

The implications of socio-economic factors for land use management: a case study of City of Tshwane Metropolitan Municipality- Region 2

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ABSTRACT

South Africa carries a history of spatial segregation based on apartheid planning and land use management and it has adopted (like other countries such as Nigeria and India), foreign spatial planning and land use management regulations which are not tailor-made for the circumstances of the country and therefore not suitable for certain parts of the country. There was a plethora of planning legislation governing the same pieces of land which caused delays, confusion and frustration. Fortunately, the plethora of legislation on spatial planning and land management has been repealed by the Spatial Planning and Land Use Management Act (16 of 2013). SPLUMA requires that a wall-to-wall land use management scheme be developed for each local municipality. These land use schemes are not without challenges and areas of improvement. On the other hand, South Africa battles with poverty, inequality and unemployment, as stated in the National Development Plan 2030.

The study examined the implications of socio-economic factors on land use management through a case study of the City of Tshwane Metropolitan Municipality, Region 2. The study considered the history of South Africa's spatial planning and land use systems, the existing socio-economic factors in South Africa drilling down to the study area, planning theories and the current legislation governing land use in South Africa and the City of Tshwane Metropolitan Municipality.

The study concluded that:

- The impact of the historic spatial forms is still evident with adverse outcomes on socio-economic growth;
- There are dynamic socio-economic factors in the study area, ranging from rich and poor, literate and illiterate, large and small stand sizes, well located areas close to goods and services and areas in the outskirts of the region;
- A blanket approach to land use management is employed in the study area. The same land use management laws are applied throughout the area of jurisdiction of the City of Tshwane Metropolitan Municipality, despite the dynamic socio-economic factors;
- The inequality between the rich and the poor is perpetuated by the current land regulatory processes;
- While spatial planning and land use management has its goals and ambitions, the dynamic socio-economic factors dictate the extent to which these goals can be realised. Socio-economic factors influence the degree to which land use management regulations can be implemented and have the power to render land use management ineffective.

The study therefore recommended a differentiated approach to land use management which takes into consideration the socio-economic factors; policy review to support a differentiated

approach; socio-economic spatial integration and raising awareness to empower communities with knowledge and understanding of the importance of land use management.

Key terms: development, land use management, socio-economic factors, spatial planning.

OPSOMMING

Suid-Afrika met sy geskiedenis van ruimtelike segregasie gebaseer op ras (apartheidsbeplanning en grondgebruikbestuur) het, soos baie ander lande, uitheemse ruimtelike beplanning- en grondgebruikbestuursregulasies aanvaar wat nie spesifiek afgestem is op die land se omstandighede, en daarom nie geskik vir sommige gebiede is nie. 'n Magdom beplanningswetgewing bestaan wat dieselfde stukke grond beheers wat oponthoud, verwarring en frustrasie tot gevolg gehad het. Met die koms van die Wet op Ruimtelike Beplanning en Grondgebruikbestuur (SPLUMA) 16 van 2013 is hierdie situasie tot 'n groot mate iets van die verlede. SPLUMA vereis dat 'n volledig omvattende grondgebruikskema vir elke plaaslike owerheid ontwikkel word. Sodanige grondgebruikskemas is nie sonder uitdaging of gebiede wat verbeter moet word nie. Volgens Friedmann (1998:250) behels beplanning voortdurende herbesinning. Aan die ander kant stoei Suid-Afrika met armoede, ongelykheid en werkloosheid, soos gestel in die Nasionale Ontwikkelingsplan 2030.

Hierdie studie ondersoek die implikasies van sosioëkonomiese faktore op grondgebruikbestuur toegepas op 'n gevallestudie in streek 2 van die Stad van Tshwane metro munisipaliteit. Die studie oorweeg die geskiedenis van Suid-Afrika se ruimtelike beplanning- en grondgebruikstelsels, die bestaande sosioëkonomiese faktore wat betrekking het op die studiearea, en die huidige wetgewing wat grondgebruik in die Stad van Tshwane metro munisipaliteit bepaal.

Die studie het tot gevolgtrekking dat:

- Die impak van die historiese ruimtelike vorme steeds duidelik is, met nadelige gevolge vir sosioëkonomiese groei;
- Daar dinamiese sosioëkonomiese faktore in die studie area is wat strek van ryk en arm, geletterd en ongeletterd, groot en klein erfgrottes, goedgeplaaste gebiede naby goedere en dienste en gebiede op die buitewyke van die streek;
- 'n Kombersbenadering tot grondgebruik in die studiegebied gevolg word. Dieselfde grondgebruikbestuurswette word regdeur die juridiese gebied van die Stad van Tshwane metro munisipaliteit gevolg, ten spyte van die dinamiese sosioëkonomiese faktore;
- Die gaping tussen ryk en arm (ongelykheid) voortgesit word deur die huidige grondgebruikreguleringsprosesse.
- Terwyl ruimtelike beplanning en grondgebruikbestuur sy doelwitte en pikpunte het, dikteer die sosioëkonomiese uitdagings die mate waarin hierdie doelwitte bereik kan word. Sosio-ekonomiese faktore beïnvloed die mate waartoe grondgebruikbestuursregulasies geïmplementeer kan word en het die potensiaal om grondgebruikbestuur oneffektief te stel.

Die studie stel dus 'n gedifferensieerde benadering tot grondgebruikbestuur voor wat die sosioëkonomiese faktore, beleidshersiening om 'n gedifferensieerde benadering te ondersteun, sosioëkonomiese ruimtelike integrering en verskerping van bewustheid om gemeenskappe te bemagtig met kennis en begrip van die belang van grondgebruikbestuur insluit.

Sleutelbegrippe: ontwikkeling, grondgebruikbestuur, sosioëkonomiese faktore, ruimtelike beplanning.

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LIST OF ACRONYMS AND ABBREVIATIONS

CBD	Central Business District
CDG	Care Dependency Grant
CoT	City of Tshwane
CSG	Child Support Grant
DG	Disability Grant
DNSDF	Draft National Spatial Development Framework
EC	Eastern Cape
FAI	Functional Accessibility Index
FAR	Floor area ratio
FCG	Foster Care Grant
FLISP	Financially Linked Individual Subsidy Programme
FS	Free State
GIA	Grant in Aid
GIS	Geographic Information System
GP	Gauteng Province
IDP	Integrated Development Plan
KZN	Kwazulu Natal
LeFTEA	Less Formal Township Establishment Act
LP	Limpopo Province
LUMS	Land Use Management System
LUS	Land Use Scheme
MP	Mpumalanga Province
NDP	National Development Plan
NC	Northern Cape
NMT	None Motorised Transport
NW	North West
NWU	North-West University
OAG	Old Age Grant
RDP	Reconstruction and Development Programme
RSA	Republic of South Africa
RSDF	Regional Spatial Development Framework
SASSA	South African Social Security Agency
SDF	Spatial Development Framework
SPLUMA	Spatial Planning and Land Use Management Act nr.16 of 2013
STATSSA	Statistics South Africa

WC	Western Cape
WVG	War Veteran's Grant

GLOSSARY

Terminology	Definition
Accessibility (transport)	The simplicity with which activities and opportunities may be accessed using transport system (Pronello, 2015).
Applicant	The Spatial Planning and Land Use Management Act (16 of 2013) defines an applicant as a person who makes a land development application.
Apartheid	<i>“A political system and its policies directed towards the separation of different ethnic or racial groups. Spatially, apartheid involved the physical separation of the four racial groups according to the Population Registration Act of 1950, into so-called “group areas” according to the Group Areas Act of 1950. A system of ethnically-based “homelands/ Bantustans” for Black South Africans was also established”</i> (Draft NSDF, 2018: 12).
Bantustans	<i>“Areas reserved for African occupation under the Apartheid government. Approximately 13% of the total area of South Africa was divided into ten such Bantustans and were given some degree of self-rule, but always subject to the wishes and needs of the Apartheid government”</i> (Draft NSDF, 2018:12).
Building lines	Means a portion of land on the erf which no buildings may be erected (City of Johannesburg Land Use Scheme, 2018:6).
Consent use	Additional right permitted in terms of a particular zone with the consent of Council (Claasen, 2004:135)
Coverage	The area of land, which may be covered by buildings, as seen vertically from above and expressed as a percentage of the area of the property (Ekurhuleni Town Planning Scheme, 2014:6).
Density	The number of dwelling units which may be erected on an erf – the density for “Residential 1” use zone is usually 1 dwelling unit per erf.

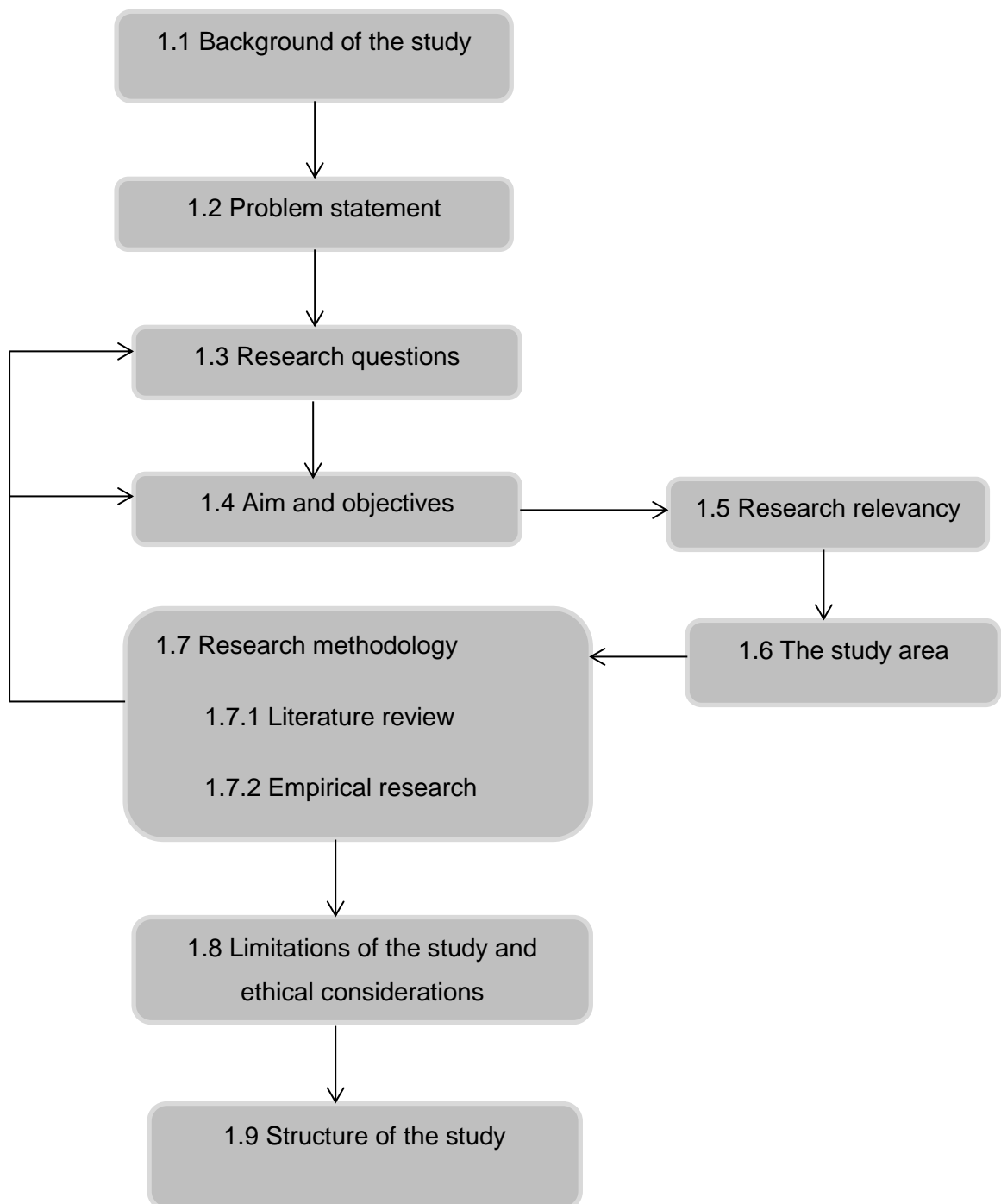
Development	<i>"The carrying out of building, engineering, mining or the making of material change in the use of any building or land"</i> (Greed, 2000:16).
Development rights	The Spatial Planning and Land Use Management Act (16 of 2013) defines development rights as any approval granted to a land development application.
Floor area ratio	The ratio of the gross floor area of a building to the total area of the property, including any servitudes, on which such a building is erected or is to be erected, therefore FAR = Gross Floor Area divided by the area of the property (Ekurhuleni Town Planning Scheme, 2014:6).
Height	The vertical distance of a building measured from the average finished grade surrounding the building to the highest point of the building (Steve Tshwete Town Planning, 2004:104).
Illegal land use	<i>"An illegal land use occurs when a piece of land and/or building is used by an owner for a different use or under different conditions than specified or provided for in the land use scheme"</i> (Strategy for handling illegal land uses in the areas under control of a land use (town planning) scheme in Polokwane, n.d:3).
Indigent	<i>"Indigent means lacking the necessities of life"</i> (City of Tshwane Indigent Programme as part of poverty alleviation, n.d:1).
Household	<i>"A person or groups of persons, regardless of whether related or not who usually live together in the same house or group of houses and have common cooking arrangements"</i> (Stork & Stork, 2008: 2).
Land tenure	<i>"...the relationship, whether legally or customarily defined, among people, as individuals or groups, with respect to land, rules of tenure define how property rights to land are to be allocated within societies. They define how access is granted to rights to use, control, and transfer land, as well as associated responsibilities and restraints"</i> (http://www.fao.org/docrep/005/y4307e/y4307e05.htm . Date of access: 14 May 2018).
Land use	The Spatial Planning and Land Use Management Act (16 of 2013) defines land use as the purpose for which land is or may be used

	lawfully in terms of a land use scheme, existing scheme or in terms of any other authorisation, permit or consent issued by a competent authority, and includes any conditions related to such land use purposes.
Land management use	<i>"The officially recognised system that determines and regulates use of land"</i> (Charlton, 2008:5).
Land use management system	The Spatial Planning and Land Use Management Act 16 of 2013 defines land use management as a system of regulating and managing land use and conferring land use rights through the use of schemes and land development procedures.
Planner	The Planning Profession Act 36 of 2002 defines a planner as a person who exercises skills and competencies in initiating and managing change in the built and natural environment in order to further human development and environmental sustainability.
Poverty line	<i>"The minimum income level necessary to acquire basic necessities"</i> The current poverty line as determined by the World Bank is \$1.90 (R27, 32) per day (World Bank, 2018:11).
Primary land use	A use that is permitted without the need to attain Council's consent (Claasen, 2002:145)
Spatial planning	<i>"Spatial planning is defined and understood as any attempt by society, particularly the public sector, to influence or control the arrangement and use of land, fisheries and forest. The key role of spatial planning is to balance the different demands in order to ensure a rational arrangement of the activities and the linkages between them"</i> (Food and Agriculture Organization of the United Nations, 2015:3)
Sustainable development	The National Environmental Management Act 107 of 1998 defines sustainable development as the kind of development that integrates social, economic and environmental factors in to planning and decision making so that present and future generations can both be served by limited resources.

Town planning	<p><i>“Town planning is the science and art of ordering land use and location of buildings and communication routes so that a maximum level of economy, convenience and beauty can be attained”</i></p> <p>(Greed,2000:3)</p>
Zone	<p>The Spatial Planning and Land Use Management Act 16 of 2013 defines a zone as a defined category of land use which is shown on the zoning map of a land use scheme.</p>

CHAPTER 1 INTRODUCTION

Graphical representation of chapter 1



1.1 Background of the study

Modernist planning emerged in the latter part of the 19th century in response to rapidly growing, chaotic and polluted cities in Western Europe which were caused by the industrial revolution factors (Global Report on Human Settlements, 2009:49). Yiftachel (1989:23) states that early planners perceived their actions as an act of universal restructuring; which were beneficial for everyone and an attempt to rescue ailing industrial cities from chaos and decay. According to Charlton (2008:4) town planning was initially concerned with improving health and safety of urban residents who were affected by conditions associated with industrialisation, such as overcrowding, pollution, inadequate services, facilities and amenities. Thus a system of control and regulation was developed, aimed at organising urban spaces and activities into prescribed and controlled orderly safe and hygienic environments. Clearly the emergence of planning came about due to problems that needed solutions; thus planning is about problem solving. To this day, many countries around the world still exercise some form of land use and land development management to attain a desired outcome. According to Ola (2011:156), any society that lacks law and order is doomed to chaos and failure, and any society with law and order but that lacks effective implementation is also vulnerable to crises. Planning laws and ordinances are therefore put in place to control and regulate development and also to maintain the optimum health of the society through their effective implementation.

Spatial planning, land use management and socio-economic factors are interrelated and inseparable. Spatial planning and land use management impact the socio-economic wellbeing of the communities they serve inversely socio-economic factors determine the degree to which these policy directives can be attained. South Africa's historical spatial distortions of segregation is evident in the City of Tshwane Metropolitan Municipality and can be seen in Region 2 of the City of Tshwane where the poor are located in the periphery with relatively small stand sizes while the rich are located closer to the CBD and enjoy large stand sized. Region 2 is one of the 7 Regions of City of Tshwane and it consists of both rich and poor households.

1.2 Problem statement

South Africa carries a history of spatial segregation and has, like many countries, adopted foreign spatial planning and land use management styles. According to Rubin (2008:13), the political history of South Africa has resulted in the development of enormously unequal social and spatial landscapes. This notion is supported by Van Wyk (2013:91) who states that the application of the 1913 Black Land Act for spatial planning had severe consequences that are still felt throughout South Africa. Despite various post-democratic innovations such as the Reconstructive Development Programme (RDP) and Accelerated Shared Growth Initiative in South Africa, the legacy of the apartheid planning is still visible. Unfortunately current land use management

systems furthermore perpetuate this legacy. Watson (2018:3) states that planning interventions continue to rely on inappropriate planning models and ideas which worsen marginalisation of the poorest and reinforce inequality. According to the United Nations' Global Report on Human Settlements (2009:50), in many parts of the world planning systems that are in place have been imposed or borrowed from elsewhere. In addition, planning systems and spatial forms are based on particular assumptions in relation to the time and place for which they were intended and these assumptions are often inappropriate in other areas. This argument is supported by Watson (2018:154) who states that planning in many parts of the global South is strongly based on planning traditions which emerged in other parts of the world (specifically in Western Europe and the USA) in response to urban conditions in relation to a particular time and context. The situation within which urban planning currently operates is very different to what it was when planning emerged

Historically, old forms of planning regulation and control were aimed at the planning of urban areas (Jocelyne, 2015:2). This means that there were areas that were not considered in the development of planning and land use regulation. The Spatial Planning and Land Use Management Act 16 of 2013 requires that a wall-to-wall land use scheme be adopted by each municipality, indicating the set zoning and land use rights for every piece of land. While this is a good idea, the dynamic socio-economic factors are often ignored in crafting these wall-to-wall land use schemes.

In addition, South Africa has a number of socio-economic challenges ranging from illiteracy, inadequate facilities, inequality, unemployment, poverty and many more. The unemployment rate in South Africa stood at 27, 7% in the first quarter of 2017. This is the highest unemployment rate observed since September 2003 (STATS SA, 2017). The high unemployment rate puts pressure on household income and forces households to seek additional means to make ends meet. Some of the means involve utilising residential properties for additional land uses, which may not be legal or require consent from the competent authority.

The rezoning and consent use application process involves an application fee as determined by municipal tariffs; professional fees for consultants to prepare the application on behalf of property owners; and main service contribution fees must also be paid prior to proclamation in the case of rezoning. Thus, some people try to obtain land use rights as required by the competent authority; however, their residential properties are often too small to satisfy the minimum requirements for secondary rights or land use change (rezoning). A further group lacks the financial resources

required to obtain land use rights. Others are oblivious of land use management and unintentionally infringe land use regulations.

1.3 Research questions

- What is the history of spatial planning and land use management systems in South Africa?
- What are the prevailing socio-economic factors in South Africa?
- What are the existing socio-economic factors in Tshwane Metropolitan Municipality Region 2?
- What is the impact of socio-economic factors on land use management in Region 2?
- What is the impact of land use management on different socio-economic classes in Region 2?
- How effective are the land use management systems of the City of Tshwane in Region 2?

1.4 Aim and objectives

The aim of this research study is to examine the implications of socio-economic factors on land use management in the City of Tshwane Metropolitan Municipality Region 2.

Specific objectives:

- To understand the history of spatial planning and land use in South Africa.
- To identify the socio-economic factors in South Africa.
- To identify the socio-economic factors in Tshwane Metropolitan Municipality Region 2.
- To examine the impact of Region 2's socio-economic factors on the City of Tshwane Metropolitan Municipality's land use management systems.
- To assess how land use management systems of the municipality can be used effectively in light of the existing socio-economic factors.

1.5 Research relevancy

The research topic is relevant in that it seeks to elucidate the implications of socio-economic factors for land use management. These two factors to be studied (land use management and socio-economic factors) are matters affecting people and places on a daily basis, whether positively or negatively. Whereas the integration of socio-economic factors is documented in many articles and books, including Acts such as the National Environment Management Act 107 of 1998, what socio-economic factors mean for land use management today is a subject worth exploring.

This research is therefore relevant for:

- Politicians and managers (decision-makers);

- Town planners (technocrats behind land use management systems and decision supporters);
- Scholars (researchers); and
- The general public wishing to understand town planning (land use management).

1.6 Study area

The study area is located in South Africa, in the Gauteng province, within the City of Tshwane Metropolitan Municipality that consists of seven administrative regions. The study is limited to Region 2 of the City of Tshwane Metropolitan Municipality. Figure 1-1 and figure 1-2 depict the location of the study area.

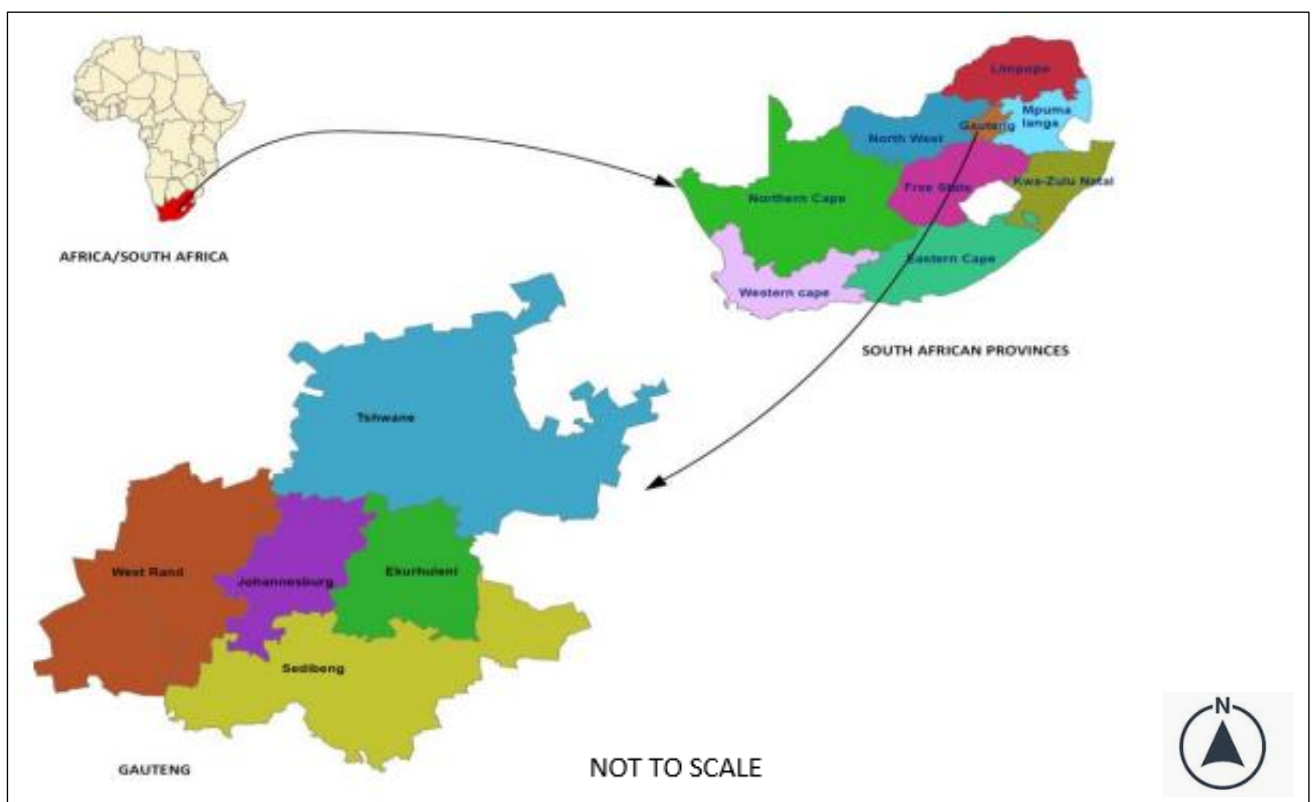


Fig 1-1: The study area in the context of South Africa

Source: City of Tshwane Metropolitan Municipality Consideration of the IDP and MTREF 2017/18 (2017:27)

The following themes were investigated:

- Historical spatial and land use systems in South Africa
 - ✓ Land reform
 - ✓ Spatial forms
- Socio-economic factors in South Africa
- Interface between socio-economic factors and land use management
- Planning theories
 - ✓ Regional planning theory
 - ✓ Urban planning theory
 - ✓ Development planning theory
 - ✓ Transport and accessibility theory

1.7.2 Empirical research

Primary research involved (a) field research conducted in Region 2 of the City of Tshwane Metropolitan Municipality and (b) a questionnaire (stratified household survey) in Region 2 of the City of Tshwane in order to understand, analyse and explain the depth of the research problem and to recommend suitable solutions.

a) Field survey (observation)

A field survey was conducted in order to collect data through observing the prevailing conditions. The study focused mainly on the look and feel of the area and illegal land uses based on the City of Tshwane Town Planning Scheme (2014) and the general environmental quality.

b) Questionnaire

According to Meyer, Mok and Sullivan (2015:1), household surveys are a source of statistics on unemployment, inflation, poverty rates and other information that guide policy, as well as a source of economic research. Therefore, in order to accumulate data on socio-economic factors affecting Region 2, conducting household surveys was selected as one of the methods for data collection. Region 2 consists of 12 wards and approximately 93 138 households. It was deemed impractical to target all the households for the distribution and administration of questionnaires. Hence a stratified sample survey method was employed, the 12 wards were clubbed together in homogeneous groups or strata, based on similarities (see table 1-1 for details on ward similarities). Only 4 wards (ward 13, 14, 50 and 74) were randomly selected from each stratum for the distribution of questionnaires. Ward 50 was selected to represent the high-income areas located close to the CBD, while wards 13, 14 and 74 represent the low-income wards located in the northern part (periphery) of the region. The questionnaires distributed were administered by the researcher by engaging with the respondents in order to gain a better understanding and to

explain planning terminology which may be unfamiliar to respondents. Table 1-1 below indicates the characteristics of the 12 wards in Region 2 and figure 1-2 gives a graphical presentation of the selected wards. Table 1-2 shows the targeted number of questionnaires and table 1-3 shows the actual number of participants.

Table 1-1: Characteristics of wards in Region 2

Ward	Number of households	Characteristics
5	9873	Located close to the CBD about 5km away and consists mainly of high income groups.
8	7431	Large part of informal settlements and a small area of townships consisting of low and middle class income groups.
13	6739	Large part of informal settlements and a small area of townships consisting of low and middle class income groups.
14	6266	Consists of townships and conservation areas. This ward consists of low and middle income areas.
49	10107	Large farm parcels, informal settlements and township.
50	7341	Located close to the CBD about 5km away and consists mainly of high income groups.
73	9938	Consists of informal settlements with a small pocket of township which straddles two wards (ward 73 and 74).
74	6092	This ward consists mainly of RDP houses.
75	8221	Consists of townships with a small pocket of informal settlements and conservation areas. This ward consists of low and middle income areas.
76	5842	Consists of farms parcels and informal settlements which are not part of this study.
95	5425	Large part of informal settlements and a small area of townships
96	9861	Large farm parcels, suburb and small pockets of townships.

Source: Own construction (2019)

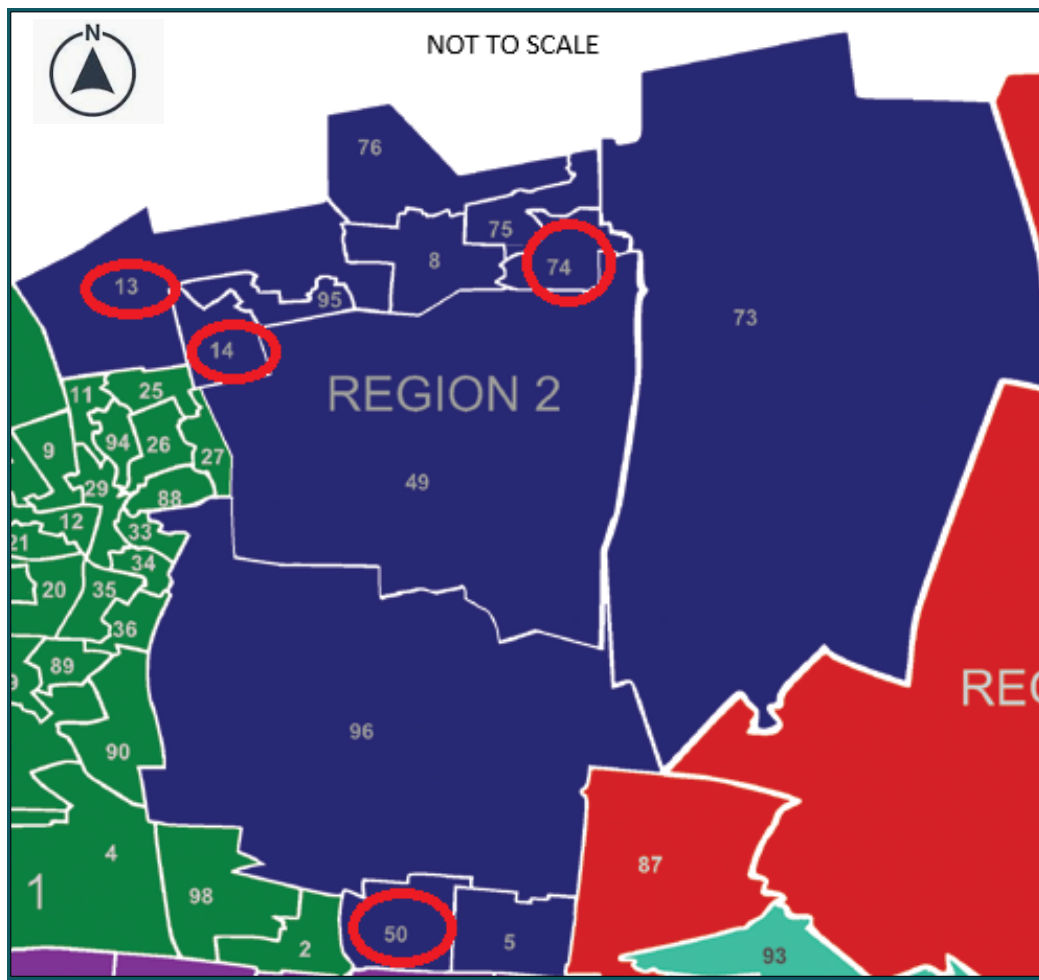


Fig 1-3: Wards selected for questionnaire distribution

Source: Own construction (2018) (Base map City of Tshwane IDP 2016-2021)

Ward 50 represents the high income areas while wards 13, 14 and 74 represent the low income areas. Three wards have been selected to represent low income areas due to the fact that there are more low income areas than high income areas in Region 2. Wards 49 and 96 comprises of large farm parcels and informal settlements which do not form part of the study.

Table 1-2: Targeted number of respondents

Ward	Ward size (number of households)	Sample: 1% of the ward population
13	6749	$(6749/100) = 68$
14	6266	$(6266/100) = 63$
50	7341	$(7341/100) = 73$

74	6092	(6092/100) =61
Targeted number		265

Source: Own construction (2019)

Sampling allows one to attain a representative picture concerning a population, without studying the whole population. According to the United Nations' Department of Economic and Social Affairs (2005:16), experience has shown that the method of direct observation tends to be useful and practical when the population is relatively small. Field observation was also employed in order to augment the sample. The sample of 265 is also not that comprehensive or representative. However, it will provide insight into the socio-economic characteristics as well as the effectiveness of land use management.

One household was selected from a randomly selected blocks within the selected wards. The planned numbers of questionnaires were not all distributed due to the fact that some people were not willing to engage with a stranger (unwillingness to participate); other households were unoccupied at the time of the survey, while other sites seemed to be vacant altogether. Meyer *et al.* (2015:1) state that "*households have become increasingly less likely to answer surveys at all*". This has been the experience of the researcher in collecting household data in the study area. Furthermore, in order to remain ethical, participants were to participate of their own free will, thus households could not be forced to participate. As a result only 87 people participated in the survey from the four selected wards. This constitutes a 32, 8% response rate.

According to Nulty (2008:308) it could be challenging or expensive to obtain a response rate in excess of 70%, yet one is uncomfortable to accept low response rates in that the proportion of non-respondents may be too high to certify that the respondents are a fair representative of those who did not respond. However, Cornish (2002) states that "*from time to time basic evidence is known about non-respondents or the whole population from a recent survey; this allows for comparisons and are useful for deciding methods for compensating for nonresponse*". The statement by Cornish suggests that low response rates can be compensated. The 32, 8% response rate achieved in this study is a low response rate for which compensation is necessary. Therefore, statistics on the prevailing socio-economic factors in the country and in the study area from reliable sources (STATS SA and various City of Tshwane policies and documents) have been provided to augment the shortfall in response rate. Table 1-4 below shows the number of participants per ward.

Table 1-3: Number of actual participants per ward

Ward	Number of people who participated
13	33
14	27
50	12
74	15
Total	87

Source: Own construction (2019)

1.8 Limitations of the study and ethical considerations

- *Research limitations*

The study is limited to Region 2 in the City of Tshwane Metropolitan Municipality in South Africa. The sample of the study is not comprehensive or representative; however, it will provide insight into the socio-economic characteristics as well as the effectiveness of land use management. The study will not include informal settlements because land use schemes are generally not enforced in informal settlements. Informal settlements do not have formal stand numbers or use zones which are applicable in formalised townships. Land use management is broad: this study will focus on already built-up and established townships and it will not encompass agricultural land.

This study will only focus on formal townships and assess the applicable development controls based on land use and related policies in relation to the prevailing socio-economic factors in Region 2. There are a number of use zones in the City of Tshwane Metropolitan Municipality. This study focuses on a single land use zone that is “Residential 1” because this is the land use zone where a single family (household) is expected to live and where additional uses can be expected, whether legal or not. Focusing on the “Residential 1” land use zone will enable the researcher to deduce the implications of socio-economic factors for land use management and, inversely, to deduce how land use management affects ordinary people on the ground.

- *Ethical considerations*

This study required personal information from households in the study area. In order to remain ethical, respondents were given an explanation of what the study entails and an opportunity to remain anonymous or confidential. Targeted respondents were also at liberty to refuse participation in the study and to stop participating at any point if they felt uncomfortable to proceed with the questionnaire. The respondents were given a consent form to confirm that they willingly participated in the research. All sources of information used in this research have been properly acknowledged.

1.9 Structure of the study

The structure and content of the rest of the study are summarised as follows:

- *Chapter 2: Contextual framework of South Africa's spatial planning, land use management and socio-economic factors*

This chapter investigates the history of spatial and land use planning in South Africa as well as the prevailing socio-economic factors. Various spatial forms are provided which enable to analysis of Region 2's spatial form.

- *Chapter 3: Planning theories*

This chapter provides theories underpinning planning, and includes regional planning theory and development planning theory in order to provide understanding of land use management systems.

- *Chapter 4: Planning systems in developed and developing countries*

This chapter provides comparison of planning systems in both developed and developing countries in order to draw lesson and best practices.

- *Chapter 5: Legislative and policy framework*

This chapter provides legislative and policy framework in relation to land use management in South Africa as well as in the City of Tshwane Metropolitan Municipality.

- *Chapter 6: Survey data outcomes and analysis*

This chapter provides analytical representation of Region 2 based on questionnaire survey and field observation.

- *Chapter 7: Findings and conclusions*

This chapter presents the findings of the study drawn from the analysis of the prevailing socio-economic factors, and assesses the effectiveness of land use regulations and prevailing spatial forms.

- *Chapter 8: Recommendations*

This chapter provides solutions to the current land use management problems and the identified socio-economic factors. The study recommends legislative reform, a differentiated approach and efforts to raise awareness.

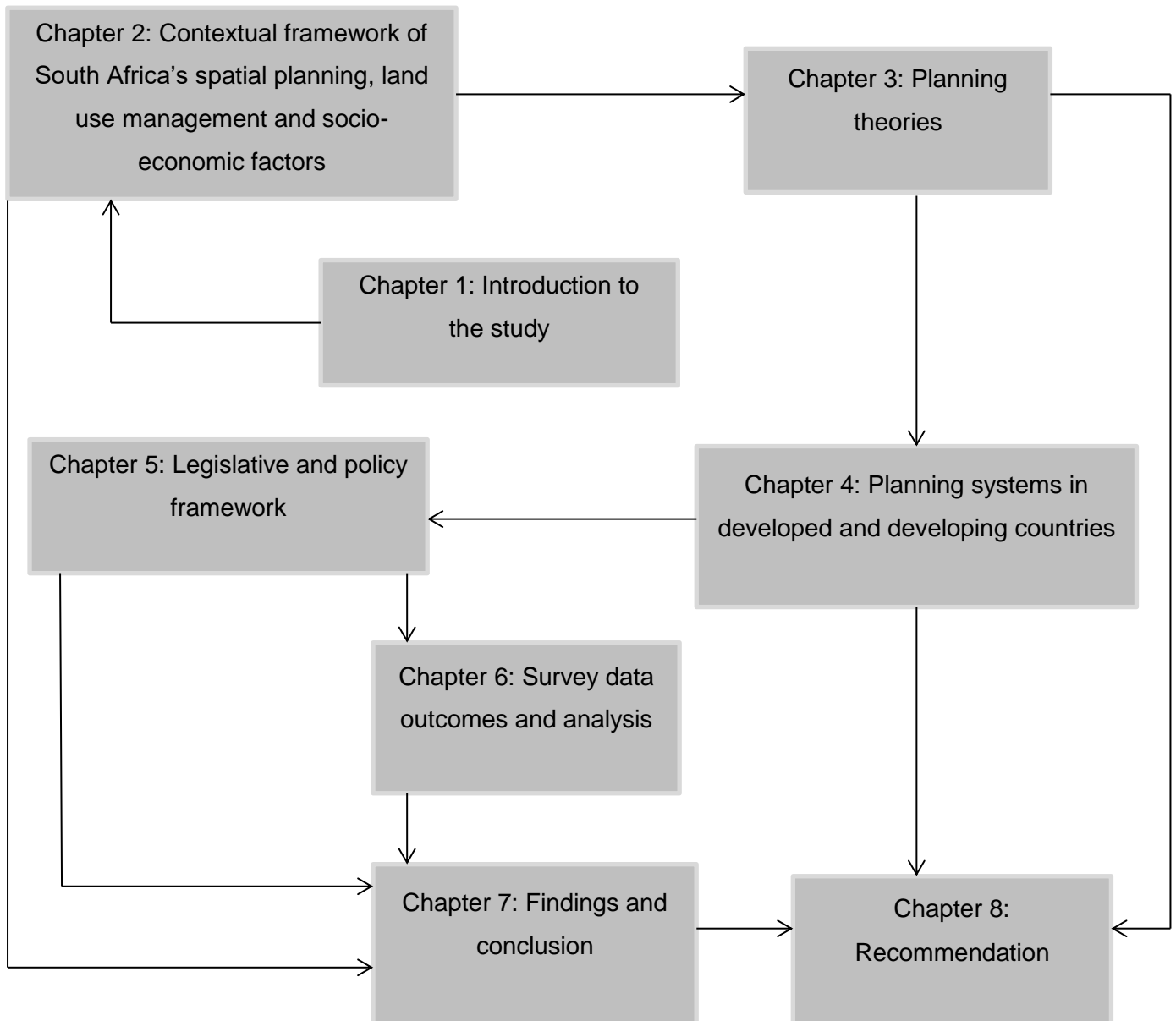
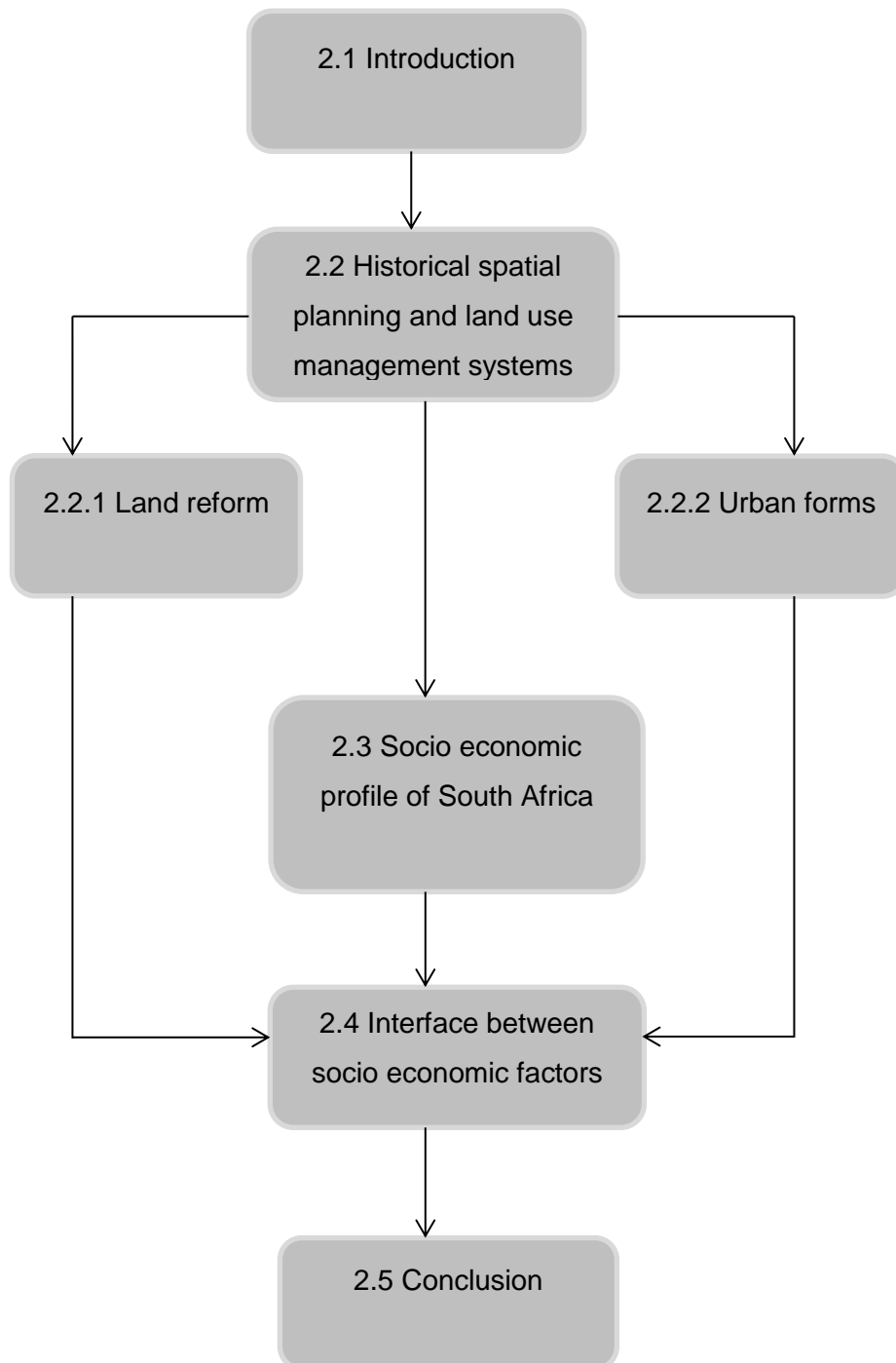


Fig 1-4: Structure of the study

Source: Own construction (2019)

CHAPTER 2: CONTEXTUAL FRAMEWORK OF SOUTH AFRICA'S SPATIAL PLANNING, LAND USE MANAGEMENT AND SOCIO-ECONOMIC FACTORS

Graphic representation of the chapter



2.1 Introduction

The main aim of this chapter is to bring about understanding of the dynamic spatial planning, land use management and socio-economic factors in South Africa. This chapter is divided into three main sections as follows: Section 2.2 discusses the historical spatial planning and land use management systems in South Africa focussing on land reform and spatial forms. Section 2.3 reviews the socio-economic profile of South Africa and section 2.4 presents the interface between socio-economic factors and land use management. The conclusions are presented in section 2.5.

The historical spatial planning and land use management systems are studied in order to showcase how land was managed and the implication of such planning systems for current spatial planning and land use management systems. This chapter further explains the land reform programme as one of government's strategies to reduce poverty and inequality through supporting access to land by those previously dispossessed (beneficiaries) of land during the apartheid era and the implications thereof on socio-economic climate. Spatial forms including the apartheid special form are also studied in order draw understanding of the benefits as well as the shortcomings of deferent spatial forms. This chapter further points out the prevailing socio-economic factors in South Africa in order to illustrate the dynamic/complex environment to which planning regulations are applied. The interface between land use management and socio-economic factors demonstrates the interrelationship between land use and socio-economic factors.

2.2 Historical spatial planning and land use systems in South Africa

Land regulation measures in South Africa date back to the 1830s (Van Wyk and Oranje, 2014:6). South Africa has an intriguing story to tell with regard to spatial planning and land use management. According to Jocelyne (2015:4) the apartheid era planning systems were underpinned by racial segregation with misaligned and inappropriate laws applied in different areas of South Africa. Land use management was used to serve racial spatial segregation and planning legislation supported and maintained the goals of the apartheid regime. This signifies the power of land use management regulation upholding the certain ideologies.

According Kauri-Sebina (2016:48), Black people were forcibly removed from urban areas and had no legal claim to property land ownership rights outside of the homelands. This was made possible by the enactment of the Land Act 27 of 1913 and the Trust and Land Act (18 of 1936. Since land is directly linked to wealth creation, these legislations set the tone for inequality. Figure 2-1 provides a graphical representation of the former homelands as part of the apartheid planning system.

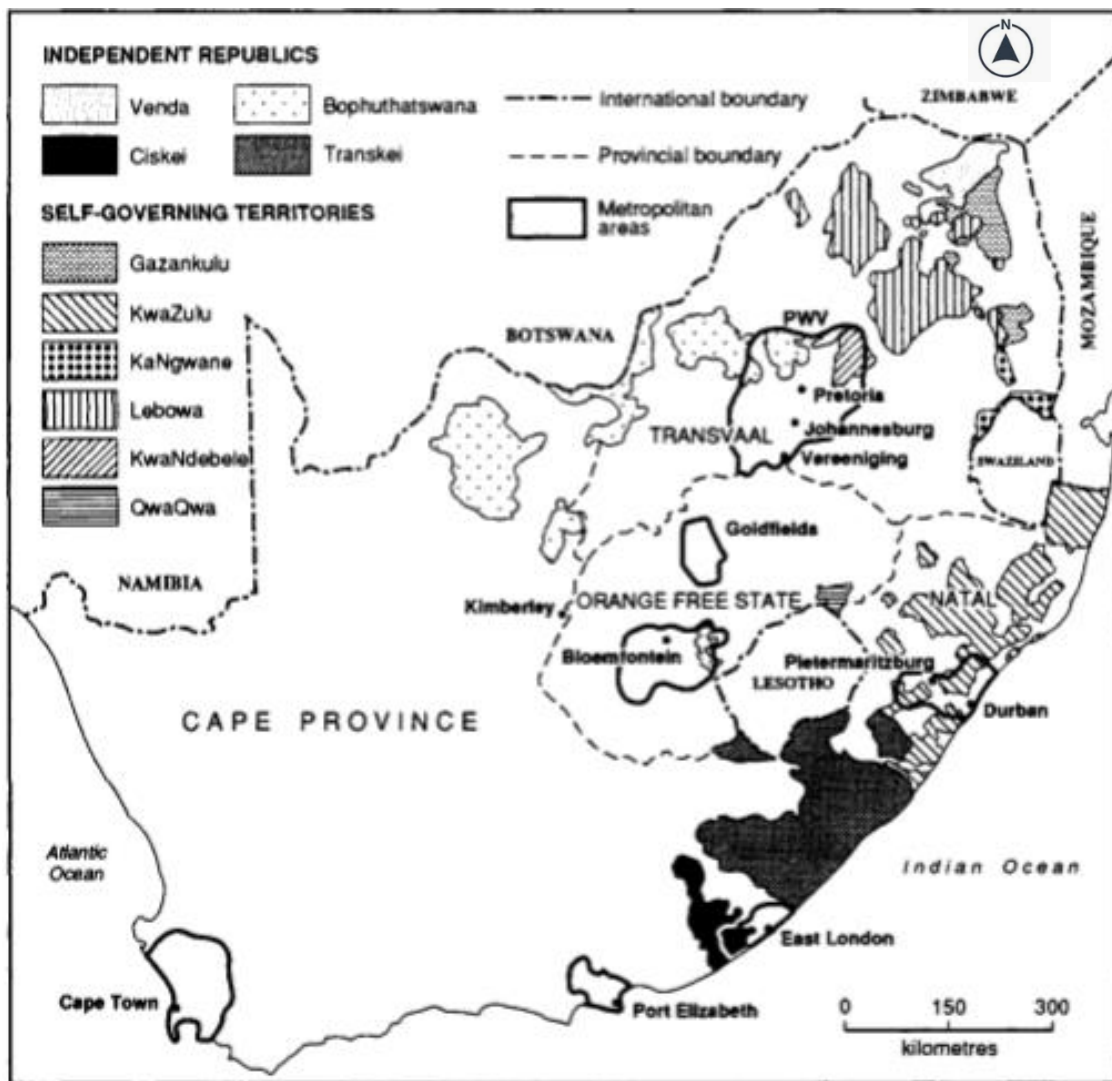


Fig 2-1: Homelands and metropolitan areas

Source: Smith (2001:4)

Figure 2-1 clearly indicates that small pockets of land were allocated to the majority while the bigger chunks of land were reserved for the minority. The state of land ownership has not changed much in the post-apartheid era. Cities are still characterised by socio-economic exclusion, inequality and spatial fragmentation, despite different interventions; in addition, current processes or systems often reinforce the unequal and unjust practices (Kauri-Sebina, 2016:49).

The Physical Planning Act 88 of 1967 (repealed) and the Physical Planning Act 125 of 1991 were concerned with forward planning and providing guiding mechanisms for plans. The objective of the Physical Planning Act 88 of 1967 (repealed) was to promote co-ordinated environment planning and the use of the South Africa's resources. It was useful in zoning and subdividing of land; reservation of land for various purposes; the establishment of controlled areas; the restrictions on subdivision and use of land in controlled areas and in the compilation and approval of future plans. The Physical Planning Act 125 of 1991 was concerned with the promotion of

orderly physical development in the country; the division of the country into regions, the preparation of national and regional development plans and urban structure plans by the different authorities responsible for physical planning. The fact that there were controlled areas to which planning regulations applied meant that some areas, such as tribal areas, were excluded from regulated land use management.

According to Baylis (2011:2) the Town Planning and Townships Ordinance 15 of 1986 was the main provincial legislation dealing with land use regulation and land development. It excluded areas that had been established in terms of the Black Communities Development Act and therefore serviced the former Indian, Coloured and White areas. It is this legislation that required the development of town planning schemes which were designed for urban areas. The element of exclusion was reinforced by this legislation.

According to Abrahams and Berisford (2012:10) the Less Formal Township Establishment Act (LeFTEA) 113 of 1991 was seen as supporting former apartheid development goals through the creation of “lower” forms of development management. LeFTEA was introduced to fast-track low income housing developments; however, most township establishments under this legislation have never been completed; consequently housing beneficiaries did not receive title deeds, thus it was not successful in the security of tenure. This act exacerbated inequality in that it promoted a form of low order human settlement. Its failure to ensure land tenure meant that communities in these kinds of settlements could not use their properties as mortgage to improve their socio-economic status.

According to Glaser (2001: 208) the apartheid land management system worked for a certain time but was not completely success in that the groups who were adversely affected by land management policies protested through open riots and threatened South Africa’s economic and political stability. People have the power to collapse a system that oppresses them, as could be seen in the collapse of the apartheid regime.

The Development Facilitation Act 67 of 1995 was crafted soon after the introduction of the democratic government and was meant to redress fragmented land use management systems and to fast-track development with an elected tribunal at provincial level. This act was meant to be a strong piece of legislation to enable development. While apartheid laws were being repealed it aimed at providing a rational basis for land management in the context of conflicting legislation (Development Facilitation Act Review, 2010:15). This act facilitated the Reconstructive and Development Programme aimed at providing the black poor with formal housing in order to improve their quality of life and to reduce poverty. However low cost houses were built on relatively

small stands and in most cases on the periphery away from economic activities. Chapter V and VI of the Development Facilitation Act were found to be unconstitutional by the Constitutional Court on 18 June 2010.

The Municipal Systems Act 36 of 2000 is another post-apartheid legislation which focused on future planning in local government like the Physical Planning Act 125 of 1991. It requires that a municipality develop an integrated development plan (IDP). Section 26(e) of this act requires that a spatial development framework be developed as an integral part of the IDP. The implementation of this act rendered the Physical Planning Act redundant because it performed the same function.

Land use management was characterised by procedural and legal complexities consisting of different laws with different decision-making structures (Development Facilitation Act Review, 2010:12). Clearly even after the removal of the apartheid regime there remained a need for law reform with regard to spatial planning and land use management which emanated from the development of the Spatial Planning and Land Use Management Act 16 of 2013. However, the battle concerning land use management is far from over since the legacy of past laws remains. According to the Development Facilitation Act Review (2010:3), one key legacy of the past is the unequal distribution of land. To this effect the democratic government introduced the land reform programme with a view to creating equal distribution of wealth.

2.2.1 Land reform

The apartheid regime had a devastating impact on South Africa; it left the country with highly unequal patterns of property and land ownership with a spatial legacy that locked many people into poverty traps (Final Report of the Presidential Advisory Panel on Land Reform and Agriculture, 2019:10). The unequal patterns of property and land ownership necessitated a land reform approach in South Africa. According to the Development Facilitation Act Review (2010:7) land reform is seen as a key post-apartheid policy because it addresses land dispossession and the spatially skewed character which is the root cause of poverty and inequality. This statement suggests that poverty, inequality and spatial distortion are rooted in the apartheid regime. There are three elements of a land reform programme, namely; land redistribution, restitution and land tenure.

Land restitution

The purpose of the land restitution programme is to restore land or provide compensation to people dispossessed as a result of racially discriminatory practices (Development Facilitation Act Review, 2010:4).

Land redistribution

Land redistribution is not based on rights; the state must take reasonable measures to foster conditions enabling equitable access to land (Development Facilitation Act Review, 2010:5). Government adopted a willing buyer, willing seller approach to land acquisition for redistribution.

Land tenure

According to the Final Report of the Presidential Advisory Panel on Land Reform and Agriculture (2019:40), South Africa has two main forms of land tenure, namely; the statutory tenure (which consists of documented title deeds which can withstand legal scrutiny) and customary tenure (which does not enjoy recognition in law and money lending institutions and is largely unwritten). The purpose of land tenure is to secure rights for those who are occupying land with insecure tenure rights (Netshipale, Oosting, Raidimi, Mashiloane & De Boer, 2017:1). Land tenure reform is not directly linked to the acquisition of land but rather the legal ownership status of land already occupied.

The main criticism for land reform in South Africa is that inadequate post settlement support has been offered to the beneficiaries of land (Mabuza, 2016:3). Therefore land transferred to beneficiaries remained largely unproductive resulting in minimal impact in the improvement of livelihoods of the poor. The Department of Rural Development and Land Reform introduced post settlement strategies such as the comprehensive agricultural support programme and Micro-agricultural financial Institution of South Africa in order to increase agricultural production. The land reform programme can improve livelihoods of the poor and allow all people to share land (as a resource) and reduce inequality.

2.2.2 Spatial forms

Spatial form refers to the physical characteristics that make up built environments, and includes the size, density shape and formation of settlements at different scales such as a region, urban, neighbourhood and street (Williams, 2014:6). The development of new spatial forms is based on complementary functions necessary for maximising economic activities (Sharma, 2014:8). Clearly whether intentional settlements/ cities adopt certain spatial forms, these may be either functional or dysfunctional. The following spatial forms are discussed: The concentric form, the sector model, multiple nuclei model and the apartheid city form.

Concentric model

The concentric zone model was developed by Ernest Burgess in the 1920's. It portrays the arrangement of the city's social groups in a series of rings. The central business district is at the centre and the city grows outwards from the centre. The low income groups are close t the centre, followed by the middle income group and the high income group is in the outer part of the ring. This model considers that the poor also need access to economic opportunities and places them closer to the central business district considering that transportation costs may be a constraint to the poor.

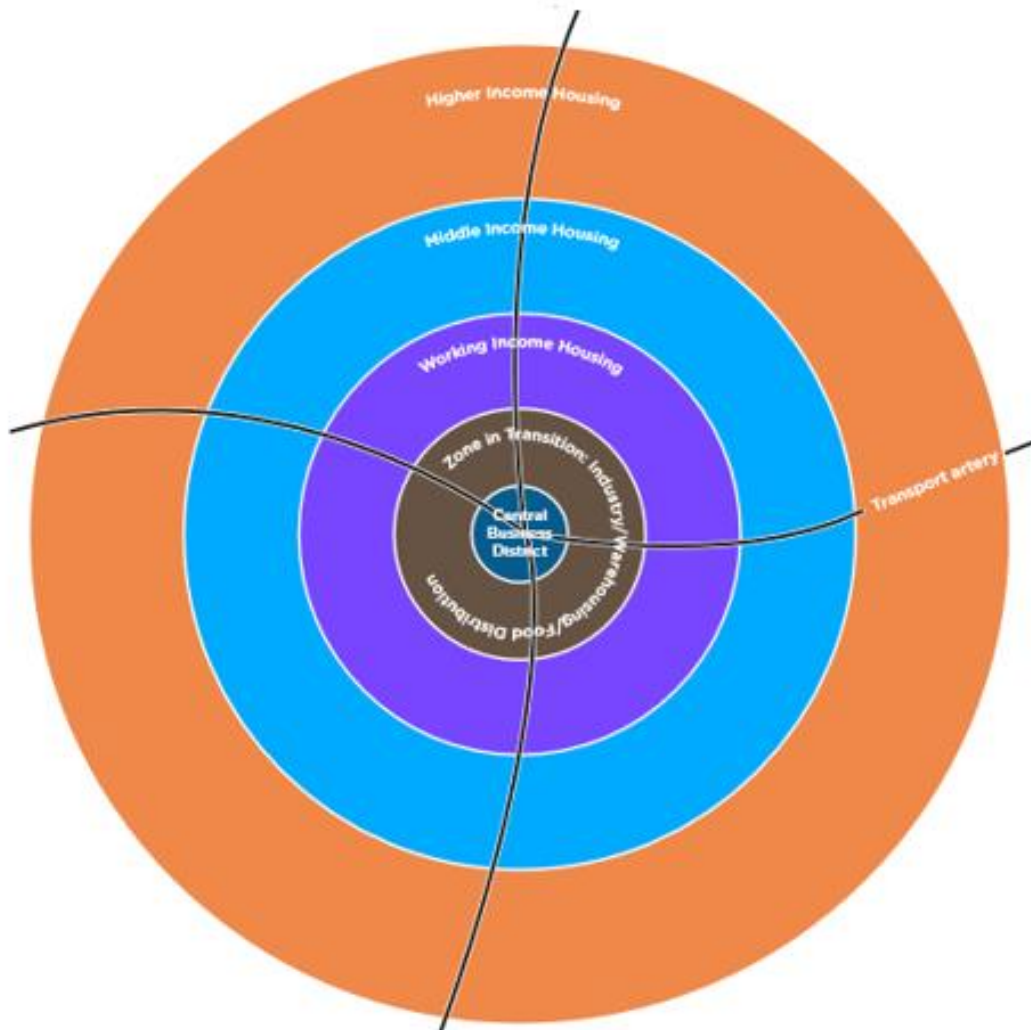


Fig 2-2: Concentric zone spatial form

Source: Florida *et al* (2014:4)

Sector model

In 1939 Homer Hoyt developed the sector model. According to Florida *et al* (2014:5) major residential and economic activities take shape as irregular sectors along main transport routes. This model emphasises the importance of transport corridors where the growth of various activities expand along roads or train routes. Although this model also separates income classes, the low income classes are not cut off from accessing since they are located close to the CBD.

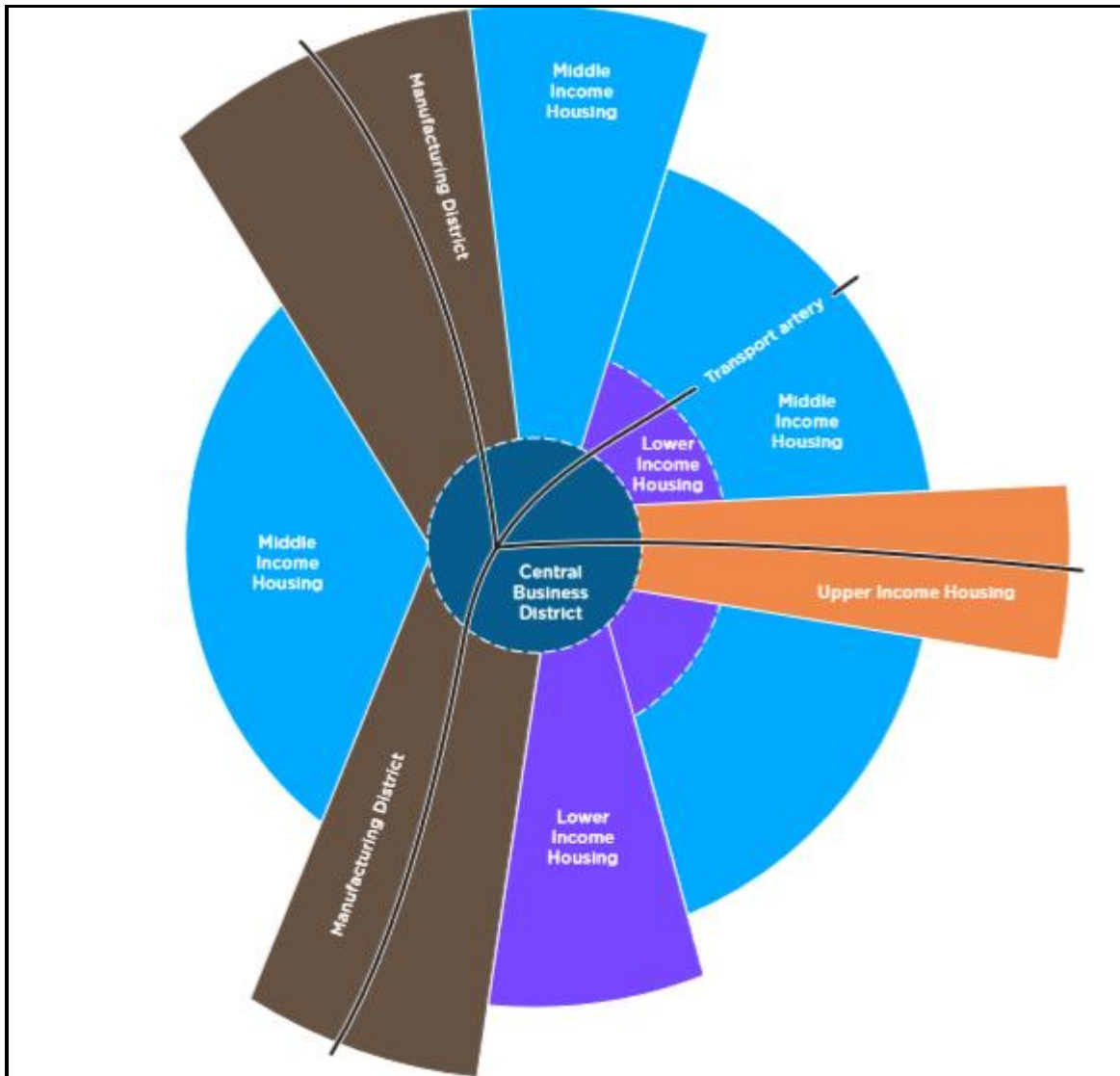


Fig 2-3: Sector model

Source: Florida *et al* (2014:5)

Multiple nuclei model

In 1945 Chauncy Harris and Edward Ullman developed the multiple nuclei model was created by. It depicts a city to grow from several independent points rather than from one central business district. This model supports nodal development and decentralization which reduces travel distance and costs for goods and services.

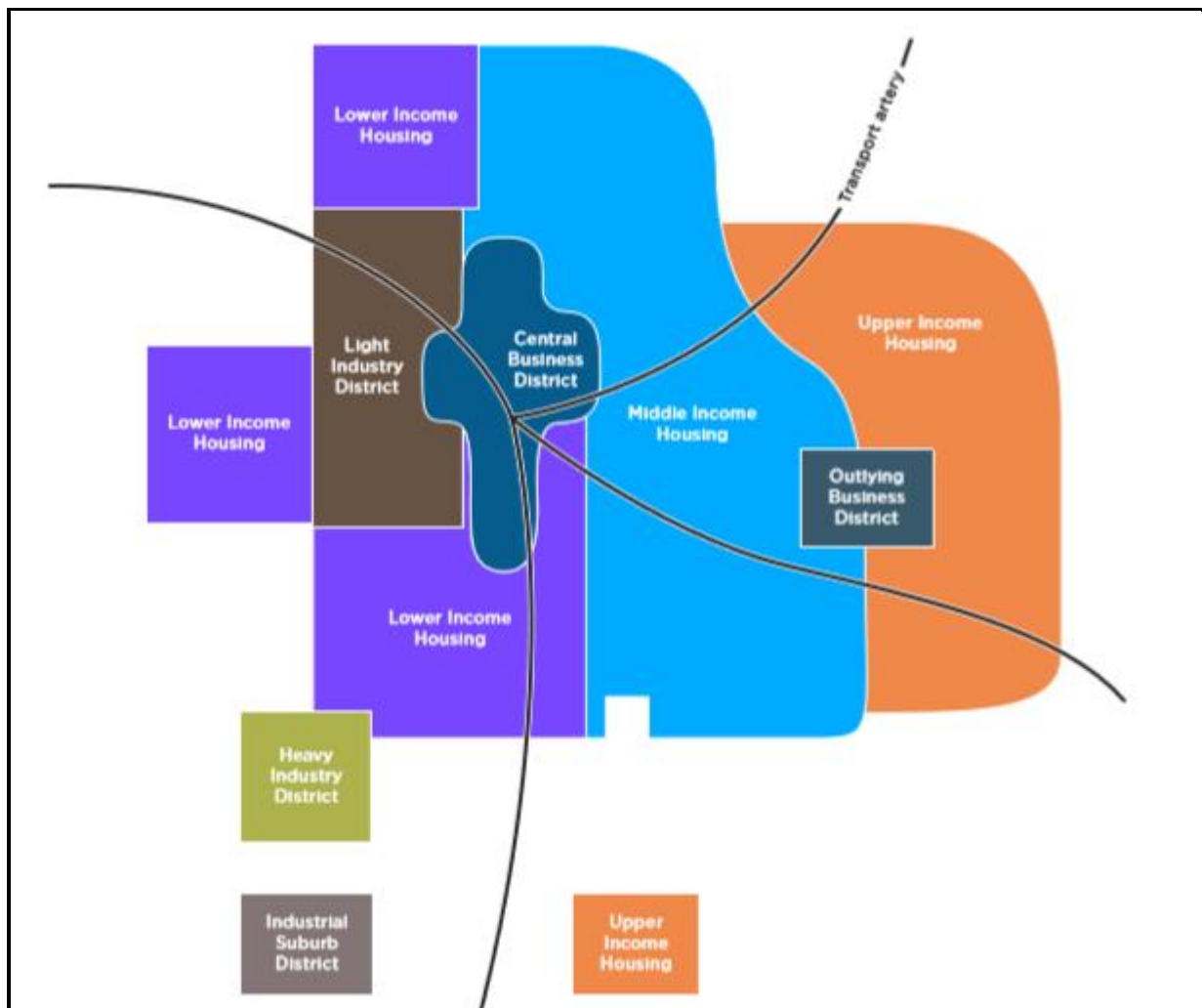


Fig 2-4: Multiple nuclei model

Source: Florida *et al* (2014:6)

The apartheid city form

According to Landman and Ntombela, (2006:6) many poor South Africans are located on the urban peripheries because of the historical patterns of segregation and the cost of land; most of these peripheral settlements have inadequate access to urban infrastructure and services and lack employment opportunities. The apartheid city form depicted in figure 2-5 clearly illustrates the location of poor people in the periphery away from goods and services. South African cities were not designed to be inclusive or to have a sustainable future they were built to serve an exclusive minority and were ineffective for the majority (Kauri-sebina, 2016c:41). Inequality and segregation is imbedded in the history of South Africa's spatial planning.

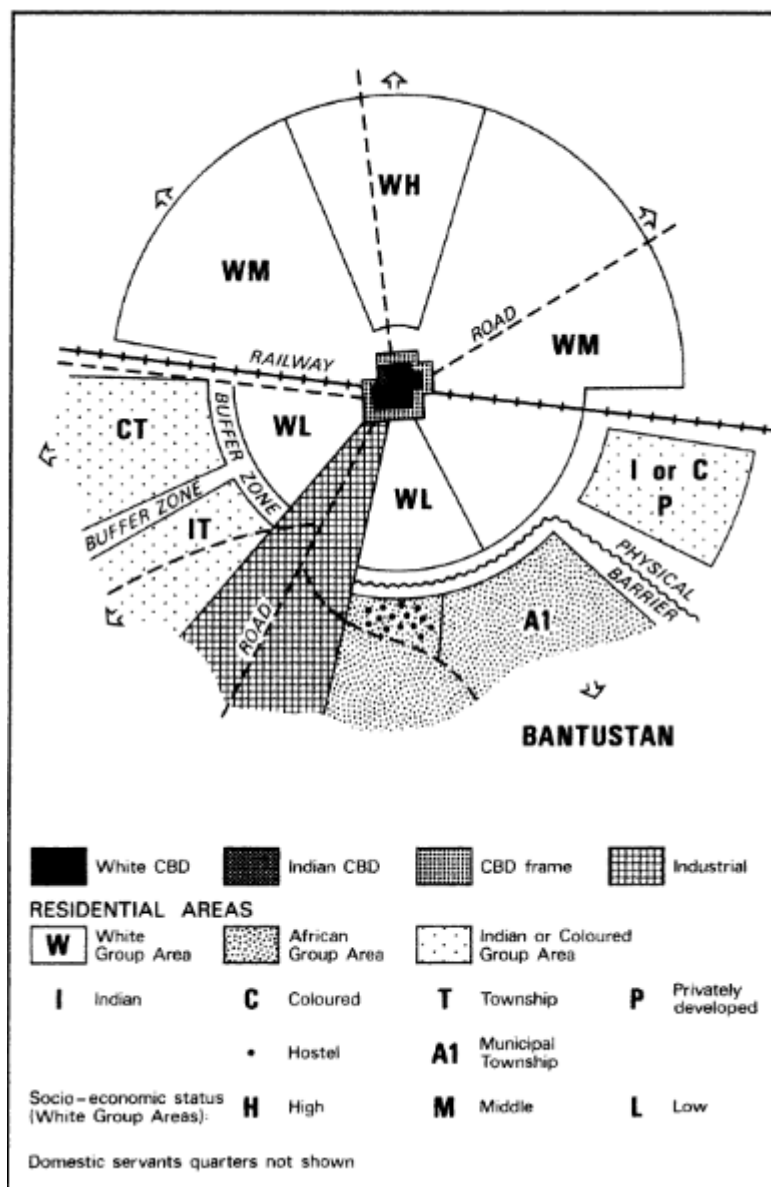


Fig 2-5 Apartheid city form

Source Simon (1988:192)

The apartheid city form expelled black people from the city centre into the periphery with minimum services. Physical integration of the apartheid city form will remain a challenge to physical barriers such as rivers and mountains and land ownership.

The impacts of the apartheid city form

- Unjust economic spatial patterns across the country (Joscelyne, 2015:23)
- Unequal access to land and services
- High infrastructure costs for government resulting in unequal distribution of services
- Long and expensive commutes for poor urban residents (Karuri-Sebina, 2016d:11)
- Urban sprawl because the apartheid city form encouraged outward expansion of settlements.

A sustainable city form

According to Williams (2014:6) the United Kingdom's spatial form evolves continually in response to environmental, economic, social and technological developments. This evolution of spatial forms is not unique to the UK it is evident across the globe that as circumstances change spatial forms also change in order to adapt to the changing realm. A sustainable city form is one which pays attention to location, accessibility, resilience, physical attributes, socio-economic factors, transportation and general liveability. It does not have to take a particular shape or size but it should generally be responsive to its dynamic circumstances.

Elements of a sustainable city form

According to Jabareen (2014:38) the emergence of the concept of sustainable development has provoked academics and practitioners in different disciplines to seek human settlement forms that meet the requirements of sustainable development and enable built environments to function in a more productive way. A sustainable spatial form takes in to consideration the elements of sustainability as can be seen in figure 2-6.

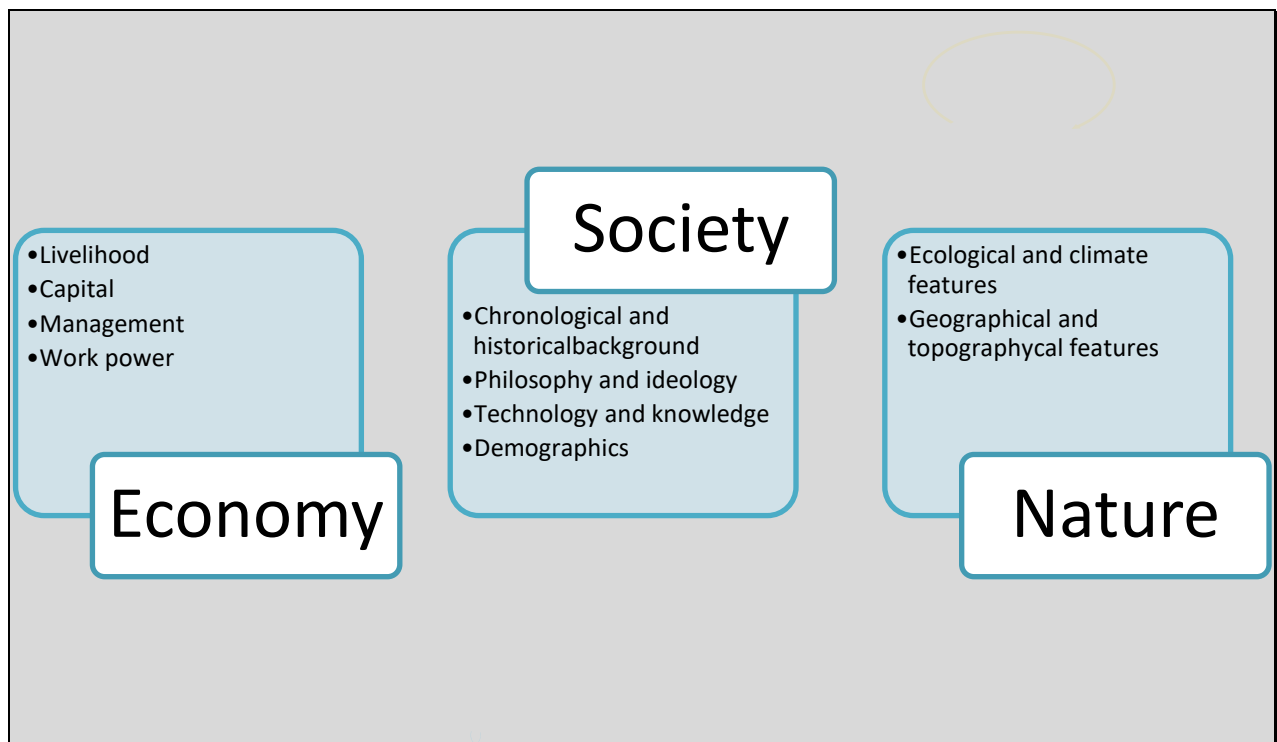


Fig 2-6: Elements of sustainable spatial forms

Source: Adapted from Sharma (2014:10)

A sustainable spatial form is one that takes in to account social, economic and natural or environmental factors. The form or design should be in such a way that its inhabitants and visitors enjoy the benefits of sustainability. A sustainable spatial form is also underpinned by certain concepts. The concepts of a sustainable spatial form can be seen in fig 2-7.

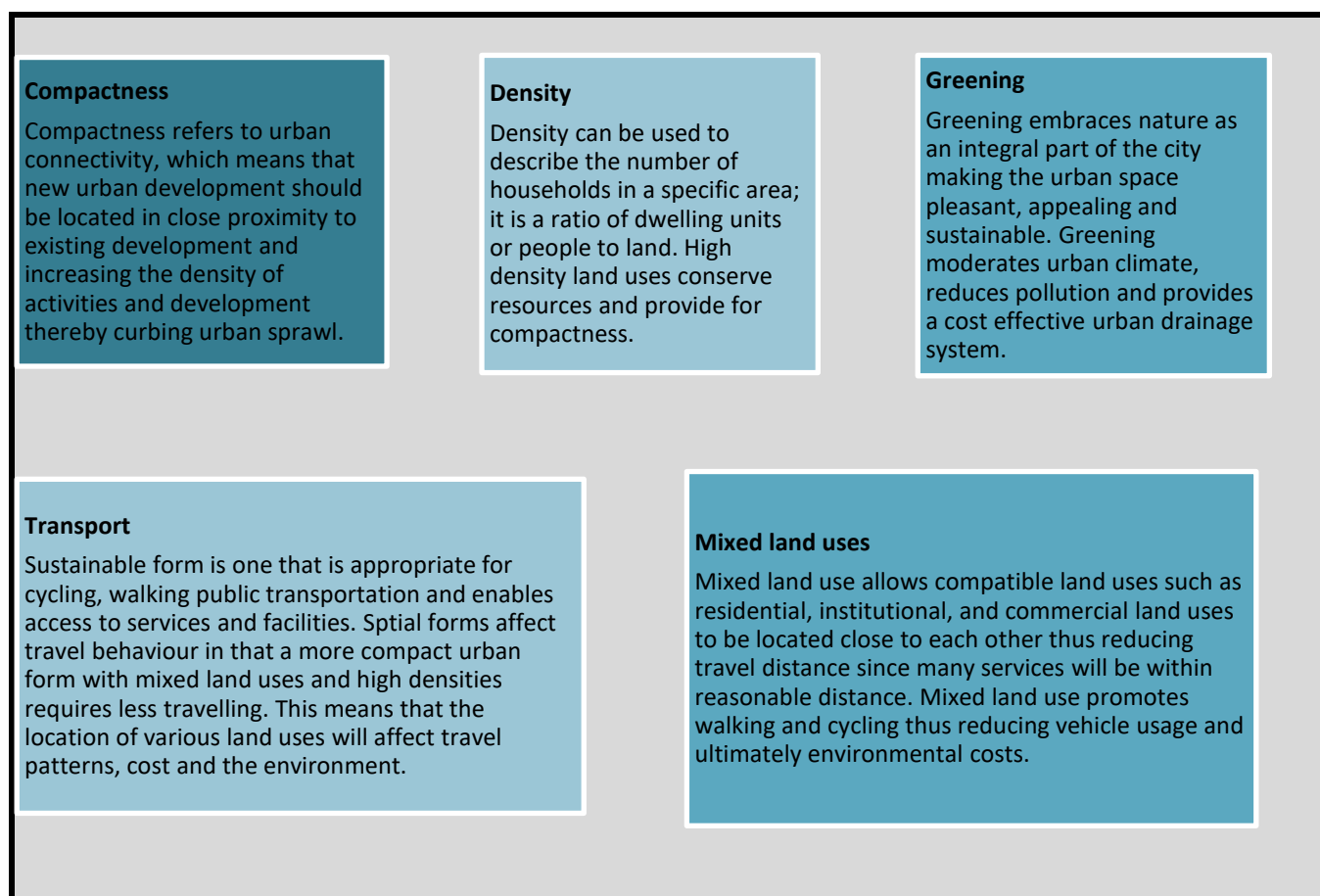


Fig 2-7: Key concepts of a sustainable spatial form

Source: Adapted from Jabareen (2014)

According to Flores (2001:232) the compact concept is the most proved concept for a sustainable city, however it should not be perceived as a rigid philosophy. A compact city model has low fuel emissions, low infrastructure costs and low travelling costs; hence it is viewed as the most proved concept for a sustainable spatial form.

Thematic areas of good city governance

A city may have a great spatial form, but without good governance the city can easily lose its good qualities. A well governed city must be inclusive, sustainable and productive; the city should be able to accommodate varied interest. The thematic areas of a well governed city can be seen in figure 2-8.



Fig 2-8: Thematic areas for good city governance

Source: Kauri-Sebina (2016:42)

2.3 Socio-economic profile of South Africa

The National Development Plan 2030 which is a plan for the country to eliminate poverty and reduce inequality was developed in 2013 in light of the socio-economic issues in South Africa. It identifies a number of challenges the country is faced with, amongst which are the following:

- Too few people work
- The quality of education (school) for black people is poor
- Infrastructure is poorly located, inadequate and under-maintained
- Spatial divides defy inclusive development
- Public services are often of poor quality
- South Africa remains a divided society.

Due to the socio-economic challenges facing South Africa, a number of grants have been introduced to assist with basic needs for various groups. The Division of Revenue Act 3 of 2017 requires that funds be set apart for grants for each financial year. Table 2-1 indicates the various grants available in South Africa, the qualifying criteria as well as the amount a beneficial would receive for the financial year 2017/18. This table gives an understanding of each of the grant (qualifying criteria) as well as the amount for each grant so that whenever the subject of grants is discussed in this research one understands the status of those receiving such grants as well as the amount they receive.

Table 2-1: Types of social grants in South Africa

Grant	Financial means test	Amount
Child Support Grant (CSG)	The income should not be more than R3 800,00 per month for a single person and not more than R7, 600 per month for a married couple.	R380,00 per month.
Older Age Grant (OAG)	The income should not be more than R6 150,00 per month for a single person and not more R12 300,00 per month for a married couple.	R1 600, 00 per month plus an additional R20, 00 for persons over the age of 75.
Disability Grant (DG)	The monthly should not be more that R6 150,00 for a single person and not more than R12 300,00 for a married couple.	R1 600,00 per month
Grant-in-Aid (GIA)	No financial means test	R380, 00 per month.
Care Dependency Grant (CDG)	A single care giver must not earn more than R16 000,00 per month and a married care giver's household cannot earn more than R32 000,00.	R1 600, 00 per month.

War Veteran's Grant (WVG)	The monthly income should not be more than R6 150,00 for a single person cannot exceed R12 300,00 per month for a married couple.	R1 620,00 per month
Social relief	No financial means test.	N/A case specific.
Foster Child Grant (FCG)	No financial means test.	R 920,00 per month

Source: adapted from (www.groundup.org.za/article/everything-you-need-know-about-social-grants-820/) Date of access: 17 March 2018

The highest amount a beneficiary can receive from a grant is R1 620,00 which is the old age grant for which one qualifies if the monthly income is less than R6 150,00 per month. The child support grant beneficiary amount is R380,00 for which one qualifies if the monthly income is less than R3 800,00 per month. Persons who receive these grants are seen as requiring government assistance for basic needs. The following statistics on the beneficiaries of the various grants paint a picture of severity of poverty in the country.

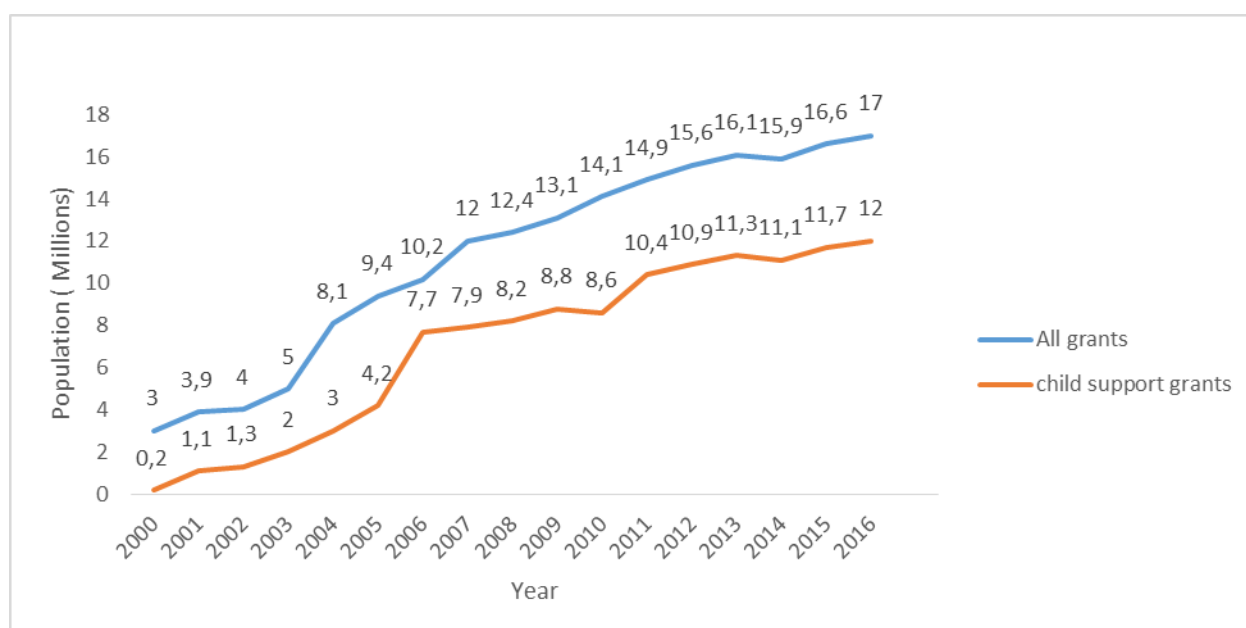


Fig 2-9: Number of support grants between 2000 and 2016 in South Africa

Source: STATS SA (2017)

This figure shows the total number of all types of grants as well as the child support grants distributed between the year 2000 and 2016 in South Africa. The figures are generally high and are on the increase. There is a growth of 67% in all grants from 2006-2016 (10-year period) and a growth rate of 56% in the child support grant in the same period. The fact that more than 16 million people received child support grants means that there is a substantial number of people with very low salaries or no salaries, based on the qualifying criteria for this grant. It is important to note that one may have more than one child eligible for the child support grant. However; the more children there are, the higher the needs of the household. Furthermore, in the year 2000 the child support grant ratio to all grants was 7% and grew to 71% in 2016.

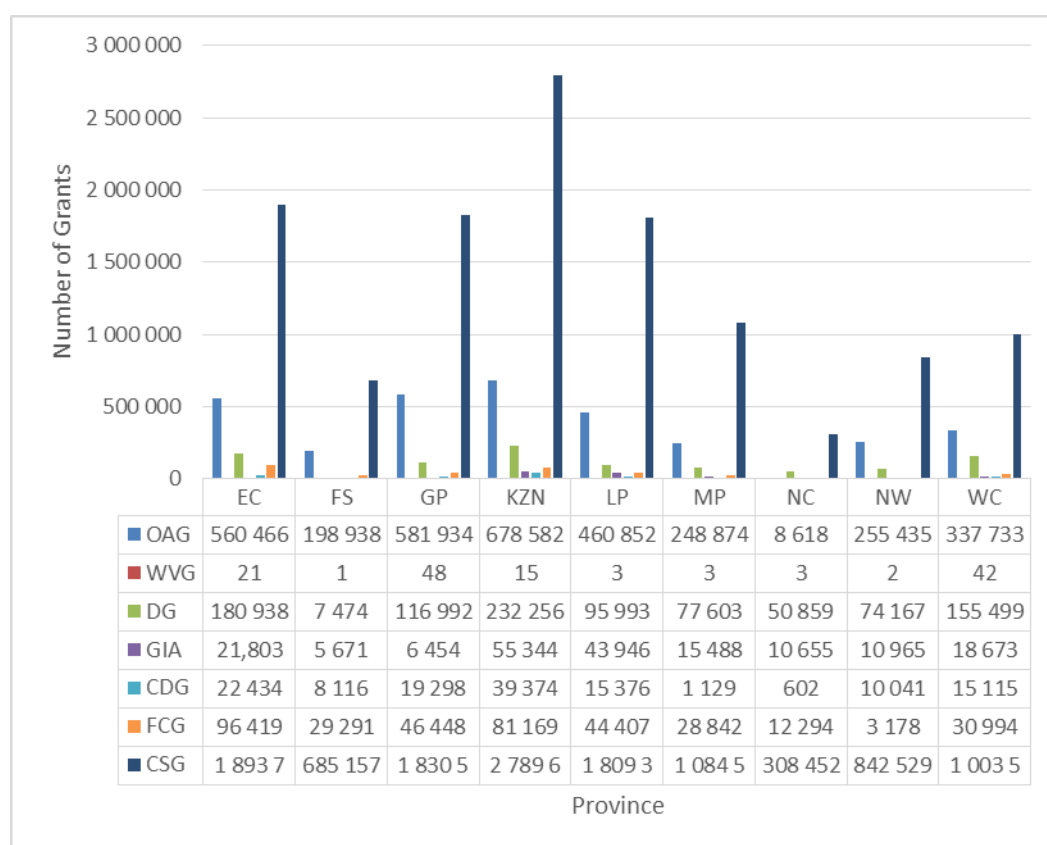


Fig 2-10: Number of support grant types per province

Source: SASSA (2018)

The child support grant is the highest paying grant in all provinces, with KZN having the highest number of people receiving child support grants, followed by Eastern Cape. The old age grant is the second highest in all provinces with KZN again taking the lead in comparison to other provinces. The fact that many households receive social grants shows that poverty is indeed a factor affecting people and communities in South Africa.

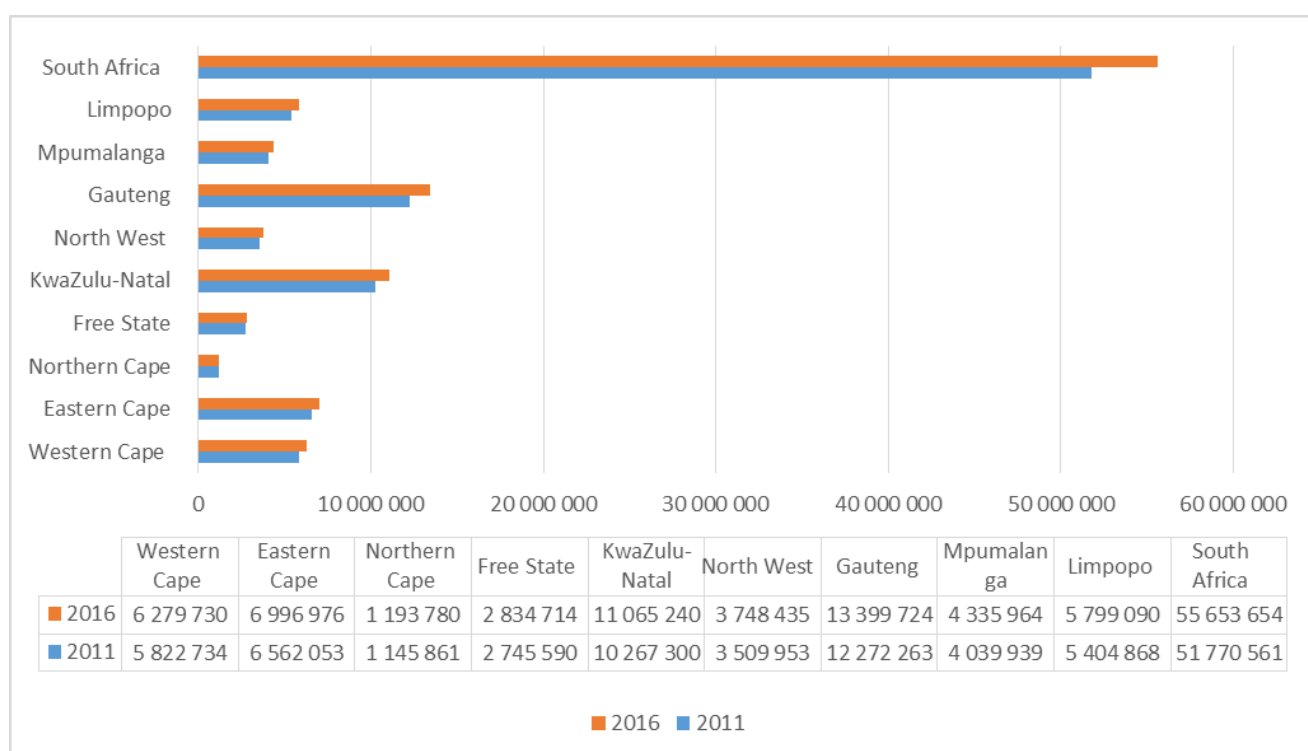


Fig 2-11: Population distribution by province

Source: STATS SA (2016)

Population sizes in 2016 are higher than the population sizes in 2011 in all provinces, with Gauteng having the highest population sizes in both years. Despite the identified socio-economic factors, the population continues to grow. Population growth is associated with an increased demand for land, goods and services.

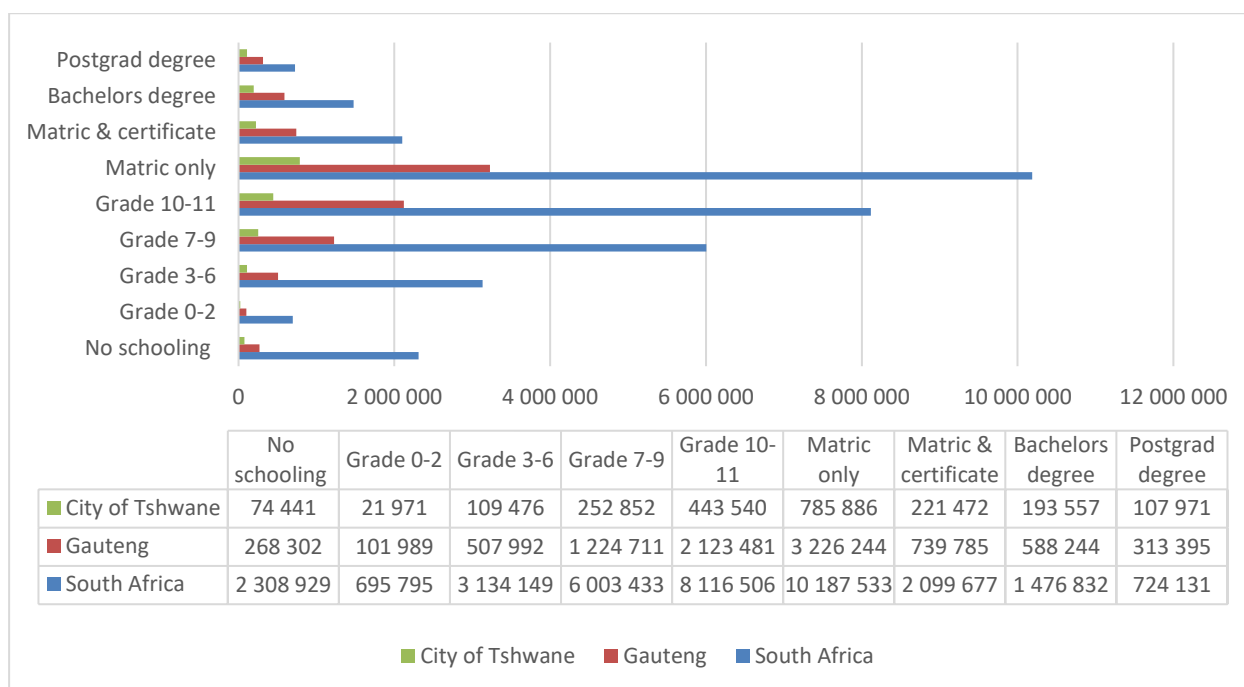


Fig 2-12: National level of schooling in 2016

Source: IHS Markit (2016)

Statistics on the national level of schooling indicate the educational disparities in South Africa. South Africa had 724 131 people with postgraduate degrees in 2016, however 2 308 929 people had no schooling at all. This means that a significant number of people who are affected by planning and land use legislation may not even understand the requirements of this legislation.

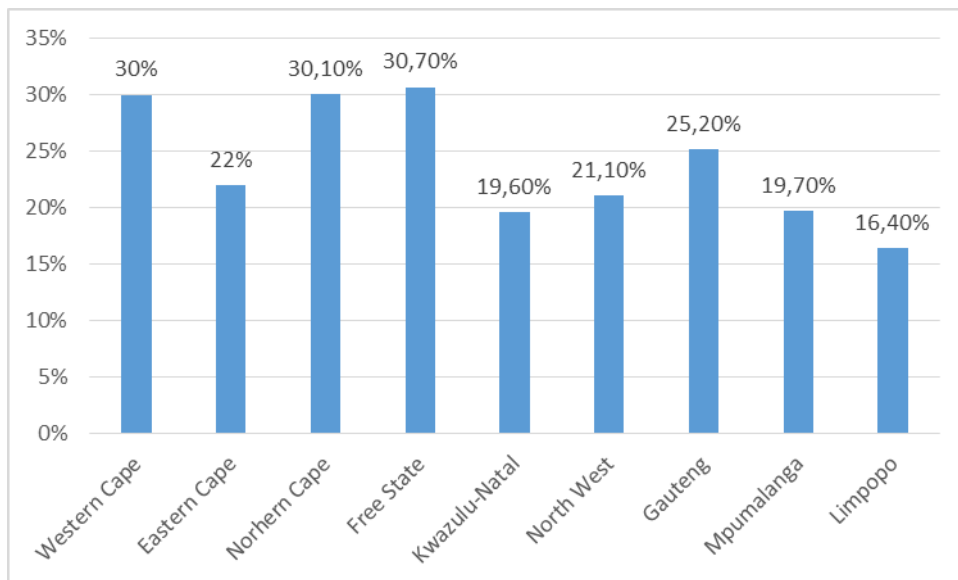


Fig 2-13: Percentage of RDP (government subsidised) dwellings in South Africa in 2016

Source: STATS SA (2016)

The Free State at 30,70% has the highest percentage of RDP/subsidised dwellings followed by the Northern Cape at 30,10%. Gauteng which is the province within which the study area is located has the fourth-highest percentage of RDP/subsidised dwellings. In order to understand the significance of statistics of persons qualifying for RDP/subsidised dwellings, it is important to look at the qualifying criteria for various subsidised dwellings.

Table 2-2: Qualifying criteria for housing subsidy in South Africa

Housing Subsidy	Qualifying criteria
Reconstruction and Development Programme (RDP)	<ul style="list-style-type: none"> • Must be a South African citizen. • Must earn less than R3 500,00 a month. • Must not have previously benefited from a housing subsidy.
Financially Linked Individual Subsidy Programme (FLISP)	<ul style="list-style-type: none"> • Must earn between R 3 501,00 to R 22 000,00. • Must be a citizen of South African or have permanent residency in South Africa. • Must not have benefited from a government housing subsidy before. • Must not own fixed residential property before. • Must be over 18 years. • Must be either married or cohabiting or have financial dependants.

Finance Linked Individual Subsidy (gap market)	<ul style="list-style-type: none"> • Must earn between R3501,00 and R15000,00 per month. • Must not have previously benefited from a housing subsidy.
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Source: <http://www.dhs.gov.za/search/node/subsidy>. Date of access: 20 March 2018

The RDP subsidy requires that a beneficiary earns less than R 3 500,00 per month. The qualifying amounts for the different government subsidies are low and when one checks the percentage of those who qualify for housing subsidies, it is evident that a substantial number of people/households are low to middle-income earners, both of which need to be specifically catered for in land use management.

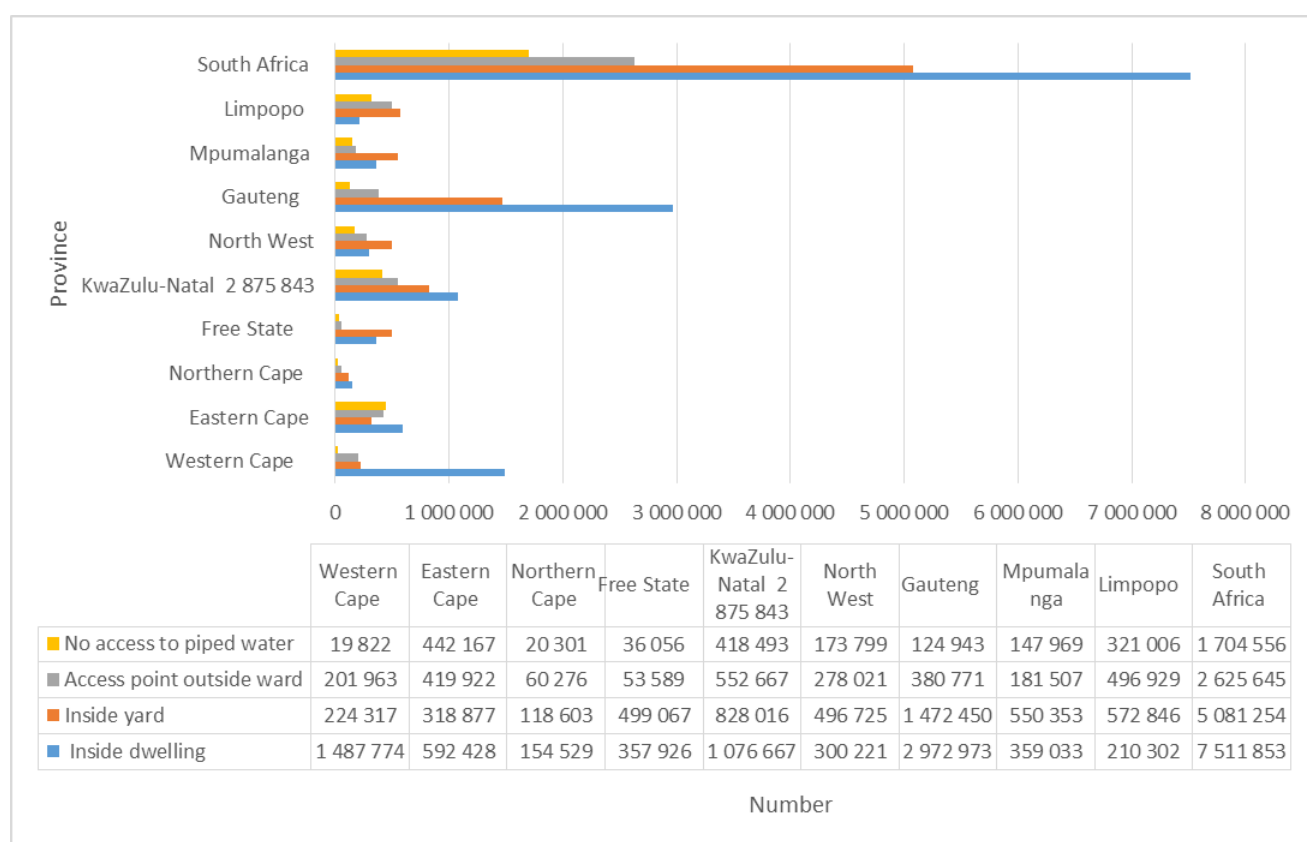


Fig 2-14: Distribution of piped water households per province

Source: STATS SA (2016)

Gauteng has the highest number of households with piped water inside dwelling, it is not surprising in that Gauteng is highly urbanised. Nonetheless, the fact that 124 943 households without access to water (which is a basic need) indicates the inadequate supply of this basic and essential service in the province. According to the Socio-Economic Rights Institute of South Africa (2011:13) access to sufficient sanitation is central to poverty reduction social and psychological well-being, personal dignity public health, economic development gender equality,

and environmental sustainability while poor sanitation promotes the spread of diseases such as diarrhoea and cholera which are preventable. Therefore, the inadequate supply of water which is directly linked to sanitation means that the well-being of people to whom water is not supplied is compromised.

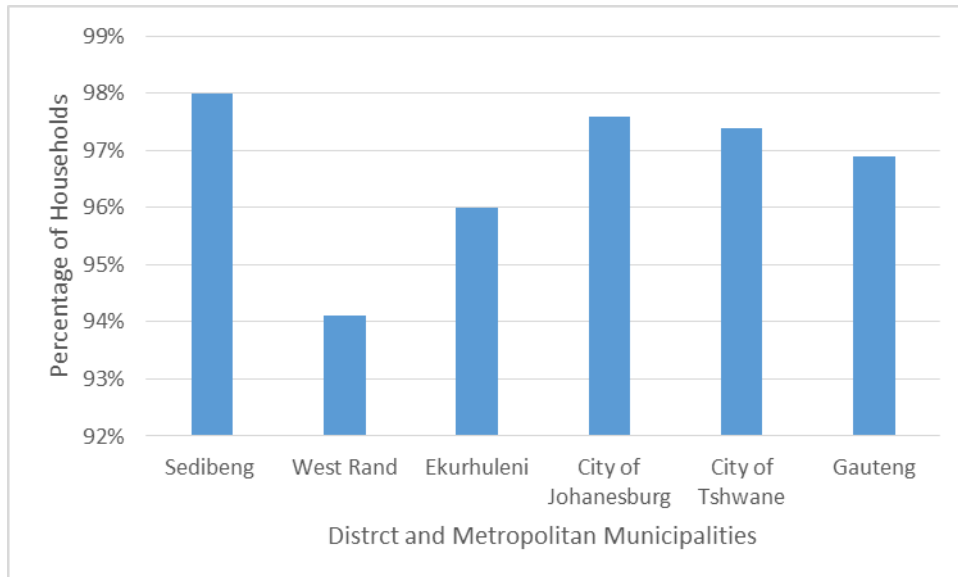


Fig 2-15: Percentage of households receiving refuse removal in Gauteng

Source: STATS SA (2016)

Gauteng had a 96,9% refuse removal percentage which is quite good; however the 3,1% without refuse removal must seek alternative means to dispose waste. Some people dispose waste in sensitive environments, contaminating natural water systems. Generally the percentage of households without waste removal signifies the inequality and inadequacy of service provision.

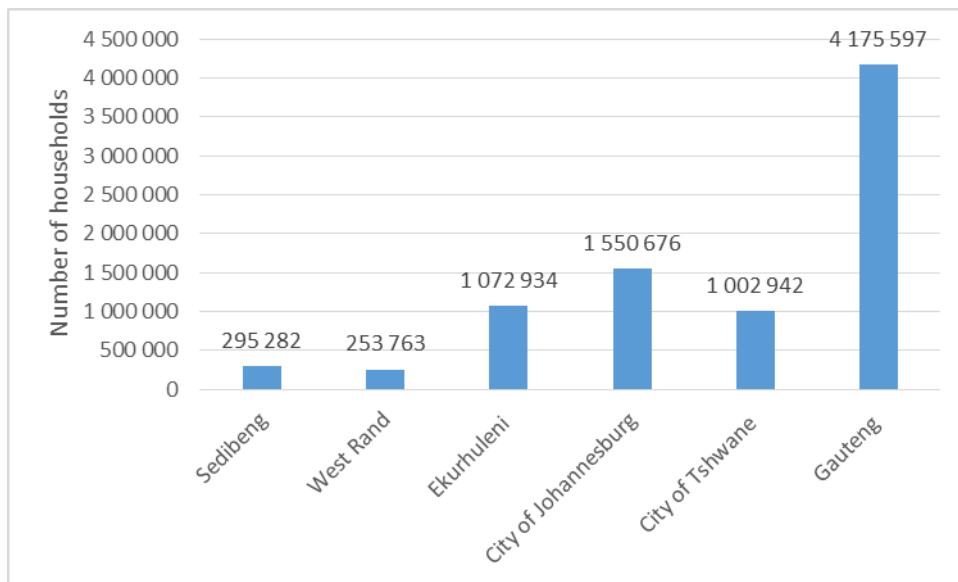


Fig 2-16: Number of households with access to electricity in Gauteng in 2016

Source: STATS SA (2016)

In 2016 the City of Johannesburg had the highest number of households with access to electricity while the City of Tshwane had the second highest number of households with access to electricity. However according to STATS SA (2016:34) the number of households in the City of Tshwane was

1 136 877. This means that 133 935 households were without electricity in 2016.



Fig 2-17: Unemployment rate in South Africa

Source: STATS SA (2018)

The highest unemployment rate was at 27,7 % in July 2017. One might think that at least 72,3 percent were employed in 2017 South Africa's population was estimated at 57,7 million in July 2018 (STATS SA, 2018) which means that an unemployment rate of 27,5 % in July 2018 means that 15,876 500 people were unemployed. This picture has great implications for land use management.

According to Charlton (2008:55) people with access to wealth in South Africa experience the country as a developed modern economy, while the poorest still struggle to access the most basic services, the idea that South Africa has two economies can seem naturally correct- there is a structural disconnection between the two economies. This notion suggests that the country is consists of two different economies both of which need to be catered for in policy development and planning. The following socio-economic challenges facing South African are note worth: poverty, unemployment, inequality, inadequate infrastructure and distorted spatial forms.

2.4 Interface between socio-economic factors and land use management

According to Greed (2000:6) planning is not a separate and discreet activity; it interfaces with other fields not merely in a consultation form but to fit each field in land use management together as pieces of a puzzle. This is to say if one piece is missing the puzzle is incomplete. This research however, only focused on the interface between land use and social and economic factors/fields. Figure 2-18 gives a graphical representation of the fields with which planning and land use interface.

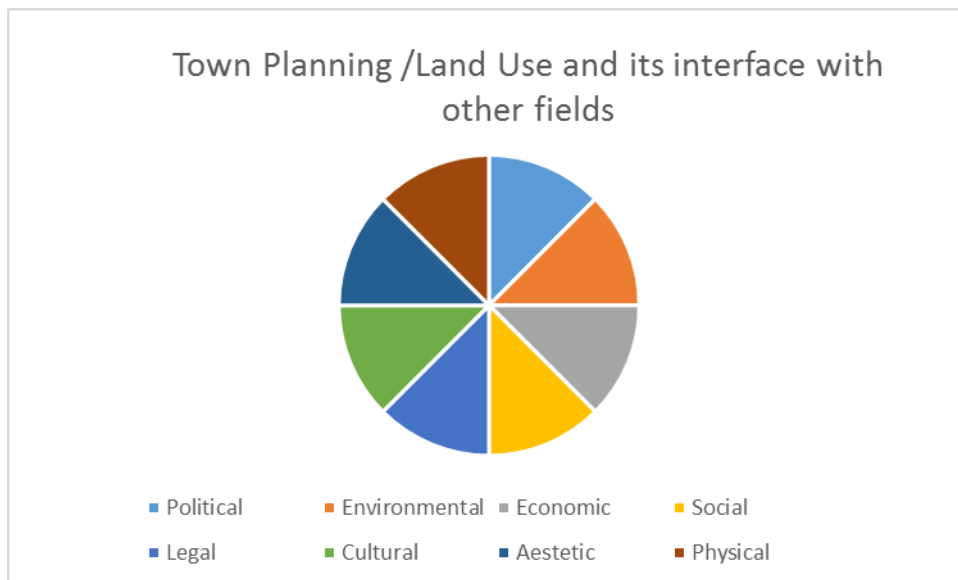


Figure 2-18: Various fields with which planning interacts

Source: Adapted from Greed (2000)

Berisford and Kihato (2006:3) argue that laws governing access and right to development shape the financial, social and political values of urban land and they influence directly the extent to which poor and rich households are able to realise the financial value in their largest single investment- their homes. This statement suggests that land use management system have a great impact on the livelihoods of the people. Land use management systems can either adversely affect communities both rich and poor or inversely positively affect communities.

According to Greed (2000: 179) planning is for the people and thus it is important to recognise the needs and wants of the people for whom plans are generated because various members of communities have the different needs or requirements. This study supports the fact that plans and policies will ultimately affect the people they are intended to serve whether positively or negatively hence their needs should be factored in all planning processes. Land use regulatory systems often negatively affect the poor or less influential groups of the society. According to Berisford and Kihato (2006:5) state that the regulatory systems that control the rights exercised over the land are often not compatible with land uses commonly associated with the poor.

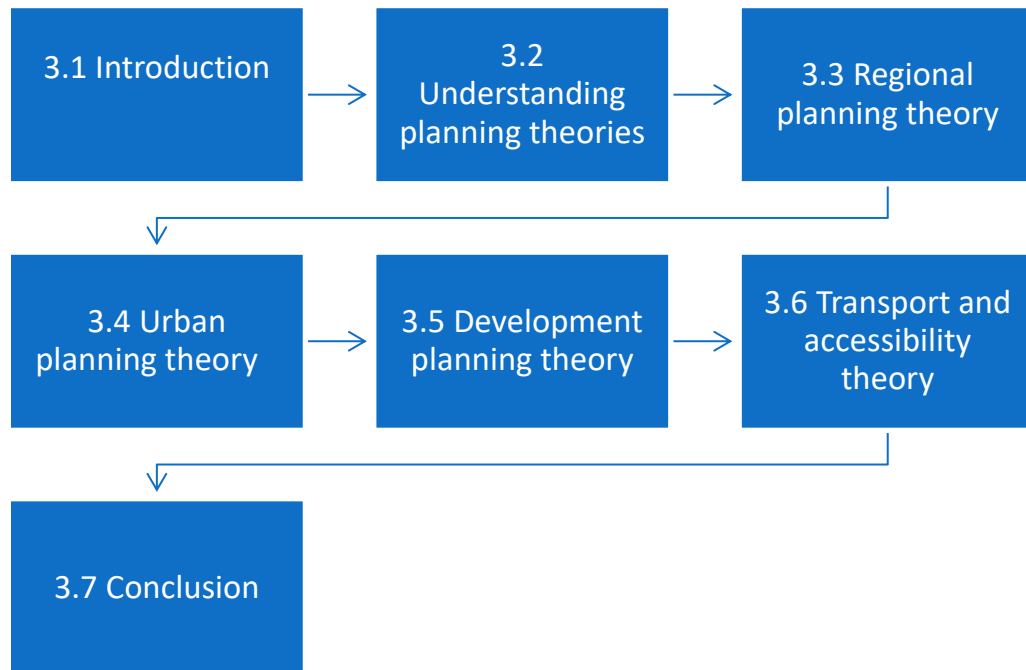
According to Singh (101:2019) socio-economic planning process requires understanding of interrelationships underlying both cultural and natural landscapes because each region is characterized by, beliefs and values, history, attitudes, political and legal traditions and different socio-economic patterns. Clearly socio-economic factors and land use management are interrelated and inseparable.

2.5 Conclusion

South Africa has a history of spatial segregation and unjust land use management systems. Although some legislation which supported segregation have been repealed, the impact of past laws is still evident, such as the distorted spatial form. South Africa battles with socio-economic issues such as inequality, unemployment and poverty. Socio-economic factors are elements of a sustainable urban form and are too significant to be ignored. Furthermore, planning is not a stand-alone practice. It is intertwined and dependent on other fields such as the environment, social and economic factors which form the very basis for sustainable development. If planning is indeed for the people, then the needs and requirements of the population must be taken into consideration so that plans and policies meet the needs or requirements of the users of thereof. Planning is underpinned by ideologies or theories which form the very basis of decision making. These theories affect the direction of plans. Chapter 3 outlines some of the prominent planning theories including their benefits and shortcomings.

CHAPTER 3: PLANNING THEORIES

Graphical representation of Chapter 3



3.1 Introduction

This chapter provides a framework for understanding spatial planning and land use management through exploring the foundation (planning theories) upon which spatial planning and land use management is built. This chapter is structured as follows:

Section 3.2 reviews the planning theories, followed by the regional planning theory in section 3.3 and urban planning theory in section 3.4. Section 3.5 presents the development planning theory, the implications of transport planning and accessibility in relation to land-use and socio-economic issues are discussed in section 3.6 and concluding remarks are presented in section 3.7.

3.2 Understanding planning theories

Allmendinger (2002:78) states that typologies/ theories provide a framework for understanding a matter in the same way and they convey a common understanding of subject area, language and history of the development of ideas and practice. The importance of theories in this regard is in its ability to bring about common understanding of why things are done in a certain way.

According to Yiftachel (1989:23) "*planning theories have been widely criticised by academics and practitioners as being confused and unrealistic*". According to Archibugi (2008:12) many theorists argue that planning theory is justifiable in that the planner needs to understand the planning process as well the diverse roles in it. This means that planning practice cannot exist without planning theory. Although planning theories may seem confused and unrealistic they serve a purpose in laying the foundation for practice and provide the space for review, because one cannot review practice unless the underpinning upon which it is based has been reviewed.

It seems that theories have been evolving over time with new problems new theories had to be developed to solve that specific problem at that specific time. Today's problems such as urban sprawl and climate change have cause planners to integrate environmental factors into planning and to introduce densification and infill development all in an endeavour to solve challenges. One might ask why the need to look at planning theories, well planning theories provide the foundation upon which planning is founded. According to Friedmann (1998:250) theory helps to improve practice. Paradigm shift also necessitate revisiting planning theories chosen for specific areas. Practice will therefore showcase whether the preferred theory is yielding the expected results. In a case where practice results in the unintended outcomes, planning theories must be reconsidered.

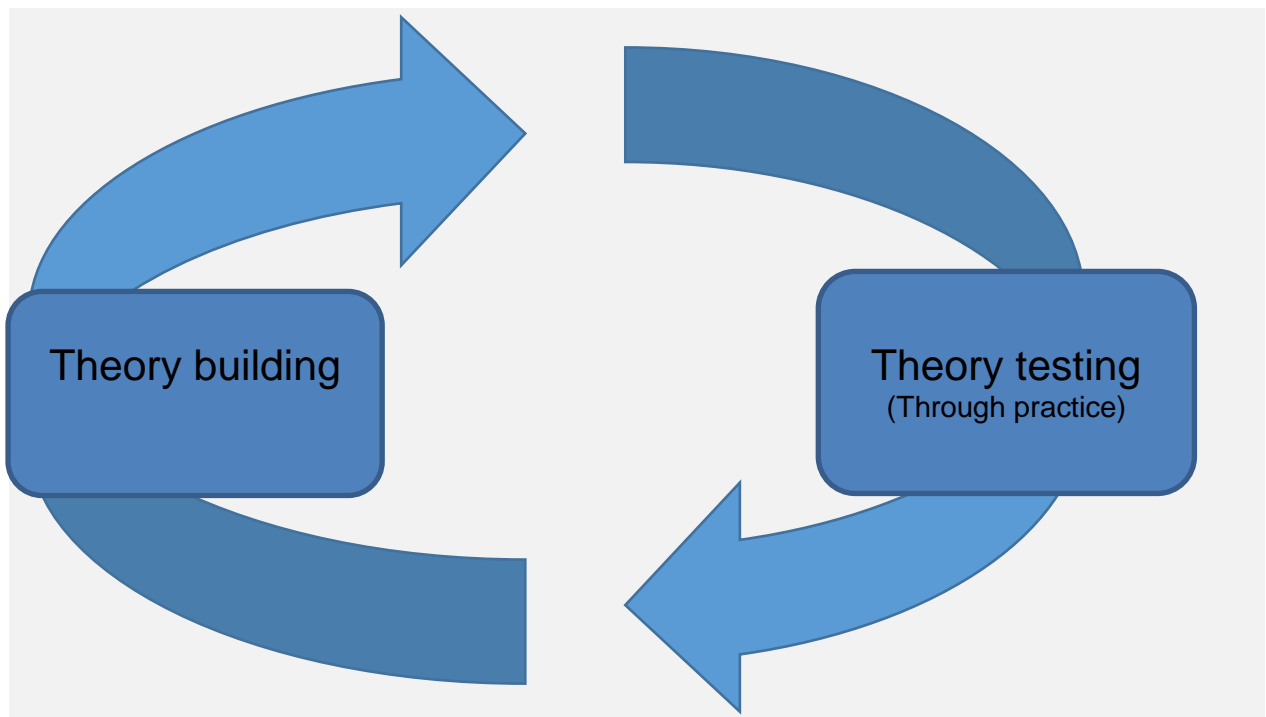


Fig 3-1: Theory development process

Source: El-Kholei (2015:11)

Figure 3-1 gives the gist of theory development process. Theory is developed to explain concepts and to give guidance to practice. The effectiveness of a theory is tested through practice. A theory may prove effective as planned yet paradigm shift may require re- building of new theories. Theories are thus subject to review as circumstances change. The following broad categories of theories are discussed: regional planning theory, urban planning theory and development planning theory.

3.3 Regional planning theory

Regional planning refers to the planning of specific areas with distinct economic and social characteristics, problems and or opportunities. A region is based on physical (natural) as well as social, economic or political relationships (Magnaye, 2016:9). According to the Tanzanian Institute of Rural Development (2013:50), the delineation of regions changes as a result of interaction of a number of issues such as social, technical, ecological and economic factors. Regional planning is about ordering activities and facilities in a geographic area greater than a single community (Friedmann, 1985:2005). This means that there is not necessarily a clear cut as to what comprises a region. A region can be any geographic area comprising similar characteristics delineated for a common goal. The various types of regions can be seen in figure 3-2.

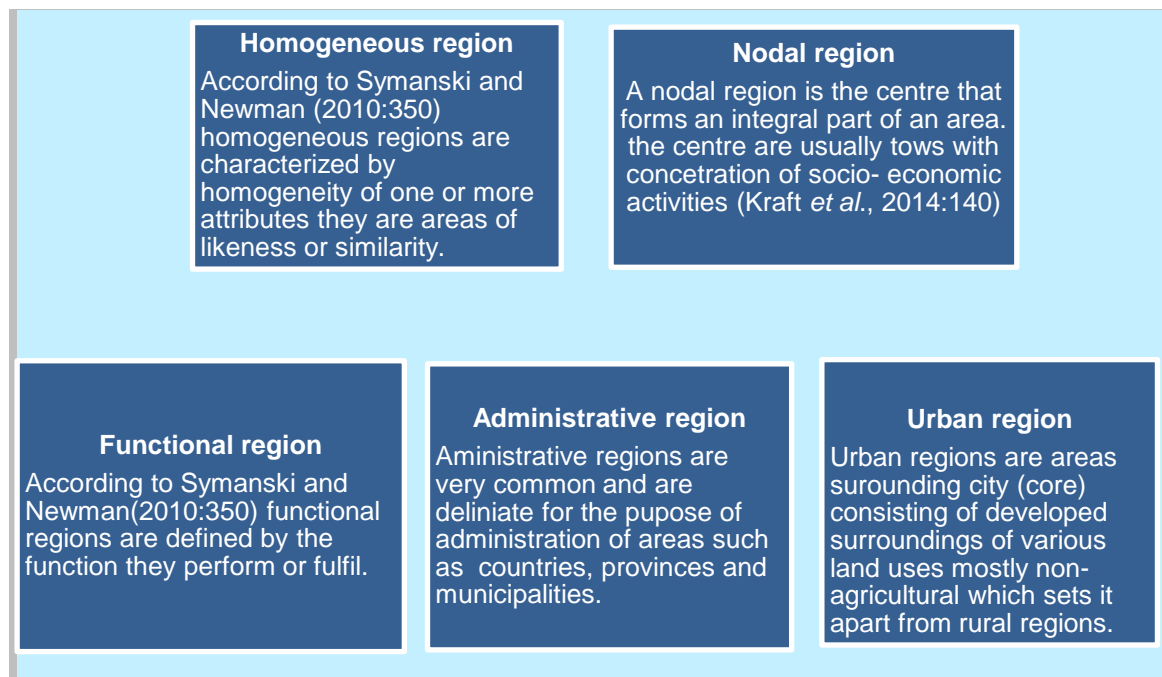


Fig 3-2: Types of regions

Source: Own construction (2019) based on various authors listed above

Certain areas due to their distinct characteristics may require the regional planning approach. The suitable type of region is selected based on the objectives of the region.

The benefits of regional planning

- Increases efficiency
- Curbs urban sprawl
- Helps to protect natural resources
- An instrument for implementation of national development objectives (Ahmad and Bajwa, 2005:5)

3.4 Urban planning theory

Planning cannot be defined in a single or narrow definition because planners are not a single unit that can fit into one category (Abukhater, 2009:65). Since planning itself cannot be narrowed to a single definition, there are therefore many different types of urban planning theories or approaches. Eight types of urban planning theories are discussed below.

- *Advocacy planning*

This is the kind of approach where the planner represents communities or clients in a way as to advocate for their intended outcome through futuristic plans which could be rather difficult for such groups to put together themselves or whose views would be ignored. In relation to advocacy

planning, Litman (2013:3) states that “planners have the most knowledge about a project and the likely impacts of a particular decision, and so are often responsible for anticipating unintended consequences and representing the interest of people who are underrepresented in decision making process such as children, the poor and future generation”.

- *Technocratic approach*

This approach allows the planner as the technocrat (with the expertise) to plan and execute or implement plans without the interference of the lay man who may delay the process or deter the plan altogether. According to the UN Habitat Global Report on Human Settlements (2009:49), in the 20th century planning was perceived as an exercise in the physical planning and design of human settlements, although it responded to social, economic or political matters, it was not seen as the job of planning to intervene in these matters. Therefore planning was seen as a technical activity to be carried out by trained expert without the involvement of communities. To this date much planning is left to technical people with the required expertise to develop plans (blueprint) and to execute such for a desired outcome.

- *The laissez-faire approach*

This theory is based on self-rule with little interference from government. According to Ladenburg (2007:16) this is a philosophy of those who believe that too many rules prevent competition in business and stops progress. It advocates for people doing it for themselves.

- *The rational approach*

This approach is similar to communicative planning in that decisions are based on rational action towards the community. According to Leoveanu (2013:43) this is an approach where public decisions must be based on backroad rationality such as equality, economic development or public order. This approach is based on principles such as the *Batho Pele* (people first) principles in the context of South Africa.

- *Normative planning*

According to the UN Habitat Global Report on Human Settlements (2009:49) planning was viewed as a normative task that was to be driven by a particular set of values which described the ideal living environment and in the view of planners it reflected the public good. Generally, these values were quite specific to the time and place in which they were formulated.

- *The incremental approach*

This approach is based on the realization that there is always a need for improvement or to change. According to Butterworth (2012) incremental approach identifies the changes an organization must make in order to improve certain conditions. This approach therefore seeks continuous improvement through revisiting current systems and analyzing or assessing the functionality thereof in order to introduce suitable changes or alternatives.

- *The communicative approach*

This is the kind of planning that involves the interested and affected parties in planning and decision making. According to Foley (1997), communicative planning acknowledges that values are not pre-determined but are established in a communicative process. It shifts focus from the planner and plans to public interest acknowledging that people will not necessarily receive plans as they come.

- *The blanket approach*

This approach is based on the one-size-fits-all principle; the same rule applies to all. The one size fits all approach is usually the solution to economic turmoil, which is often inefficient in escaping future problems (Nedelchev, 2013:80). This approach does not consider the complex factors that affect people in any given set up (settlement) it assumes that people will be affected the same way by the same incentives or rules.

Table 3-1: Advantages and disadvantages of different theories

Theory/ approach	Advantages	Disadvantages
Advocacy approach /planning	<ul style="list-style-type: none"> • Allows planners as the technocrat/s to prepare plans on behalf of their representatives. • Planners represent groups of people whose views would otherwise be ignored. • Leads to community based planning and equity. 	<ul style="list-style-type: none"> • Requires planners to understand in detail the dynamic challenges of the group/s they are representing. • No matter how well planners advocate for communities, political by in and law reform is required to support new ideas.
Technocratic approach	<ul style="list-style-type: none"> • Plans are completed quickly • Inputs are from technocrats with similar ideas 	<ul style="list-style-type: none"> • The views of the people who will be directly affected by plans are left out. • This approach imposes ideas which at times may not be ideal.

The <i>laissez-faire</i> approach	<ul style="list-style-type: none"> • Affords communities to self-govern and to grow without limits and interference. • Encourages creativity. 	<ul style="list-style-type: none"> • Removes power from government and places can grow out of control. • There is no limit to what people can do where there are no rules or regulation. • There will be no basis for fairness or regulation. • It holds no one accountable.
The rational approach	<ul style="list-style-type: none"> • Plans are based on the background of the people or the community. • It is based on principles. 	<ul style="list-style-type: none"> • Different people have different values and principles • There is no clear cut of what is a rational decision.
The incremental approach	<ul style="list-style-type: none"> • It always seeks to improve functionality and efficiency. • Loopholes can be identifies and closed. 	<ul style="list-style-type: none"> • There may not always be financial means or political support for the improvement.
The communicative approach	<ul style="list-style-type: none"> • Plans reflect the needs and requirements of the people they are meant to serve. 	<ul style="list-style-type: none"> • Has the potential to delays projects and plans. • People have different and sometimes contrasting views, thus not everyone's view can be accommodated.
Blanket approach	<ul style="list-style-type: none"> • Everyone is treated equally. • Everyone gets equal piece of the pie. • Regulations are the same for everyone everywhere 	<ul style="list-style-type: none"> • The dynamics of people and communities are different. • It has a different impact on different communities.

Source: Own construction (2019)

Each theory has its advantages and disadvantages as can be seen in table 2-3. Careful selection of suitable theories is thus required. It is only those theories which are carefully selected in relation to the situation at hand that can be appropriate and produce the intended results. In other words theories should be site specific. Planners should strive to understand the complex problems and not only just a single manifestation of the problem (Litman, 2013:04). Plans must be elastic enough to change when circumstances change in order to remain meaningful and useful.

3.5 Development planning theory

Development planning is part of a process of mapping out the future of the place or area detailing buildings, job opportunities, education and transport as well as the development control to ensure that the planned or established policies are adhered to (Ahmad & Bajwa, 2005:2). The KwaZulu-Natal Planning and Development Commission (2010:16) states that land use management consists of development planning and development control; development planning refers to the physical environment, where plans are prepared about how different land uses and development can best be implemented in the interest of the general public whereas development control is the implementation side of development planning this is the side where plans are implemented. Clearly development planning and land use management are interrelated and inseparable, plans are not made for the sake of planning but for implementation and to bring out the intended outcomes.

Land is one of the factors of production thus land is a resource, but land is also scarce and cannot be manufactured. Rakodi and Lombard (2016:2687) emphasise the importance of land by stating that land is of vital economic and social importance and that it is the foundation of shelter, food, work, and a sense of nationhood. The fact that land is one of the factors of production means that it is an essential element in making profit. The creative use of land/ residential stands for economic gain and social wellbeing within the ambits of land use management regulation is an aspect worth exploring.

The importance of the regulatory systems and its advantages cannot be ignored; in fact regulatory framework for land use management is essential for the general wellbeing of communities. Yiftachel (2002:118) argues that urban and regional planning is not just a progressive arm of government, but also has the potential for oppressing subordinate or minor groups. This means that land use management has direct impact whether negative or positive on the communities they govern. To effectively manage land use a number of systems are put in place and will be discussed in five (5) parts. Part 1- land use management systems; Part 2- land use categories; Part 3- development controls; Part 4 - the process of obtaining land use rights and Part 5- Compliance and enforcement.

Part 1: Land use management system

Land use management system refers to a system of regulating and managing the use of land and allocating land use rights through the use of land use schemes, policies and bylaws. Land use management system encompasses of a number of components which are interdependent and used together to manage land use the components include Spatial Development Framework (SDF), Integrated Development Plan (IDP), Land Use Scheme (LUS) etc.

- *Spatial development framework*

In terms of Section 26 (e) of the Municipal Systems Act 32 of 2000 a spatial development framework is one of the core components of the integrated development plan. The spatial development framework gives the spatial representation of the integrated development plan of the municipality. It is therefore an essential part of the land use management system.

- *Integrated development plan*

An integrated development plan is prepared for at least a five-year period and can be reviewed annually it depicts the direction of the municipality with tangible projects that are planned and budgeted for. The integrated development plan is indeed an essential part of the land use management system.

- *Town planning schemes*

Town planning scheme (land use scheme) are used for the purposes of land use management on a daily basis. Each land use scheme provides the legal basis for the rights to develop and use property (land) in a municipality according to the specified zoning plan (Berisford & Kihato, 2006: 384). Land use schemes truly define land uses and what can be done legally with a particular use zone and are thus an important element in the land use management system of a municipality.

- *Policies and bylaws*

Bylaws are policy implementing tools with a degree of control in its area of jurisdiction.

Part 2: Land use categories

Land can be zoned into many land use categories for instance some municipalities have “Residential 1” up to “Residential 5” each residential category indicates the density that is allowed in terms of the density directives and what may or may not be done lawfully within such a zone. Figure 3-3 indicates some of the typical land use categories.

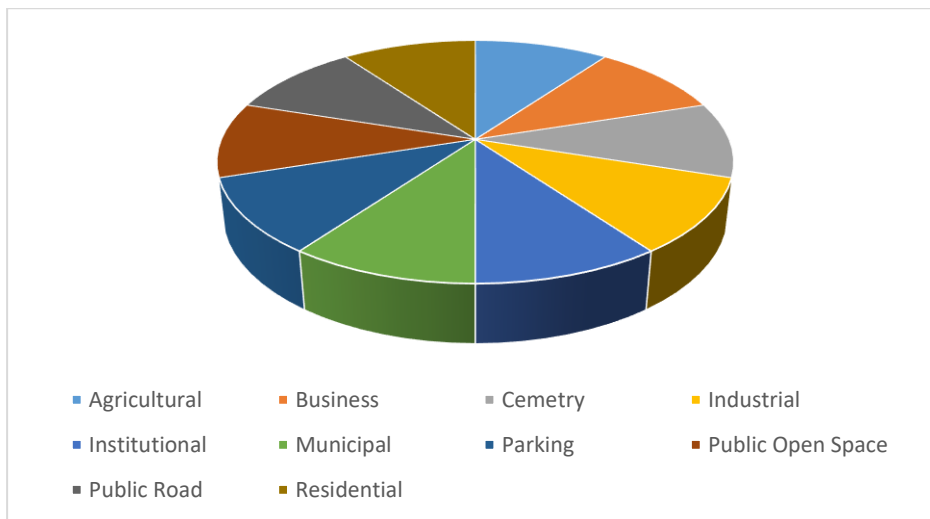


Fig 3-3: Typical land use categories

Source: Own construction (2019)

Part 3: Development controls

According to the Chandigarh Master Plan 2031 (2016:407), development controls are measures through which the process of urban development is regulated in order to achieve the objective of promoting the overall benefit of the society and creating a distinct image of the city and includes guiding the development and use of land, limiting misuse of land and promoting rational and orderly development of built environment. Ahmad and Bajwa (2005:2) state that development control ensures that buildings and the use to which buildings or land are put conform to established policies and are useful in ensuring that the surroundings are not spoilt, and that public services such as water and sewage are not overburdened. In addition, development control entails the planning tool that affects most people and could have the most direct effects. Since development planning and development control have a direct impact on people and places, they must thus be formulated with great caution.

Development controls are therefore employed to ensure order, safety and consistency in land use management. Development controls are also used to ensure that the carrying capacity of engineering services is not exceeded. Generally, development controls consist of height, coverage, floor area ratio, density and building lines and are linked to specific land use zones. A town planning scheme dictating the land use rights permissible in each zone is accompanied by a zoning map showing how the area is divided into various use zones. An example of a typical zoning map is shown in figure 3-4.

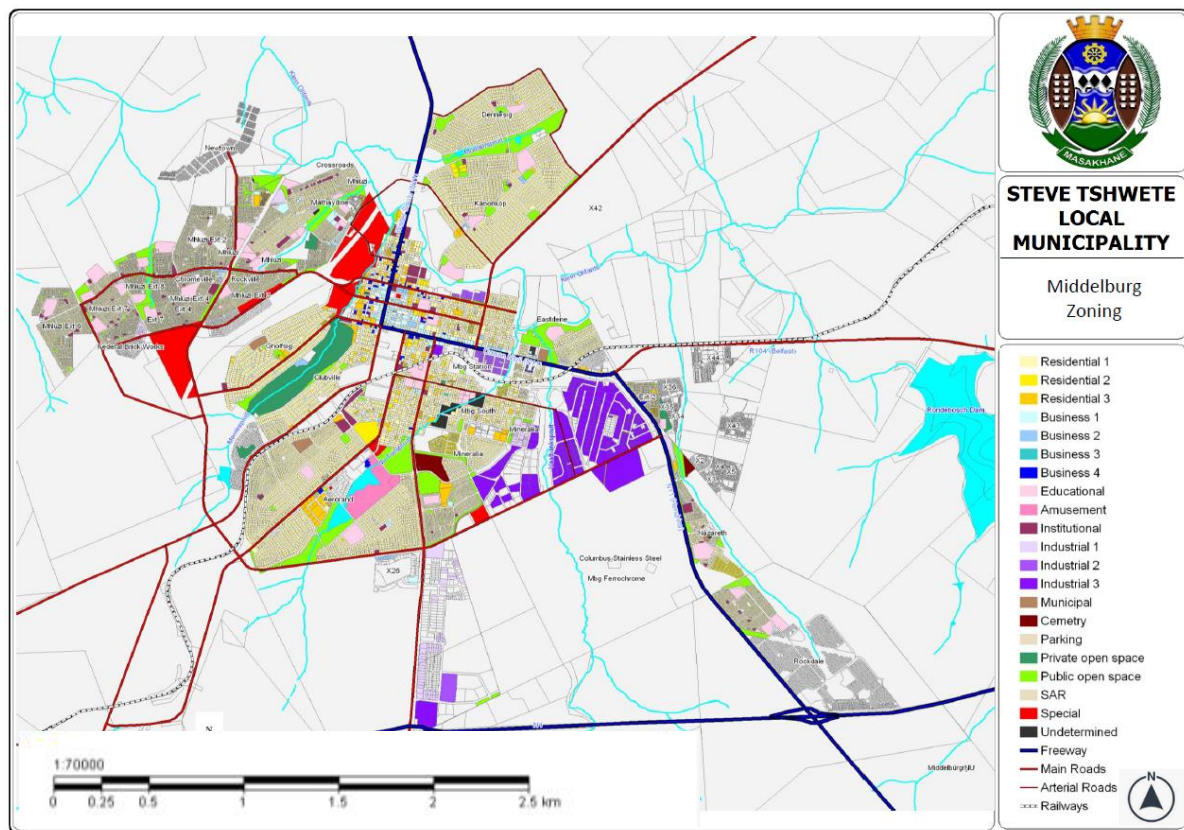


Fig 3-4: Example of a zoning map

Source: Steve Tshwete Local Municipality SDF (2015)

The colour scheme depicted in the map above is meaningful: the map communicates at a glance which areas can be used for which purposes. Development controls/measures are further imposed on each zone based on the approved town planning scheme. Below are the typical development controls employed in land use management.

In a stand size of 1000m² on a 50% coverage restriction, the FAR of the buildings will be calculated as follows:

$$\text{The FAR} = \frac{500\text{m}^2 \text{ (Gross floor area of building/s)}}{1000\text{m}^2 \text{ (size of property)}}$$

$$\text{FAR} = 0,5$$

Fig 3-5: The relationship between coverage and floor area ratio

Source: Own construction (2019)

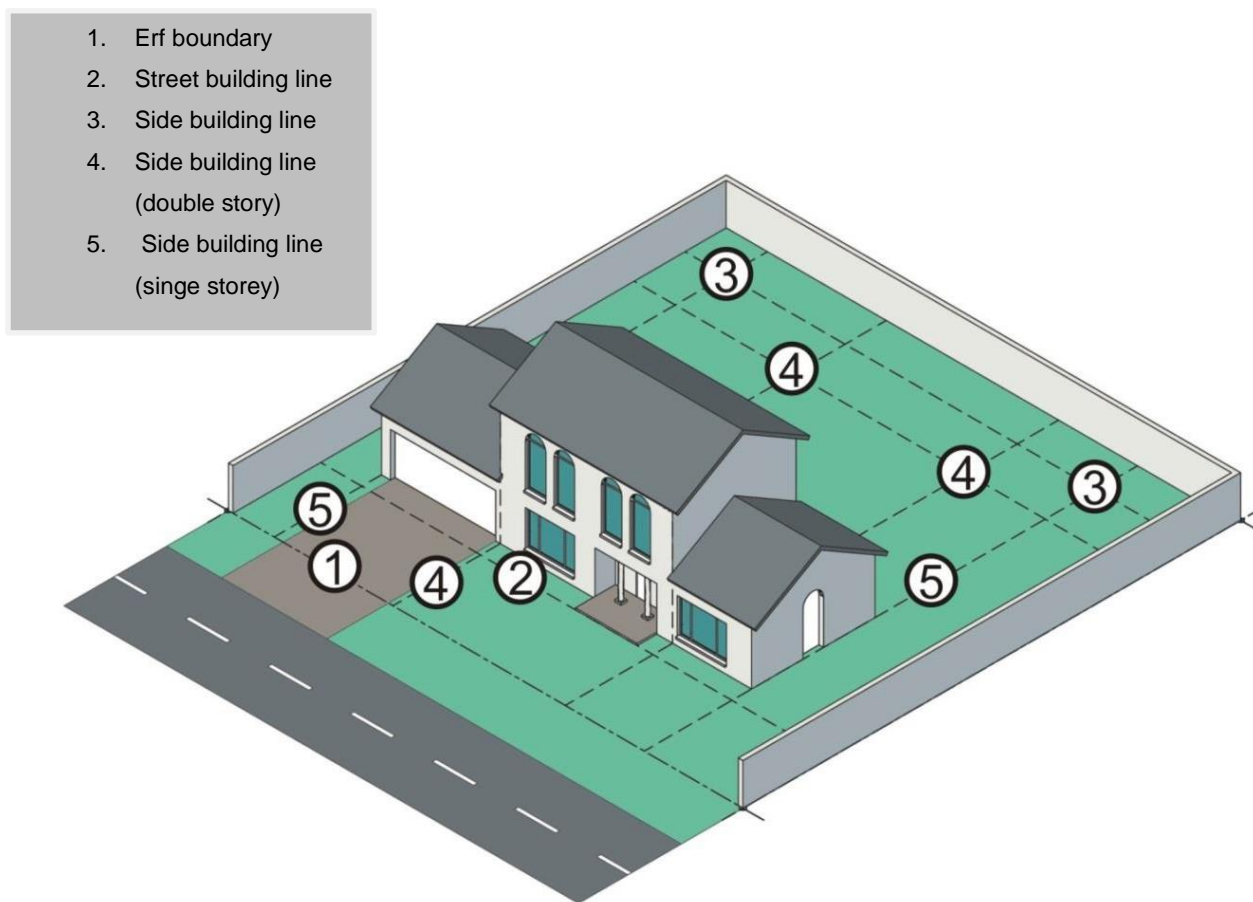


Fig 3-6: Building lines

Source: Ekurhuleni Town Planning Scheme (2014)

Based on the information above, it is evident that the intention of land use management is to maintain order and the well-being of communities and that it is generally a good mechanism that should be carried out, otherwise there would be chaos. Notwithstanding, there are factors that should be considered in the development of land use policies and plans.

Part 4: The process of obtaining land use rights

When a township is established, erven are surveyed and registered with set zoning that indicate the development rights within each erf as per the municipal land use scheme. The development rights or parameters are used to limit impacts on surrounding properties by means of development controls such as height, coverage, floor area ratio, building lines and parking requirements. There are processes to be followed to amend the existing rights to accommodate the changing circumstances of communities such as building line relaxation to extend one's house, consent use for secondary uses, and rezoning for a change in the applicable zoning as per the prevailing land use scheme (land use change).

To obtain land use rights, one must apply on the prescribed form to the competent authority. In South Africa the competent authority for land use management is the local municipality in whose area of jurisdiction such a piece of land falls. There is always an application fee to be paid for land use and land development applications which increase every financial year. Secondary use applications are less expensive, and the property owner can apply for himself. However, rezoning is a long and expensive process which must be done by a qualified town planner. The property owner/s must appoint and pay a town planner to compile and submit the application to the relevant municipality. The competent authority then charges main services contribution fees for the land use change. This can be a quite overwhelming prospect for low-income groups. Table 3-2 below indicates application fees for land use in Steve Tshwete Local municipality for the 2018/19 financial year.

Table 3-2: Example of land use application fees

Land use	Fees
Rezoning	R 3 070,00
Consent use	R 705,00
Building line relaxation	R 455,00
Material amendments to original application prior to approval/refusal	50% of original application fee

Source: Steve Tshwete Local Municipality 2018/19 sundry tariffs

As already stated, land use schemes and other policies provide development controls and minimum requirements for development. Land use and land development applications must therefore meet these requirements in order for such proposed land use rights to be granted. It is often impossible to meet the set minimum requirements on small erven.

Part 5: Compliance and enforcement

Development management is only as effective as its ability to enforce the set rules. Generally, in most municipalities, zoning inspectors go out to inspect if there are any land uses that are contrary to the zoning of the area. In a case where illegal land uses occur, the perpetrators are served with a notice to stop the illegal land uses within a specified period of time. Should one continue with illegal activities after the stipulated periods, the contravening individuals are then handed over to the legal department for legal action and to the valuation department so that an illegal charge be levied against the owner of the property to propel the owner to comply with the prevailing land use scheme. Non-compliance to land use legislation constitutes a serious contravention for which a court order can be issued if the property owner persists and can lead to demolition of the illegal structures.

A member of the public affected by illegal land use has the right to report such users to the competent authority who must then issue a notice to the land user/ owner of the property and cause them to stop the illegal use, thus resolving such conflicts over land use.

3.6 Transport planning and accessibility theory

Transport is necessary for socio-economic development and for supporting regional and global associations as it provides linkages between places. An efficient transport system is key enablers for enhancing productivity and sustainable economic growth (City of Tshwane comprehensive integrated transport plan, 2015:2) Transportation and accessibility are powerful components of opportunity creation.

Spatial planning and land use planning function within an interface with transportation planning and environmental management (Jansen van Rensburg and Schoeman, 2015:22). Transport planning, land use management and spatial planning are interrelated because every land use and activity must be regardless of the mode of transport required to reach. The accessibility to goods and services affects and is affected by socio-economic factors. Various transport systems have varied parking and travel space requirements as can be seen in Figure 3-7.

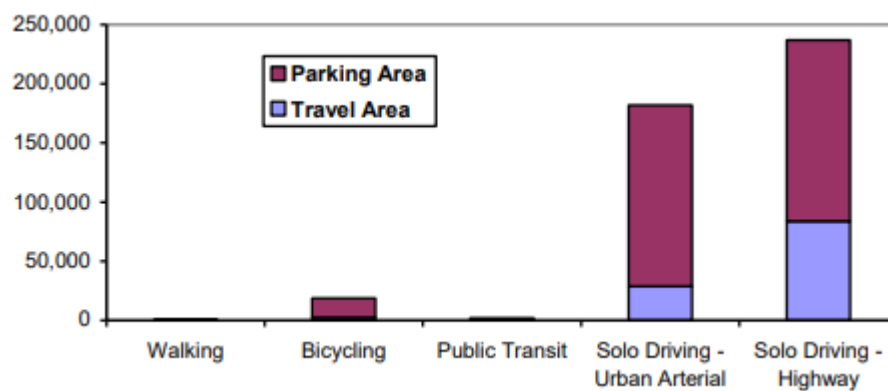


Fig 3-7: Parking area requirements by travel mode

Source: Litman (2019a:15)

It is clear from Figure 3-7 that solo driving requires more parking and travel spaces in relation to public transport and bicycling. Walking on the other hand has no parking requirements and very small requirement for space (walk way). Therefore land use planning which supports public transport mode, bicycling and walking reduces the need for transport related space. Transport accessibility on the other hand is also affected by various factors as can be seen in Table 3-3.

Table 3-3 Factors affecting accessibility

Factor	Description
Transport Demand	The need to travel
Mobility	Travel distance and travel speed
Transport options	The quality of the transport option including convenience, safety, speed and comfort.
Integration	The degree of connectedness among transport modes.
Affordability	The cost of transport in relation to user's income
Mobility substitution	Technology (telecommunication and e-mails)
Land use factors	Land use mix and density

Source: Adapted from Litman (2019b:15)

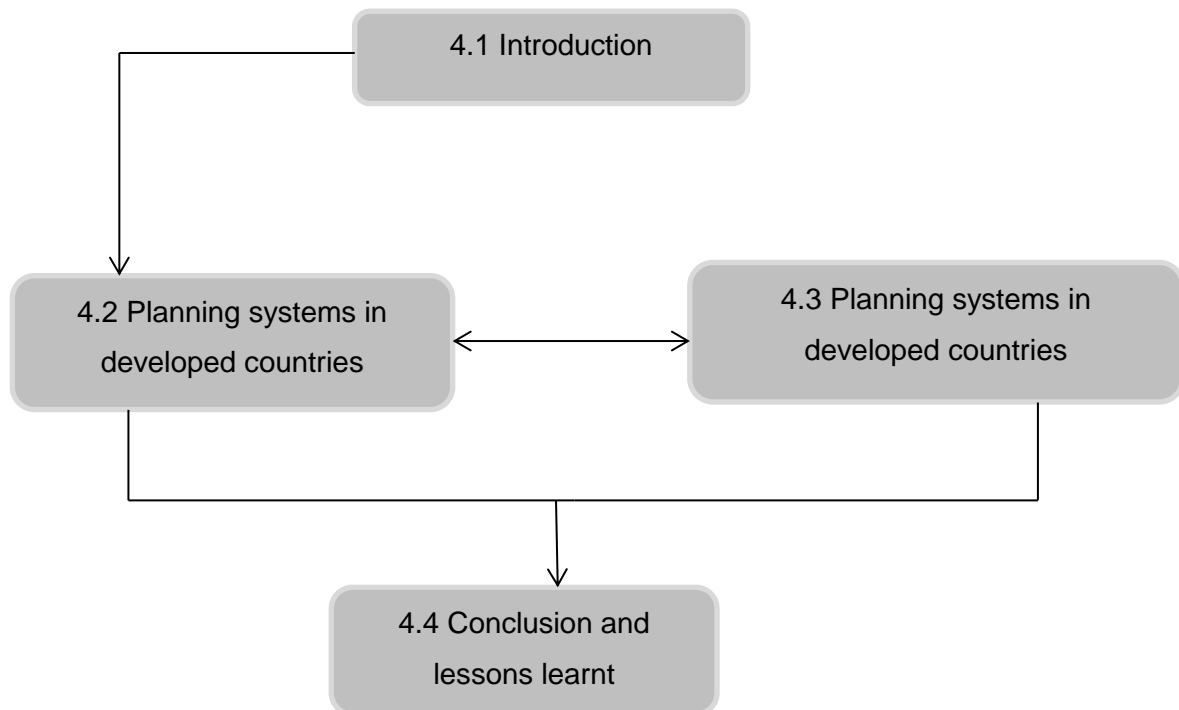
Table 3-3 proves the relationship between land use, socio-economic factors and transport accessibility. Land use factors such as density and the mix of land use determines travel distance more compact areas require shorter travelling distances. Affordability determines the choice of travel mode. Therefore, planning should integrate comprehensive travel modes in order to accommodate people of different socio-economic classes.

3.7 Conclusion

Planning theories and practice do not constitute an exact science; it is a practice which must always be made appropriate for the places and people it is intended to serve. Plans and policies are developed with the view to attain certain goals; however the environment to which they are applied determines the effectiveness thereof. Therefore plans and policies are always subject to review if the intended outcome is not attained owing to circumstances in the field to which they are applied. Planning at a regional scale allows for plans to be tailor made for the circumstances of that specific region. Development planning is necessary for the attainment of goals however the effectiveness of development plans and systems will always be tested by the socio-economic dynamics of areas and people for whom they are designed. Transport accessibility is one of the key factors to consider in spatial planning and land use management, because it has a direct bearing on the degree to which people of various socio-economic classes can access good and service. The following chapter draws planning lessons by comparing spatial planning systems in developed countries with planning systems in developing countries.

CHAPTER 4 PLANNING SYSTEMS IN DEVELOPED AND DEVELOPING COUNTRIES

Graphical representation of Chapter 4



4.1 Introduction

This chapter provides different planning systems employed in developed countries and developing countries. The planning systems are then compared in order to draw lessons and to find best planning practices that may be useful in the case study. This chapter has three main sections; section 4.2 presents a discussion on countries with a developed planning system followed by a discussion on planning systems in developing countries in section 4.3. Section 4.4 presents lessons learned by comparing various planning systems.

4.2 Planning systems in the United Kingdom

Planning systems in the United Kingdom represent a developed planning system because it consists of developed countries. The planning systems in four countries (England, North Ireland, Scotland and Wales) of the United Kingdom are compared in table 4-1.

Table 4-1: Planning systems in developed countries

Context	England	North Ireland	Scotland	Wales
Legislative framework	<p>The main planning acts currently in force are:</p> <ul style="list-style-type: none"> - The Town and Country Planning Act 1990 sets out how development is regulated. - The Planning Act 2008 which sets out the framework for the planning process for nationally significant infrastructure projects and provides for the community infrastructure levy. - The Localism Act 2011 provides the legal framework for neighbourhood planning powers including the duty to cooperate with neighbouring authorities. Although planning systems are driven by national policies, detailed land use decisions are done 	<p>The Planning Act (Northern Ireland) 2011 (2011 Planning Act), introduced a sharing of planning responsibilities between Councils and the Department of Environment, replacing the old system under the Planning (Northern Ireland) Order 1991 which gave the Department of Environment planning responsibilities. Under the 2011 Planning Act, The local Councils now have responsibility for local development planning; development management and planning enforcement. However, the Department still holds responsibility</p>	<p>Two pieces of legislation govern the operation of the Scottish planning system:</p> <ul style="list-style-type: none"> - The Town and Country Planning Act 1997 which sets out the roles of the Scottish Ministers and local authorities with regard to development plans, development management and enforcement. - The Listed Buildings and Conservation Areas Act 1997 which is concerned mainly with the conservation areas, designation and protection of listed buildings; this Act was amended by the Historic Environment (Scotland) Act 2014. 	<p>The Planning Act (Wales) 2015 operates at:</p> <ul style="list-style-type: none"> - National level: through the Welsh Government and the Planning Inspectorate - Local level: through Local Planning Authorities. - Regional level, and - Strategic planning areas, parts of Wales may be identified as Strategic Planning Areas for which Strategic Planning Panels are established.

	at a local level. Plans are less certain and not legally binding, allowing for negotiation before planning consent is granted.	for regionally significant and; regional planning policy; planning legislation; oversight and guidance for Councils and performance management.		
Use classes (use zones)	The Town and Country Planning Order 1987 categorises land and buildings into various use classes. These categories indicate the types of use which may fall within each use class. Planning authorisation is not usually required for changes of use within the same classes.	The Town and Country Planning Order (Northern Ireland) 2015 provides for categories of land and buildings into use classes. Planning authorisation is not required for a change of use within the same use class, however a change between use classes requires planning authorisation.	The Town and Country Planning Use Classes Scotland Order 1997 sets out broad “uses classes”. Planning permission is not usually required for a development that involves a change that is covered by a single use class.	The Town and Country Planning (Use Classes) Order 1977 also applies in Wales. However, the Welsh Ministers can make their own modifications to the order and so there are differences.
Conditions of approval	Local Planning Authorities have the power to impose planning conditions on planning permission as they deem necessary fit. The conditions must be in line with the National Planning Policy Framework of 2012 which states that planning conditions should be: - necessary - relevant to the proposed development - enforceable - precise;	Conditions may be imposed to enhance the quality of the development. They may be also be used to introduce time limits, restrict use and impose after care conditions which should be: - necessary - relevant to the proposed development - enforceable - precise;	Planning Authorities can impose conditions when granting planning authorisation, conditions should be: - necessary - relevant to the proposed development - enforceable - precise;	Planning Authorities in can impose conditions when granting planning authorisation, conditions should be: - necessary - relevant to the proposed development - enforceable - precise;
Enforcement	Enforcement action is undertaken by the Local Planning Authorities some authorities look at the amount of harm caused by the contravention and examine whether it justifies taking	Enforcement action is undertaken by the Local Planning Authorities some authorities look at the amount of harm caused by the contravention and examine whether it justifies taking	Enforcement action is undertaken by the Local Planning Authorities some authorities look at the amount of harm caused by the contravention and examine whether it justifies taking	Enforcement action is undertaken by the Local Planning Authorities some authorities look at the amount of harm caused by the contravention and examine whether it justifies taking

	action. A fine up to £20,000 (R 384 000,00) may be imposed on the transgressor.	action. A fine up to £100,000 (R1 920 000,00) may be imposed on the transgressor.	action. A fine up to £20,000 (R 384 000,00) may be imposed on the transgressor.	action. A fine up to £20,000 (R 384 000,00) may be imposed on the transgressor.
Development charges	The Community Infrastructure Levy is a levy that local authorities in England can choose to charge on new development help pay for supporting infrastructure	Developer contributions can be secured as a condition to planning permission. This enables the Department or Council to enter into planning agreements for the purpose of facilitating or restricting the development or use of the land.	Developer contributions in Scotland are normally secured under an agreement or contract between the Planning authority and the landowner which requires the landowner to restrict or regulate the use of their proposed development. The potential negative impacts of that development can also be mitigated through means set out in the agreement. The developer charges can be used for the development of associated infrastructure such as improving a road.	The Community Infrastructure Levy is a levy that local authorities in Wales can choose to charge on new developments in their area to help pay for supporting infrastructure.

Source: Adapted from Winter (2016)

4.3 Planning systems in developing countries

Four countries, namely South Africa, Nigeria, India, and Brazil have been randomly selected to represent developing planning systems and are compared in table 4-2.

Table 4-2: Planning systems in developing countries

Context	South Africa	Nigeria	India	Brazil
Legislative framework	The SPLUMA is the supreme spatial planning and land use management legislation governing the whole of South Africa. Since land use is the prerogative of local sphere of government municipalities must develop their own municipal spatial planning and land use bylaws.	After independence in 1960, colonial land policies existed with traditional land tenure arrangements until the passage of the Land Use Decree in 1978 which was designed to unify land policies in Nigeria, to control land speculation in urban areas, and to promote agricultural investment through secured land rights.	The constitution of India delegates town planning function to local government. The Town and Country Act 1957 direct development planning at state level. The output of development planning is a master plan and town planning schemes for specific locations (Gopinath, online:6)	The 1988 Federal Constitution conferred to the municipal authorities the power to develop laws governing the use and development land and the implementation thereof. Cities with more than 20,000 populations are obliged to approve a master plan law, which must be considered to be the “basic tool for development (World Bank, 2006:142).
Use classes (use zones)	Land use classes differ across municipalities and are detailed in each municipal land use scheme.	According to Ola (2011:160) Town and country planning is a Local Government affair, thus land use classes differ from one local sphere to another.	Master plans and development plans are prepared for towns, cities and metropolitan regions (Nukala & Mutz, 2015:7)	Municipalities develop master plans for their areas of jurisdiction detailing how land will be developed. (World Bank, 2006:142). Municipalities can determine Special Interest Zones where planning standards are more flexible (Biderman, 2008: 11).
Conditions of approval	A development approval is issued with a number of conditions which the applicant or developer has to adhere to prior implementation, during and post implementation	Development approval is granted with conditions that must be adhered to (Aribigbola, 2007: 11).	According to the Ministry of Urban Development (2016:151) clearance from various agencies ought be obtained before building or planning approval can be obtained, this is cumbersome and time consuming.	Development should meet urban standards which are sometimes determined by the municipalities as a condition for the approval (Biderman, 2008: 11).

Enforcement	The owner of the property who deviates from use of the property as per the zoning or development controls prescribed in the applicable land use scheme is issued a transgression notice which can stand in the court of law. An illegal charge may also be levied against the perpetrator.	Zonal Inspectors are appointed to go round their zones to identify and stop contravention. This activity hampered by inadequate facilities such as cars and motorcycles that are necessary for constant patrol. Development enforcement is limited to the approval of plans. An attempt was made to demolish illegal structures, but it was stopped to the negative political image of this exercise. (Aribigbola, 2007:11).	According to the Ministry of Urban Development (2016:1140) Regular inspection and checks must be frequently carried out to ensure compliance with conditions of approval.	According to the World Bank report 2006:151) progressive urban management strategies and inclusive urban planning legislation have been developed however most municipalities do not have the complete capacity to monitor the enforcement thereof.
Development charges	A development charge for the upgrading of infrastructure is levied against the developer/ applicant in line with the development charge policies applicable in that specific municipality.	The Land Use Charge Law of 2018 is used to levy development charges. However, there are areas that are exempted from paying developmental charges.	These include external development charges and infrastructure development charges are levied on development in order to maintain or develop infrastructure that will benefit that project (Sharma, 2017:1).	The development charge is a significant source of public revenue and has the advantage of generating financing for urban infrastructure (Smolka, 2018:1).
Challenges	Colonial history, poverty, competing land uses, inequality, rapid urbanisation, poor infrastructure, inadequate capacity (NDP 2030, 2016)	Colonial history, poverty, inequality, rapid urbanisation, Rising costs of land and accessibility to urban land, poor infrastructure, competing land uses (Owei <i>et al.</i> , 2010:3)	Large population sizes, limited geographical area, rapid urbanization, poverty, urban sprawl, poor infrastructure, competing land uses (Nukala & Mutz, 2015:3)	Colonial History, inadequate data for decision making, poverty, social exclusion and segregation, inadequate land use regulation. (World Bank, 2006:141).

Source: Own construction (2019) based on various authors listed above

4.4 Conclusion -lessons learnt

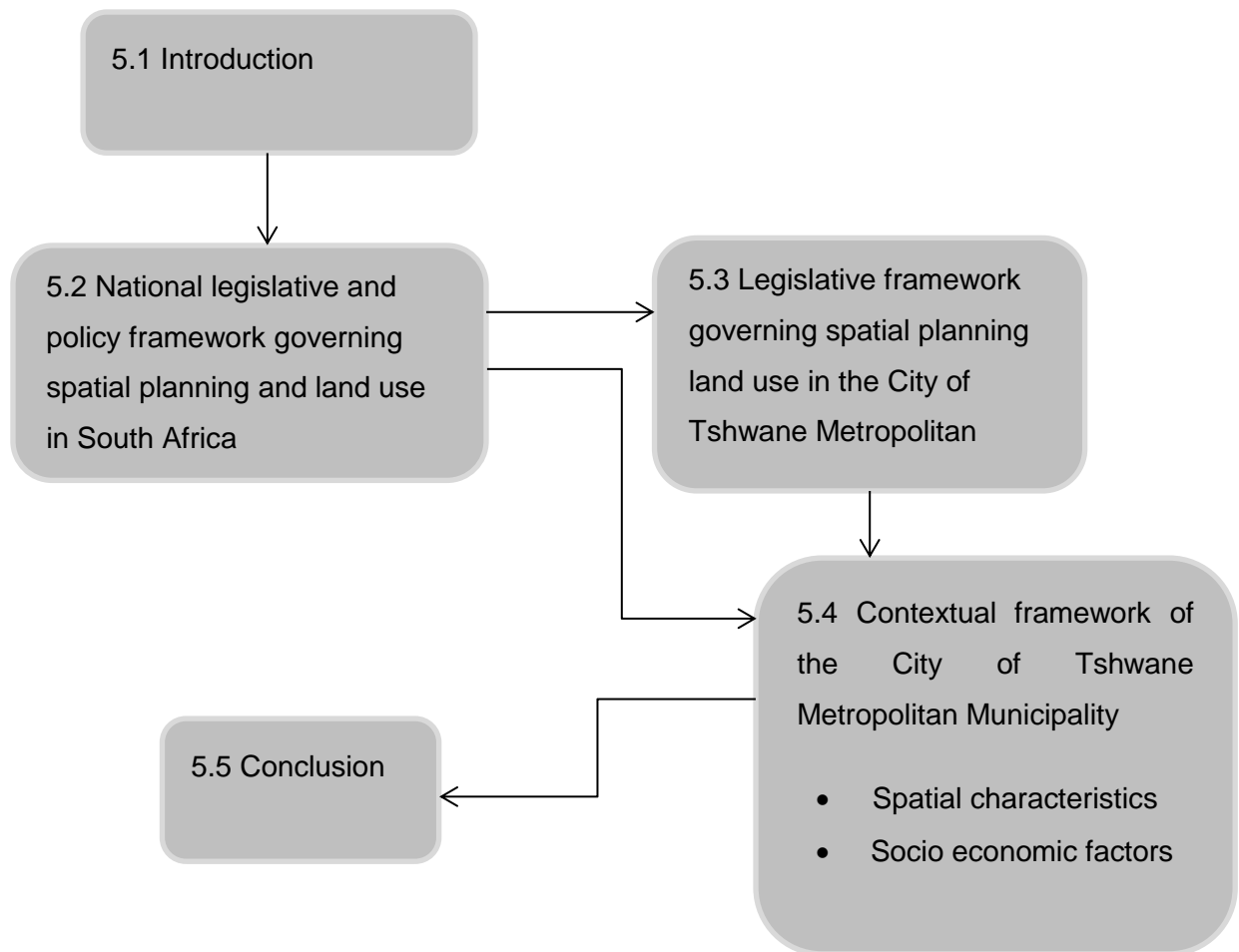
The following are lessons can be drawn from developing and developed countries with regard to planning systems:

- There is general consensus about the fact that development planning and development control should be the responsibility of a local sphere of government.

- Developed countries have more flexibility in land use change, allowing owners and developers to change land uses that are within the same class without having to apply to the competent authority.
- The focus of developed countries is functionality rather than control.
- England specifically allows for greater flexibility in that plans are less certain and not legally binding which allows for negotiation before planning decision is granted. This means that development will be debated and the decision will be based on merit rather than to follow a blueprint whose merits may no longer be relevant.
- The enforcement process for contravention is quick and has a monetary value attached to it which is a quick way to make people respond, whereas in developing countries the enforcement process tends to drag and alienates consequences from contravention of the scheme.
- There is general consensus between developing and developed countries in relation to development approvals: Development approval is subject to conditions which must be adhered to in order to foster safe and liveable environments.
- Development charges are levied in both developing and developed countries in order that sufficient infrastructure may be provided in line with the demand of the proposed development, which may not have been planned for originally in terms of service provision.
- There will not always be consensus about development decisions; hence an appeal system is put in place in both developing and developed countries.
- The challenges that developing and developed countries face are different; however, they employ similar strategies for land use management, which clearly are more effective and efficient in developed countries. According to Owei, Obinna and Ede (2010:1), efficient and effective land use planning and management is not yet well-established in numerous developing countries.
- Brazil, which has similar challenges as South Africa, employs a differentiated approach to land use management with regards to poor and rich areas. Brazil introduces a special interest zone where the urban regulatory norm can be relaxed. The introduction of special economic zones is a practical approach of addressing socio-economic dynamics within a planning area such as a sphere of government or regional area)

CHAPTER 5: LEGISLATIVE AND POLICY FRAMEWORK

Graphical representation of Chapter 5



5.1 Introduction

This chapter provides legislative and policy framework for spatial planning and land use management both at a national level (South Africa) and local level (City of Tshwane Metropolitan Municipality). The legislative framework is aimed at providing an understanding of policy directives which govern spatial planning and land use management. The Legislative framework at national level discussed in section 5.2 provides a broad direction for the entire South Africa. The Legislative framework at the City of Tshwane Metropolitan Municipality discussed in section 5.3 provides a set of directives for spatial planning and land use management within the area of jurisdiction of this municipality. Section 5.4 gives a contextual framework of the spatial and socio-economic factors in the city of Tshwane Metropolitan Municipality including Region 2. Section 5.5 presents the conclusions.

5.2 National legislative and policy framework

This section contains the national (South African) legislative and policy framework in relation to spatial planning and land use which are relevant to this study. The following national level legislation and policies will be discussed: The Constitution, Spatial Planning and Land Use Management Act 16 of 2013 and the Draft National Spatial Development Framework (NSDF) 2018.

5.2.1 The Constitution of the Republic of South Africa, 1996

The constitution of the Republic of South Africa is the supreme/ highest law of the country. Chapter 2 of the Act provides a set of rights to which South African citizens are entitled. South Africa's democracy is founded in the Bill of Rights. It meant to protect the rights of all people in the country and to affirm the democratic values of equality, freedom and human dignity. Section 9(1) and (2) of the Constitution state that *"everyone is equal before the law and has the right to equal protection and benefit of the law which includes the full and equal enjoyment of all rights and freedoms and that to promote the achievement of equality, legislative and other measures designed to protect or advance persons disadvantaged by unfair discrimination may be taken"*. Section 10 of the Constitution states that *"everyone has an inherent dignity which must be protected"*. Section 26(1) and (2) of the Constitution that *"everyone has the right to have access to adequate housing and that the state must take reasonable legislative and other measures to achieve the realisation of this right"*. Section 32(1)(a) and (b) of the Constitution state that: *"everyone has the right to access any information held by the state; and any information that is held by another person required to exercise or protect of any rights"*. Section 33(1) of the Constitution states that *"everyone has the right to a just administrative action"*.

The above paragraph highlights pertinent rights enshrined in the Bill of Rights in relation to the research topic. Land use management has direct impacts on the realisation of these rights. The phenomenon of inequality in South Africa has been well-acknowledged and is also addressed in the National Development Plan 2030. Government has made strides to provide housing (low-cost houses) for previously disadvantaged groups, which poses a land use management challenge, because these houses are often located in small stands which do not meet the minimum requirements for additional/secondary use or land use change. The right of access to information (in this case land use management information) is often impeded by the technicality of prevailing policies based on the socio-economic factors (level of education) in South Africa and most people may not understand such land use policy directives. The fairness of land use management is questionable when one considers the socio-economic factors affecting South Africa. It can be argued that current practice of land use management infringes on these rights.

5.2.2 Spatial Planning and Land Use Management Act 16 of 2013

There was a plethora of legislation dealing with spatial planning and land use management in South Africa, such as the Development Facilitation Act 67 of 1995, the Physical Planning Act 88 of 1967, the Physical Planning Act 125 of 1991, the Less Formal Township Establishment Act 113 of 1991, and the Removal of Restrictions Act 84 of 1967. These laws caused duplication and confusion in land use management and spatial planning. Fortunately, they have been repealed by the Spatial Planning and Land Use Management Act 16 of 2013. Nevertheless, the legacy of past planning laws remains to date.

The objectives of the Spatial Planning and Land Use Management Act are to:

- a) *“Provide a comprehensive system for spatial planning and land use management”*
- (b) *“Ensure promotion socio-economic inclusion through land use management and spatial planning systems”*
- (c) *“Provide development principles, norms and standards”*
- (d) *“Provide for sustainable use of land”*
- (e) *“Provide cooperative government between the spheres of government”*
- (f) *“Address past imbalances by ensuring equity in the application land use management and spatial planning systems”.*

SPLUMA seeks to move away from the traditional rigid spatial planning and land use management by introducing Principle based planning. There are 5 SPLUMA principles which are outlined below:

- The principle of spatial Justice- which is aimed at addressing past spatial and developmental imbalance.
- The principle of spatial sustainability- which is aimed at promoting sustainable land development which limit urban sprawl.
- The principle of spatial resilience- which promotes flexibility in spatial plan, policies and land use management to ensure sustainable livelihoods.
- The principle of good governance- all spheres of work together to ensure integrated approach to land use and land development.

In general, SPLUMA seeks to redress imbalances of the past; promote social and economic inclusion, and to provide an effective system of spatial planning and land use management. SPLUMA provides an enabling environment for flexible and just spatial and land use management.

5.2.3 Draft National Spatial Development Framework 2018

The Draft National Spatial Development Framework 2018 builds on the objectives and findings of the National Development Plan and the principles of SPLUMA. It identifies 6 national spatial development concepts to facilitate its agenda of bringing about the peaceful, prosperous and truly transformed South Africa. The six concepts are:

- *Urban areas and regions* - focusing on these areas as engines of national transformation innovation and inclusive growth.
- *National spatial service provisioning model* – to ensure effective, equitable and affordable social services.
- *National development corridors* – as incubators and drivers of new economies and quality of human settlements.
- *National transport and communication infrastructure* – to ensure a shared, sustainable and inclusive economy.
- *National ecological systems* – to ensure a resilient and sustainable natural resource foundation.
- *Productive rural regions* – as cornerstone of the national resource foundation.

All the concepts have a bearing on the use of land with a pertinent interest on people and places (the wellbeing of people), focusing on the improvement of social and economic and environmental wellbeing as well as the infrastructure required to support these initiatives. Thus the impacts of land use management at a local, metropolitan and district level have a bearing on the degree to which the nation can achieve its goals and objectives.

5.3 Legislative framework governing land use in the City of Tshwane

This section provides legislative framework which govern spatial planning and land use management within the area of jurisdiction of the City of Tshwane Metropolitan Municipality.

5.3.1 City of Tshwane Land Use Management Bylaw 2016

The purpose of the City of Tshwane Land Use Management Bylaw 2016 is to give effect to “municipal planning” as contemplated in the Constitution of the Republic of South Africa 108 of 1996. It sets and consolidates processes and procedures to facilitate and make arrangements for the implementation of land development and land development applications, spatial planning and a Land Use Scheme. This takes place within the jurisdiction of the City of Tshwane, in line with the Spatial Planning and Land Use Management Act 16 of 2013, by making provision for the processes and procedures of a Municipal Planning and Appeals Tribunal and for incidental matters.

All land development applications, processes and procedures within the City of Tshwane’s area of jurisdiction are submitted and dealt with in terms of the City of Tshwane Land Use Management Bylaw 2016. The bylaw also provides schedules that stipulate the procedure and requirements for lodging a land development or land use change application to the municipality and furnishes the prescribed application forms. This is meant to make submitting an application easier, but to a lay man it remains a tedious task.

5.3.2 Tshwane Places of Child Care Policy 2008

The purpose of the policy is to establish acceptable and reasonable regulations on location, noise, traffic control, parking and the adequate availability of services for such facilities. In terms of this policy, any illegal places of child care will have to undergo the necessary land use application process to avoid possible prosecution.

In terms of the policy, the number of children to be accommodated is site-specific, based on the facilities available. An indoor play area of 1.5m² of free floor space per child shall be provided for eating, playing and sleeping purposes, and the indoor play area for 3-year olds to school-going age shall be separate from that of children under 3 years. A minimum of 3m² outdoor play area

per child which is free from excavations, steps, projections or areas that are dangerous must be provided and an additional 1.5m² per child indoor play area must be provided if the outdoor play area is not available. There should be reserved parking for staff and functional parking for parents to drop off their kids, all of which must have dust free surfaces (be paved). All loading and offloading should take place onsite.


All these requirements for space makes the attainment of land use rights difficult in townships where the stand sizes can be as small as 200m². In low income areas day care fees are cheaper, than in high income areas; thus the more children one accommodates, the better the gain from running such an institution. However, the sizes of the stands restrict the number of children one may accept, thus making the running of a crèche non-profitable. The policy further requires that suitably qualified persons submit application for places of child care; this means additional cost for people who may already be struggling financially.

5.3.3 Tshwane Town Planning Scheme 2014

The municipality utilises a land use scheme to ensure municipal planning finds applicability in development that is co-ordinated and harmonious in such a way as to most effectively promote: safety, health, good order, amenity, convenience and general welfare of the area.

A land use scheme has the force of law and binds all persons, particularly owners and users of land, including the municipality, state-owned enterprises and organs of state within the municipal area, and provides for land use rights. Land may be used only for the purposes permitted by the adopted land use scheme. The scheme will typically contain use zones and uses permissible in such areas. Below is an extract showing uses permitted in the “Residential 1” use zone.

Table 5-1: Uses permitted in “Residential 1” land use zone

(1)	(2)	(3)	(4)	(5)
Use zone numbers and notation on map	Use zone	Purpose for which buildings may be erected or used	Purpose for which buildings may be erected or used only with consent of the municipality	Purpose for which buildings may not be erected or used
	Residential 1	One dwelling house	Backpackers Boarding house Day care for the aged Guest house Institution Place of childcare Place of instruction	Uses not listed in columns 3 and 4

			Place of public worship Retirement centre Social hall Sports and recreation	
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Source: Tshwane Town Planning Scheme (2014)

There are quite a number of secondary uses one can obtain on his or her “Residential 1” use zone property. However, there are requirements for the attainment of such secondary uses. The size of the stand may limit or make it impossible for the applicant to ever obtain secondary rights based on the prevailing land development controls. If a secondary use is exercised without the consent of the municipality it constitutes an illegal land use.

In terms of the Tshwane Town Planning Scheme (2014:46) the owner of a building or land or his authorised agent wishing to apply for a consent use (secondary use) must publish once at his own expense a notice of such application in the provincial gazette. The notice must be written in English and any other official language predominant in the municipal area. The notice must be displayed in a prominent area where it may be easily seen from public land. It is further required to notify by post owners of property adjacent to the application site. The advertising process, although necessary, adds to the burden/costs of obtaining land use rights for low-income households.

5.3.2 *The Integrated Policy on Taverns and Shebeens for the City of Tshwane 2002*

Various types of licenses are issued In terms of the Liquor Act 27 of 1989 and the Liquor Products Act 60 of 1989. With regards to the Integrated Policy on Taverns and Shebeens for the City of Tshwane 2002, two licenses are applicable namely:

- ✓ Off-consumption license where liquor may not be consumed on the premises of sale, which is therefore applicable to a shebeen;
- ✓ On-consumption license where liquor may only be consumed on the premises of sale and which is therefore applicable to a tavern.

The South African Police Services conducts spot checks on these premises, and if it is found that liquor is sold in contravention of the issued licence, a fine is imposed on the owner. In some cases the license can be withdrawn.

According to the policy, a shebeen or tavern should not be located closer than 100m road distance from schools, crèches, libraries, churches and parks. All loading facilities should be provided and maintained on the erf. Shebeens should be located on business erven or activity nodes or adjacent to these locations. A tavern as a primary land use may only be conducted on erven zoned for business purposes. The activity should be established on an activity node or adjacent

to such locations. Activity nodes are not applicable in low-income areas such as Kudube, therefore tavern and shebeen rights are unattainable in certain areas.

According to the tavern policy, the majority of business erven have been sold to private business people. The challenge the municipality faces is that there not sufficient business erven available to offer applicants as an alternative to using residential stands for taverns. Therefore, communities wishing to conduct such businesses must rezone their residential properties to business use zone. As already stated, most erven are too small to qualify for such a rezoning, let alone the cost involved in obtaining a land use change right for low-income areas.

5.3.3 City of Tshwane Spatial Development Framework 2012

The vision of the City of Tshwane is to become the African Capital City of Excellence. The purpose of a spatial framework for the city is to provide a spatial representation of the city's vision and to be a tool to integrate all aspects of spatial (physical) planning, as well as to guide all decision-making processes regarding spatial development. The City of Tshwane Spatial Development Framework aims to address the following towards the achievement of the city's vision:

- Addressing social need
- Restructuring of a spatially inefficient city
- Promotion of sustainable use of land resources
- Strategic direction around infrastructure provision
- Creating opportunities for both rural and urban areas
- Guiding developers and investors as to appropriate investment localities
- Establishing rural management programmes to improve livelihoods and stimulate employment.

Generally all the factors to be addressed by the city's spatial development framework have a direct link to land and land use. Therefore addressing land use challenges would help address other challenges faced by the city.

5.3.4 City of Tshwane 2016/2012 IDP

The IDP depicts the vision and the strategic objectives of the whole metropolitan municipality. It provides the strategic direction to be followed. Table 5-2 below shows the vision and strategic objectives of the municipality.

Table 5-2: Vision and strategic goals of the City of Tshwane

Vision	<i>"In 2055, Tshwane is liveable, resilient and inclusive and its citizens enjoy a high quality of life, have access to social, economic and enhanced political freedoms and are partners in the development of the African capital city of excellence".</i>
Strategic goals/objectives	<ul style="list-style-type: none">• Providing sustainable services infrastructure and human settlements.• Promoting shared economic growth and job creation.• Ensuring sustainable, safer communities and integrated social development.• Promoting good governance and an active citizenry.• Improving financial sustainability.• Continuing institutional development, transformation and innovation.

Source: City of Tshwane IDP (2016)

The vision and the goals of the city are clear: land use management can be a tool to either support the attainment of these goals or hinder (by default) the set goals.

5.3.5 City of Tshwane Comprehensive Integrated Transport Plan

The transport mission of the City of Tshwane is: "to develop a transport system that positions the Capital City to meet the economic and social needs of its citizens". The transport goal is: "to plan and develop a transport system that improves accessibility and mobility whilst enhancing social inclusion through:

- The reduction of traveling distance, time and cost.
- Provision of universal access to transport facilities.
- Provision of suitable non-motorised transport infrastructure to promote cycling and walking.
- Maintenance of the transport system in a cost effective condition.
- Safeguarding and improving the utilisation of the existing and future transport resources.
- Expansion of the transport system in order to eliminate infrastructure and public service inequalities.

There are 3 main modes of transport in the City of Tshwane Metropolitan Municipality namely; Private, public and none motorised transport (NMT) as illustrated in Table 5-3.

Table 5-3: Main modes of transport per region in City of Tshwane Metropolitan municipality

Region	Public transport	Private transport	NMT
1	46.4%	19.0%	34.6%
2	34.6%	23.8%	41.6%
3	31.1%	49.1%	19.8%
4	16.6%	65.6%	17.7%
5	29.8%	24.6%	45.6%
6	36.7%	38.5%	24.7%
7	25.8%	24.8%	49.4%
City of Tshwane	35.5%	34.8%	29.8%

Source: City of Tshwane comprehensive transport plan (2015:65)

41,6 % of the commuters in Region 2 use none motorised transport mode, while 34,6% use public transport and 23,8% use private transport. The high percentage of none motorised transport mode can be linked to the cost of other transport modes. One of the challenges of using taxi's as a mode of transport in Region 2 is the cost thereof (City of Tshwane Integrated Transport Plan, 2015:68).

Table 5-4: Trip purpose per region in the City of Tshwane Metropolitan Municipality

Region	Work-related	Education	Social & recreational	Personal welfare & business	To take or fetch someone	Other	To go home
1	20.5%	24.4%	1.6%	3.2%	0.7%	1.3%	48.3%
2	19.6%	26.7%	1.0%	2.6%	0.6%	1.2%	48.3%
3	27.5%	20.7%	0.5%	1.8%	2.4%	0.3%	46.6%
4	32.5%	18.5%	0.7%	2.5%	2.3%	0.5%	43.0%
5	27.3%	23.1%	0.6%	0.5%	0.3%	0,2%	48.1%
6	27.8%	22.8%	0.8%	3.5%	1.3%	0.4%	43.4%
7	23.1%	30.9%	0.3%	0.9%	0.5%	0.4%	43.9%
City of Tshwane	24.8%	23.3%	1.0%	2.7%	1.3%	0.8%	46.2%

Source: City of Tshwane comprehensive transport plan (2015:65)

The purpose for which travelling is made is land use related. Therefore land use affects travel behaviour. A well planned spatial systems is one that reduces travel distance between places of residence and places of work, personal welfare and recreational facilities.

5.3.8 City of Tshwane Home Enterprise Policy

With reference to “Residential 1” use zone the City of Tshwane has a home enterprise policy which allows uses such as hair salons, sewing/tailoring, places of child care up to 6 kids to be conducted from a “Residential 1” use zone property as primary use. The home enterprise/business must encompass a maximum of 30% of the gross floor area of the dwelling unit and outbuildings and shall not exceed 60m². This provision has, to a large extent, reduced the burden of obtaining land use rights from the municipality.

5.4 Contextual framework of the City of Tshwane Metropolitan Municipality

5.4.1 Spatial characteristics of the City of Tshwane Metropolitan Municipality

There was an amalgamation of the municipalities in the former Metsweding District Municipality (Nokeng tsa Temane Local Municipality and Kungwini Local Municipality) into the former City of Tshwane on 18 May 2011 as can be seen in figure 5-4.

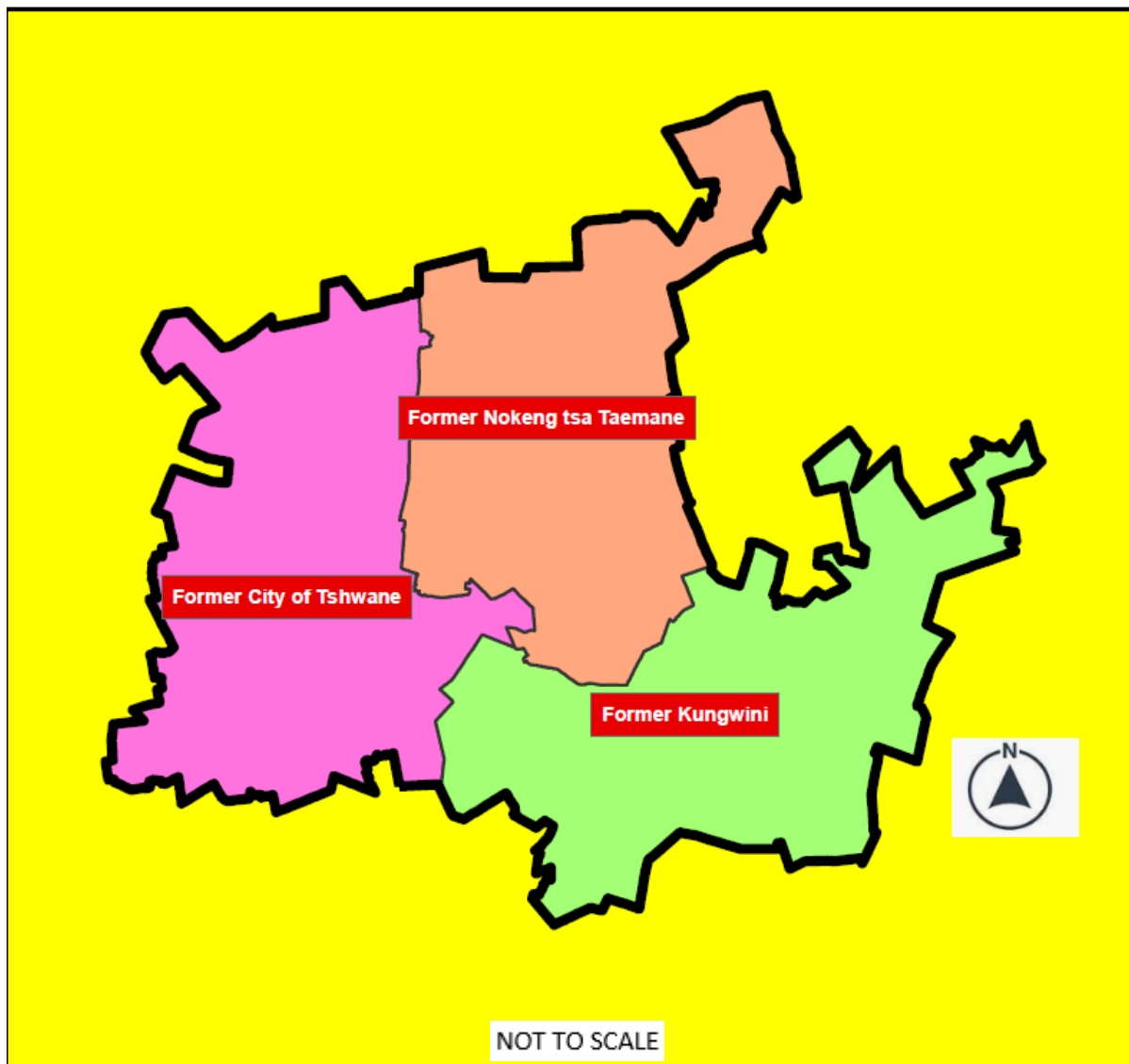


Fig 5-1: Historical form of the City of Tshwane Metropolitan Municipality

Source: City of Tshwane Spatial Development Framework (2012:13)

The amalgamation of the former Noka tsa Taemane and former Kungwini municipalities into the city of Tshwane increased the geographical area of the City of Tshwane along with added responsibility for service delivery and land use management. This kind of growth is not natural but rather an extension of boundaries which is a rapid growth of population zone and households, who must also be catered for in land use management. Furthermore, each municipality has its own way of managing land use. Therefore, amalgamation requires a strategic direction with regards to land use management in order to cater for all areas within the City of Tshwane Metropolitan Municipality without neglecting socio-economic dynamics. There were also a number of town planning schemes which were applicable in different parts of the City of Tshwane Metropolitan Municipality which were then integrated into the 2014 revised Tshwane Town Planning Scheme. The old town planning schemes can be seen in figure 5-2

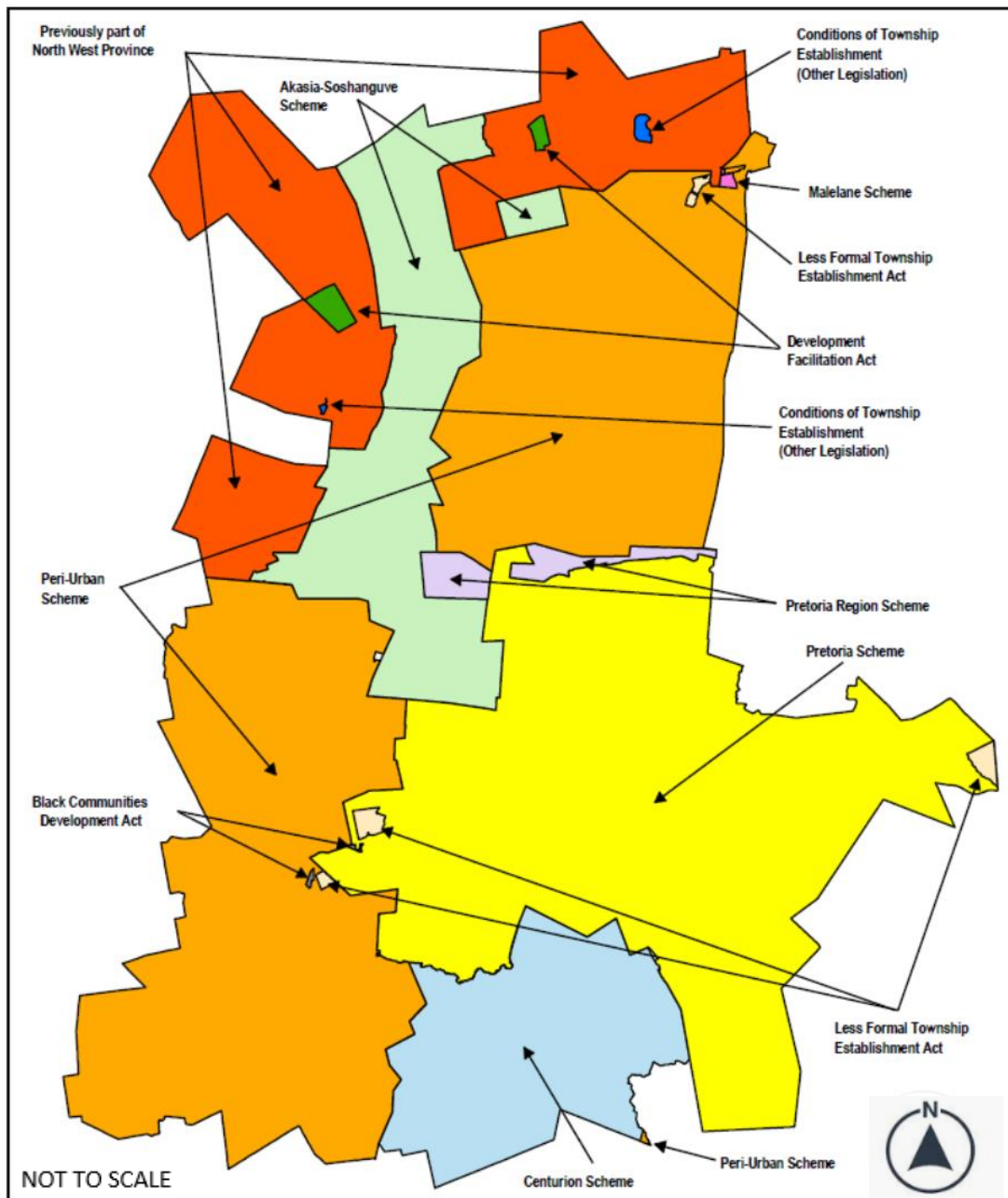


Fig 5-2: Old town planning schemes in the City of Tshwane Metropolitan Municipality

Source: Tshwane Town Planning Scheme (2008)

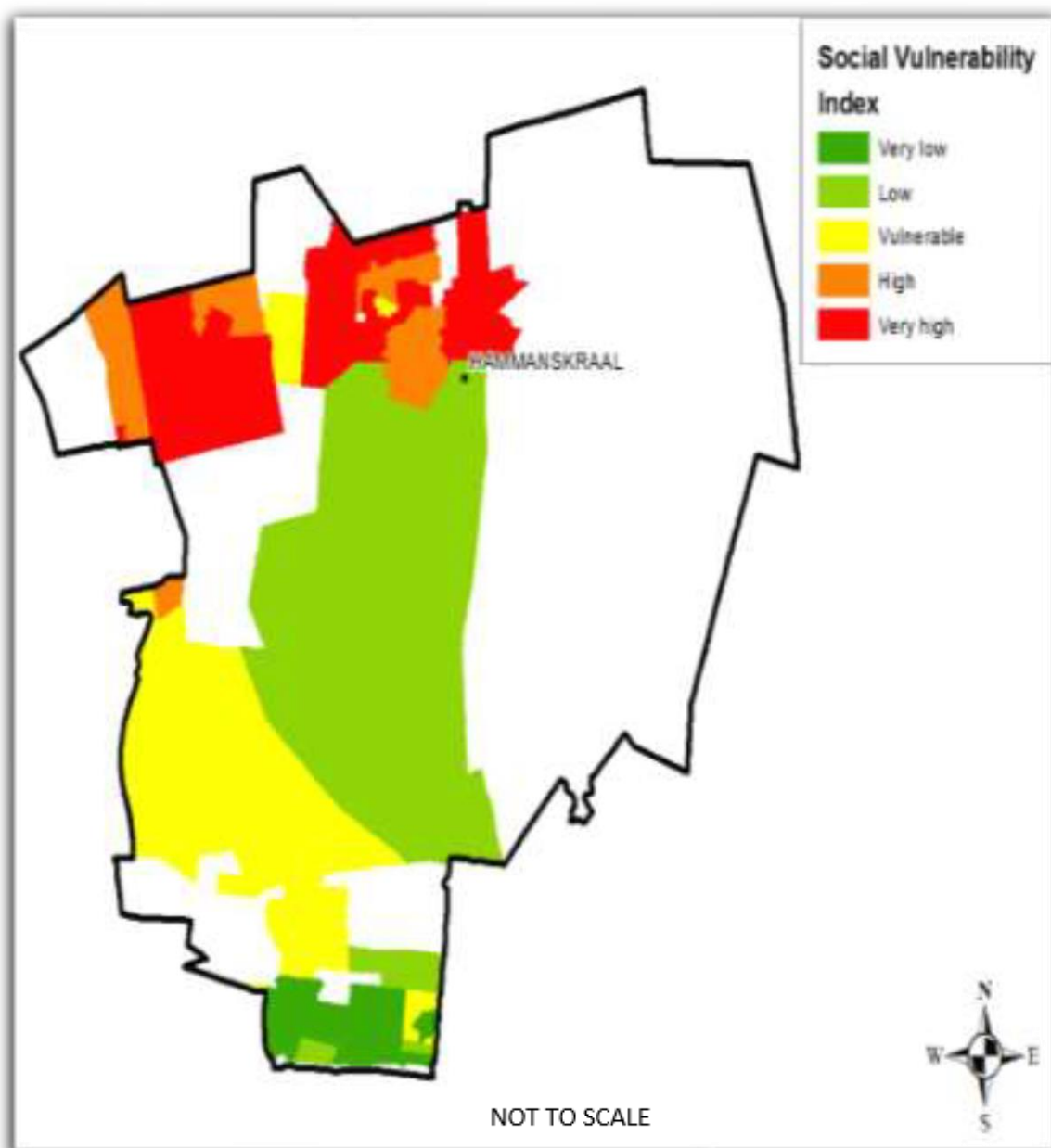


Fig 5-3: Social vulnerability index in Region 2

Source: Regional RSDF region 2 (2018)

The wards with high and very high social vulnerability indices are wards 8, 13, 14, 74, indicated by the orange and red colour. According to the Spatial Development Framework for Region 2 (2018:40), these areas have high population densities, a lot of informal settlements, high poverty and unemployment rates, and are location within the 1:50- and 1:100-year flood lines. Eastern parts of wards 95 and 96 fall within the low social risk index while the western parts fall within the vulnerable index. Ward 50 and Ward 5 which are the high-income areas fall within the very low vulnerability index. The most vulnerable groups are low-income groups.

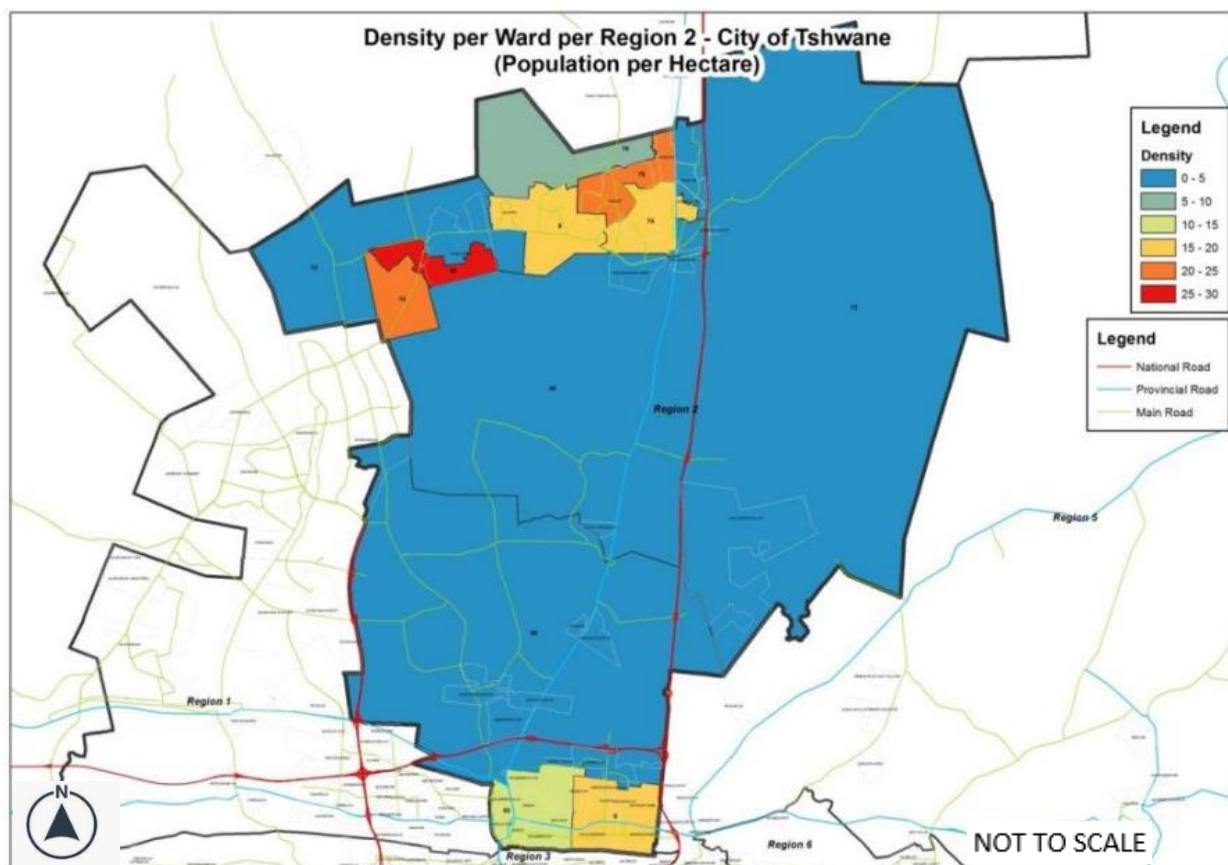


Fig 5-4: Population density of Region 2

Source: City of Tshwane region 2: Regional Spatial Development Framework (2014-15)

Ward 5 and 50 which are the high-income areas have the lowest population densities while the northern part which is a low-income area has the highest population densities. The higher the population densities place a higher the demand for land, goods and services. However, the higher population density areas are located further away from the city centre where goods and services are located, whereas the low density areas are located close to the CBD. Therefore, the higher population densities (low income areas) spend more time and money on transport to access goods and services.

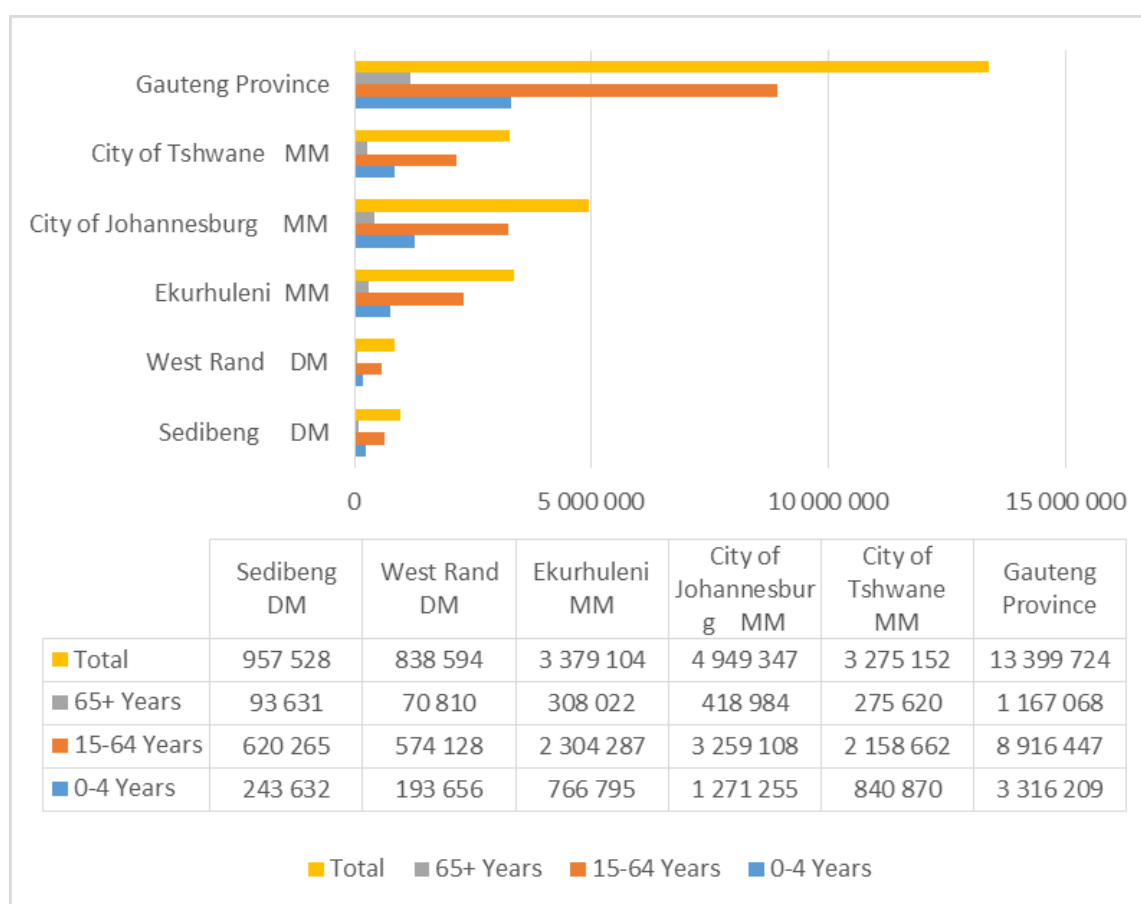


Fig 5-5: Population size per district and metropolitan municipality in Gauteng in 2016

Source: STATS SA (2016)

The highest population sizes are in the metropolitan areas, with the City of Johannesburg recorded as having the highest population size, followed by Ekurhuleni. The City of Tshwane had the lowest population size compared to other metropolitan municipalities. Nonetheless, the population in the City of Tshwane is a substantial size for which effective planning and land use management are necessary.

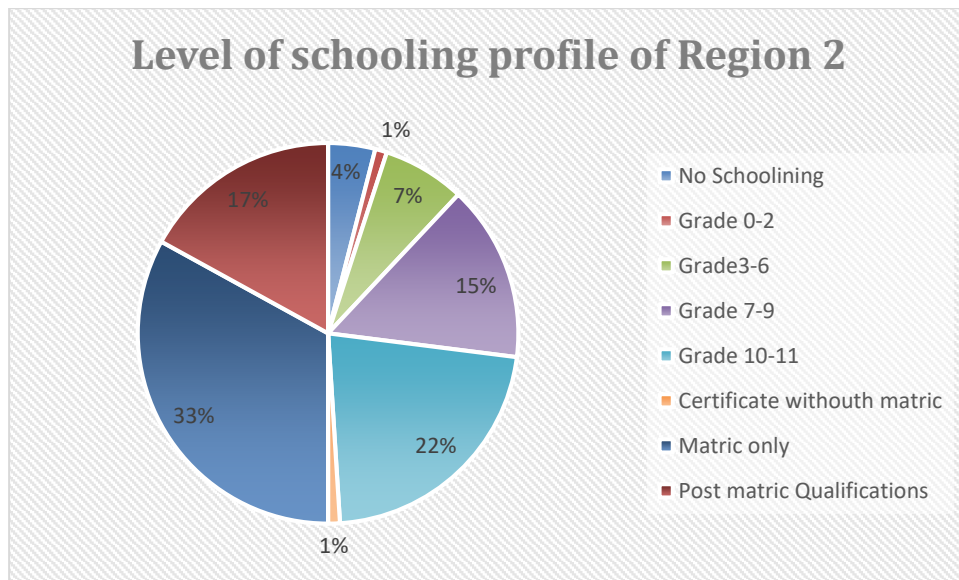


Fig 5-6: Level of schooling profile of Region 2

Source: City of Tshwane Integrated Development Plan (2016)

The level of schooling profile for the City of Tshwane indicates that only 33% of the population in Region 2 had obtained matric and only 17% post-matric qualifications; these account for 50% of the population in Region 2. According to the Department of Social Development (2010:4), children miss days of school or drop out altogether due to economic and social drivers such as a lack of money for school uniforms, school fees and the need to work for income. This kind of statistics gives an idea of the socio-economic status and class of the people living in this region and the consequent implications on land use management.

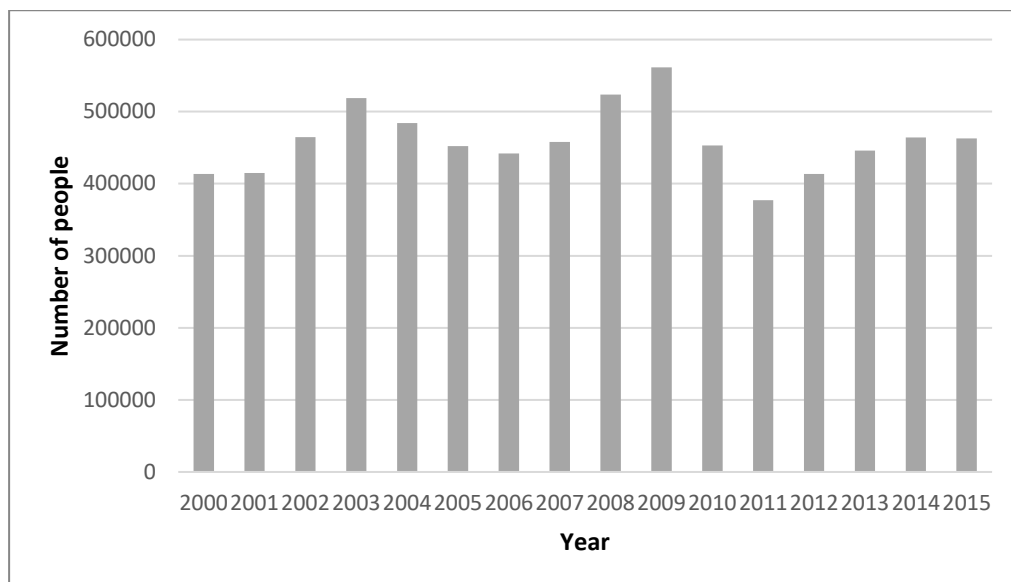


Figure 5-7: Number of people living below the poverty line in City of Tshwane Metropolitan Municipality

Source: HIS Markit (2016)

The number of people living below the poverty line has been fluctuating between the years 2000 to the year 2015. The highest number was recorded in 2009, followed by 2008; the years when there was a global economic recession. What is interesting in relation to this study is to note that there is a substantial number of people live below the poverty line. Although the number of people living below the poverty line fluctuated between the year 200 and 2015; the lowest number remains above 300 000 people living below the poverty line.

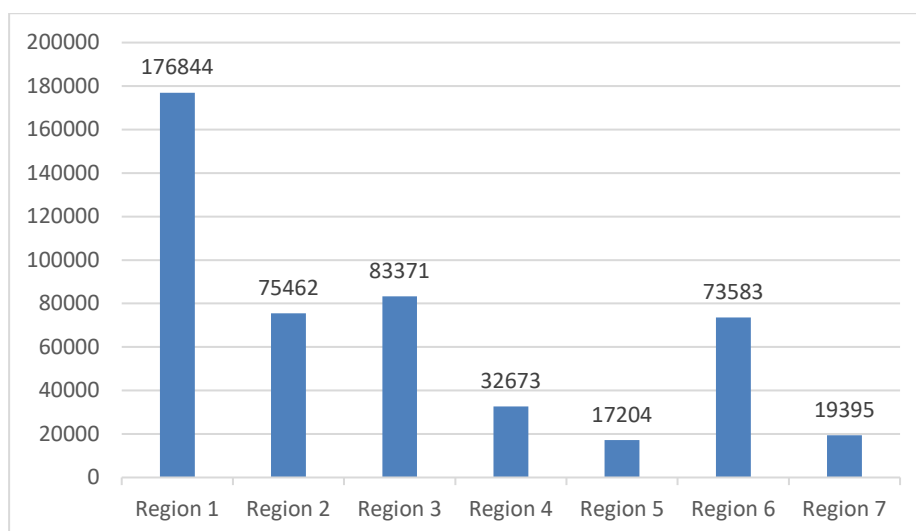


Fig 5-8: Number of people living below the poverty line per region

Source: City of Tshwane Integrated Development Plan (2016)

Region 2 has the third-highest number (equivalent to 15,7% in relation to the other six regions) of people living below the poverty line, despite having the fourth-highest population size. A total number of 75 462 persons living below the poverty line is too significant to be ignored in land use management.

The high number of people living below the poverty line depicts the pertinent socio-economic class of some persons in the City of Tshwane and the degree to which they are able or unable to change land use rights or obtain additional rights. For these groups of persons, basic needs (food, water, clothing and shelter) are hard to attain; thus land use and land use management are not prioritised. Nonetheless the same groups ought to be accommodated in land use management.

In terms of the City of Tshwane Integrated Development Plan 2016-2012 the number of people registered in the indigent register is on the increase. The IDP has identified Region 2 as the region with the third-highest number of people living below the poverty line in the City of Tshwane Metropolitan Municipality. People registered on the indigent register are entitled to free basic services in terms of the City of Tshwane's indigent register 2011. The escalating number of people in the indigent register links to the inadequate job phenomenon referred to in the NDP.

Land use application rate

According to the Consolidated Annual Report for the City of Tshwane for the 2016/17 financial year, Region 2 received a total of 129 land use applications; all of which were processed within the same financial year. This is quite a low number in relation to the number of households and the percentage of illegal activities. It is evident that the City of Tshwane's Region 2 has sufficient human resources to administer land use applications; therefore the challenge in land use can be pointed in other directions. In low-income areas the low application rate can be attributed to unawareness, lack of financial resources and properties that do not meet the minimum requirements for land use change or secondary land use rights. In high-income areas, the low application rate can be attributed to high incomes where less augmentation is required. The low application rate can also be attributed to the introduction and implementation of the home enterprise policy by the City of Tshwane. Table 5-5 shows the number of land use applications for the 2016/17 financial year.

Table 5-5: Number of land use applications for the 2016/17 financial year in Region 2

Type of application	Received	Finalized	Refused	Extension of time
Consent use	51	37	0	69
Subdivisions	9	3	0	
Consolidations	3	2	0	
Removal/Amendments/ Consent of Restrictive Conditions	34	11	0	
Rezoning	17	5	0	
Township Establishment	13	4	0	
Amendment after approval of a Township	2	0	0	
Total	129	60	0	69

Source: Consolidated Annual Report for the City of Tshwane 2016/17 financial year

5.5 Conclusion

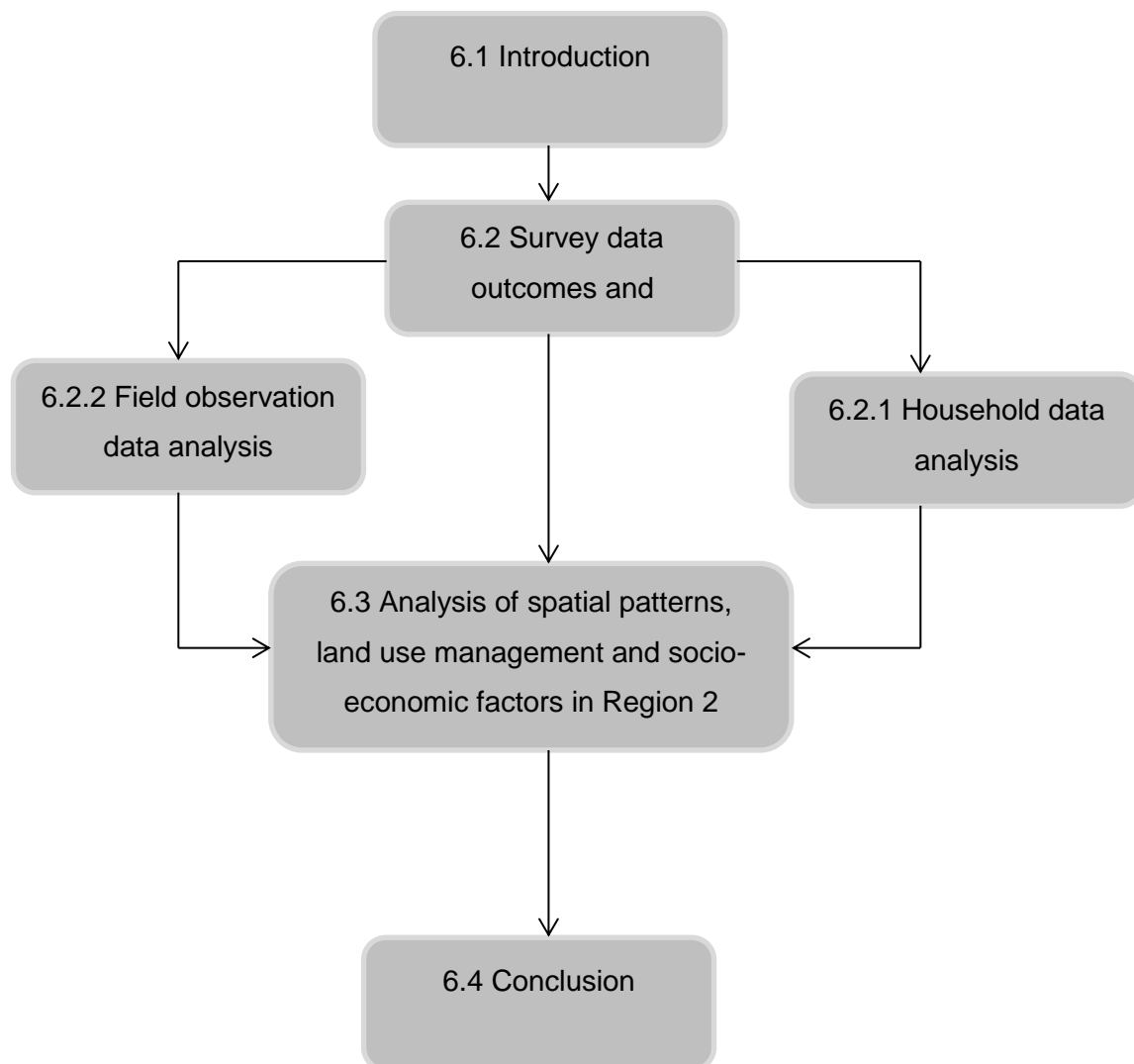
There are prevailing laws that govern the whole of South Africa which must be adhered to and that may not be contradicted by provincial legislation and municipal bylaws. These laws provide an umbrella ruling over the whole republic. The land use regulations at a local level (City of Tshwane Metropolitan Municipality) have more meaningful impact and consequences for people living within its jurisdiction. These regulations shape the direction and growth of the whole municipality and are therefore very significant. People living within the City of Tshwane

Metropolitan Municipality are either adversely or favourably affected by the land use policies introduced by the municipality, based on their socio-economic status.

Region 2 carries the same historic spatial patterns of South Africa with the poor living in the periphery and the rich in well located areas close to goods and services. It is evident that a great number of people in Region 2 live below the poverty line and are dependent on various social grants. The next chapter points out the degree to which people are affected by land use management regulation and the degree to which socio-economic factors affect the implementation of land use regulations in Region 2 based on questionnaire survey and field survey (observation).

CHAPTER 6: SURVEY DATA OUTCOME AND ANALYSIS

Graphic representation of the chapter



6.1 Introduction

This chapter provides an analysis of the survey data collected through questionnaire survey and field observation.

6.2 Survey data outcome and analysis

6.2.1 Household data survey outcomes

This section presents a graphical representation and analysis of the status of socio-economic factors in Region 2 based on household questionnaire survey.

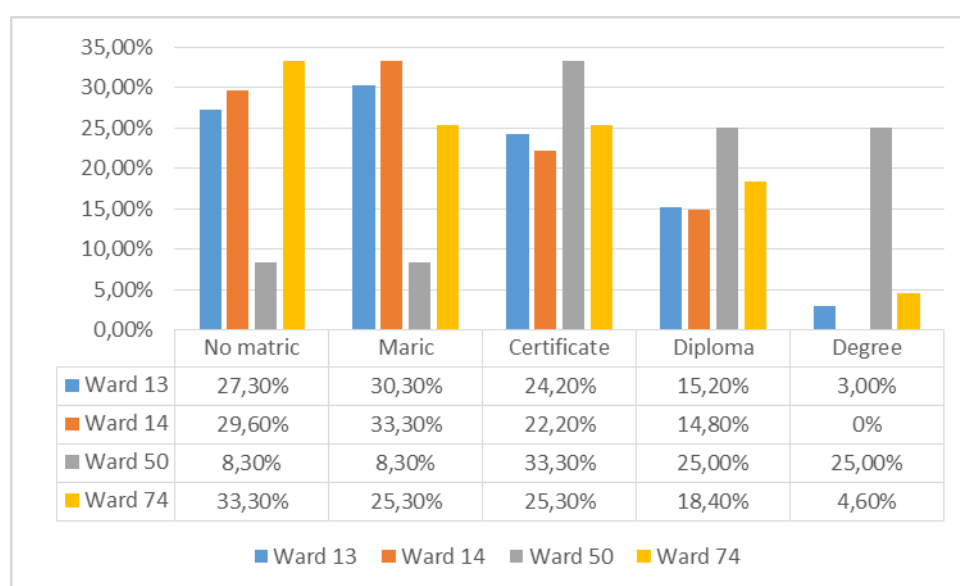


Fig 6-1: Level of education

Source: Household survey (2018)

Ward 74 has the highest percentage of people without a matric qualification followed by ward 14. Ward 14 has the highest percentage of people with a matric qualification followed by ward 13. Ward 50 has the highest percentage of people with a certificate followed by ward 74. Ward 50 emerged as having the highest percentage of people with a diploma, again followed by ward 74. It is interesting to note that the percentages decline with an increase in the qualification category.

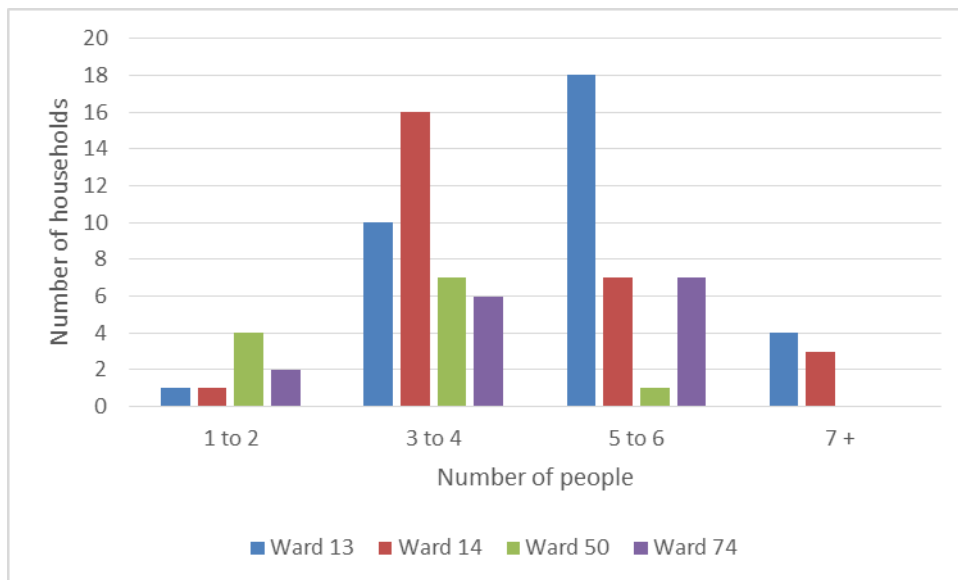


Fig 6-2: Number of people in the household per ward

Source: Household survey (2018)

Ward 13 has the most households with 5-6 members and the most households with 7 or more members in the household. Ward 14 has the most households with 3-4 members. Ward 50 has the fewest households with 5-6 members and no households with 7 or more members. Ward 74 has no households with 7 members or more. It can be seen from the figure above that each region has its own unique characteristics in as far as the household composition is concerned. It is interesting to note that ward 50, with the highest percentages of educated persons, has the lowest composition of household members.

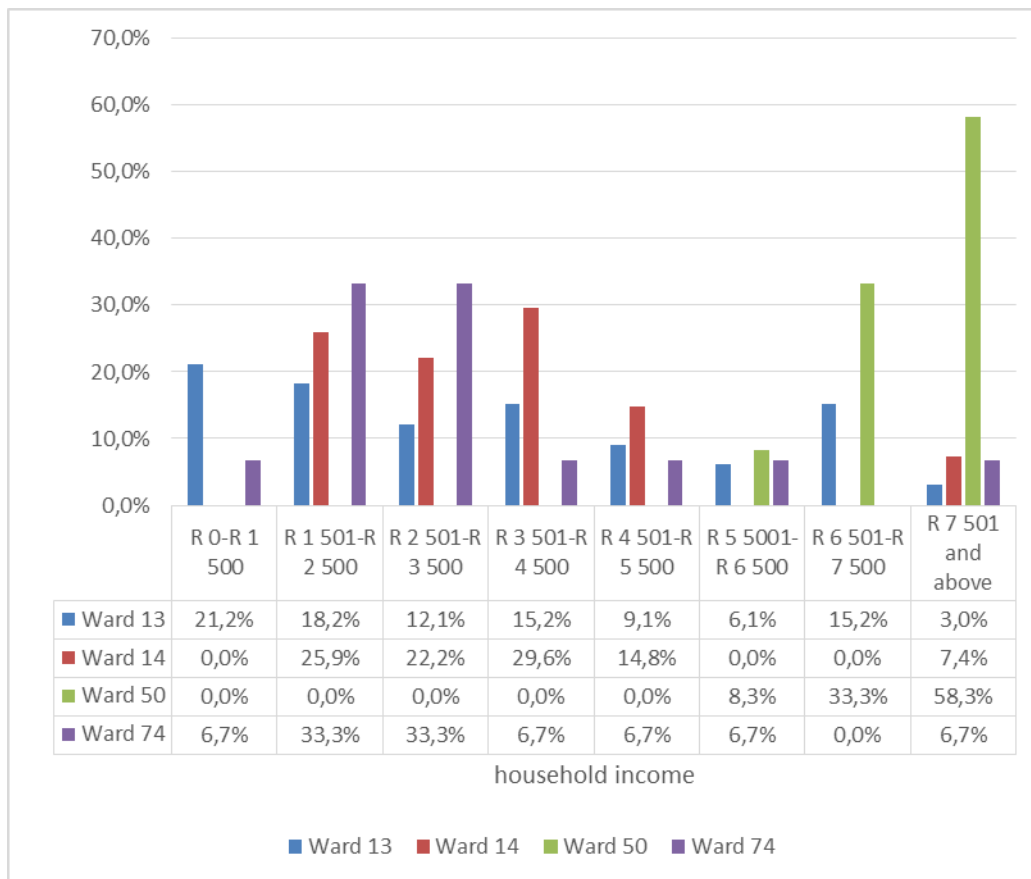


Fig 6-3: Combined household monthly income

Source: Household survey (2018)

Ward 13 has the highest number of households earning R0, 00 to R1 500, per month. Ward 14 has the highest number of households earning R3 500, 01 to R4 500,00 per month. Ward 50 has the highest number of households earning R7 500,01 and above, while ward 74 and ward 13 have the lowest number of households earning R7 500,01 and above. Once again, each ward has its own unique characteristics, but what is interesting that ward 50 with the smallest number of people in the household has the highest monthly income per month. Ward 13 which has the highest number of people in the household has the lowest number of people earning R7 500,01 and above and the highest number of households earning between R0, 00 and R1, 500..

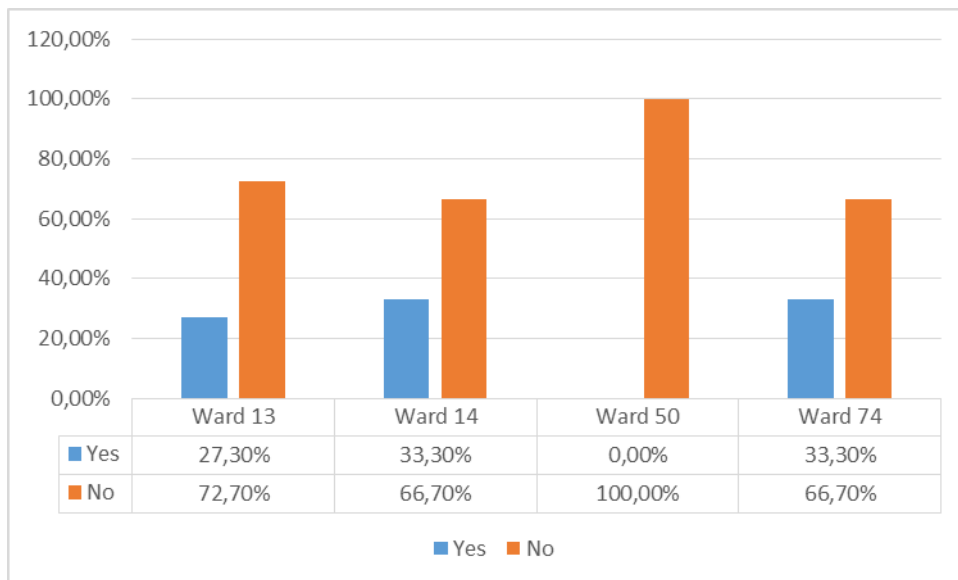


Fig 6-4: Percentage of household receiving grants per ward

Source: Household survey (2018)

Ward 74 and Ward 14 with 33% have the highest percentage of households receiving a social grant at 33%. Ward 50, which is an upmarket area, has no households receiving social grants. Generally, the percentage of households receiving grants in each ward is lower than the people who do not receive grants. Nonetheless, the combined number of households receiving grants is significant in land use planning and management as it points to the socio-economic class to which such persons belong. Furthermore, it points to a need for additional income; the need for additional income fuels secondary use or illegal land use. On the other hand, when considering the qualifying criteria for social grants it is clear that the people who do not receive social grants have very low incomes.

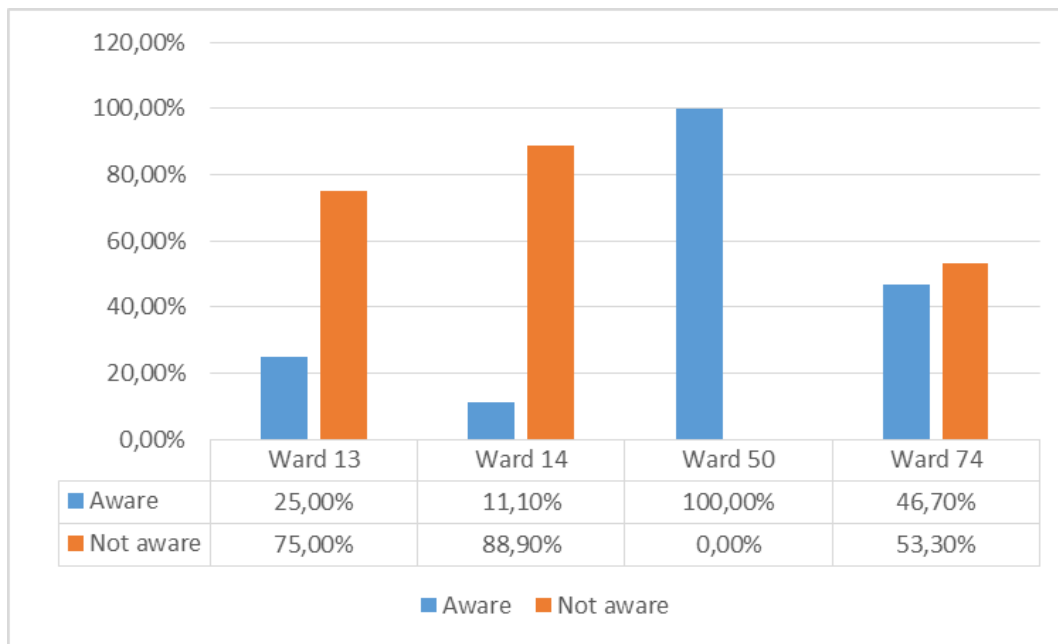


Fig 6-5: Level of awareness of building control

Source: Household survey (2018)

The ward with the greatest percentage of people who are unaware that alterations to one's building must be granted by the municipality is ward 14 at 88,90% followed by ward 13 at 75%. Ward 74 scores 46,76% in terms of awareness and ward 50 has a 100% awareness. When one compares the level of education with the level of awareness, it is clear that the level of education does not have a clear bearing on the knowledge and understanding of land use management; because there are people in ward 50 who are without a matric qualification but yet are aware of prevailing land management regulations. This means that the exposure to such knowledge makes one aware of what is lawful and what is illegal in terms of prevailing laws.

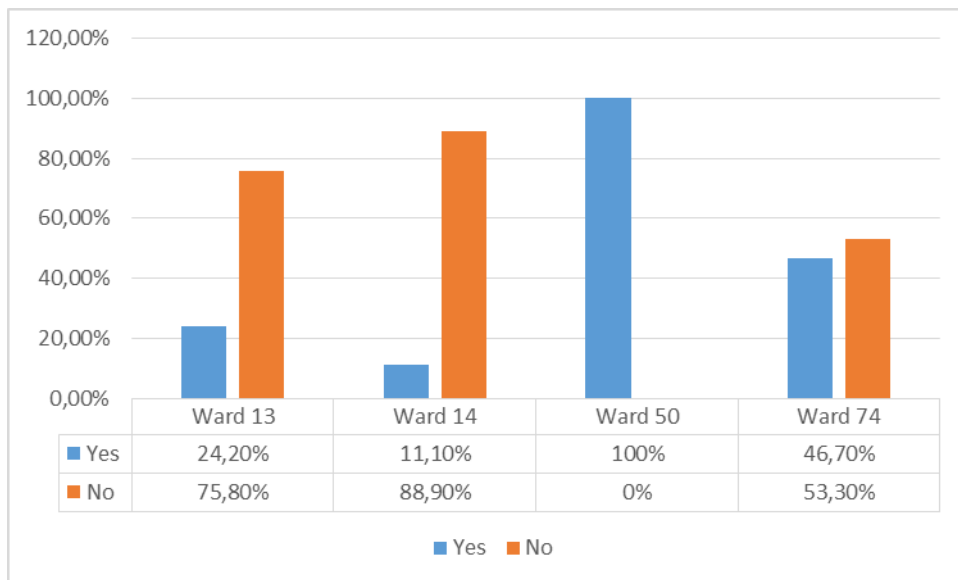


Fig 6-6 level of awareness of land use control

Source: Household survey (2018)

The statistics depicted in figure 6-5 are similar to those in figure 6-6. Clearly if one is aware of building control, one is more likely to be aware of land use management. Similarly, if there is awareness of land use management regulations there will also be awareness of building control because the two go hand-in-hand.

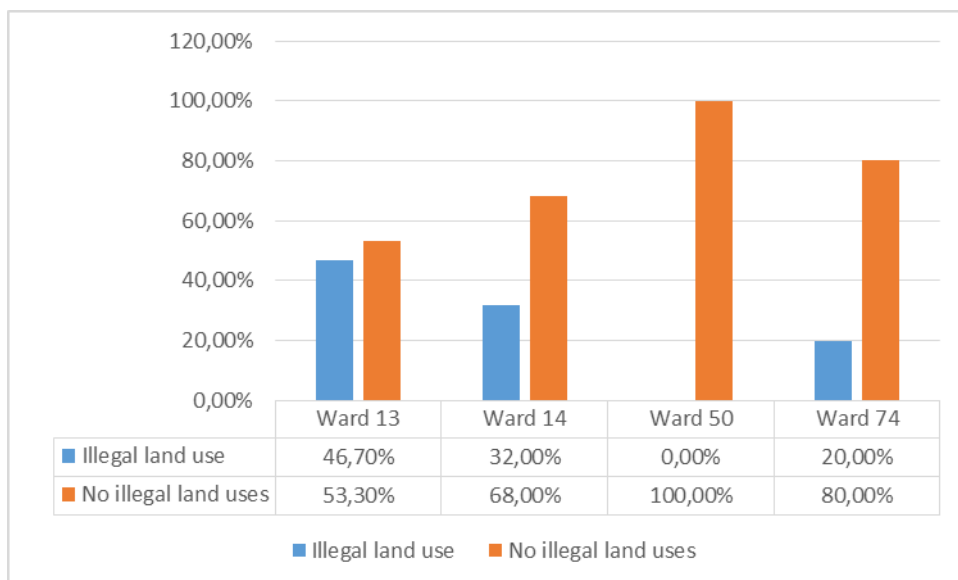


Fig 6-7: Prevalence of illegal activities per ward

Source: Household survey (2018)

The highest number of illegal activities is found in ward 13. Ward 13 comes out as the ward that has the highest child support grant index and the second highest old age grant. It has the highest

number of households with matric only; it is also the ward with the highest number of households comprising of 5-6 household members and 7 and more household members. Ward 13 also has the second highest number of people who are unaware of land use and building control. Interestingly, this ward has the highest number of households earning between R6 500,01 and R 7 500,00. The fact that there is more illegal land use in this ward and that the household income is between R5 600,01 and R7 500,00 means that these secondary activities bring in some income in the household and that they came about due to the financial demand on the household. The level of unawareness also contributes to the prevalence of illegal land use.

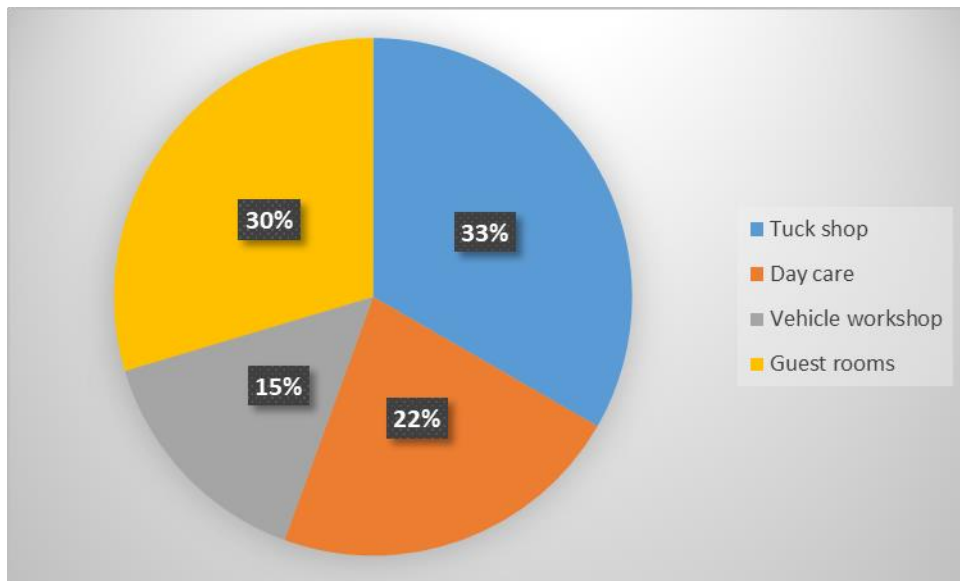


Fig 6-8: Percentage of illegal activities by type

Source: Household survey (2018)

Tuck shops comprise the most practiced illegal land use at 33%. This makes sense as these areas are spatially removed from economic hubs. Many tuck shops provide the daily necessities for household consumption at a walking distance. Illegal guest rooms are the second-highest illegal activity at 30%. Although wards 13, 14 and 17 are about 50km away from the CBD they are still ideal areas for providing affordable accommodation for people who work in town but whose homes are much further. Day care centres are essential for working parents; it is not surprising that they are at 22% in comparison to all other illegal land uses. The least common are vehicle workshops at 15%. Had it not been for the introduction of the home business enterprise policy, the number of illegal activities would be far greater than the current picture.

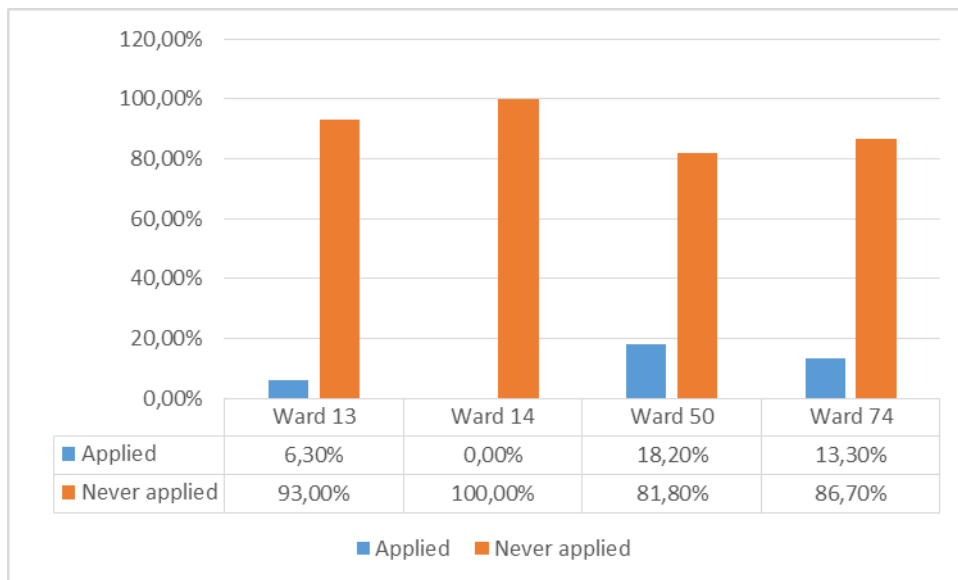


Fig 6-9: Land use rights application rate

Source: Household survey (2018)

Ward 50 has the highest application rate while ward 14 has zero applications for land use and land use change requests. The application rate in ward 50 can be attributed to the awareness level and the level of affordability, while the zero application rate in ward 14 can be attributed to unawareness and low income levels of the community members.

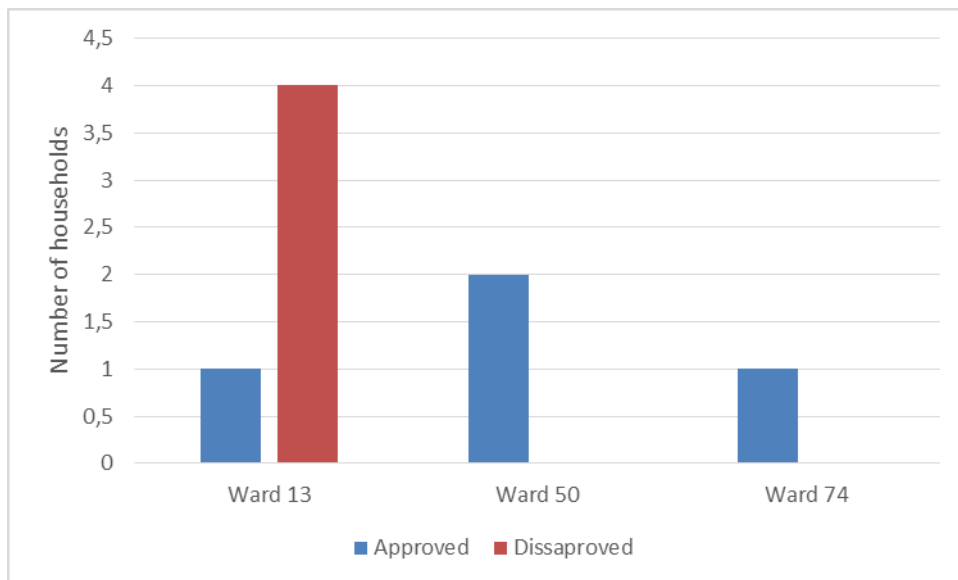


Fig 6-10: Approval rate

Source: Household survey (2018)

Ward 13 shows the highest number of disapproved applications but it shares the same number of approvals with ward 74. The high level of disapproval in ward 13 could be associated with the inability of residential stands to meet the requirement for additional land use right or land use change. Ward 50 has the highest number of approval which can be attributed to the conducive conditions of their residential stands.

6.2.2 Field observation outcomes

The physical characteristics of different parts of the region give a clear distinction of the socio-economic status of the area. From general observation of the different areas, ward 50 has little home enterprise. This could be attributed to the inhabitants' level of affordability and awareness, since this is generally a high-income area. The need to augment salaries is generally low and the residents are generally aware of the land use regulations. The result is that this area is clean, well-maintained, and quiet, whereas in ward 13, 14, and 74, the need for secondary uses is rife; either for augmenting household income or even just to have a household income. There is therefore a heavy presence of secondary uses such as guest rooms, tuck shops, hair salons and crèches. It is arguable that many of these uses are illegal based on the number of application for secondary use from these wards.

Shenggen, Chan-Kang and Mukherjee (2005:1) argue that a large gap is present between the rural and urban areas, whether it is measured in terms of income, literacy, or access to social services. Although this study does not compare urban versus rural areas, it is obvious from the study that there is a large gap between ward 50 (representing the urban areas/ high-income

areas) and wards 13, 14 and 74 (representing the rural areas/ middle- and low-income areas), with regard to access to good and services. One is tempted to ask how the disadvantaged groups are ever going to be able to comply with the prevailing land use regulations.



Fig 6-11: Low-income household in New Eersterust – Ward 14

Source: Field survey (2018)

Persons falling into this category as depicted in figure 6-19 who lack the financial resources to build an essential structure would not be in a position to attain secondary rights, let alone land use change.



Fig 6-12: Access road in Stinkwater — Ward 13

Source: Field survey (2019)

Figure 6-12 depicts a main road in Stinkwater (ward 13) where a tarred road has become a dirt road. This speaks to the level of attention given to this low-income area. The urban bias is seen in the unequal provision of services. It is not surprising that land use management also focuses on high-income areas, neglecting low-income areas.



Fig 6-13: Access road in Sinoville – Ward 50

Source: Field survey (2019)

Although services like road infrastructure are outside the scope of this research, they paint a picture in as far as the focus spending of government is concerned. It is clear that there is generally an urban bias. There is a huge difference between the main road depicted in figure 6-21 and that of Stinkwater. Sadly, the urban bias in land use management affects the implementation thereof.

The field survey also proved that land use types in Kudube are dominated by residential use zone appropriating the larger stands for schools, clinics and churches. The concept of mixed land use has not been integrated in the design of this area. Hence people in this location must travel long distances to attain facilities and services. Therefore, they use their own residential stands for business which, based on the sizes of their stands and the requirements of the City of Tshwane land use scheme, may not be legal or legalized. It is clear that a variety of land use types (mixed land use) exists in Sinoville (ward 50), ranging from high-density residential stands, business stands, institutional and large free-standing residential stands. The mixed land use form of this area gives communities in this kind of set-up improved access to services and facilities. Furthermore, the sizes of the free-standing residential stands are more likely to meet the minimum requirement as determined by the Town Planning Scheme of the City of Tshwane for secondary uses and rezoning.

6.3 Analysis of spatial patterns, land use management and socio-economic factors in Region 2

The City of Tshwane, like other municipalities in the country, is governed by legislation such as the Spatial Planning and Land Use Management Act 16 of 2013, the Constitution of the Republic of South Africa 108 of 1996, and the Municipal Systems Act 32 of 2000. The City of Tshwane, like other areas in South Africa, bears the scars of former repealed laws which have left their legacy. Region 2 in particular gives a clear picture of the legacy of the Land Act where the townships such as Stinkwater, Kudube, and New Eersterust are generally located about 50km away from the CBD, whereas suburbs like Sinoville are just about 5km away from the CBD. This poses a spatial planning and land use management challenge, since these places cannot be easily integrated physically owing to physical barrier such as rivers and agricultural land. The city of Tshwane Metropolitan Municipality employs a blanket approach to land use management.

- *Implications of the blanket approach to land use management*

The City of Tshwane employs a blanket approach to land use management in the midst of dynamic socio-economic factors within the area of jurisdiction of the municipality: what a legislation or rule means to one is different from what it means to another. A typical example can be seen from the coverage requirement for “Residential 1” use zone in City of Tshwane, which is 50% which may be relaxed to 60% with the submission of a building plan. The set coverage means different things in different cases. This can be seen clearly in figure 6-14.

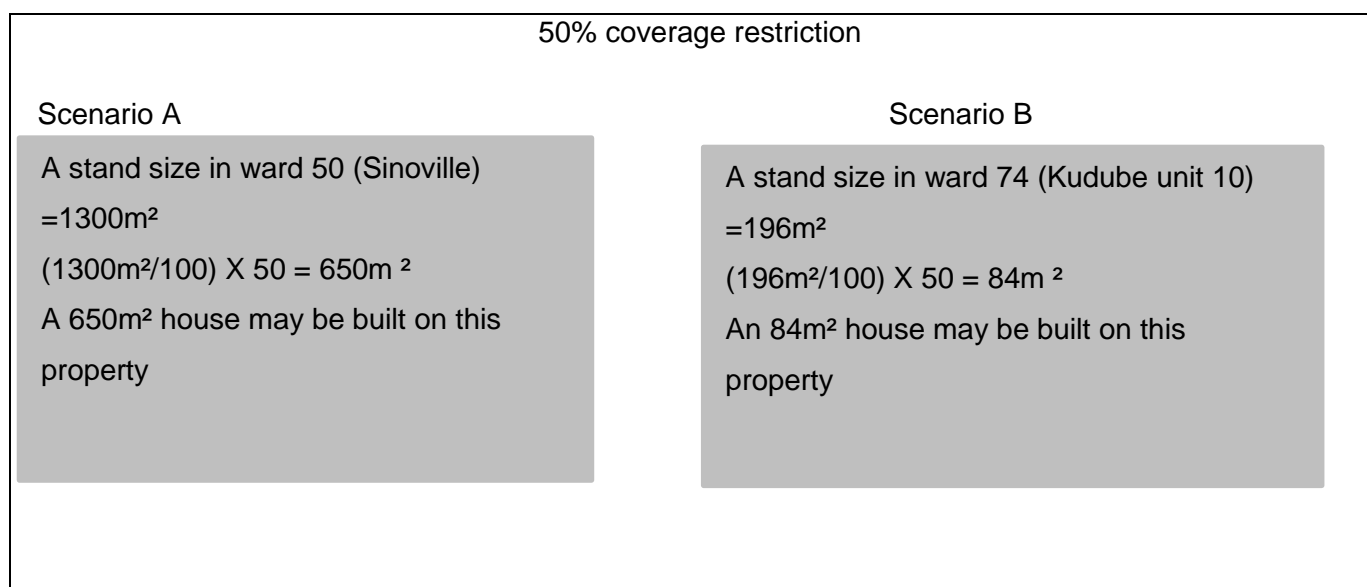


Fig 6-14: Implications of standard regulation versus dynamic socio-economic factors

Source: Own construction (2019)

It is clear that what the general rule means for scenario A is different from what it means for scenario B. While the rule is good for scenario A, it disadvantages scenario B. The current land use management style is based on equality, not equity, in that it attempts to treat people and places the same way. However, equality has its disadvantages, especially in an area where socio-economic dynamics are evident. Figure 6-23 illustrates the difference between equality and equity.

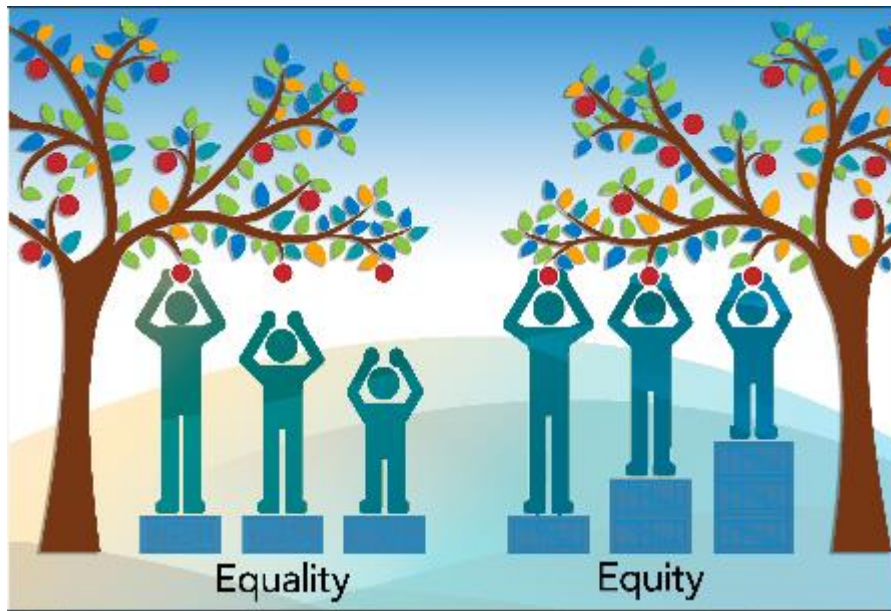


Fig 6-15: Equality versus equity

Source: <https://www.nwhu.on.ca/ourservices/PublishingImages/Equity%20Vs%20Equality.jpg>

Although equality (blanket approach) seems to be fair in that everybody receives the same treatment from government or the prevailing land use regulation, people and circumstances are not the same. Hence what is equal does not serve the same purpose for different individuals or circumstances. Equality, though it seems to provide equal opportunities, provides unequal opportunities due to unequal circumstance as can be seen in this image. On the other hand, equity seems to be unfair as it gives preference to certain individuals. Equity considers the dynamics or varying circumstances and provides opportunities accordingly. Equity demonstrates the SPLUMA principles of spatial justice which states that “*spatial and other development imbalances must be redressed through improved access to and use of land*” and that “*land use management must specifically include provisions that are flexible and appropriate for the management of disadvantaged areas*”.

- *Spatial patterns in Region 2*

The settlement pattern of the study area is similar to the concentric spatial form model except that the poor are on the outskirts and the rich are close to the CBD. This settlement pattern is indicative of the persistent nature of the historic spatial patterns of the apartheid system and is disadvantageous to the low-income groups. The spatial characteristics of the study area require transformation of planning thinking and practice if planning is to be truly beneficial to the people it is intended to serve. Figure 6-24 illustrates the spatial pattern of Region 2.

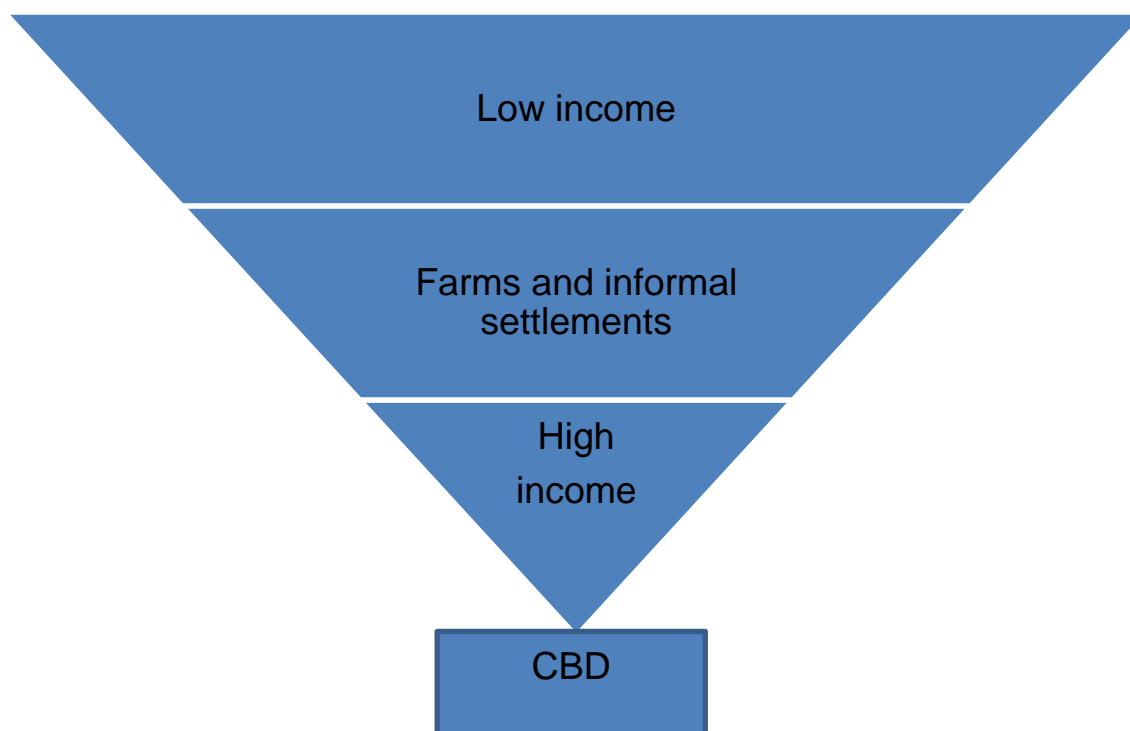


Fig 6-16: Settlement patterns in Region 2

Source: Own construction (2019)

6.3.1 SWOT analysis of the City of Tshwane spatial planning and land use management

The strengths, weakness, opportunism and threats of the prevailing land use management regulation in the City of Tshwane are summarised in table 6-1.

Table 6-1: SWOT analysis of land use management regulations in City of Tshwane

Strengths	<ul style="list-style-type: none"> ▪ There is an existing land use management system. ▪ Sufficient staff complement. ▪ There is a home business enterprise policy which allows business use on residential zoned erven as a primary use, thus reducing the probability for illegal land use, administration work
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	and the application cost for the communities.
Weaknesses	<ul style="list-style-type: none"> ▪ The poor are located in the periphery far from goods and services. ▪ Poor infrastructure in low-income areas. ▪ The same land use regulations apply throughout the area of jurisdiction of the City of Tshwane. ▪ Land use regulations disadvantage the low-income classes while they favour or accommodate high-income areas. ▪ Do not provide flexible and appropriate provisions for the management of disadvantaged areas as required by SPLUMA. ▪ Do not redress spatial and developmental imbalances through improved access to and use of land as required by SPLUMA.
Opportunities	<ul style="list-style-type: none"> ▪ An opportunity to rethink the way in which planning is done. ▪ An opportunity to introduce a new set of land use regulations in light of the prevailing socio-economic factors.
Threats	<ul style="list-style-type: none"> ▪ A continued increase in the gap between the rich and the poor. ▪ Indirect promotion of non-compliance to land use regulations due to the inability of certain groups/areas to comply with the set regulations. ▪ Increased illegal land uses. ▪ Inability to implement prevailing land use regulations in certain areas. ▪ Discouraged law enforcers. ▪ Oppression of low-income communities. ▪ Perpetuation of inequality. ▪ Prevailing land use management can hinder the city from achieving other strategic goals. ▪ Social unrest (people are not passive receivers of plans). ▪ Mushrooming of informal settlements

Source: Own construction (2019)

6.4 Conclusion

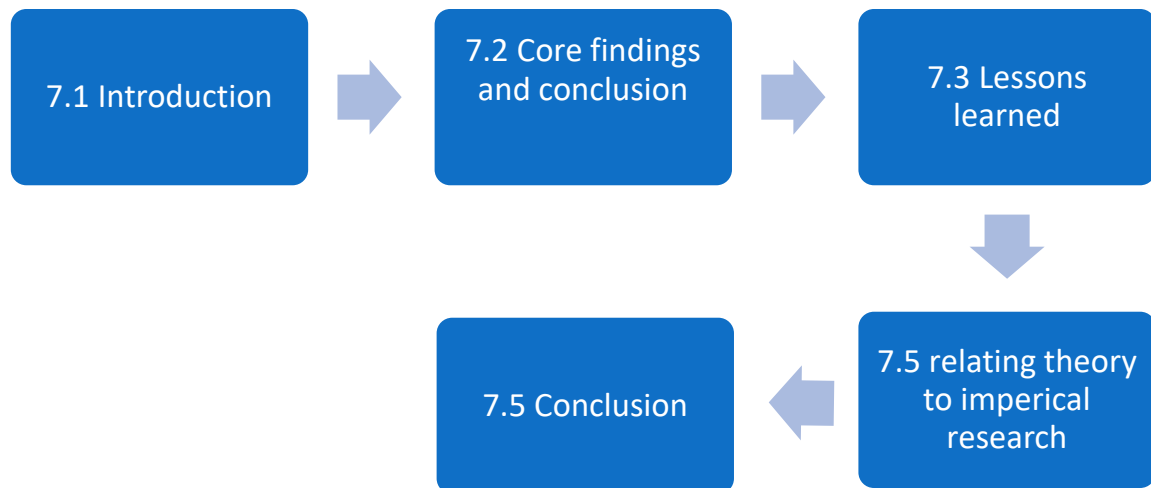
The social and economic climate fuels the use of residential stands for business purposes which require approval from the municipality. However, the approval process is expensive with development controls which cannot be met by low-income applicants. Therefore, illegal land use is inevitable and is rife.

The current systems and policies reinforce the unjust practices of the past and exclude low income groups from accessing economic opportunities. These are the unintended outcomes of rigid land use management regulation. The cost of attaining land use rights in terms of the prevailing land use regulations remains too high for low-income groups, both in terms of financial resources and land resources (stand sizes are often too small to meet the requirements for a land use change or secondary use). The employed blanket approach in land use management therefore hinders comprehensive development.

Legislative and policy regulations shape the direction and growth of people and places. However, these policies can be violated by those who are disadvantaged by the same policies. Region 2 consists of both low- income and high-income areas with varying needs and requirements. The City of Tshwane must be commended for the innovative introduction of a home enterprise policy. The core findings of the study shall be more clearly articulated in the next chapter.

CHAPTER 7: FINDINGS AND CONCLUSION

Graphical representation of the chapter



7.1 Introduction

This chapter substantiates the findings of the study and draws conclusions based on the literature review and findings emanating from the field survey and household survey conducted in the study area. It consists of core findings, core conclusions in section 7.2 and a discussion on the lessons learnt in section 7.3. The matrix of theory in relation to empirical research is presented in section 7.4 followed by the concluding remarks in section 7.5.

7.2 Core findings, conclusions and lessons learned

- *Core findings*

This section gives the core findings of the study in relation to the research questions and focus of the study. The core findings are explained in table 7-1 below.

Table 7-1: Core findings

Research questions	Findings
What is the history of spatial planning and land use management systems in South Africa?	<ul style="list-style-type: none">• Segregation based on race• Long and expensive commutes for the poor - located in the periphery• Unequal access to goods, services and land
What are the prevailing socio-economic factors in South Africa?	<ul style="list-style-type: none">• Poverty• Inequality• Too few people work• High dependency on social grants
What are the socio-economic factors in region 2?	<ul style="list-style-type: none">• Region 2 is characterised by both educated and uneducated individuals, poor and rich communities, small and large stand sizes. The findings correlate with the NDP's statement that the country is characterised by inequality, poverty and unemployment.
What is the impact of socio-economic factors on land use management?	<ul style="list-style-type: none">• Low-income areas render land use management regulation impractical evidenced by the high numbers of illegal land uses and the inability of small stand sizes to meet land use change requirements, while high-income areas prove prevailing land use management as beneficial and practical.
What is the impact of land use management on different socio-economic classes?	<ul style="list-style-type: none">• Prevailing land use management regulations act as the oppressive arm of government to low-income areas as they impose impractical conditions that cannot be complied with, while they promote order and general wellbeing in high-income areas.

How effective are the land use management systems of the City of Tshwane in Region 2?	<ul style="list-style-type: none"> ▪ The same land use regulations apply throughout the area of jurisdiction of the City of Tshwane. ▪ Land use regulations disadvantage the low-income classes while they favour or accommodate high-income areas. ▪ Prevailing land use management regulations are not enforceable in low-income areas while they are well implementable and implemented in high-income areas. ▪ Land use management regulations are not effective in addressing past injustices. ▪ The prevailing illegal land uses prove that the current land use management system/regulations are not effective.
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Source: Own findings (2019)

- *Core conclusions*

The core conclusions of this study are as follows:

- ✓ The one-size-fits-all (blanket approach) land use management systems of the City of Tshwane favours high-income groups and oppresses low-income groups.
- ✓ The prevailing land use management systems works against national goals and the City of Tshwane Metropolitan Municipality goals.
- ✓ The prevailing land use management regulations cannot be implemented neither can they be enforced in low income areas.
- ✓ The prevailing land use management systems need rethinking.

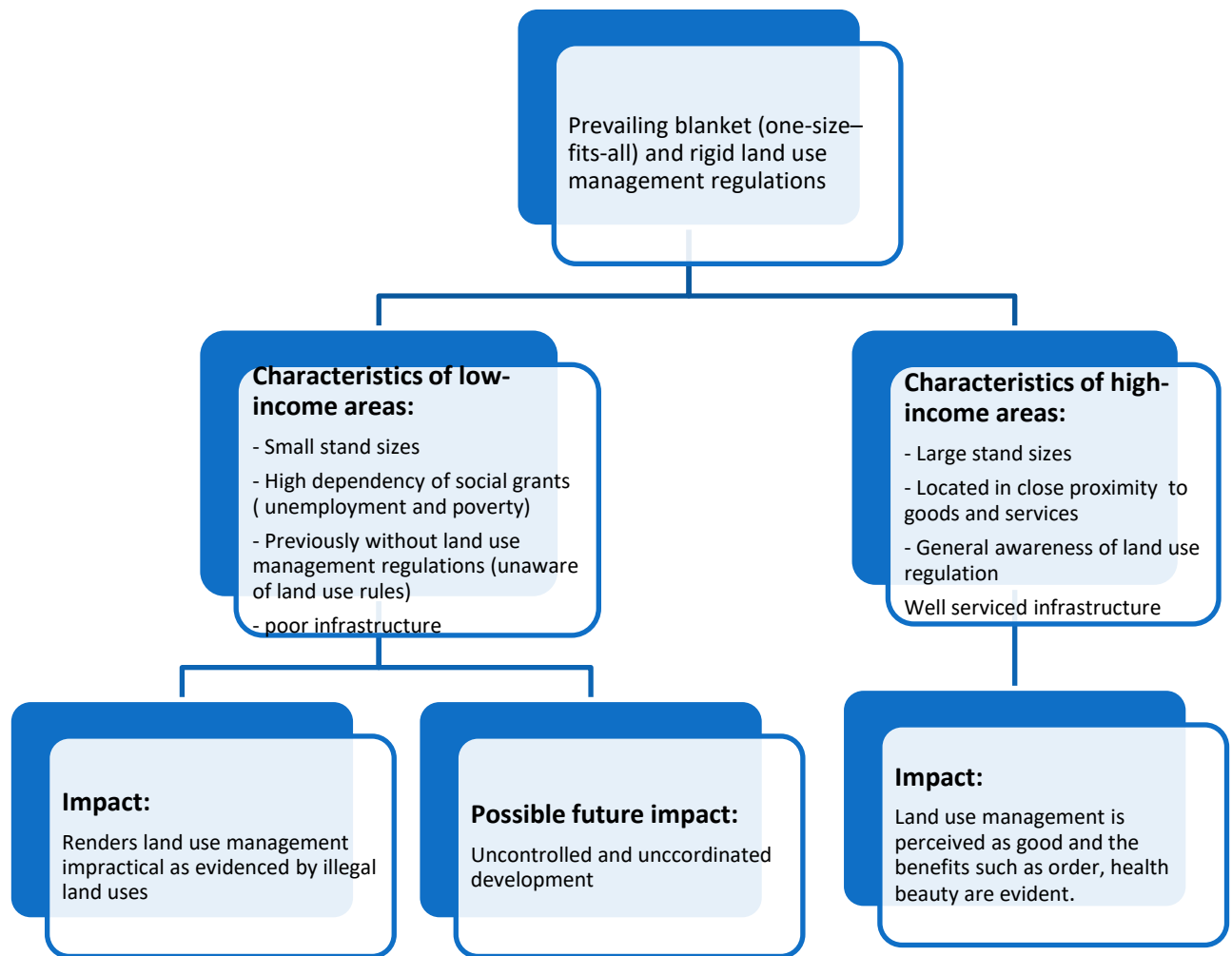


Fig 7-1: Prevailing land use regulations versus prevailing socio-economic factors

Source: Own construction (2019)

Land use management is as necessary today as it was when it was first introduced because it is meant to create order, health and safety. Nonetheless, land use management ought to cater for the different socio-economic classes. Where land use management does not acknowledge the prevailing socio-economic factors, chaos (which is the direct opposite of the intension of land use management) is inevitable. It is clear that socio-economic factors dictate the degree to which the aspirations of land use management can be attained.

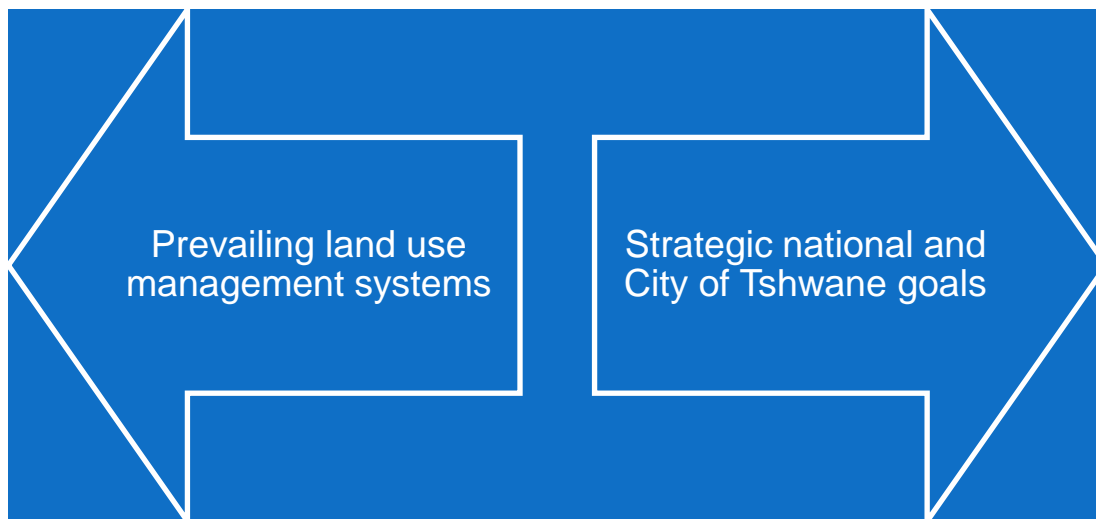


Fig 7-2: Prevailing land use regulations versus national goals and CoT goals

Source: Own construction (2019)

National goals such as the reduction of poverty and inequality and the promotion of sustainable development are hindered by the prevailing land use management regulations. The current land use management systems in the City of Tshwane Metropolitan Municipality which perpetuate poverty and inequality in that they do not consider the prevailing socio-economic factors in Region 2.

7.3 Lessons learned

- People matter; in fact they are the heartbeat of land use planning and management.
- People are not passive receivers of laws imposed on them. Those adversely affected can collapse the system through non-adherence to legislation.
- There are many benefits of land use management, such as ordered development and growth, facilitation of mobility, health and safety, protection of the natural environment. However, these benefits can only be attained when socio-economic factors are integrated into the planning system.
- The purpose of land use management is to solve problems associated with certain challenges in certain places at certain times, and requires changing when circumstances change in order to remain relevant.
- Planning and plans are for the people, thus the circumstances/status quo of communities affected by such plans ought to be taken into consideration so that plans and policies are tailor-made to fit.

7.4 Theory in relation to empirical research

Table 7-2: Theory versus empirical research matrix

Theme	Theory	Empirical research	Impact/ evidence
Planning theories	<ul style="list-style-type: none"> Planning practice cannot exist without planning theory; planning theory provides the basis for planning practitioners to find solutions to practical planning problems. Planning constantly requires rethinking. 	<ul style="list-style-type: none"> The planning theories prominent in the study area are technocratic and a blanket approach leading to <i>laissez-faire</i> as people struggle to implement prevailing land use regulations. Rigid land use policies (proving the technocratic and blanket approach to land use management). 	<ul style="list-style-type: none"> Illegal land uses
Spatial forms	<ul style="list-style-type: none"> South Africa is marred by an apartheid city form which separated groups of people based on race. 	<ul style="list-style-type: none"> The historic apartheid spatial form is evident in Region 2 evident today with its undesirable impacts (segregation and unequal access to land, good and services). 	<ul style="list-style-type: none"> Perpetuation of inequality
Land use management systems	<ul style="list-style-type: none"> According to the UN's Global Report on Human Settlements (2009:50) in many parts of the world planning systems that are in place have been imposed or borrowed from elsewhere. 	<ul style="list-style-type: none"> Prevailing land use management regulations/ policies are well implementable in high income areas like Sinoville for which they were meant and not in low income areas like Stink Water for which they were not designed. 	<ul style="list-style-type: none"> Unenforceable land use policies in low income areas.
Socio-economic factors	The National Development Plan states that the country is struggling with unemployment, poverty and inequality.	<p>The socio economic factors prevailing in the study area as follows:</p> <ul style="list-style-type: none"> There is a high dependency on social grants in Region 2 which point 	<ul style="list-style-type: none"> Socio-economic factors dictate the degree to which land use policies can be enforced.

	National statistics indicate that:	to the fact that too few people work.	
		<ul style="list-style-type: none"> There is prevalence of inequality evidenced by the income disparities in Region 2. 	
Significance of land use management.	<ul style="list-style-type: none"> According to Charlton (2008:4) a system of control and regulation was developed aimed at organising urban space and urban activities into ordered, safe and hygienic environments where uses and activities were prescribed and controlled. 	<ul style="list-style-type: none"> There are land use policies dictating the rights to use and development of land with a set of development controls governing parcels of land such as the Town Planning Scheme, Tavern and Shebeens policy etc., all of which are intended to organise the urban space. The significance of land use management can be seen in the ordered form of urban areas delineating different land use typologies with good access roads. 	<ul style="list-style-type: none"> Where land use management regulations are implementable, the results are a well-developed, healthy and ordered city.
Interface between land use management and socio-economic factors	<ul style="list-style-type: none"> Socio-economic factors should be integrated in planning as stated in section 2(a) (iii) of the Planning Profession Act 36 of 2002. According to Greed, (2000:179) planning is for the people and thus it is important to recognise the needs and wants of the people for whom plans are generated because various members of the urban population do not 	<ul style="list-style-type: none"> Socio-economic factors remain a theory and has not translated into action; the same land use regulations apply throughout the City of Tshwane regardless of the underlying socio-economic factors. Planning or land use policies are for the elite as they favour such groups and oppress the poor as can be seen in figure 3-3. The same rule has different implications for the rich and the poor. 	<ul style="list-style-type: none"> Disjuncture between the aspirations of land use management policies and the prevailing socio-economic factors rendering plans and policies ineffective in low-income areas.

	<p>have the same needs or requirements.</p> <ul style="list-style-type: none"> • Berisford and Kihato (2006:5) state that the regulatory systems that control the rights exercised over the land are often not compatible with land uses commonly associated with the poor 	<ul style="list-style-type: none"> • Regulatory systems controlling land use rights in the study area are indeed incompatible with poor communities, evidenced by the inability of residential stands to meet set requirements as well as the low levels of finance in poor communities which are too low to attain land use rights. 	
Legislative framework	<ul style="list-style-type: none"> • Spatial Planning and Land Use Management Act requires land use management to provide flexible and appropriate for the management of disadvantaged areas 	<ul style="list-style-type: none"> • The City of Tshwane's land use management policies are rigid and inappropriate for disadvantaged groups (low-income areas). There are no specific criteria or requirements for the poor. 	

Source: Own construction (2019)

7.5 Conclusion

Town planning first emerged as a means to solve problems: places and people would have been in worse conditions without the intervention of planning. Therefore, planning is at the heart of solving current problems to secure a better future for all. Socio-economic factors cannot be divorced from land use. In a country where poverty and unemployment are so high, equality in land use management is not an option (the one-size-fits-all approach does not work). The current legislation favours the elite/ the rich with massive land parcels; they benefit from policies while it disadvantages the poor with small stands.

The single land use scheme for an area of jurisdiction of a municipality is a good idea. However, it should not be a blanket land use scheme for all areas. The dynamics of various areas should be taken into account. Planning should not be rigid but rather flexible and functional and able to accommodate the changing times and circumstances of the people it is intended to serve. The prevailing land use management regulations are not in sync with the lofty strategic goals of government. While the government strives to reduce poverty and inequity, land use management

regulations perpetuate poverty and inequality. The study reveals that there is still segregation in land use management: it is not along racial lines (White and Black) but along socio-economic factors. The fact that the same land use regulations are employed throughout the area of jurisdiction of the City of Tshwane Metropolitan Municipality, despite the dynamic socio-economic factors, means that the divide between the rich and the poor keeps growing. The aim of the Breaking New Ground Policy, to provide property as an asset for wealth creation and empowerment, is hindered by the prevailing land use management.

It is evident that land use management has an impact on the socio-economic well-being of communities, but also socio-economic factors dictate the degree to which communities are able to comply with prevailing land use management regulation. It also dictates the degree to which the competent authorities are able to enforce land use management systems and achieve set goals. It is evident that prevailing land use management policies are not enforceable in low-income areas.

The economic gains obtained by doing business in low-income areas is not equivalent to the economic gains obtained in high-income areas for the same business with the same conditions determined by the prevailing land use management system. In complying with land use management conditions, the two (low-income and high-income) areas do not enjoy the same benefits. Thus land use management regulations should consider the socio-economic factors in any given area, especially those disadvantaged by the past, in order to guide development rather than to enforce stringent laws that cannot be adhered to. This would ease the frustration of planners in trying to enforce prevailing land use regulations where they can simply not be adhered to.

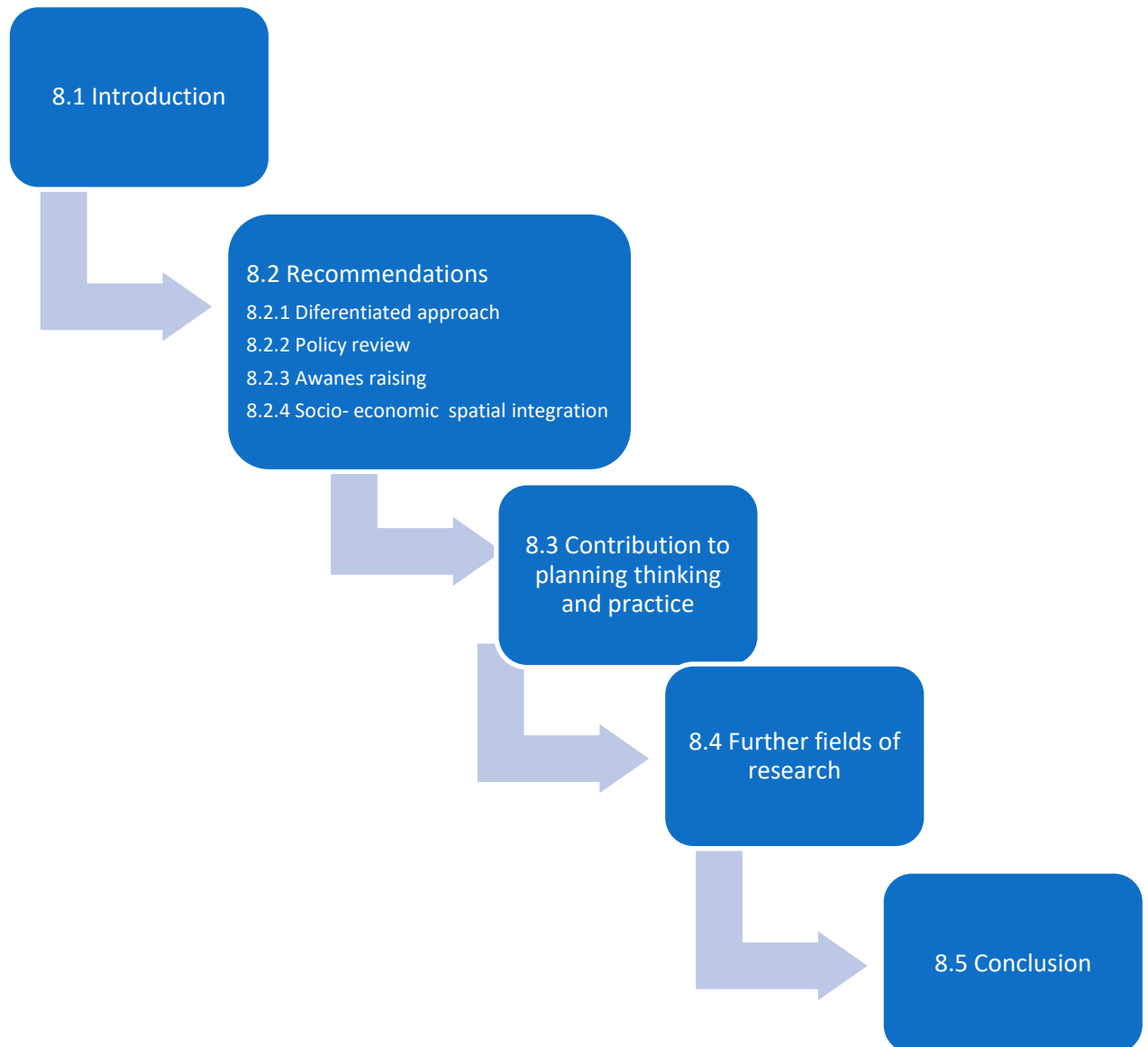
Due credit is given to the importance of land use management and to the fact that the absence of land use management would create chaotic environments. However, a degree of flexibility and innovation is required as circumstances change. If land use management does not take into consideration the dynamic socio-economic factors, then chaos is inevitable.

SPLUMA has also done well in repealing past land use laws. However, SPLUMA can only do so much. The innovation of planners and flexibility of municipalities in developing land use management systems are still required to make it work for all South Africans because South Africa belongs to all who live in it and not just the elite. The key difference between areas where land use management policies work or are implemented and areas where they do not work or are not implemented is the difference in the socio-economic status of the area. The general conclusion

of this study, therefore, is that socio-economic factors have implications for the effective land use management. Recommendations to remedy this situation are provided in the next chapter.

CHAPTER 8 STRATEGIC PLANNING RECOMMENDATIONS

Graphical representation of the chapter



8.1 Introduction

The study indicated that planning and land use management is concerned with practical problem solving. It is evident that the current land use management systems in the study area are rigid and unsuitable for low-income areas and results in illegal land use. In fact, land use management is obsolete in low income areas whereas it is well implemented or at least implementable in high-income areas. In light of the above this chapter provides recommendations based on the findings of the study. The recommendations are derived from the current situation of land use management in the City of Tshwane Metropolitan Municipality and the prevailing socio-economic factors. This study proposes four main recommendations, namely: a differentiated approach to land use management, policy review, awareness raising to promote compliance with land use management regulations and socio economic spatial integration model to foster mutual inclusion and reduce poverty.

8.2 Recommendations

8.2.1 Differentiated approach

Land use management should not strive to attain equality but rather equity through addressing areas individually by applying differentiated land use management that is based on the inherent characteristics of different areas. The idea of a differentiated approach will address the Spatial Planning and Land Use Management Act's Principle of Spatial Justice as described in Section 7(a)(i) and (iv) of the Act. This section is concerned with the redress of past spatial and other development imbalances through improved access to and use of land; and where land use management systems include all areas of a municipality and specifically include provisions that are flexible and appropriate for the management of disadvantaged areas, informal settlements and former homeland areas. SPLUMA provides an enabling environment for the local municipality to design a flexible land use management mechanism, thus moving away from the traditional blanket approach into an era of land use management that works and supports the growth and development of previously disadvantaged areas.

Questions to ask in order to design a differentiated approach are the following:

- What are the main socio-economic factors in the different areas?
- Will land use regulations improve or worsen the status quo?
- Will the proposed land use regulations be practical and implementable?
- What land use regulations will be more appropriate in different income areas?
- What policy changes are required to support a differentiated approach?

The following matrix can be utilised to select alternative land use management options with a view to implementing a differentiated approach in the light of prevailing socio-economic factors in the study area.

Table 8-1: Matrix for selecting alternative land use management options

Identify goals and problems	Identify possible alternatives (planners and people)	Selection of the alternatives	Setting of indicators	Implementation
<u>Goals</u> Effective and efficient land use management system <u>Problems</u> Poverty Inequality (poor and rich) Unemployment Varying stand sizes	<ul style="list-style-type: none"> • Subsidise rezoning applications in low income areas • Awareness raising through training of ward councillors • Wave certain requirements such as the requirement for business stand to be along activity spines since there are no such spines in low income areas • Reduce space and parking requirements • Increase number of children allowed in day care as home enterprise in low income areas to 10 provided that a certificate of compliance to health regulation is issued. • Acquire land and lease it for industrial purposes (tyre fixing vehicle workshop etc.) to support local economic development, increase revenue base for the municipality and to discourage this illegal land use since it is noxious and incompatible to residential land use. 	<ul style="list-style-type: none"> • Subsidise rezoning applications in low income areas • Raise awareness through training of ward council • Wave certain requirements such as the requirement for business stand to be along activity spines since there are no such spines in low income areas • Reduce space and parking requirements • Increase number of children allowed in day care as home enterprise in low income areas to 10 provided that a certificate of compliance to health regulation is issued. • Review of land use regulation and other policies 	<ul style="list-style-type: none"> • 50% reduction of illegal land uses within two years of using new strategies • Improved livelihoods 	Implementation of selected alternatives

	<ul style="list-style-type: none"> Review of land use regulation and other policies 			
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Source: Own construction (2019)

8.2.2 Policy review

The study reiterates Friedmann's statement that planning is indeed in constant need of rethinking (1998:250). Policy review provides a conducive environment for change. Therefore, policies and plans should support a differentiated approach to land use management instead of a blanket and technocratic approach. Town planning schemes; notwithstanding the fact that they support a wall-to-wall approach, should have different development controls in different areas such as a higher coverage in low-income areas.

While planners have a crucial role to play in land use management, some policies need to be reviewed which have a bearing on land use management. In certain situations the policies to be implemented do not fall within the scope of planners to question. The following matrix indicates the roles and responsibilities of different parties in policy review.

Table 8-2: Matrix for policy review

Policy to be reviewed	Proposed changes	Roles and role players
Tshwane land use management bylaw	Application procedures such as the need for advertisement should be limited to advertising on site and to adjacent properties in low-income areas because the development footprint is usually small. This should apply only to consent uses and not rezoning. Main service contribution for rezoning in low-income areas should not be equivalent to high-income areas, considering that the returns on investments are also not equal.	Town planning department: policy review Council: adoption
Town planning scheme	Different development controls in different areas e.g. higher coverage for small stand sizes. Relaxed parking requirement for low-income areas as there is not as	Town planning department: review of policy including public participation. General members of the public: comments. Council: adoption of policy.

	much need for parking in these areas as the case is in high-income areas.	
Day care policy	Relaxed space requirement per child in low-income areas. Relaxed parking requirement.	Health department: review of policy including public participation. General members of the public: comments Council: adoption
Tavern policy	Remove the requirement for tavern to be located to adjacent activity spines and business nodes which may not be applicable in low-income areas.	LED department: policy review. General members of the public: comments. Council: adoption.
SDF	Provide density directives for the different income areas with the higher densities allocated to low-income areas.	Town planning department: policy review. General members of the public: comments. Council: adoption.
IDP	Public participation should not only focus on the provision of tangible physical infrastructure such as roads, electricity, water reticulation but also land use management needs/requirement (areas of improvement).	IDP department: leading role in public participation. Town planning department: supportive role for the technical expertise.
Home business enterprise	The maximum number of children for a day care without consent should be higher in low-income areas. e.g. 10 children in low-income areas and 06 in high-income areas.	Town planning department: policy review. General members of the public: comments. Council: adoption.

Source: Own construction (2019)

8.2.3 Raising awareness

According to Gursharan (n.d.:63) the extent to which people are aware of regulations partly determines the extent to which people will comply. The lack of awareness is one of the main causes of violation of building bylaws. In relation to the findings of this study the lack of awareness has contributed to the violation of municipal regulations on land use management. Therefore, efforts to raise awareness is a necessary instrument to enhance compliance. According to Kisić and Tomka (2018:7), raising awareness means increasing the position and desirability of certain values and ideas; it is meant to promote a particular public interest. Awareness is a powerful mechanism that can be employed to ensure adherence land use management regulations. It is not that people always intentionally conduct illegal activities; it is sometimes due to lack of knowledge. Therefore, if people are made aware of land use regulations, then the enforcement

thereof becomes possible, provided that such land use regulations are area specific, appropriate and enforceable. It is evident from the findings that a significant number of people in the City of Tshwane are illiterate; thus reviewing the policies will work only for those who can read and understand, unless a very specific and measurable mechanism is put in place to reach all households. It may be cumbersome to reach all community members; therefore this study recommends that educating communities on land use management should be done through the following already existing forums.

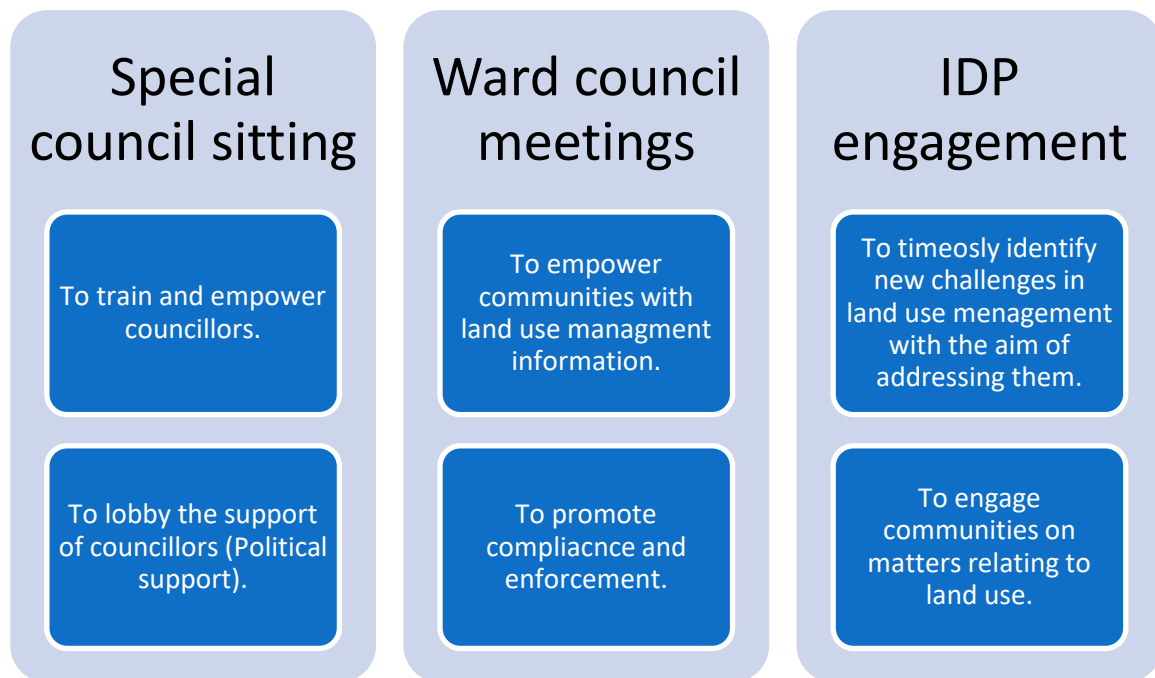


Fig 8-1: Forums for raising awareness

Source: Own construction (2019)

A monitoring system is necessary to deduce the impacts that policy review, a differentiated approach and the efforts to raise awareness have on land use management in the presence of current socio-economic factors. The recommended monitoring system for the study is indicated in figure 8-2.

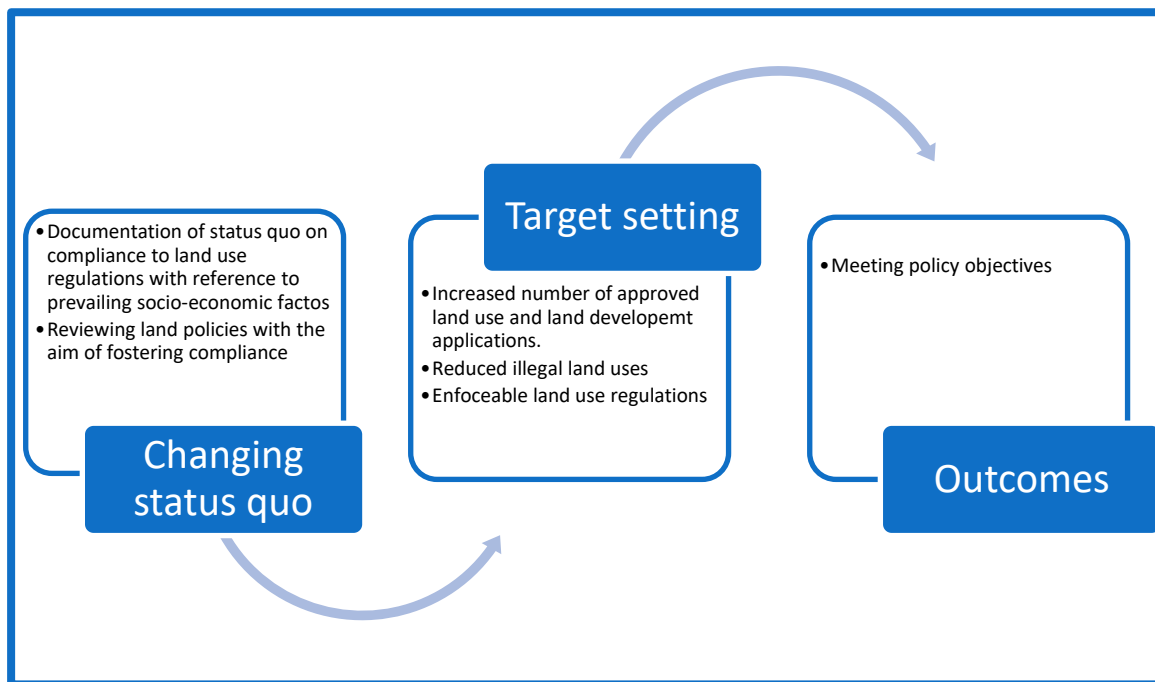


Fig 8-2: Monitoring system

Source: Own construction (2019)

8.2.4 Socio-economic spatial integration

Region 2 bears the scars of the South African legacy of spatial segregation following a concentric spatial form with the poor living in the periphery. This study therefore proposes socio-economic spatial integration. However, it should be noted that the current physical structure will not just disappear because permanent human settlements have already been built, which makes physical integration difficult. Natural features such as dams, mountains and streams as well as prime agricultural land parcels will prohibit physical integration of previously disadvantaged areas located in the periphery) with areas close to the CBD. Therefore, this study recommends that a sector model for spatial integration be employed through the provision of facilities, goods and services to peripheral settlements. This approach will support job creation closer to where people live, thus reducing the need for transport costs, and improving livelihoods. Inclusivity, productivity and sustainability can be attained through the employment of the sector model in Region 2 supported by an integrated transport system.

8.3 Contribution to planning and thinking

- Socio-economic factors have far-reaching implications for the successful implementation of land use management and other policies, and ultimately, for the attainment of strategic goals set by government.
- Land use management systems can be tailor made for areas and communities they are intended to serve.

- Flexible land use management systems enable government to attain socio economic goals such as reduction of poverty and inequality.

8.4 Further areas of research

- Improving livelihoods through functional spatial and land use planning and management.
- Transitioning towards a new land use planning and management regime.
- Considering the implications of SPLUMA for land use officials including building control officials.
- Considering whether subsidising the attainment of land use rights is an option to foster compliance in low-income areas.

8.4 Conclusion

In the presence of adverse implications of socio-economic factors for land use management, change is inevitable. Policy review to enable a differentiated approach coupled with raising awareness on land use regulations will go a long way into ensuring orderly growth and development, while enabling poor communities to use their stands to improve their livelihoods. Furthermore redressing the distorted spatial form through providing for goods and service where people live will reduce transport cost burden thereby improving livelihoods.

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ANNEXURE A: QUESTIONNAIRE TO COMMUNITY MEMBERS



RESEARCH ETHICS PROJECT INFORMATION SHEET UNIT FOR ENVIRONMENTAL SCIENCES AND MANAGEMENT, SUBPROGRAMME 7:

Informed consent for participation in the research “*Implications of socio economic factors for land use management- a case study of City of Tshwane Region 2*” by Rhulani Mathebula, student number 28300289, as part of postgraduate research for the degree M.Art et Scien (Planning) at the North-West University.

Purpose of the research:	Orientation of research topic: Land use management Relevance and value: Research may possibly influence a differentiated approach to land use management.
Research competence and expertise:	Postgraduate student introduction: Ms. Rhulani Patience Mathebula Study leader introduction: Prof. I.M. Schoeman Introduction of entity: <i>Urban and Regional Planning, Unit for Environmental Sciences and Management, North-West University.</i>
Research sponsor:	Self-Sponsored
Requirements of participation:	State favourable risk-benefit ratio:
Statements of voluntary participation:	<i>Your participation in this study is voluntary. If you do not want to participate, please return the questionnaire to the researcher. You also do not have to answer any question that makes you uncomfortable</i>
Privacy statements:	Participant's responses are confidential. Anonymity statement: Do NOT write your name on this questionnaire, so your responses will never be linked to you personally Confidentiality statement: Only the researchers involved in this study will see your responses
Submission information:	
Note of thanks:	Thanking you for your time and honesty in answering the research questions.

RESEARCH ETHICS CONSENT FORM
UNIT FOR ENVIRONMENTAL SCIENCES AND MANAGEMENT, SUBPROGRAMME 7:

Full title of Project: *Implications of socio economic factors for land use management - a case study of City of Tshwane Region 2*

Name: Rhulani Mathebula

Position: Town Planner

Contact address of Researcher: 14 SADC Street Middelburg, 1050

Please Initial Box

- | | | |
|----|--|--------------------------|
| 1. | I confirm that I have read and understand the information sheet for the above study and have had the opportunity to ask questions. | <input type="checkbox"/> |
| 2. | I understand that my participation is voluntary and that I am free to withdraw at any time, without giving reasons. | <input type="checkbox"/> |
| 3. | I agree to take part in the above study. | <input type="checkbox"/> |
| 4. | I agree to the interview / focus group / consultation being audio-recorded. | <input type="checkbox"/> |

5. I agree to the use of anonymised quotes in publications.

☐

6. I agree that my data gathered in this study may be stored (after it had been anonymised) in a specialist data centre and may be used for future research.

☐

Name of Participant

Date

Signature

Name of Researcher

Date

Signature

Ward _____ Street address _____

Date: _____

1. Highest level of education

No Matric	1
Matric	2
Certificate	3
Diploma	4
Degree	5
Postgraduate	6

2. Number of people in the household?

1-2	1
3-4	2
5-6	3
7+	4

3. Combined monthly household income

R 0 - R1 500.00	1
R 1 500.01 – R 2 500.00	2
R 2 500.01 - R 3 500.00	3
R 3 500.01 – R 4 500.00	4
R 4500.01 – R 5 500.00	5

R 5 500.01 – R 6 500.00	6
R 6 500.01 – R 7 500.00	7
R 7500.01 and above	8

4. Do you receive any social grants?

Yes	1
No	2

5. If yes, indicate whether members of your household receive the following social grant:

5.1 Old age grant

Yes	1
No	2

5.2 Disability grant

Yes	1
No	2

5.3 Child support grant

Yes	1
No	2

5.4 Foster care

Yes	1
No	2

5.5 Foster care

Yes	1
No	2

5.6 Grant in aid

Yes	1
No	2

5.7 Care dependency grant

Yes	1
No	2

6. Are you aware that the right to do any additions or alterations to your property must be granted by the municipality?

Yes	1
No	2

7. Are you aware that the right to do any additions or alteration in your property must first be obtained from the municipality before any construction work or additional land use commences?

Yes	1
No	2

8. Is/are there any illegal activity/ activities on your property?

Yes	1
No	2

9. If yes, indicate the illegal activity/activities that are on your property:

9.1 Tuck shop

Yes	1
No	2

9.2 Hair salon

Yes	1
No	2

9.3 Hair salon

Yes	1
No	2

9.4 Day care/ crèche

Yes	1
No	2

9.5 Vehicle workshop

Yes	1
No	2

9.6 Guest rooms

Yes	1
No	2

10. Have you applied for any land use or land development application to the municipality?

Yes	1
No	2

11. If yes, what was the outcome of your application?

11.1 Approved

Yes	1
No	2

12. General comments about land use management:
