffs and taxes

6.2.2 the role of payment of services and how such payment will be encouraged

6.2.3 financial contributions from the private sector

7. Available administrative structures; the proposed reorganisation, management of existing administrative structures; and the proposed establishment of new administrative and delivery structures, to implement land development objectives

8. A human resources development strategy

9. A crime prevention strategy

10. A communication and media liaison strategy

11. A strategy for the monitoring and evaluation of implementation of land development objectives

12. Setting annual priorities and formulating delivery programmes and action plans

E. The *quantum* of land development objectives:

1. The number of land development areas identified in relation to the following types of development

    1.1 residential

    1.2 industrial

    1.3 small business

    1.4 agriculture

    1.5 land reform

2. The number of housing units to be built or sites to be developed, more specifically

    2.1 housing units to be provided through the government subsidy scheme

    2.2 housing units to be provided through other means

    2.3 form of tenure by which houses will be provided (individual ownership, communal ownership, leasehold or deed of grant)

    2.4 means of delivery of sites or housing units

        2.4.1 upgrading existing settlements

        2.4.2 undertaking new development

        2.4.3 the letting of land or buildings

3. Infrastructure services to be provided

    3.1 bulk infrastructure

        3.1.1 water

        3.1.2 electricity supply

        3.1.3 sewerage

        3.1.4 storm water drainage

        3.1.5 dumping sites

        3.1.6 roads and streets

    3.2 Services per erf

        3.2.1 water

        3.2.2 electricity

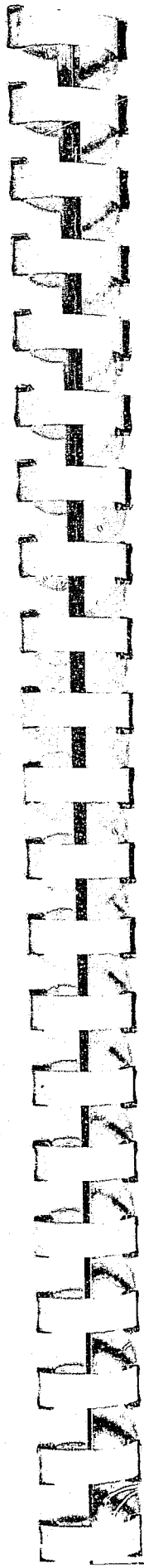
        3.2.3 sewerage

        3.2.4 refuse removal

4. Public amenities to be provided

    4.1 schools

    4.2 clinics



4.3 sports fields
4.4 libraries
4.5 community halls
4.6 public transport
4.7 cemeteries
4.8 police stations
4.9 post offices
4.10 telephone connections
4.11 recreational facilities
4.12 welfare facilities

5. The number of business activities planned
6. The number of jobs to be created

F: GRANT PROCEDURES

3.1 The five steps

There are **five steps** in the Grant procedure:

Step 1	Application
Step 2	Assessment
Step 3	Approval
Step 4	Transfer
Step 5	Accounting and Monitoring

3.2 The two options

There are two options for the transfer of the Grant to local government bodies. The provincial director will choose the option most appropriate for his/her province after consultations with the relevant provincial department:

Option 1 — the District Council Option: The direct transfer of funds to District Councils on an LDO project by project basis. Local government bodies can apply for the Grant, but the DLA will transfer funds only to District Councils.

OR....

Option 2 — the Provincial Government Option: The transfer of funds to provincial governments for the set of local government bodies in the province whose applications have been approved. In this option it is the responsibility of provincial government to transfer the Grant onwards to local government bodies whose applications have been approved.

The table on page 9 gives a summary of these two options.

The table on pages 10-13 gives step by step details about the District Council Option.

The table on pages 14-17 gives step by step details about the Provincial Government Option.

Notes on both options are on pages 18 and 19.

SUMMARY OF THE TWO OPTIONS

Step	Option 1 District Council Option	Option 2 Provincial Government Option
1. Application	• Qualifying municipalities apply to DLA (including primary and secondary local authorities).	• Qualifying local authorities apply to provincial government department responsible for the DFA.
2. Assessment	• DLA assesses applications, case by case, using the criteria.	• Provincial government department assesses applications using DLA criteria as a guide. • Provincial government department submits business plan and cash flow projections to DLA up to the amount allocated.
3. Approval	• DLA agrees to fund if criteria have been met. • Funding agreements are drawn up between the DG Land Affairs and the CEOs of the District Councils.	• DLA agrees to fund if criteria have been met. • A funding agreement is drawn up between the DG Land Affairs and the DG of the provincial administration, on the basis of the business plan.
4. Disbursement	• DLA makes direct transfers to the District Councils.	• DLA makes direct transfers to provincial governments.
5. Accounting and Monitoring	• DLA manages project budgets in tranches, local governments are accountable to DLA. • DG to CEO certificate certifies monies spent in terms of business plan. • Annual audit by the Auditor General.	• Provincial administration manages project budgets in terms of business plan, provincial government is accountable to DLA. • DLA manages provincial budget in tranches. • DG to DG certificate certifies monies spent in terms of business plan. • Annual audit by the Auditor General.

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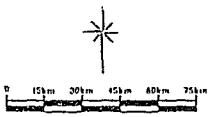
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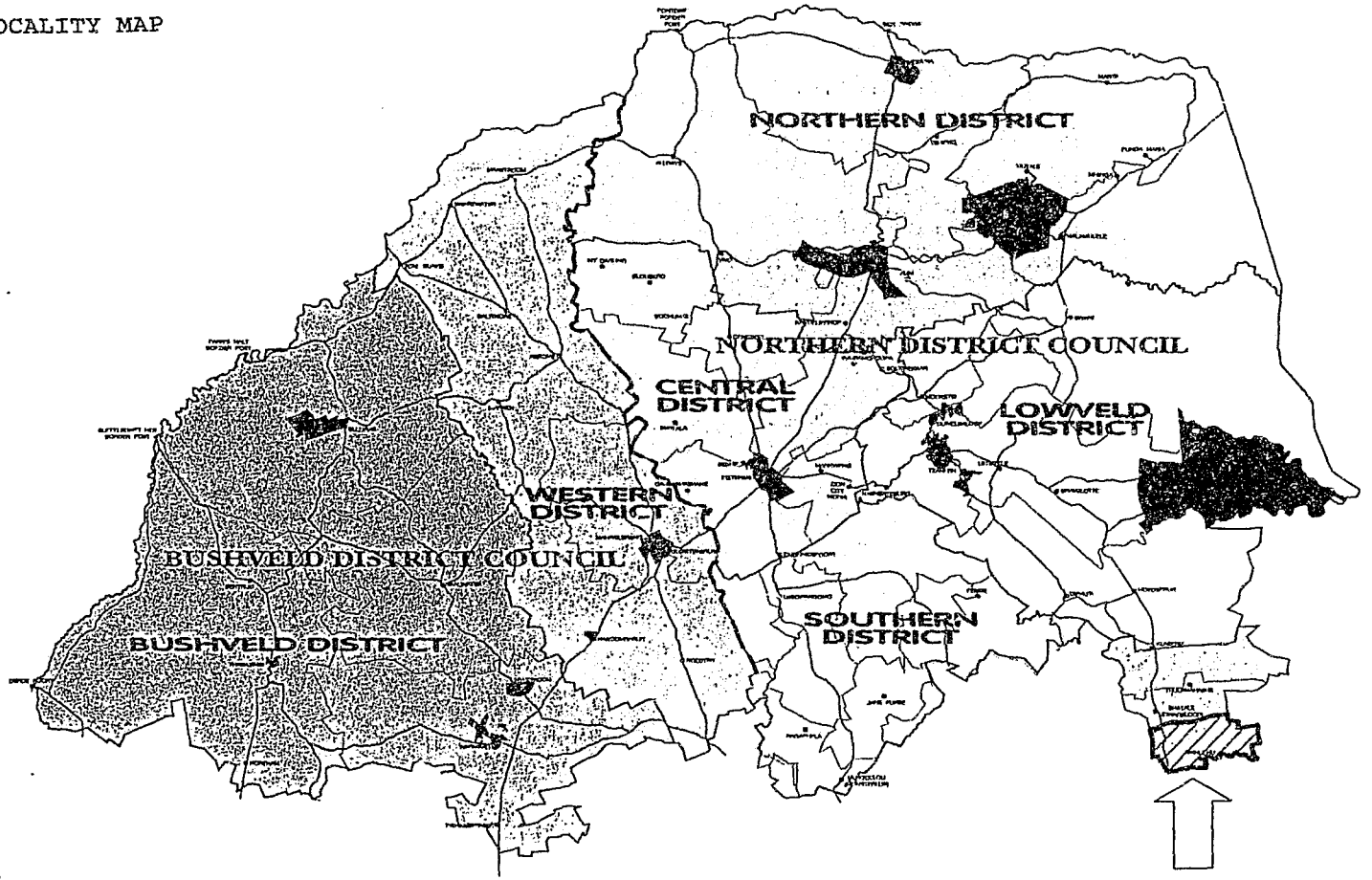
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LOCALITY MAP





BUSHBUCK RIDGE SOUTH

TRANSITIONAL LOCAL COUNCIL

LAND DEVELOPMENT OBJECTIVES

(LDO's)

MAP 1 : ORIENTATION

LEGEND

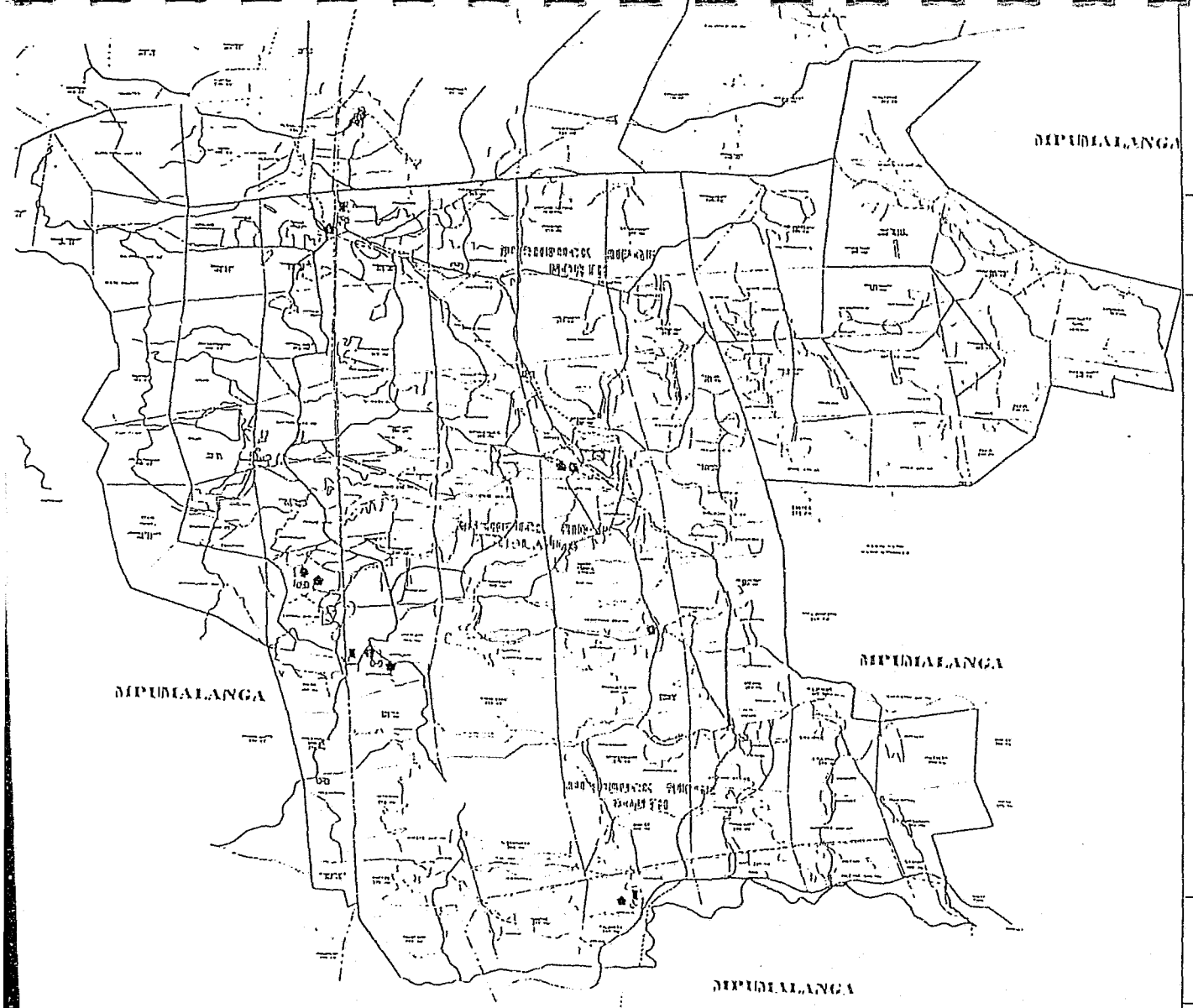
- TLC Area
- District Boundary
- TLC Boundary
- District Council Boundary
- Urban TLC
- Main Roads

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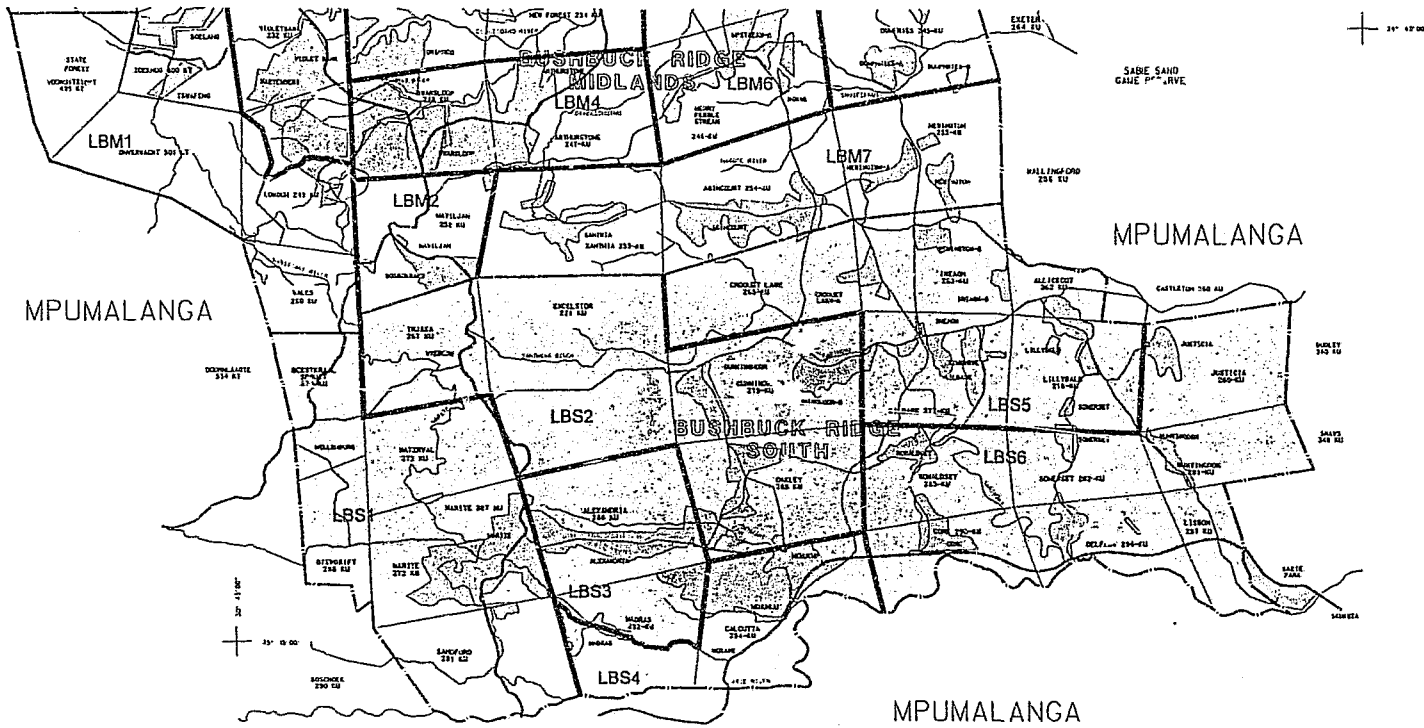


TRANSITIONAL LOCAL COUNCIL

LAND DEVELOPMENT OBJECTIVE (LDOs)

MAP 2 : LOWVELD REGION

LEGEND



0 3.0km 6.0km 9.0km 12.0km 15.0km

BUSHBUCK RIDGE SOUTH

TRANSITIONAL LOCAL COUNCIL

LAND DEVELOPMENT OBJECTIVES

(LDO's)

MAP 3 : BUSHBUCKRIDGE SOUTH

LEGEND

- DISTRICT
- FARM
- WARD BOUNDARIES
- LBS6 — WARD NUMBERS (LBS=Lowveld (B)ushbuck Ridge (S)outh Ward (6))
- NATURE RESERVE
- VILLAGES

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