

AN APPROPRIATE LAND USE MANAGEMENT SYSTEM FOR RESIDENTIAL AREAS IN INANDA

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ABSTRACT

South Africa and Kwazulu are essentially becoming a society attempting to reinvent itself. Attempts are underway to create the inner workings of this diverse, multi-cultural and multiracial society. The mechanism depends on strategic planning, the crafting of new legislation and regulatory processes and new methods of participatory and representative governments. Societies create and enforce land use controls or land use guidelines to achieve several objectives.

* According to Schwenke (1997), while the fundamental concepts of land ownership, tenure, and basic property are rights enshrined in the law, the practical aspects of how one makes use of the land and all human activities that take place on the land are beyond the scope of rigid declarations. Deciding on responsible and just land use is a planning function and must reflect complexity, interactions between land users, land owners, the land itself and the environment.

* Planning must take due cognizance of the aspirations, needs and capacities of the people on the land (Schwenke; 1997). At the end of this process, there must be a set of land use controls or guidelines to enable final decisions to be implemented. Previous studies have largely ignored the perceptions of people on the ground who are forced to live daily with the harsh, restrictive decisions of higher authorities without being consulted. This dissertation hopes to eliminate this particular problem by conducting research with community groups.

The intention of this dissertation is to set in place policy guidelines for an appropriate land use management system that is appropriate for residential areas, in previously disadvantaged Townships using Inanda as an example.

The intention of my dissertation is to investigate the development controls, in this case building codes & regulations used in Maseru in their appropriateness in meeting residential needs, aspirations etc of the people by regulating.

CHAPTER ONE INTRODUCTION

1.1. INTRODUCTION

One of the most important challenges facing the Planning Profession in KwaZulu Natal is to put in place an effective land use management system that would be appropriate to meet the needs of various communities and areas. The broad application of a single and uniform system is not suitable. The broad assumption that the newly incorporated areas will eventually be regulated in the same way as the rest of the city is questioned. The existing Town Planning Scheme in the former Durban Municipal area is deemed unsuitable for the newly incorporated areas, and Inanda in particular, as it is both prescriptive and control-oriented. Such a move would therefore be anti-developmental. The conditions in historically disadvantaged Black Townships like Inanda are similar to those conditions experienced in developing countries with relatively low standards in residential buildings (shack dwellings), high levels of poverty and unemployment and low levels of education. For these reasons it is considered inappropriate to impose first world standards (Town Planning Scheme) on third world areas (Inanda).

Overall, existing procedures operating in Inanda as well as the overall effectiveness of the Town Planning Scheme in general is questioned. There is a need to search for more suitable methods to manage urban growth and to establish an appropriate land use management system for Inanda. Inanda had been selected as the Study Area because it is the only area from all those areas which have been newly incorporated into the boundaries of the North and South Central Local Council area to have reached the Structure Plan stage of planning. The next logical step, therefore, would be to set up an appropriate land use management system for the area.

There have been attempts to explore the subjects in both Gauteng and KwaZulu Natal. These studies will be discussed in greater detail in later chapters. At the very outset it should be noted that both these studies were 'desk-top studies' carried out by planning professionals with no engagement or consultation with individuals on the ground.

This study, while it seeks the same objective, is conducted with essentially three groups

- 1). Planning officials for their technical expertise
- 2). Development Forum and Politicians for their experience in attempting to promote development in Inanda
- 3). Community groups for their daily experiences with different land uses

The researcher acknowledges the importance of obtaining the perceptions of community groups by taking into account their needs and experiences within their area. However, this dissertation also acknowledges those planning professionals, who have a wealth of experience and knowledge, needs to be drawn on in this study.

1.2. BACKGROUND TO THE PROBLEM ✓

The problem is defined in terms of the inclusion of the old KwaZulu and Department of Development Aid areas into the boundaries of the Durban Metropolitan Area what has not been coupled with a set of regulations to guide decision makers on development issues and land use Management in particular in these areas.

This would have lead to three possible options:

- (1) Extension of the existing Durban Town Planning Scheme into areas like Inanda, Kwamashu, and Umlazi.
- (2) Continuation of the Township Managers' procedure
- (3) A completely new approach or hybridised version of existing systems to be determined.

This dissertation will pursue which of the above options will be a suitable solution for Inanda. As there had been relatively little or no consultation on land use planning issues with both the community and relevant stakeholders before, this dissertation seeks to explore what, in the 'eyes' of the community and relevant stakeholders, would be appropriate uses to live within their residential areas.

At the very outset it is important to note that there have been two attempts made to investigate the possible establishment of an appropriate land use management system in both Gauteng and KwaZulu Natal. The objective of the study in Gauteng was to outline the origins and development of present land use management systems which affect different areas within the Province of Gauteng. The purpose of the study was to inform the investigation of possible alternatives, which might better serve the reconstruction of land use management law as part of the process of reconstructing Gauteng (Mabin et al, 1997). The study had been done by consultants and was very much a 'desk-top' study. It did not include the very essential element of consultation and communication with communities as this dissertation has done.

The second study was an investigation towards setting up an appropriate land use management system for the Province of KwaZulu Natal. The study that had been commissioned by the Province was similar to the extent that it had been coordinated by consultants and did not go far

enough to consult with communities at grass roots' levels. The product of this research included the following:

- a). An agreed set of regulatory mechanisms and their associated instruments summarised in a schedule format;
- b). A recommended set of standard Land Use zones with associated colour codes and standard density parameters with associated hatching; and,
- c). A recommended set of standard definitions of land use and building types.

This study will be no different from the systems introduced in the 'apartheid heyday' if communities are not given an opportunity to make a meaningful contribution to the proposals made and if it does not receive wide acceptance from the community at large. The content of the dissertation will take place within the framework of the proposal made by the Provinces' study.

1.3. SCOPE OF DISSERTATION

The focus of this dissertation is predominantly on the perceptions of the various groups and stakeholders in the community of the Land Use Management system. The focus is on residential areas since that is where communities have their richest experiences of land uses and where they are impacted most by such systems. In addition, the different uses community groups are prepared to live with and the uses they would not be prepared to live, with will be scanned. Moreover, the extent to which the community wishes to participate in the Land Use Planning process will be explored. While the researcher acknowledges that it is important to include the needs of the community in Land Use Planning in order to ensure that responsive environments are created, it is not within the scope of this dissertation to explore these aspects.

1.4. RESEARCH PROBLEM ✓

The land uses control mechanisms that operated previously in Inanda and the existing Town Planning Schemes have been severely criticised. The thrust of the critique is that the focus is on control rather than facilitation, on conformity rather than responsiveness, on closing loopholes rather than on opening opportunities and critically on how well the system performs with respect to the wider development challenges facing the Province, is amongst a range of other critiques.

Land use management systems are overgeneralised and are not responsive to the needs of the various interest groups existing in any community. The aspect of the system referred to are mainly the ancillary uses permitted in residential areas which is applicable to both the Township Managers procedures used currently in Inanda and Durban's Town Planning Scheme.

Consultation is an important means of ensuring that the needs, perceptions and attitudes of groups, such as the elderly, the disabled and women, is represented in land use plans. There is the assumption that land use control systems are not easily understood or accessible to the public for a number of reasons. Firstly, public knowledge of land use is relatively limited, a factor that is exacerbated by relatively high levels of illiteracy and the high level of sophistication of the existing system. Secondly, there is the general perception that the current land use management systems are prescriptive and lack participation.

The Town Planning Scheme applicable in Durban and the R1888 which was previously applicable in the Department of Development Aid (DDA) areas like Inanda had been developed without taking into consideration the needs, perceptions or opinions of the very individuals it was intended to serve. Officials in Town Planning Departments made land use decisions with limited consultation with the community in the form of the advertising procedures which is specifically a problem for vulnerable groups such as the illiterate. Officials unilaterally decide what land uses and its precise location would be in the best interests of the community.

For land use controls to become relevant and widely owned it is essential that it does not exclude the very people it is intended to protect. The role of civil society is to be emphasised with respect to who make the rules and for whom and what the community considers being acceptable or unacceptable particularly in the policy planning stage or for uses that are potentially contentious or harmful, the community should be consulted to elicit their perceptions as well. It should be acknowledged that communities consist of various groups. Each of these groups is impacted upon differently by the land use management system. For example, the manner in which the land use management system affects men is different from the way in which it would impact upon a woman. It is therefore essential that each of these groups are consulted with regard to their perceptions of the Land Use Management system.

The overall focus of this dissertation will focus on the types of uses permitted within residential areas by the Town Planning Scheme as well as the Township managers procedure applicable in Inanda. This will be analysed against the uses that already exist and the reasons they should continue or not continue within such areas.

This dissertation will attempt to do this by researching the following aspects of the Land Use Management system:

1. The criticisms levied at existing systems used in both Inanda and Durban
2. The objectives and principles of future systems

3. The uses that communities are prepared to live with/not live with and the reasons for their preferences
4. The study will also briefly reflect on the extent to which communities can participate in the process and at what stage.
5. An investigation into the system that would be appropriate for Inanda based on the proposal submitted by KwaZulu Natal Provincial Administration study on a Land Use Management system for KwaZulu Natal

1.5. RESEARCH QUESTION

What would constitute an appropriate land use management system to guide residential land uses in Inanda?

1.5.1. SUBSIDIARY QUESTIONS

- (1). What are the characteristics of existing land use management system operative in Inanda?
- (2). What are the characteristics of the Town Planning Scheme that is likely to be applied in Inanda?
- (3). To what extent is each of these systems appropriate or not appropriate?
- (4). What uses would the community groups (i.e. Women, children, disabled, elderly) be prepared to live with/ not live with and why?
- (6). What role would they like to play and how can the interests of different groups be represented in the Land Use Management process and what stage, i.e. the development of the policy or to be consulted on particular development applications?

1.6. A HYPOTHESIS

- (1). Land Use Management systems as evidenced by the Town Planning Scheme and used in Durban, are not appropriate for application in residential areas in Inanda.

1.7. KEY CONCEPTS

1.7.1. LAND USE MANAGEMENT

Land Use Management denote various systems through which the public sector seeks to establish influence over the way in which land is used - in terms of division into lots for different users, forms of activity, nature of buildings and densities of use.

Within the context of this dissertation it refers to the local government activity which seeks to influence or control the ways in which individuals use their land including maximising benefits and minimising negative impacts.

Land Use Management systems involve various:

1. Zoning
2. Development Control
3. Decision making processes

The only aspect that will be researched in detail would be the Zoning component of the system.

1.7.2. ZONING

Refers to the legislation that governs land use planning and specifies the use/s for which particular sites may be used. The zoning requirements are contained within the Town Planning Scheme which consists of two components: - a zoning map and a set of written regulations. The purpose of this document is that it acts as an instrument of police power to protect the community from nuisances. It does this by way of restricting the property in the interests of public health, safety, morals or general welfare. In practice zoning attempts to achieve its purpose by the physical separation of potentially conflicting activities such as industrial and residential and by the grouping, within a specific zone, of compatible activities. (Williamson, 1989)

Town Planning officials within Local Councils, and in the case of Inanda, the Township Manager, are responsible for administering the Schemes. Both these schemes are quite different from each other. The Town Planning Scheme is far more sophisticated and complex than the scheme administered by the Township Manager. Individuals in communities are expected to pay tariffs for the submission of Development applications requesting changes to the uses specified in the Zoning regulations. In spite of the high scale of fees charged, applications are often turned down if in the opinion of an official it would have a likely negative impact on the neighbourhood.

This dissertation is focussing on the residential zone and is attempting to research what should and should not be allowed within residential areas from the perspective of the different groups in the community.

1.7.3. RESIDENTIAL

In terms of the pure definition of the term as contained in the Town Planning Scheme, residential areas are those areas designated purely for human habitation and may include building types such as the following; maisonettes, dwelling houses, block of flats, boarding houses. This definition is considered very conservative and totally ignores the prevailing house types such as those existing in the study area, Inanda. The housing types in this area are largely the informal type with some formal types of dwellings.

1.7.4. PARTICIPATION ✓

Broadly, community participation means different things to different people and usually reflects the ideologies of those practising community participation at a specific time. It is not the intention of or within the scope of this dissertation to unravel the complexities and debates surrounding community participation but simply to examine the extent to which community may be useful in the preparation of a land-use plan. The author is not advocating that an entire community within a geographical location be involved in the process of land use planning but to ensure that some measure is put in place to represent the needs and interests of various groups are represented and taken into account in the process.

Recently participation has become synonymous with the involvement of community-based organisations' especially civic organisations - in decisions over development in their areas. However, the gender and age composition, and political homogeneity of civic organisations has tended to obscure a range of interests and needs existing in communities, in particular, women, children, youth, the elderly and the disabled. Participation within this dissertation involves engaging with these groups in the land use planning process.

The inclusion of these community groups in land use planning offers the widest range of opportunity for change particularly in changing the existing spatial structure of residential areas hereby making it more responsive to the needs of individual groups.

1.8. CHAPTER OUTLINE

This dissertation consists of ten chapters.

The **first** chapter provides a background to the research problem and outlines the questions and hypothesis which the dissertation is intending to answer.

Chapter Two provides an outline of the methodology that had been used in answering the research question.

The **third chapter** serves as a backdrop to the concept of land use management and looks at what its essential purpose is, how other countries deal with the issue, in what ways is it changing and what is its new focus as well as the manner in which different groups are impacted by Land Use Management.

The **fourth chapter** switches the focus to the local context and looks at why local and existing

land use management systems which are used by formal urban areas in the form of the Town Planning Scheme in preparation which is not appropriate for an area such as Inanda. It also examines the R1888 (the Legislation applicable within areas administered by the Department of Development Aid) previously applicable in Inanda, and why this piece of legislation is also not applicable. This chapter also introduces the proposals made by the KwaZulu Natal Provincial Administration on the Land Use Management system.

Chapter Five introduces the area of Inanda and describes the economic, social and physical conditions.

Chapter Six, Seven and Eight form the core of the study. It is presented in the form of a discussion which analyses the findings of the interviews and focus group discussions which were conducted with various groups in the community.

Chapter Six contains the results obtained from a Workshop held with Planning Officials from various Councils within the Durban Metropolitan area as well as from KwaZulu Natal Provincial Administration.

Chapter Seven contains the results of questionnaires that had been sent to Councillors from Inanda, Inanda Development Forum and Town Planning Consultants that had worked in Inanda.

The discussion presented in **Chapter Eight** has been drawn from Focus group discussions that had been held with the various groups, for example, the Disabled, the Elderly, the Youth, the Caretakers of Children and Women.

Chapter Nine recommends broad policy areas, within the framework of the proposal made by the KwaZulu Natal Provincial Administration, that could possibly be implemented in similar areas.

Chapter Ten is the concluding chapter of the dissertation.

CHAPTER TWO

RESEARCH METHODOLOGY

2.1. INTRODUCTION

The findings required to construct this dissertation will be obtained from methodological tools at the disposal of the researcher. These tools will be used to arrive at a concise, complete and factual empirical analysis of the study. The general approach upon which this research has been conducted is the qualitative approach as it is deemed to be the most appropriate method to be used when dealing with communities perceptions, attitudes and opinions. The researcher will draw on a variety of methods in order to arrive at a more balanced picture. Both secondary and primary resources will be used to arrive at the desired result.

2.2. SECONDARY SOURCES

The preliminary step in this study will involve secondary sourcing of relevant information, particularly background information required to gain an understanding of the context and operation of: government legislation regarding land use planning, international legislation on land use planning, feminism and use planning etc. Other information needed will involve bodies of literature on the impact of land uses on various groups for example, women, children, disabled, and the elderly. As individual groups and their relationship to land use planning has not been researched previously, it will be necessary to sieve through the available literature and pick out what the needs of these groups are generally and its' implications for land use planning. The literary material includes:

- journal articles
- workshop proceedings
- published documents and books
- preparatory documents such as the Inanda Development Framework
- Inanda Structure Plan

Access to these documents will be obtained through the libraries, Internet, members of the Inanda Project team and officials of the Durban City Council. This methodology is favoured as it will be possible to answer some of the questions the study is intending to cover from available data. It is also pragmatic in the sense that it enables the researcher to work within budgetary and time constraints. However, the accuracy and validity will be checked by cross-referencing as well as the second methodology that is the interviews and focus groups.

2.3. PRIMARY SOURCES

More than one method is necessary in order to gain a balanced picture on the subject. For the purpose of this dissertation the following methods will be used:

2.3.1. Workshops

2.3.2. Questionnaires

2.3.3. Focus Group Discussions

2.3.1. Workshops: ✓

The Development and Planning Unit of the North and South Central Local Council within the Durban Metropolitan area are in the process of establishing an appropriate Land Use Management strategy. The purpose of this strategy is to offer guidance to the Department to be able deal with applications submitted by areas such as Inanda, KwaMashu and Umlazi (areas that operates without a Town Planning Scheme). A workshop was therefore convened by the Project Team (of which the researcher is a member) involved in this as a first step in the process. Officials of North and South Central Local Councils, other Local Councils within the Durban Metropolitan area as well as planning officials from the KwaZulu Natal Provincial Administration were invited to attend the workshop. There were approximately forty individuals in attendance at these workshops. The attendees at the workshop were divided into three groups and each group was asked to answer three questions and reported back to plenary.

Each group was asked to provide information on the following:

1. An indication of what the objectives of an appropriate Land Use Management System should be
2. An expression of their views on the Town Planning Scheme

Those aspects of the workshop that are applicable to this dissertation will be discussed and recorded in Chapter Six. The detail of the proceedings of the workshop can be found in Annexure Four.

2.3.2. Questionnaires ✓

Questionnaires were administered to literate individuals who have played some role in the development of Inanda. Open-ended questions were used as it was a more effective way of obtaining qualitative information on the subject matter as opposed to closed-ended questions. The respondents were questioned on specific issues, however, was given an opportunity to express their own views. Questionnaires were administered to approximately twenty-five individuals. The questions were phrased in a simple manner (Refer to Annexure One).

Questionnaires were administered to the following individuals:

- Members of the Inanda Development Forum
- All elected Councillors in Inanda
- Consultants such as Nathan Iyer of Iyer Rothaug Collaborative, Tony Marcewicz of Marcewicz, English and Associates, and Bruce McCormack of Integrated Planning Services.

While it is acknowledged that such a methodology elicits results that are difficult to quantify and therefore does not lend itself to statistical analysis, it must be noted that the point of this qualitative approach was to gain a more complete picture of peoples perceptions of the existing land use management system, what their needs is in relation to land use planning. All responses are grouped together and discussed under specific headings.

2.3.3. Focus Group Discussion

For the purpose of the research topic it was considered necessary to conduct Focus Group discussions in order to gain an understanding of the issues and needs that are peculiar to individual groups.

The Group discussion took place through the use of a specific list of land uses in the form of a table (See Annexure Two). The table also consisted of the following columns; 'Freely permitted', 'Development Permit', 'Conditional Permit', and 'Prohibited'.

The uses listed was based on uses already in existence in Inanda and discussions were encouraged around these uses and what impact these uses had on them. After discussions on each use, they were asked to tick the appropriate column.

Group discussions were held with the following groups:

(A). Women' Groups

The Inanda Welfare Centre was responsible for setting up discussion with this particular group. The women were drawn from all community areas of Inanda and were volunteer health assistants at the Centre. Some of them were being taught skills such as hairdressing and sewing. There was a total of 34 women within this group.

(B). Caretakers of children

The people included in this were teachers who taught at the various creches operating in Inanda and lived in Inanda. There were 15 women in this group.

(C). Youth

Individuals within this category were drawn from various youth groups in existence in Inanda such as the political youth groups (SACP), recreational youth groups and the SRC representatives of local schools. Fifteen youth attended this group session.

(D). Disabled

The Amaoti Association for the disabled consisted of disabled individuals from various community groups and convened the group discussion for the purpose of this research. There were eighteen individuals within this group, eight males and ten females.

(E). Elderly

The Abalinde Association for the elderly consists of old people from various community groups who meet at the association for social, educational and recreational purposes. Thirty-five members, of which sixteen were male and nineteen were female, made themselves available for the purposes of this research.

(F). Informal Business

This group was made up of sixteen individuals who owned various types of businesses, for example, panel beaters; taverns; tuckshops and small home industries. There was a combination of individuals who had made formal applications to the relevant authorities and those who had not.

2.4. SHORTCOMINGS OF METHODOLOGY

The use of questionnaires was relatively impersonal, however, was a necessary method due to the fact that it was difficult to secure those individuals for interviews as a result of time constraints. Had the researcher conducted interviews, she would have been in a position to ask the relevant questions based on the experience of the individual. This method resulted in responses being made along very similar lines. The handing out of questionnaires was indeed a time-consuming process as all individuals to whom questionnaires were sent were extremely busy and it was difficult for them to respond timeously.

The problem experienced by the researcher was that it was particularly time consuming to set up the discussion groups. It involves a number of phone calls, vain trips etc. However, at the end the researcher managed to successfully convene all groups.

The other problem experienced was that of a language barrier which made it difficult for the

researcher to conduct sessions in her own language. It was necessary to engage the services of an interpreter.

The methods were selected to provide a very balanced, holistic picture on the subject matter and to allow for maximum flexibility depending on such factors as education levels of respondents and literacy levels.

CHAPTER THREE

WHAT IS LAND USE MANAGEMENT ALL ABOUT?

3.1. INTRODUCTION

Most urban areas and some rural areas use some form of land use planning to decide the best present and future use of each parcel of land in the area. Land use planning involves mapping out suitable locations for houses, industries, businesses, open space, parks, roads, water and sewer lines, reservoirs, hospitals, schools, wastes treatment plants and so on. Zoning regulations or other devices are used to control how the land is used.

What is important then is to establish an effective land use management system. An effective land use management system will be one that takes into account the needs of various individuals in a community through their own participation, one that is flexible, development oriented but most important, sustainable.

This chapter introduces the concept of land use management, looks at international approaches to the subject and derives principles for application to the South African context. It also considers aspects in which land use is changing in South Africa and what is the trend with regard to land use management. The chapter further explores the impacts land uses have on different groups viz. women, children, elderly, the disabled and the small businessman.

3.2. PURPOSE OF LAND USE MANAGEMENT

Land-use management system in general involves;

- private (and public) sectors who develop and makes use of land
- law which sets out rules and procedures in the management system
- agencies which make decisions on how land may be used at various levels of government
- plans which inform decisions on how land may be used for eg. policy plans or zoning plans
- Government officers who administer the system by preparing plans (with or without outside support) and by assisting in decision-making.
- Procedures by which it is agreed to accommodate changing land use, complaints over land use, and appeals against decisions made by responsible authorities (Mabin et al; 1997).

Land use Management system involves the following components:

1. Zoning
2. Development Control
3. Decision making process

The major aspects to be focused on in this dissertation are:

1. Zoning
2. The Decision making process

3.2.1. ZONING

Once a plan is developed, local governments control the uses of various parcels of land by legal and economic methods. The most widely used approach is zoning, in which various parcels of land are designed for certain uses. Principal categories include commercial (various categories), residential (various categories), industrial, utilities, transport, recreation (parks and forest preserves), bodies of water, flood plains and wildlife preserves.

Zoning can be used to control growth and to protect areas from certain types of development. Zoning in the United States has been used to set up separate areas for residential, commercial, and industrial activities. Such compartmentalized zoning, made sense in the smoker stack days when factories polluted cities and few suburbs existed. But the end result has been to separate homes, jobs and shops by long distances thus requiring increased car use. This practice has also broken up the sense of community found in integrated urban neighbourhoods where most people can walk or cycle or take public transport to work or school and to buy groceries and other everyday items (Miller, 1994). Changing zoning laws to encourage such reintegration of homes, workplaces and stores would reduce urban sprawl, energy waste and loss of community.

Within the South African system, the purpose of zoning was to protect the wider community from nuisances by restricting the use of property in the interests of public health, safety, morals or general welfare.

Clarke (cited in Mabin, 1997) summarises the benefits of land use regulations as:

- ◆ Eliminating unwanted spillover effects (externalities) when one land use imposes costs on adjoining properties or on the wider community.
- ◆ to promote efficiency in the use of land
- ◆ To improve the distributional impacts of land development.

However, Poulton (1997) points out that it cannot be assumed that administratively separating land uses to minimise negative externalities is socially advantageous. Even if it were, it cannot be assumed that governments would define and manage zoning in an ideal or even competent manner. Separation of land use zoning can be by large areas usually referred to as Coarse grain zoning or the zoning of small areas referred to as a fine grain zoning.

* 3.2.2. DEVELOPMENT CONTROL

Development control, according to Tewdwr-Jones (1995), is the executive arm of the planning process. It gives effect to the planning objectives of the development plan. The quality of the outcome is critically dependant on the quality of the development plan and the extent to which individual planning decisions are consistent with it.

* An effective development control system should ideally be guided by the following:

1. A recognition of the importance of the control of planning and development;
2. A comprehensive local plan coverage of the whole of each authority's area;
- * 3. An opportunity for citizens to participate in the review and drafting of development plans;
4. A requirement for planning decisions to conform to the development plan and for departures to be adequately explained;
- * 5. A need for local authorities to respond positively and promptly to planning needs and enquiries;
6. A determination for the profession to minimise costs and delay in the planning system.
(Tewdwr-Jones, 1995).

3.2.3. DECISION MAKING PROCESS

* Decision making within the land use management system is partly resultant of the influence of technical considerations, political factors and the personalities involved in the planning process. An analysis of the behavioural element to decision making can assist in the understanding of the relationship between the main actors in the land use management process and at the same time provide us with an opportunity to assess how local planning authorities operate the system in practice. However, it is not within the scope of this dissertation to explore this aspect, merely to examine to what extent the participation or representation of the interests of the wider community can be reflected in the decision-making process especially in the formulation of a plan for the area as well as when potentially contentious applications are submitted, for example the impact of taverns on women or on children.

* The land use management system in practice is inherently a political process and largely an expression of power. In an investigation, the local government of England and Wales it was discovered that the planning committees appointed had not acted in a wholly consistent manner, and had been prompted to take perverse decisions, sometimes by the urging of certain councillors against officer recommendations. Such councillors have been given priority to certain categories of planning applicants, rather than discriminating on the basis of land use, which should be the

main order (Tewdwr-Jones, 1995). Within the local planning context, a very similar situation is observed, where politicians lobbying for political support of the community, controls the direction of land use decisions even where it may not necessarily achieve the most desirable or sustainable outcome.

Schwenke (1997) points out that the quality and consistency of the decision-making process are important in democracy, and involves adherence to ethical principles. Elected officials and politicians must constantly demonstrate to the citizens and stakeholders that land use decisions have been made through a process which is just, equitable and democratic. Such decisions have a reasonable expectation that it will be properly informed of the full dimensions of pending land-use decisions, and that they will be consulted. However, ensuring that there are realistic and genuine opportunities for citizens and stakeholders to participate in the formulation of the plans and policies which determine land uses are a formidable challenge, however, definitely one that needs to be embraced.

All these elements require careful consideration in the process of establishing new and integrated land use managements systems in general and for residential areas in Inanda, in particular.

3.3. MODERNIST/ POSTMODERNIST APPROACHES TO TOWN PLANNING IN SOUTH AFRICA

3.3.1. MODERNISM

South African Town Planning is a mixture of both the American and the British town planning illustrated by concepts such as the Garden City and New Towns. Such a Town Planning approach insisted on a clear, separate and distinct land uses and which did not make any allowance for mixed use activities. This Modernist perspective to Town Planning places emphasis on land control and zoning regulations in the built environment.

Beauregard (1989) identified the origins of American State planning in two strands of the reform movement, the first concerned with public health and human congestion, and the second with the chaotic juxta positioning of urban land-uses. Beauregard showed how early USA State planners sought to bring reason to bear on the 'anarchic qualities of capitalist urban development. Goodchild (1990) represented the early history of Town Planning in Great Britain in terms of the rise of modernism. He identified the period 1900-1914 as 'Early Modern'. During this time, the emphasis was on public health and planners were concerned with separating industry from residence, reducing overcrowding by encouraging suburban expansion, creating Garden Cities and allowing for more space and sunlight to the individual residence. The style of planning was

referred to as 'piecemeal blueprint' and involves limited and relatively small scale interventions at municipal level.

* Organisation and control through regulation and supervision in maintaining rationality and order within the urban fabric constituted as a major fundamental principle in South African Town Planning. This was often achieved through zoning regulation and development control in preventing incompatible land uses that might impinge on each other, for example, noxious industrial use with residential land use (Cooke cited in Harrison; 1994).

* Modernist town planning is more concerned with maintaining coherence and progress. Residential areas at low densities were also a characteristic feature of Modernist Town Planning and this was often accompanied by uniformity in housing design and layout. Modernism can be associated with such phrases as 'hierarchy', 'centring', 'distance', 'The one', 'The real', 'Absolutism', 'Authority' (Harrison, 1994).

Teffo (1996) identified three specific dimensions pertaining to planning as an instrument of control and repression in post colonial cities, namely:

- Procedural
- Territorial
- * • Socioeconomic dimensions.

- The **territorial** dimension includes planning policies which spatially contain minorities.
- The **procedural** dimension covers the formulation and implementation of planning where the minorities were denied access to decision making.
- * • The **socioeconomic** dimension is where planning acts to maintain and widen socioeconomic groups through the location of development costs and benefits which privilege dominant groups. These resemble the kind of South African planning practice adopted in planning Black townships in the Apartheid era.

Flaws in past planning approaches adopted in South Africa have been recognised. The application of New Towns concepts throughout the country and land-use zoning are important to future planning which should serve as a starting point to more location specific and participatory planning in the future.

Modernist Town Planning is therefore technical in practice and ignores the social and political aspects within different communities. According to Gibson and Watson (cited in Teffo, 1996) the

modernist approach has been criticised for its masculinized assumptions. It is totalitarian and prescriptive in approach. Its' universal perspective is suppressive since it ignores the needs and priorities of particular individuals and communities. There is therefore a need for planning policies which are location specific and which responds to the needs of different urban communities.

3.3.2. POSTMODERNISM

Post modernism is presented as a competing world view, a challenge to Modernism. It emphasizes human consciousness, symbolic meaning, the importance of local difference, cultural and gender diversity. Whereas the modernist attempts to order reality with all encompassing theories, postmodernism recognises that the world is infinitely complex, multi textured and chaotic and that all theories will inevitably be partial and incomplete representations. Postmodernism celebrates irony, incoherence, inconsistency, ambiguity, and uncertainty and is tolerant of diversity and difference (Warf 1993, Pile and Rose, 1992 cited in Harrison; 1994). Postmodernism can clearly be associated with phrases such as 'Anarchy', 'Decentring', 'Participation', 'local narrative', 'The many', 'Ambiguity' etc. Postmodernism asserts the significance of political, economic and cultural phenomena in planning. ✕

It critiques' uniformity in planning practice advocated by Modernists, as stifling opportunities and innovation (Cooke cited in Harrison; 1994). Postmodernism advocates pluralism and diversity as well as the importance of recognising social differences. It further maintains the need for a planning approach that is more integrative instead of paternalistic and prescriptive. Community participation is therefore one aspect of development that can be associated with postmodernism since it seeks to define community priorities and needs, and implements them in practice. ✕ In relation to land use planning to date the community have played little to no role and postmodernism essentially creates opportunity for such a practice. Postmodernism also reflects to an extent the move from coarse grain to a fine grain preparation of plans.

In South Africa, the Integrated Development Plan recently introduced may be identified as one mechanism which may be used to bring about integrated planning in a postapartheid South Africa. It essentially consists of an interactive process between Government officials and community representative structures. The community representative structure consists of various organisations such as civic associations, local development fora, and local councils which form an organised voice for the community. It would identify priority issues confronting the communities, and would propose solutions taking cognisance of expert advice from planners.

However, the gender and age composition, and political homogeneity of civic organisations has tended to obscure a range of interests and needs existing in communities, in particular, women, children, youth, the elderly and the disabled. Participation should therefore include the consideration of the needs of these various groups in the process of land-use planning.

Decisions on implementation should be informed by priorities of particular communities. In essence, post-modernism envisions the distance between dominant thinking and the hegemony of rules. It also wishes to replace the monolithic, homogenous universality of modernist discourse with a more heterogenous, locally sensitive and inclusive perspective to development (Cooke cited in Harrison; 1994). Clearly postmodernism is challenging us to be more responsive and contextual on our planning and to acknowledge diversity and to listen to the other.

3.3.3. APPROACH TO BE USED IN LAND USE PLANNING

Some compromise is needed between the above two frameworks in order for us to move forward. A compromise is needed, some way of bringing modernism and postmodernism together in a way which secures both justice and local control, changes and tradition. While there is the need to recognise diversity it is equally important to apply a set of common judgement to the whole process of land use planning which can often be referred as the modernism-postmodernism dichotomy. Thus understood the application of postmodernism to town planning would not involve a rejection of modernity so much as an acceptance of tensions and contradictions which have long existed and yet which are invariably denied by an emphasis on comprehensiveness and technical rationality (Goodchild cited in Harrison; 1994).

Beauregard (1989) argues for the partial reconstruction of the modernist project of planning whilst enhancing its links to postmodernism. He rejects the idea of a postmodernism that would destroy modernist roots and affect a complete paradigm shift. Instead he calls for a postmodernism that would challenge modernism but would not entirely replace it. In South Africa, an acknowledgement of current postmodern realities does not necessarily imply a rejection of a modernist commitment to progress, reform and transformation but it does demand a flexible and pragmatic adaptation of this vision to a postmodern reality.

In terms of land-use planning this dissertation does not advocate that the Modernist approach to land use planning through a regulatory framework should be done away with altogether, however, this very essential town planning process should embrace such concepts as 'diversity', 'participation', 'decentring' etc. and should ensure that consultation takes place with significant groups. The needs and perceptions of these various groups should be taken into consideration in

~~the decision-making process.~~ Therefore the Postmodernist process of participation should be coupled with the Modernist approach of regulation in order to achieve an amicable balance in the land-use planning process.

Harrison (1994) maintains that the same applies to development planning more generally. We may respond to the challenges of our context by attempting to reimpose a fundamentalist version of modernity. Alternatively, we may succumb to postmodernism and adopt an incrementalist form of 'planning' without any vision or real purpose. Or, we may retain some normative commitment and an aspiration to a better society whilst recognising the need for flexible adaptation to a new context.

Having examined the theoretical approach to land use management, it would be useful for the purposes of this dissertation to examine international approaches to land use management and analyse its applicability to the local context.

7 3.4. INTERNATIONAL APPROACHES TO LAND USE MANAGEMENT

The last three decades have witnessed a considerable amount of attention being given to Land Use Management internationally. What has become apparent is that there are many lessons to be learnt from these international experiences. Mabin (1997) identified two broad approaches which deal with Land Use Management viz., the zoning approach and the policy-based approach.

3.4.1. Zoning Approach

In the zoning approaches the basis of control of land use is the scheme of zones identified with different land uses into which an area is divided. Although preparation of the plan and its updating may be complex, its control is conceptually straightforward in that it requires simply enforcing the zones and not allowing uses which depart from those permitted. Countries like the Netherlands and New York City use zoning-based approaches to manage the land use system. While the Netherlands is very strict in its approach with its particular attention to detail, New York's land use management system is more flexible. The Nova Scotia Municipality's Byelaws establish land use zones which were set up in the Municipal Planning Strategy with a limited number of permitted land uses in each zone. (Government of Nova Scotia; 1998). The United States is thought of as the home of zoning with some local authorities being extremely strict with others being less strict. New York City provides an example of land use management which is based on very detailed zoning, but allowing a considerable degree of choice within the parameters laid down in the zoning plan and associated policies. The activity permitted (residential, commercial) is regulated by the zoning plan. The New York system is involved with preapplication

negotiations - which was a measure of making a zoning system more flexible which concludes basically that zoning systems do not have to be inflexible (Bolaffi cited in Mabin, 1997).

A system which has been a favoured one for practice in South Africa is Performance Zoning, which refers ' to a form of zoning in which the criteria for establishing districts are based primarily on performance rather than on use or design specifications'. In other words a performance zone is defined by a list of permitted impacts rather than a list of permitted uses (Schiffman, 1989 cited in Mabin, 1997). Performance zoning appears to confer greater flexibility on a zoning approach than the use zone concept would. Under performance zoning a range of activities might be permitted as long as the level of nuisances which they create remains within allowable limits, but the difficulties with enforcement may be among the reasons as to why it is not widely used. The criticism that may be levied against the current zoning system is the limiting nature of its application for example, 'broad brush' zones of distinct areas as when entire areas were zoned for residential purposes and any deviation from purely residential would require special consent. It will, however, be possible to use a range of zones in a 'fine grain' approach to permit a mix of types in relation to each other, for example including spaza shops as a use to be permitted within a primarily residential zone.

3.4.2. Policy-based Approach

With the policy-based approach there may not even be a map or a Town Planning scheme, but rather a policy which describes what has been agreed upon as desirable or preferred in the field of land use development. The control of development requires that decisions be made as to whether a new development is in line with policy or not. Both policy preparation and control may be conceptually as well as practically difficult tasks, since the former requires realistic assessment of future prospects and the latter the exercise of considerable judgement as to the application of policy in specific circumstances. Countries which make use of the policy-based approaches are Malaysia which employs this method with strict measures such as a rule book, while a country like England is more flexible and exercises discretion in decision making. The Municipality of Ontario which also makes use of the policy-based approach provides the municipality with greater flexibility to make local decisions. In a new policy statement drafted on the 2 January 1996, policy requirements that were previously mandatory have been removed and will now appear as guidelines which the municipalities will be required to ' have regard to ' rather than ' be consistent with' as was the case previously. While the policy is less prescriptive, there is definitely room for ambiguity (Lyons, 1996). Japan and Western Europe, according to Miller (1994), have the world's most comprehensive land-use controls, and North America and Australia the weakest.

In the United States, only Oregon has developed a comprehensive land use plan. According to Ivey (1996), in talking about the plan for Oregon: "The enemy isn't the developers and the property rights people," he says. "It's a lack of vision. The question here is do you want to create communities where kids can walk to visit their friends or buy sweets and cold drinks or communities where parents spend half the day shuttling their kids around in cars. Since the mid-1970's Oregon has had a comprehensive statewide land use planning process based on three principles:

- * All rural land in Oregon has been permanently zoned, as forest, agricultural land or urban land.
- * An urban growth line has been drawn around each community in the State, with no urban development outside the boundary.
- * Control over the process has been placed in State hands through the Land Conservation and Development Commission.

Not surprisingly, the last principle has been the most controversial. It is based on the idea that public good takes precedence over private property rights - a well-established principle in most European countries that is generally opposed in the United States. According to Miller (1994), the success of Oregon's plan, however, has helped people recognize that the land they own is not theirs alone to use in any way owners see fit. Oregon's plan has worked because it is not designed to 'just say no' to development. Instead it encourages certain kinds of development, such as dense urban development. Because of the plan most of the States rural areas remain undeveloped, and the State and many of its cities are consistently rated as some of the best places in the United States to live in.

Portland, for example, has plenty of Greenways, open spaces, and affordable housing, a healthy inner city, and one of the countries best public transit systems. It has been voted that the most livable in the United States in 1988, one of the Top ten cities in which to do business in 1989, one of the best places to raise children in 1990, and best in the Green Index that rates United States cities in terms of pollution, public health, and environmental health, also in 1990 (Miller; 1994).

What is surprising from a review of Land Use Management internationally is that very little attention is paid to how land use management can be geared towards meeting the needs of different groups such as women, children and the aged. However, what is important is that a number of principles can be extracted from the international experience which may be applicable to South Africa to a very large extent.

3.4.3. Land Use Management in the Third World

The last three decades, according to Njoh (1995), have witnessed an acceleration in national and international efforts to improve housing conditions in less developed countries (LDCs). In the process, a number of critical issues have surfaced among which are building and urban land use controls.

Das and Chakravorti (cited in Njoh, 1996), has criticised the aspect of rigid zoning stating that it should not be applied to a third world context in the light of the particular circumstances of this context. They instead argue for a mixed land use system which “has the infinite potentiality to create a lively cityscape, and going up instead of out would reduce cost as well as time of journey to the place of work. Thus we need a self-contained, all purpose, closely knit, compact, exciting, enjoyable and lively place to stay at, in the form of ‘WORK-CUM-LIVING CITY’ ”.

According to Njoh (1995), a neat and rigid compartmentalisation scheme has several negative implications for less developed areas as is the case of Inanda. The rigid segregation of land use activities spread over large areas increases the distance between residential areas and places of employment. In effect residents spend unwarranted proportions of their income, time and energy on journeys to work.

Such rigid segregation of land use functions discourages activities in the informal sector of the economy. The exclusion of other than residential activities in residential areas means that residents are denied the opportunity of using their homes as places of productive employment. Njoh (1995) points out that the most rewarding of informal sector activities take place in peoples homes. This argument is echoed by Lisa Peattie (cited in Njoh; 1995) in the following words:

' ... in a part of the economy characterised by self-employment and by very small firms, involving, frequently members of a single family, the house is often the factory, the shop, and the warehouse'

As implied above, ‘mixed use’ is capable of contributing positively to the economy of especially low-income communities. For instance, Hong Kong’s extraordinary success is said to be partially due to the multiplicity of small firms that were until recently housed within residential apartment units.

The rigid segregation of land use activities compounds the task of crime prevention. It is found that residential areas are targets of crime during the day and the CBD at night. In her classic *The life and Death of Great American Cities*, Jane Jacobs argues that crime prevention cannot be left

in the hands of the police alone (Jacobs; 1961). The people constitute what Jacobs calls the natural proprietors of the streets because they are constantly watching them

For this strategy to work effectively, the district, and many of its internal parts as possible, must serve more than one function; preferably more than two. These must ensure the presence of people who go outdoors on different schedules and are in the place for different purposes, but who are able to use as many facilities as possible in common (Jacobs; 1961).

In separating land uses for the sake that they are different, Bair (1979) concludes that "zoning is a treatment of symptoms rather than a curing of the disease". He goes on further to say that "we have not concentrated enough on finding causes of frictions between land use, and seeking regulatory remedies for incompatibilities. Instead we continue to classify and map a vast array of uses and then separate them. Unrealistic and inappropriate development standards that are not changing to accommodate the economic realities of a developing country very quickly impose economic costs that exclude a large proportion of the community (Bair, 1979).

There are authors who argue that the regulations favour only a small number of the people while overburdening others. This occurs in the form of some property owners using litigation to hinder or stop development, thus diminishing supply and hence increasing the market value of their existing properties.

Legislation has been criticised primarily for its inflexibility and thus inability to meet society's changing requirements. The regulations are often not updated to meet changes in technology and other developments. For example, a once polluting and unwelcome industry into a residential area, could have changed its technical operation through the years and become a clean and inoffensive industry yet zoning often treats land uses as having uniform characteristics. It then applies on them blanket regulations or standards extracted from a particular assumption or political era which might not be applicable any longer (Mazibuko; 1993).

What is being argued here then in examining the imposition of first world standards on third world contexts, a very large gap exists between what authorities desire in terms of minimum standards, and what people can reasonably afford. Authorities are generally bent on adopting the sophisticated standards of developed nations. Central to this discussion is that an unconscious adoption of standards is counterproductive to any serious effort to deal with the problem of improving the qualitative environments of developing countries.

3.5. THE CHANGING EMPHASIS OF LAND USE PLANNING

The Land Use Management system currently operating in South Africa was one of the central instruments used to carry forward the vision of the apartheid regime. With the introduction of a new political dispensation there is an increasing awareness that the land use management system might no longer be appropriate. The environment we are currently operating in is a diverse and complex one and an effective land use management system would need to respond to this flexibility and complexity.

In a Land Use Control Study by (Development Research Network et al, 1997), it was proposed that a unitary legislative framework, linked to the DFA or the Provincial Development and Planning Act, should be put in place that would allow different regulatory regimes, depending on the context. It was also felt that a new land use management should provide for a greater degree of choice open to people. This is essentially a need to control, on the one hand, and the need to enable and facilitate on the other hand. An appropriate land use system should allow a greater degree of variance to occur within regulated zones as is being proposed through the introduction of a "fine grain" approach which was difficult within a system of broad brush zoning.

Another proposal put forward by the study was the need for greater flexibility in the process of evaluating and adjudicating applications. This would once again attempt to find an appropriate balance between control and facilitation. Essentially what is being emphasized is that land use planning, its policies and the procedures created should be enabling and development oriented. To achieve development, planning should be concerned with people, their activities and their use of land. As a consequence the organisation and quality of both the built and natural environment cannot be assured without taking people's social, economic, community and other needs and perspectives into account.

In South Africa, planning and development should make provision for the orderly and rational use of land through facilitative processes, and securing that provision by regulating and promoting change in their use. There is an increasing trend towards land use planning becoming an interactive process, conducted by and between communities to identify needs and goals and develop strategies to achieve them. As a consequence, mechanisms for the upliftment and development of communities must:

- allow for appropriate levels of public participation and appeal
- Must be dynamic and sufficiently flexible to acknowledge sub-regional or local differences and accommodate their changing needs over time.

Participation can be introduced into the land use management system on two counts:

- Preparation of the plan and its policy
- Being consulted when potentially conflicting land use applications are made

Land use legislation needs to provide a comprehensive approach to development. Land use management procedures must be explicit, expeditious and simplified application, assessment, appeal and other administrative procedures, as well as access to information and public participation, all of which must encourage and duly hamper the development process on the one hand, yet enshrine the right to be heard on matters affecting individuals and communities on the other (Proposed Planning and Development Act, 1996).

In an increasingly competitive global economy land use management systems must promote growth and development. In an area like Inanda where local conditions are constantly changing and the social and economic conditions of its residents are different from that of the social economic conditions of the other residents of Durban. It is quite evident that their land use needs and its accompanying regulations call for more flexible techniques. The uses residents in Durban might what controlled such as Spaza shops and taverns, residents in Inanda might want freely permitted. Therefore it should be acknowledged that different areas may require varying degrees of control and this should be acknowledged in drawing up a land use management system for any area. Land use management should be considered to be part and parcel of an attempt to achieve full employment, and to enable government at all levels to fulfill its obligations to provide services and infrastructure, particularly to the poor. Mere control of development is no longer sufficient, and land use management systems need to actively attract and retain investment.

3.6. OPPORTUNITIES FOR PARTICIPATION ✓

Land use planning should promote uses that are consistent with a community's goals and desired image. It should ideally help to achieve orderly and desirable growth. Zoning, which is an essential component of land use planning, is complex because it involves questions of individual property rights, the tastes and social convictions of residents of an immediate community and some and some definition of the interests of the larger community. It has become the primary vehicle for public regulation of land use, and its' application may involve numerous actors: - landowners, developers, planners, lawyers, advisory board members, community residents, and sometimes judges (Hutcheson and Prather, 1988).

Richard Babcock's (1966) description of municipal practices as 'The Zoning Game' seems appropriate, especially since there are often clearly identifiable winners and losers. Particularly

from the community residents perspective, the decision either goes 'for them' or 'against them' (Babcock and Simeon; 1985).

According to Gilg and Kelly(1996): “ development plan people should have a better understanding of the implications of their policies - both before and after they were adopted and implemented. A plans’ officer would help to develop better land use plans and perform a better job in reviewing it if he could experience, as directly as do his caseworker colleagues the effects on school children, bus drivers, shoppers, old people, disabled people and women of the policies he is recommending or helping to monitor”.

Washington State's Growth Management Act (GMA) allows it's citizens to participate in the land use management process. The citizens are aware that unmanaged growth has eliminated open space, harmed the environment, increased taxes to service sprawls and contributed to traffic congestion. To offset these impacts, the GMA requires rapidly growing countries and cities to prepare plans that protect sensitive areas, focus growth in urban areas, and provide for affordable housing and adequate public facilities. The GMA allows its citizens to incorporate local knowledge into the planning process. Three regional Growth Management Hearing Boards have been established to hear appeals of comprehensive plans and implementation of rules directly from local citizens. The Hearing Boards serve as 'peoples court', and have often been the only means to compel local government to comply with the law (Claggett, 1998).

According to Hutcheson and Prather (1988), the City of Atlanta in 1974 began to implement a system of neighbourhood planning designed to provide a mechanism through which citizens could participate in programmatic and land use decisions. The system officially recognised city neighbourhoods and encouraged neighbourhood-based participation through the formalisation of communication networks and the provision of technical assistance. Although the formal vehicle for citizen involvement was the neighbourhood plan, the neighbourhood planning process was believed to sensitize community residents and organisations to land use issues and mobilise citizens for participation in the zoning process.

Neighbourhood Planning Units were designed to be large enough to permit comprehensive approaches to problems and planning, but small enough to permit citizen identification. There was one neighbourhood planner assigned to each planning unit. The neighbourhood planners assigned to each NPU were not ' advocate planners', but employees of the Bureau of Planning, the city's liaison with the NPU. Often the neighbourhood planner helped organise the monthly meetings of the NPU, disseminated newsletters and notices, and provided technical assistance in preparing

citizens to act effectively in making their view known to the city. NPU meetings were open to all with interests in the community, and although individual residents and neighbourhood association representatives were usually in the majority, local business owners and managers were active in NPUs with large commercial areas. What is argued here is that the experience of neighbourhood planning sensitizes community residents to land use issues and mobilised communities for participation in the zoning process.

However, there are still some views that participation can undercut the very communities which it is intended to empower. It is easy to end up with a situation in which the 'the move towards a more inclusive form of planning in the 1990s, based on the expansion of public participation strategies often leaves planners torn between satisfying the demands of the vociferous few and a professional desire for 'balanced' development which considers a broader, if nebulous 'public good' (Hillier and van Looij cited in Mabin, 1997). There is an overwhelming recognition that participation is an essential element that needs to be included in the land use planning process in order for it to be inclusive, relevant and widely owned by the very people it is intended to serve. In South Africa, it is particularly difficult to incorporate the element of participation in land use planning as it has never been a practice in the past in certain form, but not in DDA areas. Although the focus of this dissertation is not purely on participation, it seeks to investigate some means of incorporating it into the process.

3.7. A FOCUS ON GROUPS IN LAND USE PLANNING

In seeking to plan the contours of the built environment, it seems critical for planners to have knowledge of the specific needs of their client groups. This requires as a first stage defining who the targets or recipients of planning are while developing some understanding of what specific land use needs might be. When one gages an understanding of their needs, it becomes easier to place their attitudes towards the land use management system and towards particular uses in perspective. The primary objective of this dissertation is to obtain a perspective on the communities attitude towards the land uses developing and what they would and would not be prepared to live within their residential areas by reaching out to them cross-sectionally. A cross-section of the community refers specifically to the different groups [children, women, elderly, disabled and men], who have never had an opportunity to contribute to the planning process before. The focus on these various groups is essentially the need to recognise diversity among various groups in land use planning.

3.7.1. CHILDREN

A good environment is one in which children thrive, develop to their full potential, gain

confidence and become actively engaged with the world around them yet remain autonomous and capable of managing their own affairs. A limited environment, especially during the developmental years, can be inhibiting and could lead to poor performance at school. It is found that children from poor non-responsive environments, usually resort to vandalism and antisocial behaviour.

Physical environment exerts powerful influences over the perceptual and social development of the child and young adult. Children are unable to exert any political clout, it is up to sensitive adults who possess the necessary means to determine and satisfy those needs.

Since the International Year of the Child in 1979, architects, psychologists and educators have renewed their interest in creating environments in which children flourish. Too often the child's perception of the environment is overlooked yet this is integral to the creation of a better quality of life for the children. Children thrive on stimulation unlike adults. Their concentration patterns change constantly. This can be evidenced in a playroom where children constantly move from one interesting area to another in search of something fresh and exciting to do. Trees, gardens and parks are some of the many places children perceive to be beautiful, old houses, impersonal public buildings, pollution and rubbish are considered to be ugly. In a study conducted by Lynch (1977), with children and on their experience of the environment 'Green spaces' like parks, sports fields etc. were identified as favourite places to be with their friends. He also concluded that little girls' experience of the environment was different from little boys. Girls still confined their activity to traditional roles of women and conducted their recreational activity indoors. Boys, on the other hand, were more adventurous and explored their environments more and richer experiences of the environment. For example, when a group of boys and girls were asked about whether there were pretty places in San Agustin, the girls' response was simply "No" whereas the boys mentioned pretty tree areas and other public places such as the market, church and playgrounds (Lynch, 1977).

Children enjoy small scale experiences that they can relate to, private corners, social spaces as well as mixed use spaces where different groups can interact. Outdoor spaces are equally important as children prefer to play outside when the weather is good. Jacobs (1961) points out that it is a 'fantasy that deprived children prefer to be off the streets into parks and playgrounds with equipment on which to exercise, spaces in which to run, grass to lift the soul!'. She is of the opinion that many children actually enjoy playing on the street where they are able to experience a sense of freedom away from the watchful eye of the overprotective adult. In becoming aware of this fact, land use planners need to ensure that the safety and security of children are taken care of and this would therefore involve the prevention of potentially dangerous uses eg. taverns etc. being developed in residential areas.

This dissertation elicited the attitudes and opinions of caretakers of children towards land use management system in order to understand how the various uses impact upon the lives of children. It is important to analyse what the impacts would be on children if uses like Taverns were to be approved in the area or what potential benefits, uses such as Spaza shops could have for children. It is acknowledged that the children are not in a position to comment on their attitudes towards land use planning since they probably do not even think about it in such ways, therefore it is important to speak to their caretakers who are in a better position to understand their needs.

3.7.2. WOMEN

Recent urban planning has provided women with a cold, alienating environment in which buildings have become free standing 'objects' lost in a sea of unusable space, disconnected from each other and linked by roads which merely serve the function of getting from point A to B as quickly as possible. Modern cities have been planned to segregate different aspects of life; homes, shops, factories and offices are all in separate areas. Land use planning had been based on the principles of functionalism which clearly segregated work, home and leisure through rigorous zoning. Functional exactness destroys the flexibility of the city and prevents an area from functioning as an integrated whole.

The South African City has been designed and spatially divided according to many influences and principles. Firstly, the idea that the women's place is in the home has influenced planning and design (Cook; 1987). This home /work division has been based on the assumption of the nuclear family whereby the male worker would return from the work in the city to the suburban home, where the wife would take care of the children and domestic tasks. The physical separation between home and work also meant sexual division of the labour force which, according to feminists, was the basis of womens' oppression (Hayden; 1980).

Many housewives of all races in the suburban areas have expressed feelings of boredom, lack of stimulation, isolation and depression not only because of the physical distance which prevents them from opportunities but the fact that getting a job is less because of family obligations. Generally womens' needs have been generalised and if one can understand the complex whole influencing the design of the built environment in relation to issues of gender, then there might be ways to design and improve the built environment to suit all needs (Boys; 1990). While it is acknowledged that many of these feminist claims are overgeneralised, many of them certainly do have merit in considering a suitable land use system and ensuring that it is sensitive to the needs of women.

We can apply these basic problems to South Africa's black women who fulfill dual roles and who are faced with added constraints because of the spatial structure of the apartheid city (Cook; 1987). A study conducted with women from two South African townships show the enormous problems that they face daily. Most women from these two townships begin work at 6:30 a.m. which indicates the level of unskilled and semiskilled labour. This early start does not necessarily mean an early finish as many people finished after 17h00 p.m. The poor design of the apartheid city as well as the home/ work division meant long travelling distances.

Shopping for daily needs is an important task women are usually responsible for and many have to undertake this task during lunch or on their way home. Some women have to shop on Saturdays in the busy Central Business District and bearing in mind that most household chores need to be done on weekends it is not surprising that they do not have time to relax. (Cook; 1987)

Another important element in land use planning is a womans' perception of safety and security. The kind of social relations within a space and who controls influences how women feel. Women feel threatened in public spaces at times when they perceive the behaviour of men to be threatening. For example, many women would feel that their safety is threatened if they lived next to a shebeen (Phillips, 1996). If the built environment is to become more sympathetic to women, major changes need to be made to urban space in our cities. Some strategies to overcome the spatial separation of public from private would be to relax zoning to create a better mix of commercial, residential and community, decentralise employment facilities, an efficient transportation system, and increase density in low-density suburbs. To ease the burden of women at the present time it would be needed to identify and provide facilities which are needed by women eg. child care. It is also important that women are involved in land use planning at its inception. The involvement of women in the process would be not just to identify their needs as 'subjects' but incorporate them as 'participants'.

3.7.3. MEN

While this group will be one of the groups included in the dissertation, it is quite obvious that available literature does not focus on them as a particular group. Their needs are generalised and possibly taken into account in planning in general. This dissertation, however, will look at whether the land use management system impacts on men in any peculiar ways if it does, however, the research will not focus on them as a separate group. To date land use systems have been criticised for being patriarchal and that environments are planned very much with men in mind and the extent to which this is true, needs to be uncovered.

3.7.4. THE ELDERLY

Issues concerning the elderly and their daily life need to receive more attention in land use planning. Determining the needs of the elderly is a difficult task in that the elderly are not a homogenous group. If anything, ageing merely reinforces personal preferences and dislikes. In addition to this, the socio-political history of South Africa has resulted in a situation where the needs and opportunities of people differ according to classification in terms of population group. The current diversity of circumstances and lifestyles cannot be ignored. This, however, should not be mistaken for an absence of common needs. There are general problems associated with ageing and the aged as a group do have some common characteristics and needs.

Generally, the aged as a group have the following in common:

- 1). They no longer enjoy the same social status in society as they did previously.
- 2). Their incomes are greatly reduced due to enforced retirement.
- 3). Their incomes are static and do not keep up with inflation
- 4). Their residential spatial needs decrease.
- 5). They become more vulnerable and their personal safety is threatened.
- 6). They experience a decline in their physical capacities.
- 7). They become less and less mobile.
- 8). Their health deteriorates and their recuperative powers decrease.
- 9). They experience increasing isolation due to the loss of a loved one

The American Association of Retired Persons (AARP) makes considerable effort to create environments in which the elderly are comfortable. Their goals are to increase awareness of the resources that enable older adults to be independent, comfortable and safe in their own homes (Shepard, 1996).

In a survey conducted by the AARP, it was discovered that 'only 54 percent live within walking distance of a food store, and fewer are closer to public transportation, a drug store or a doctor's office.'

The importance of focusing on this group is not only to look at the impacts of land use systems on this group but also to getting an understanding on how land use systems can be more appropriate based on the vast experience they have in terms of the number of years they have lived in that environment.

3.7.5. THE DISABLED

The definitions of 'disability' are wide and varied depending on different individuals' experience

with disability. The following are some of the definitions provided:

- ' disabled people means people who have an impairment which limits their ability to walk or requires them to use a wheelchair'
- ' Disabled people have walking difficulties and disability is a condition which confines people to wheel chairs'.
- Others in defining disability made single comments like ' limited abilities', ' wheelchair bound', and ' people with mobility impairments'.

Such definitions are problematical because they reinforce the notion that impairments, and the experiences of disability are uniform and homogenous (Imrie; 1997). In planning an environment it is particularly important that the uses planned are accessible to the least advantaged in terms of mobility. The problem of an inaccessible environment is seen as personal and specific to the disability, that it is the disability per se needs to be eradicated rather than the environmental barriers confronting disabled people. For planners in practice, this theoretically absolves them of responsibilities to overturn inaccessible spaces in the built environment. Such conceptions have been criticised by some for losing sight of social, environmental and situational factors in determining the daily experiences of disabled people (Oliver cited in Imrie; 1997).

This dissertation would investigate what is the problem experienced by the disabled in manipulating their environments and the various uses existing within a residential area and whether in fact the disabled benefit from uses like Spaza shops, Taverns or whether there are particular problems experienced by themselves regarding these uses.

The content of this section is an indication that there is a major gap existing in terms of the literature available on the needs of the disabled. It is quite evident that they are largely a group that have been overlooked in land use planning. It is important that planners become more sensitised to the issue of accessibility and this requires an awareness of disabled peoples' access needs and the possible range of appropriate responses that they might make towards people with disabilities.

3.8. CONCLUSION

This chapter provides quite an extensive exploration on land use management systems in general. More important, principles need to be drawn on in order to arrive at an appropriate land use management system for residential areas in Inanda. While there may be a range of options available it is necessary to investigate the systems that are already in place and test its'

suitability in meeting the development challenges of the Twenty -First Century. If it is discovered that there are elements of the existing systems that are appropriate then we would need to investigate what other elements need to be included in order to make it a more appropriate, flexible and development oriented system.

CHAPTER FOUR

LAND USE LEGISLATION IN KWAZULU NATAL

4.1. INTRODUCTION

The majority of the citizens in South Africa, and Kwa-Zulu Natal in particular, see the need for planning legislation as a means of avoiding land use conflicts. Property owners who oppose planning because it puts limits on land use, 'are a very small but vocal minority'. Because we live in a complicated world, and because planning is difficult, there are many laws, regulations and procedures surrounding planning (Kahn; 1989).

Kwa-Zulu Natal is a unique Province. No doubt planning in Kwa-Zulu Natal is complex and this is well -illustrated by the plethora of legislation that governs land use planning in the province. With the introduction of a new political dispensation, it has become increasingly known that it is time for new systems, newer more innovative means of managing our land uses and the accompanying procedures.

In this chapter, the researcher will merely outline the different statutes and legislation governing land use planning in Kwa-Zulu Natal. However, it should be pointed out that the major focus of discussion in this dissertation will revolve around the following areas of legislation:

- (1) The Town Planning Scheme
- (2) Act R1888 of Ex-DDA Legislation previously used in Inanda

4.2. LAND USE LEGISLATION IN KWAZULU NATAL

In order to understand land use legislation in KwaZulu Natal, it is best to place such rules and regulations within its' historical context. The current legislative framework, in terms of which, land use controls are implemented, is fragmented and complex.

The recent transformation of local government in terms of the Local Government Transition Act No.209 Of 1993 has introduced a new administrative approach where the former fragmented systems have been integrated. Responsibility for the new system is divided between the KwaZulu Natal Provincial Administration (KZNPA), the Durban Metropolitan Council (DMC), Transitional Local Councils (TLC) and Regional Councils (RC) (Smith, Von Riesen and Kahn; 1997).

In order to represent concisely the current complexity of land use control, a table has been drawn up by Annette Von Riesen (1997) to demonstrate the applicability of legislation and regulations throughout KwaZulu Natal. The table in Appendix One distinguishes between a number of types of settlement across the urban and rural divide in an effort to show the relationship between administrative jurisdiction and the applicability of legislation in the different settlement areas. The current system is an inherited legacy. It was designed at a time when distinctions between hierarchies of local government and the former administrative areas of Natal and KwaZulu were obvious. The new Metropolitan Councils and Local Councils and Regional Councils now contain a reconstituted mix of these areas but nonetheless the administrative and legal distinction remains in place.

As already indicated this dissertation intends to look at the communities' attitudes towards what an appropriate land use management system for residential areas in Inanda constitute. However, it is important to analyse both Durban's Town Planning Scheme as well as the Ex-DDA legislation before proceeding to assess what an appropriate system for Inanda would be.

4.2.1. Ex- DDA Legislation

All towns administered by the DDA were proclaimed in terms of Section 30 of the Development Trust and Land Act No.18 of 1936. Inanda, Clermont, KwaDabeka and Edendale are all defined as Section 30 towns. Unlike towns with Town Planning Schemes, towns administered by the DDA and the KwaZulu government operate without a Town planning Scheme. The basis of land use allocation is the layout plans which is kept up to date with all the rezoning applications received and approved. Within the layout plan, the demarcation of uses of land for particular purposes has become the most significant and debated feature of the Act. The Township Manager is responsible for implementing and controlling the usage of land in accordance with the layout. Changes to the layout are considered by the DDA in accordance with the regulation document (Barnard; 1989). These changes are made by Planning Officials within the Physical Planning Directorate.

Without the layout system the following uses are permitted within the different zones in the following format. Only the Residential Use Zone will be indicated here in view of the fact that the focus of this dissertation is on residential areas:

RESIDENTIAL

Definition : Areas containing dwelling units designed purely for human habitation. This definition is in itself limiting in that it does not take into consideration the informal types of dwellings existing in Inanda. Any other use requires the special consent of the responsible Authority.

(1). <i>Use Zone or Reservation</i>	(2). <i>Primary uses</i>	(3). <i>Consent Uses</i>	(4). <i>Prohibited</i>
		Use Zones	
1: Residential	Dwelling Units	Service Industry, place of worship Place of Instruction, Social Halls, Sport and Recreational purposes Institutions, medical suites, special purposes	Uses not under Column (2) or (3)

Source: Extract from Table A of Clause 2 (R1888) of DDA.

The only use freely permitted within this Use Zone is residential Dwelling Units. The uses' one may apply for consent of the Council are indicated above. What is evident is that it does not provide direction on the particular needs of people. Such as the need for creches and how to deal with them, nor does it provide direction on home businesses and the types of businesses people are allowed to conduct from their homes. It can thus be criticised for being very 'coarse grain', crude and simplistic. It is also very restrictive in the sense that every use that is not purely residential requires an application.

For Land Use Control in Proclaimed Areas

This legislation is used in all ex-DDA areas. The sections of particular relevance are:

- Regulation 24 (subdivision)
- Regulation 22 (amendment to the layout)

The implementation of Regulation 24 is the responsibility of the Director: Land and Housing. Regulation 22 is the responsibility of the Physical Planning Directorate. Regulation 22 can be tricky to implement, particularly if an individual intends to purchase and develop a site which is not yet under private ownership (i.e. still owned by the South African Development Trust) for a different use than at present. In this case the site will have to be rezoned prior to it being purchased.

In this regard the Township Manager is responsible for initiating the change in land use. Once the rezoning has been completed, in accordance with the procedure outlined below, the individual can apply to the Department of Regional and Land Affairs to purchase the site. On completion of the sale the Department of Regional and Land Affairs will give the applicant a Deed of Grant. Copies of all original Deeds of Grant are kept by the Township Manager.

Amendment to the Land Use Plan / Procedure

- The application is submitted to the Township Manager.
- The Township Manager submits the application to the Physical Planning Directorate in Durban.
- The application is assessed by the planner responsible who then forwards it to the Deputy Director of the Physical Planning Directorate in Durban who may approve the application in terms of the powers that were delegated as a result of the handover from the DDA. The assessment of the application will involve community liaison and the advertising procedure as set out in the proclamation.
- The decision is made known by Planning Officials, from the Physical Planning Directorate in Durban, to the Township Manager who notifies the applicant and amends the land use plan accordingly.

What is evident in the whole procedure is that the applicant himself or herself is very removed from the whole procedure and his own liaison is the Township Manager who has a limited capacity to offer any advice and support. Although community liaison is mentioned as a component of the process, the extent to which the community is truly involved in the decision making process is questionable. This approach operates largely as a control on development and fails to meet the promotional or proactive functions of urban planning. Further, this approach failed to be effective for various reasons including political violence and a lack of planning knowledge by the general public.

4.2.2. TOWN PLANNING SCHEMES

The need to consider standardisation of Town Planning Schemes in the Metropolitan context has been influenced by legislative developments external to planning terrain. In 1996, The Local Government Transition Act issued by constitutional Development made it compulsory for all Regional, Metropolitan and Local Councils to develop Integrated Development Plans (IDP) which conformed to the Land Development Objectives (LDOs) contained in the Development Facilitation Act (DFA). The DFA is issued as the first piece of National unitary legislation dealing with planning and land development issues although it requires provincial implementation to be

effective (Smith, Von Riesen and Kahn; 1997).

However, provincial legislation in the form of the Planning and Development Commission have yet to reach fruition. In the absence of any viable unitary alternatives, the Town Planning Ordinance has retained precedence as a legislative framework in terms of which land use control is possible and even desirable. The Town Planning Scheme is largely operative in terms of the Town Planning Ordinance.

A Town Planning Scheme is prepared and enacted in terms of the Town Planning Ordinance of 1949. The legal provision of the scheme normally comprises two main components -

- * A Zoning Map
- * Written Regulations

The demarcation of zoning of areas of land for particular use purposes has become the most significant and debated feature of the Town Planning Scheme. In practice zoning attempts to achieve its purpose by the physical separation of potentially conflicting activities. Zoning within this context employs a cascade or hierarchical principle in terms of which zoning for a certain order of use eg. Residential flats will usually permit a variety of lower order uses; maisonettes and dwelling houses.

The written regulations that form the other main component of the Scheme's provision specify (in terms of the Ordinance) the usage and the development of land and buildings according to those that are:

- ▶ Expressly Permissible (Free Entry Uses)
- Expressly Prohibited
- Expressly neither permissible nor prohibited but may be permitted by Special Consent of the Local Authority (Durban Corporation; 1957).

In this section the Residential Use of the Town Planning Scheme will be examined:

Definition: Refers to various types of residential buildings designed for human habitation. This includes the following types of dwellings:

Dwelling Units, Ancillary Units	Maisonette
Extended Residential Buildings	Duplexes
Walk-up flats	High rise flats
Courtyard houses	Semidetached and detached houses

The above uses are presented in the following format in the Town Planning Scheme Regulations:

1. Use Zone	2. Primary Uses	3. Consent Use	4. Prohibited
1. Special Residential	Dwelling Unit, Ancillary Unit	Agriculture, Place of Instruction, Place of Worship, Social Hall, Creche, Special Building or Use, Offices in terms of Clause 7, any use authorised in terms of Clause 6(bis)	Uses not under Columns (2) and (3)
2. Maisonette	Included above and Maisonnets	Includes all the above	Uses not under Columns (2) and (3)
3. Extended Residential	Dwelling House, Ancillary Unit and Extended Residential Building	All uses included above	Uses not under Columns (2) and (3)
4. Duplex	Duplex Flats, Dwelling Units and Ancillary Units and Maisonnets	All uses mentioned above	Uses not under Columns (2) and (3)
5. General Residential 1	Dwelling House, Ancillary Unit, Residential Building, Institution	Agriculture, Licensed Hotel, Parking Garage, Place of Instruction, Place of Worship, Social Hall, Creche, Special Building or Use, Offices in terms of Clause 7, any use authorised in terms of Clause 6(bis)	Uses not under Columns (2) and (3)
6. General Residential 2	Uses indicated above	Uses indicated above	Uses not under Columns (2) and (3)
7. General residential 3	Uses indicated above	Uses indicated above	Uses not under Columns (2) and (3)
8. General Residential 4	Uses indicated above	Uses indicated above	Uses not under Columns (2) and (3)
9. General residential 5	Uses indicated above as well as a Licensed Hotel	Uses indicated above	Uses not under Columns (2) and (3)

The uses indicated within the residential zoning are far more sophisticated than those within the R1888 system, and therefore could be praised for providing greater clarity in use as opposed the R1888 system. However, it does not go far enough to take into consideration the trends that are shaping our residential areas in terms of uses such as Spaza shops and Taverns and therefore requires that all deviations from the uses mentioned above in Column 2 requires the consent of the Council.

Apart from the land and building usage the Scheme also regulates site development with the neighbourhood amenity very much in mind. This usually includes the maximum extent of the site that may be covered by buildings and the boundaries of a plot and the size of the buildings and any particular requirements that might relate to the manner in which a building is to be used.

For the most part, the application of the Town Planning Schemes in Durban operates as a control on development and to this extent fail to meet the promotional or proactive functions of urban planning. The package of plans acknowledges both its role and its overall shortcomings and combines with it with the two other components for responsible and effective management, an explicit statement of purpose and a statement of the policies to be employed and the financial resources to be allocated towards achieving that purpose.

4.3. AN ANALYSIS OF APPLICABLE LEGISLATION

Both pieces of regulations stipulate the specific activities to be carried out in each zone: housing and housing-related activities in residential districts; commercial activities in business districts; industrial activities in industrial districts; and so on.

However, the Town Planning Scheme is considered to be one of the most dominant instruments governing land use regulation in the Durban Metropolitan area. The Scheme as with any other document has both negative and positive attributes.

4.3.1. POSITIVE ATTRIBUTES

The Town Planning Scheme is regarded in its more positive form as a device meant to regulate land-use and to create and promote environments that are safe, healthy, and adapting to changing private and public needs.

At a workshop conducted for the purpose of the Land Use Control Study by Smith, Von Riesen and Kahn (1997), the following were identified as the positive elements:

(a). Control of Negative Externalities

Negative externalities can be better controlled through a system of coordinated land use

(b). Coordination of Land Uses

The system helps to coordinate the development and expansion of human activities in a potentially harmonious way. There is a potential 'harmonious' coordination of a number of uses, some of which may be detrimental and are hence located away from others.

(c). Investment Certainty

Land Use Controls provide a degree of certainty to potential investors about the nature of the environment into which they are investing resources. The further into the future this certainty extends the less the investor feels at risk.

(d). Public Interest

Land use controls provide a statutory basis for public involvement in land use decision making. This affords interested and affected parties the opportunity of putting forward their concerns and issues regarding changing to activities.

(e). Clarity

Land use controls systems can be relatively easy to interpret and practical to implement. Procedures for designating or changing land uses are clearly set out in regulations that have legal standing.

(f). Enforcement

Land use controls based on statutes have the advantage of being statutorily enforceable.

4.3.2. NEGATIVE ATTRIBUTES

The Town Planning Scheme adopts a very conventional form of regulation and control. The land is subdivided and controlled on a lot-by-lot basis. According to Moore (cited in van der Meulen; 1994), this single-lot focus stems from the desire of local government for simplicity in the regulation of land use. As a result any form of development that does not conform to the 'zoning' requirements can be immediately excluded. Developers and owners of each individual lot will therefore know in advance exactly what is permitted on their land, while local government can retain a level of control over development. The conventional individual lot-by-lot subdivision is supported by a land use zoning and associated development controls, such as permitted land use, dwelling unit type, minimum lot size, building(s) height, setbacks, bulk or floor area ratios, coverage, parking regulations and landscaping. There are a number of negative criticisms levied

against both these pieces of regulation but more specifically to the Town Planning Scheme:

(a). Promotes separate areas and Homogenous land uses

This is perhaps one of the most significant criticisms levied against the Scheme in that it ensures that only one land use should be located on a site. This is especially true in a “coarse grain” type of plan.

(c). Supposedly serve the welfare of the public.

There are authors who argue that the regulations favour only a small number of the people while overburdening others. This occurs in the form of some property owners using litigation to hinder or stop development, thus diminishing supply and hence increasing the market value of their existing properties (Mazibuko; 1993).

(d). Fails to meet the needs of Society

Legislation has been criticised primarily for its inflexibility and thus inability to meet Society's changing requirements. The Scheme does not adequately accommodate such uses as Spaza shops which considered to be quite useful in meeting the needs of a community.

(e). Urban Bias

There is a strong bias towards urban areas. Possibly since conventional land use control systems have been inherited from highly urbanised first world environments

(f). Broad Brush Approach

Conventional land use control is based on a “broad brush” zoning approach which tend to limit choice and variety and has the effect of forsaking qualitative diversity in built up environments. However, it should be remembered that the current application of the zoning system is done in this way.

(g). Lack of Accessibility ✓

Land Use control systems are not easily understood or accessible to the public for a number of reasons. First, public knowledge of land use control is relatively limited, a factor that is exacerbated by high levels of illiteracy. The preparation and submission of land use applications require a high degree of sophistication. There is also the financial cost attached to the process of preparing and submitting which has to be borne by the applicant

4.4. A PROPOSED LAND USE MANAGEMENT SYSTEM FOR KWAZULU NATAL

Having acknowledged the limitations of existing legislation applicable in both the historic boundaries of Durban and historically disadvantaged areas such Inanda as is being investigated in this dissertation, “ it was felt that it was necessary to embark upon an entirely new system of land use control for the Province of KwaZulu Natal”. The Town and Regional Planning Commission had then commissioned a study entitled *Appropriate Planning and Land Use Controls for KwaZulu Natal*. It should be acknowledged that the content of the study presented in the following discussion is merely a proposal at this stage and had, at the time of writing this dissertation, not been formally adopted. This dissertation in trying to answer the Research Question mentioned in Chapter One will attempt to do so within the Framework of the proposal. It will compare the proposal with the communities’ perceptions in terms of their needs expressed in workshops conducted with them. It should also be noted that the Land Use Study that had been commissioned was very much a “desk-top” study conducted within planning professionals from both the public and private sector. It can be criticised, with previous pieces of legislation discussed, for not consulting with communities.

4.4.1. Requirements of a Land Use Management System as indicated in the proposal should be as follows:

- A larger typology of land use/building types needs to be developed
- Additional zones or mechanisms are needed to cater for uses such as offices and various forms of medium density housing.
- The introduction and control of various types of “mixed use” zones need to be addressed.
- There is a need for a reassessment of what constitutes ancillary land uses in different types of zones, and what is an appropriate process for their evaluation or “consent”
- There is a need to consider how to respond to the various degrees of externalities created by the interaction of different land uses on each other.
- There is a need to simplify and clarify the intentions or purposes of each type of zone
- There is a need to express the nomenclature and definitions of both zones and land use types in terms that are understandable.
- An appropriate response is needed for the incorporation of new planning concepts such as “infilling”, “densification”, “nodes and corridors”, “mixed uses”
(Smith, Von Riesen and Kahn; 1998)

4.4.2. Principles of the New Approach

- Essentially many of the zones proposed in the Variant approach are not very different to

those in our present Town Planning Scheme, but are defined a little differently with new nomenclature

- New transitional interface zones are introduced
- Many of the zones created will facilitate the introduction of nodes and corridors as well as mixed-use and multi-use land-use areas
- The application of graded series of levels of intensity permits numerous types of medium density formats vis-a`-vis' densification
- the incorporation of aspects of the form of development

In principle it would be possible to achieve plans that are more flexible, respond more directly to location, achieve a “finer-grain” of development and a greater mix and variety of environments than possible in the present “broad-brush” approach.

The proposal provides land use management direction for both Rural areas and Urban areas. The land use management system as contained in the proposal is presented out as follows:

Land use controls shall be prescribed in sub-regional and local plans. It shall be regulated by the following three mechanisms:

- a). In sub-regional plans by rural zoning schemes,
- b). In sub-regional or local plans by urban zoning schemes,
- c). In both sub-regional and local plans by Land Use Code Area schemes.

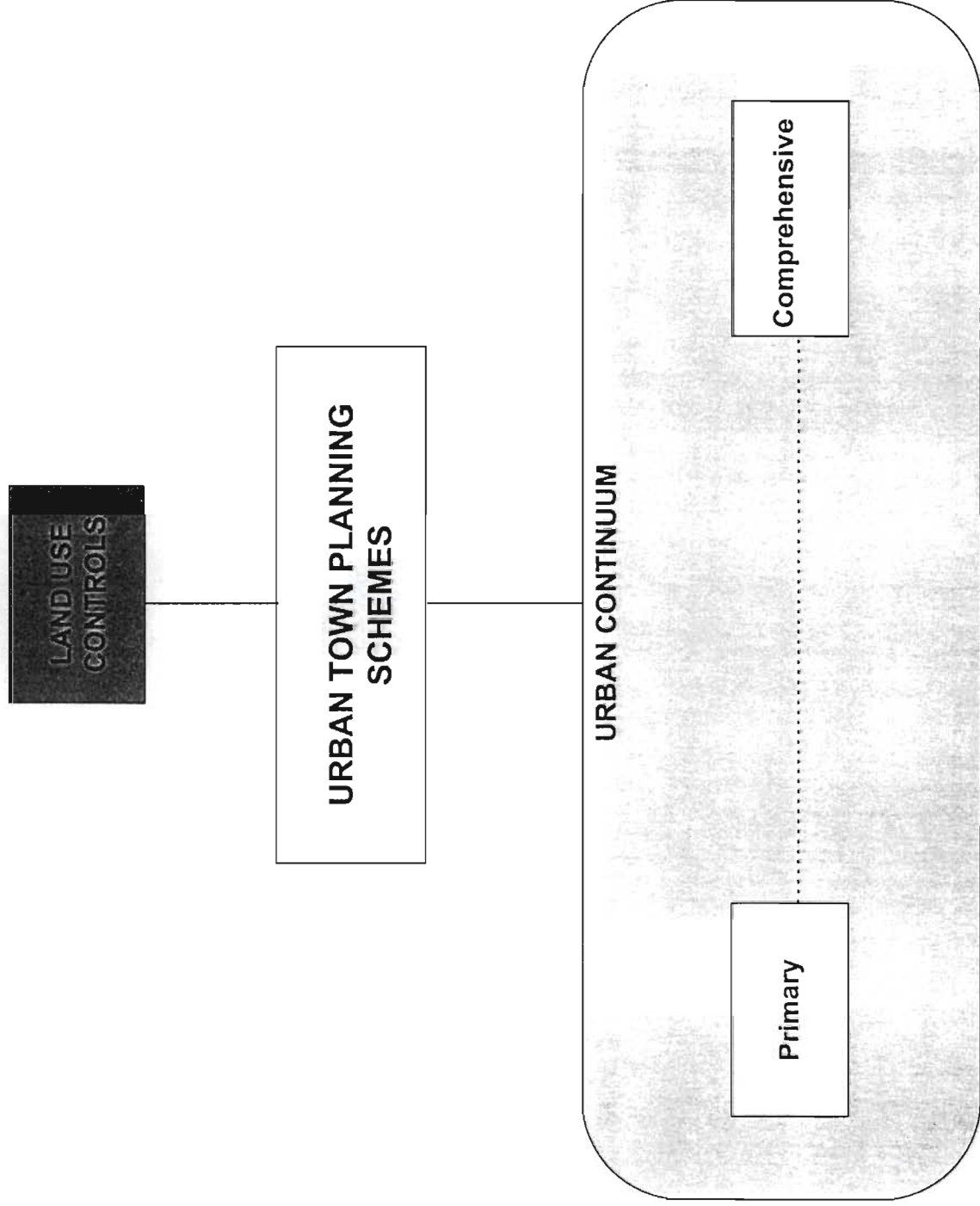
4.4.3. Rural Areas

A Rural Zoning Scheme shall apply to those areas outside of transitional local council area. In these areas the responsible authority may use the following two instruments to compile the scheme:

- a). A **Primary Rural Zoning Scheme** that could apply but not limited to areas or portions thereof, where simple land use regulation mechanisms are required. This Scheme includes the following uses:

- Conservation
- Tourism
- Eco-tourism
- Agriculture
- Utility/Access
- Mixed Use/Urban

Figure 2 : Urban Town Planning Schemes



Source : Smith,
Von Riesen &
Kahn (1998)

b). A **Comprehensive Rural Zoning Scheme** that could apply but not limited to areas or portions thereof, where sophisticated land use regulation mechanisms are required. This Scheme includes the following uses:

- Conservation
- Tourism
- Eco-Tourism
- Agriculture
- Utility/access
- Mixed use/urban

The Rural Zoning Scheme shall consist of a zoning plan and associated schedules setting appropriate land use and development controls.

4.4.4. Urban Areas

An **Urban Zoning Scheme** shall apply to areas within transitional local council areas. In these areas the responsible authority may use the following two instruments to compile the scheme:

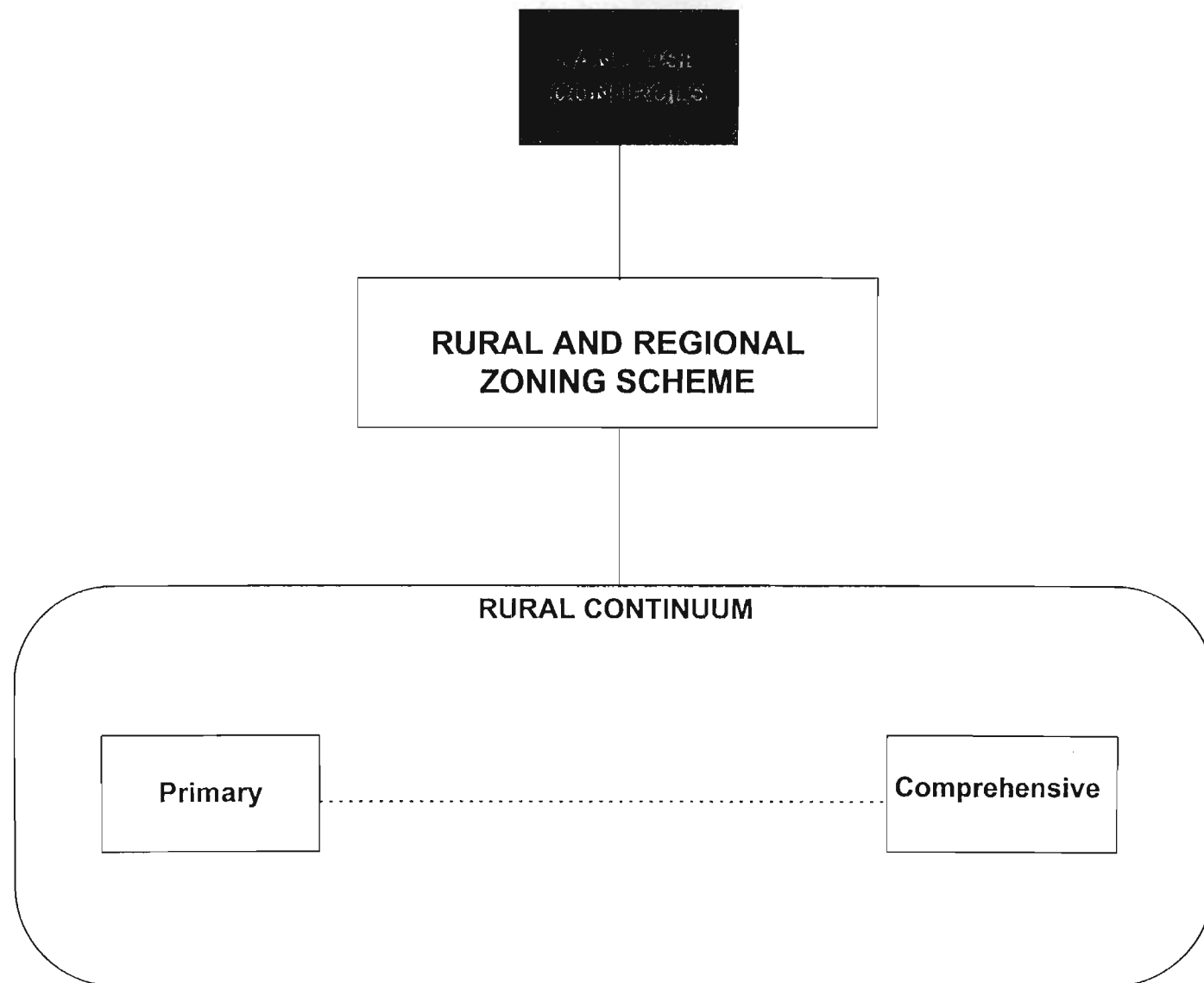
(A). A **Primary Town Planning Scheme** that could apply but not limited to areas or portions thereof, where no formal land use regulation mechanisms exist. The Primary Town Planning Scheme consists of the following zones:

1. Residential Districts (R)
2. Industrial Districts (I)
3. Open Space (O)
4. Conservation (C)
5. Civic and Social (P)
6. General Mixed Use Districts (M)
7. Agricultural (A)
8. Transport and Access (T)
9. Utilities and Services (U)

(B). A **Comprehensive Town Planning Scheme** that could apply but not limited to areas or portions thereof, where formal land use regulation mechanisms exist. The Comprehensive Town Planning Scheme consists of the following zones:

1. Residential Estate and Smallholdings Zone (RE)
2. Residential Only Zone (RO)

Figure 1 : Rural and Regional Zoning Scheme



Source : Smith,
Von Riesen &
Kahn (1998)

3. Low Impact Residential Zone with locally orientated service uses (RL)
4. General Impact Residential Zone with Community-wide Services (RC)
5. High Impact General Industrial Zone (IG)
6. Medium Impact Industrial Zone (IL)
7. Low Impact Industrial Zone (IL)
8. Active Open Space (OA)
9. Passive Open Space (OP)
10. Conservation (VN)
11. Core/Major Node Zone (MC)
12. High Impact Mixed Use Zone (MH)
13. Low Impact Mixed-Use Zones (ML)
14. Multi-Use Retail and Office Zones (MR)
15. Suburban Office Zone (MO)
16. Education (PE)
17. Health and Social (PH)
18. Public Offices and Buildings (PB)
19. Agriculture (A)
20. Transport and Access (T)
21. Utilities and Services (U)

The Urban Zoning Scheme shall consist of a zoning plan and associated schedules setting appropriate land use and development controls.

The proposal provides an explanation of some of the more practical aspects of both the Primary and Comprehensive Town Planning Schemes. Amended definitions for both Schemes are presented which reflects the changes in the proposed land use control system specifically in relation to what is termed Land Use Code Areas. Eight major land use zones have been identified as the basis of the Primary Town Planning Scheme (PTPS). These have been expanded to a total of twenty-one zones at the Comprehensive level Town Planning Scheme.

4.4.5. Applicability of the Town Planning Scheme Continuum

Town Planning Schemes can be utilised in the following settings:

- In emerging rural service centres;
- In upgraded peri-urban settlements;
- in small towns

- In R293 Towns and former KwaZulu towns;
- in former Development and Service Board regulated
- In Development areas or Ordinance Health Committees areas; and
- in urban centres and metropolitan areas

In the light of the fact that the focus of this dissertation is only on the residential area Inanda, this section will only focus on the Residential zones contained within the Urban areas of the discussion contained in the proposal.

The Town Planning Schemes designed primarily for urban areas with a continuum consists of a Primary Town Planning Scheme and a Comprehensive Town Planning Scheme. It will be composed of two legal documents that will ultimately comprise the land use management component of a development plan, namely:

- **A zoning map or layout plan** consisting of a cadastral map or plan that depicts the location of Land-Use zones and reservations, their Intensity Levels, and identification of Districts/ Precincts.
- **A set of Clauses or Controls** which sets out the land-use control mechanisms, used to manage development within each zone and reservation. The clauses specify land-uses within each zone in terms of Free Entry, Consent Uses and those that are prohibited.

4.4.6. Land Use Code Areas

Any rural or urban scheme may contain sequentially numbered Land Use Code Area Schemes. These scheme areas are delineated where special conditions vis-a`-vis land use controls are deemed necessary. These are categorised as follows:

- a). Type 1: Rural and Traditional Settlement Areas;
- b). Type 2: Peri-Urban and Informal Settlements;
- c). Type 3: Formal Non-TLC settlements
- d). Type 4: Bulk Zoning Areas
- e). Type 5: Specialised Site Planning Areas

The purpose of these Code Areas offers Provincial, Regional and Local Authorities, Traditional Leaders and Communities, as well as independent Communities and Developers the opportunity to plan for, and control, development with a unique, appropriate and widely applicable statutory mechanism. In terms of the KwaZulu Planning and Development Act, 1998 (Act No.5 of 1998) (PDA), these Code Areas aim to achieve a system which enables and facilitates development,

devolves planning and development functions to the levels of governance most closely associated with people in their daily lives. It encourages communities to order themselves so as to ensure harmonious and integrated planning and development; acknowledges unique circumstances, while protecting and enhancing the natural, human/cultural and built environments; and positively encourages common vision building for, and community involvement in, planning and developmental matters (Von Riesen et al, 1998). In these Land Use Code areas, communities are actively involved in Planning and Development. In order to facilitate the formulation and implementation of planning and development at the level most intimately related to communities, Section 23(1)(d)(ii) of the PDA enables Development Plans to be initiated, prepared and, where appointed in terms of Section 30 of the PDA, to be implemented by a Planning and Development Committee. Clearly then, the contents of Development Plans which include the land and building control element, must involve the level of planning and development input most closely related to local communities. They must satisfy the needs, requirements, sensitivities, environments and all matters pertaining the planning and development which are appropriate to, and accepted by, the community or communities concerned (Smith, Von Riesen and Kahn; 1998).

Five Land Use Code Areas have been identified:

1. Rural and Traditional Settlements

Applicable in Regional Council areas of jurisdiction which are predominantly rural in character.

2. Urban and Urbanising Settlements

Applicable to the more formalised urban areas and where formalised controls apply.

3. Special Interest Settlement Areas

Applicable in all areas which have a special interest focus

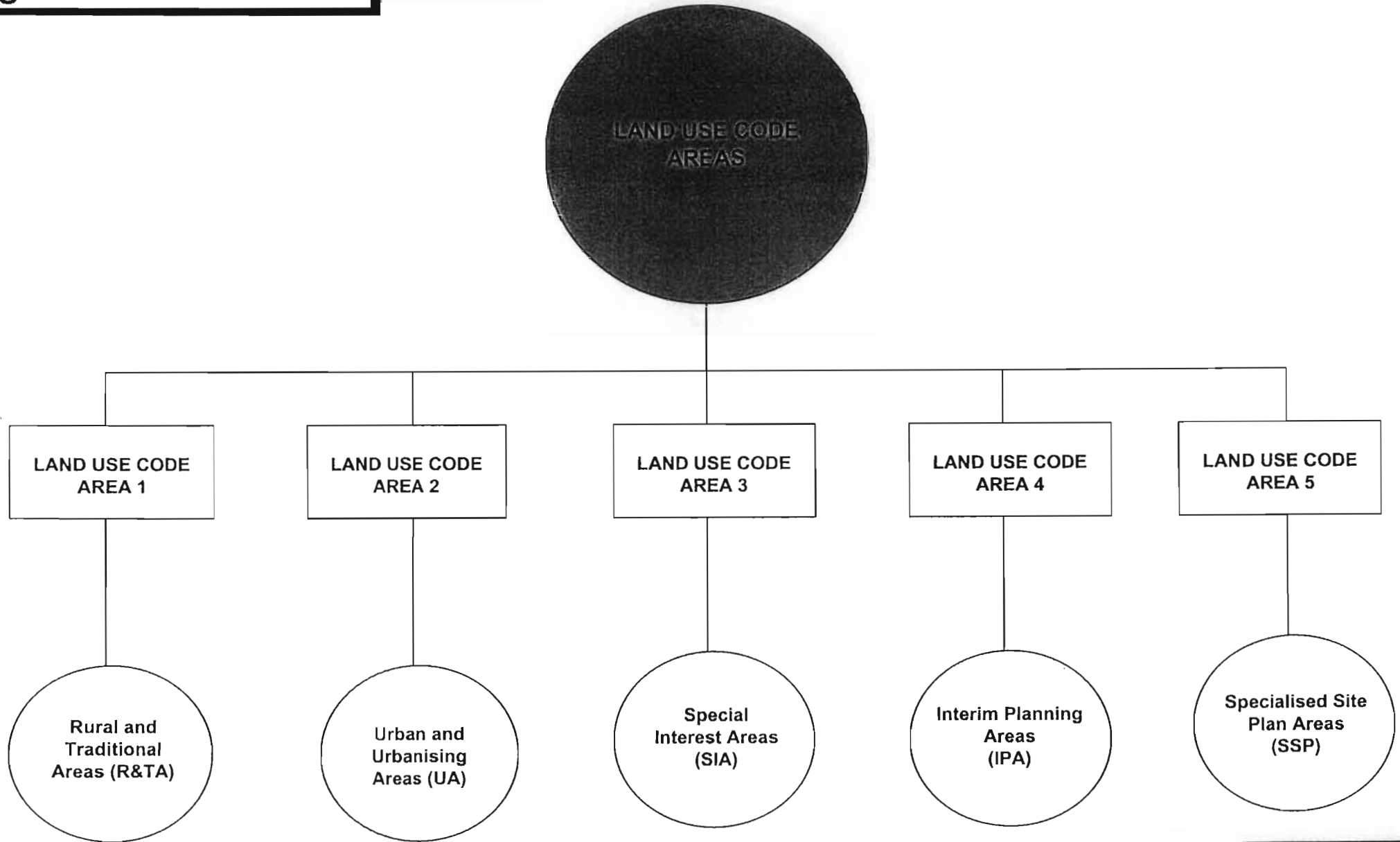
4. Interim Site Planning Areas

Interim or Transitional areas for the development of integrated, master planning, bulk

5. Special Site Planning Areas

Rural, urbanising and urban areas, with specific locational requirements and constraints applicable to areas of strategic economic importance.

Figure 3 : Land Use



Source : Smith,
Von Riesen &
Kahn (1998)

The proposal controls the various uses using the following terms:

“Freely Permitted” Those land uses that are compatible with the designated zone
(F) and are therefore freely permitted.

“Conditional Use Permit”: These are ancillary uses that are complimentary with the
(C) zone designation, but which have significant impact implications for the immediate environment. These land-uses require the impacts to be mitigated on the site with the appropriate conditions applied. A full consent use procedure will be followed.

“Development Permit”: These are the ancillary land uses that are complimentary
(D) with the zone designation and which have low impact and implications for the immediate environment. A simplified Consent-Use procedure is followed.

“Prohibited Use”: Uses not compatible with the provisions of the Scheme and
(X) therefore not permitted within a particular zone.

4.5. CONCLUSION

The proposal is a combination of the old and the new. It acknowledges the need for varying levels of control within different contexts. It is a new system of land use control that is able to respond to current development imperatives. It is “simple and complex, flexible and regulatory, adaptable and appropriate, rooted in the heritage of practice and yet forward looking, sustainable and able to be replicated”, (Smith, Von Riesen and Kahn; 1998).

In view of the fact that the study was merely a ‘desk-top’ study conducted with planning representatives, it is important to test the recommendation within the context of the community. This dissertation will look at the proposal within the context of Inanda and test its’ applicability based on the conditions existing in Inanda as well as perceptions of the communities needs in relation to land uses. For this purpose the chapter to follow will examine the conditions existing in Inanda. This will involve an exploration of the demographic characteristics, economic climate, and physical and social situational analysis. Once the conditions in Inanda are examined then only will it be possible to criticise the legislation and its application.

CHAPTER FIVE

CASE STUDY AREA: INANDA

5.1. INTRODUCTION

Having looked at the legislation applicable in the North and South Central Council area in general and the Land Use Control Study proposal in particular, the aim of this chapter is to examine the dynamics applicable in Inanda to get a picture of the existing social and economic environment. While Structure Plans and Integrated Development Frameworks have been prepared for Inanda area and grand visions are contained within such plans, none of them are achievable without the introduction of new Land Use Management systems. The 1995 Development Framework represented an initiative in the ongoing planning and development of Inanda. As it draws on a history of planning and development in Inanda and the Greater Durban Metropolitan Area and endeavours to build on the positive aspects and to limit the negative. With the demise of apartheid and the introduction of a new democratic government it becomes important to assess the present state of development both in relation to consequences of apartheid, and to the opportunities and challenges the New South Africa presents to the people of Inanda (Inanda Development Framework, 1995).

5.2. THE STUDY AREA

Inanda is situated on the edge of the Durban Metropolitan Area (DMA) in the North Central Local Council [See Map One]. Inanda is flanked by Ntuzuma in the west, KwaMashu in the south and Phoenix in the east [See Map Two]. It is made up of 32 geographic communities, and is associated with such prominent names as Champion, Dube, Shembe and Gandhi. Inanda is one of the largest and most complex informal settlements in the DMA, comprising a total of 32 geographic communities [See Map Three].

Inanda can be considered to be a “third world developing” residential area because of the poor level of services, the type of housing (informal and formal) as well as the high level of poverty in the area. For this reason a Land Use Management system must be geared towards that of a “third world developing” area. Inanda links up with the rest of the North and South Central Local Councils through the MR93 and M25 [See Map Eight]. Inanda is probably the best known of all disadvantaged areas because it has not only been the focus of much research over the years, but also because it has had a long history of conflict and tensions. It has a rich amalgamation for people subscribing to diverse social, political and economic groups drawn to the settlement for various reasons.

Inanda has become home to a huge influx of people escaping poverty, violence, disease and death, or simply looking for work, coming both from rural as well as urban areas. Ezimanweni which is flanked by Newtown, has Zulu, Xhosa and Shangaan people living together in relative harmony since the late 1970s. The Tea Estate on the other hand is made up people who fled from violence in areas like Mgababa and Nwedwe during the 1980s and 1990s (IDF, 1995).

Inanda also displays characteristics of a highly stratified community comprising property owners, professionals, semi-professionals and informal settlers. This latter group is made up of those who survived the cholera outbreak in Amaoti during the early 1980s. Inanda had a head start in development over the other areas in the sense that the Development Forum was launched in March 1994, and the preparation of an Integrated Development Framework was commissioned even before the RDP was initiated. In terms of availability of municipal, health, education and commercial services, Inanda is known to be the poorest subregion in the DMA, with some of the worst human development indicators. The capacity for economic development is considerably diminished with residents earning and spending their money outside Inanda. A substantial portion of the household budget is spent on travelling to places of employment (Inanda Structure Plan, 1998).

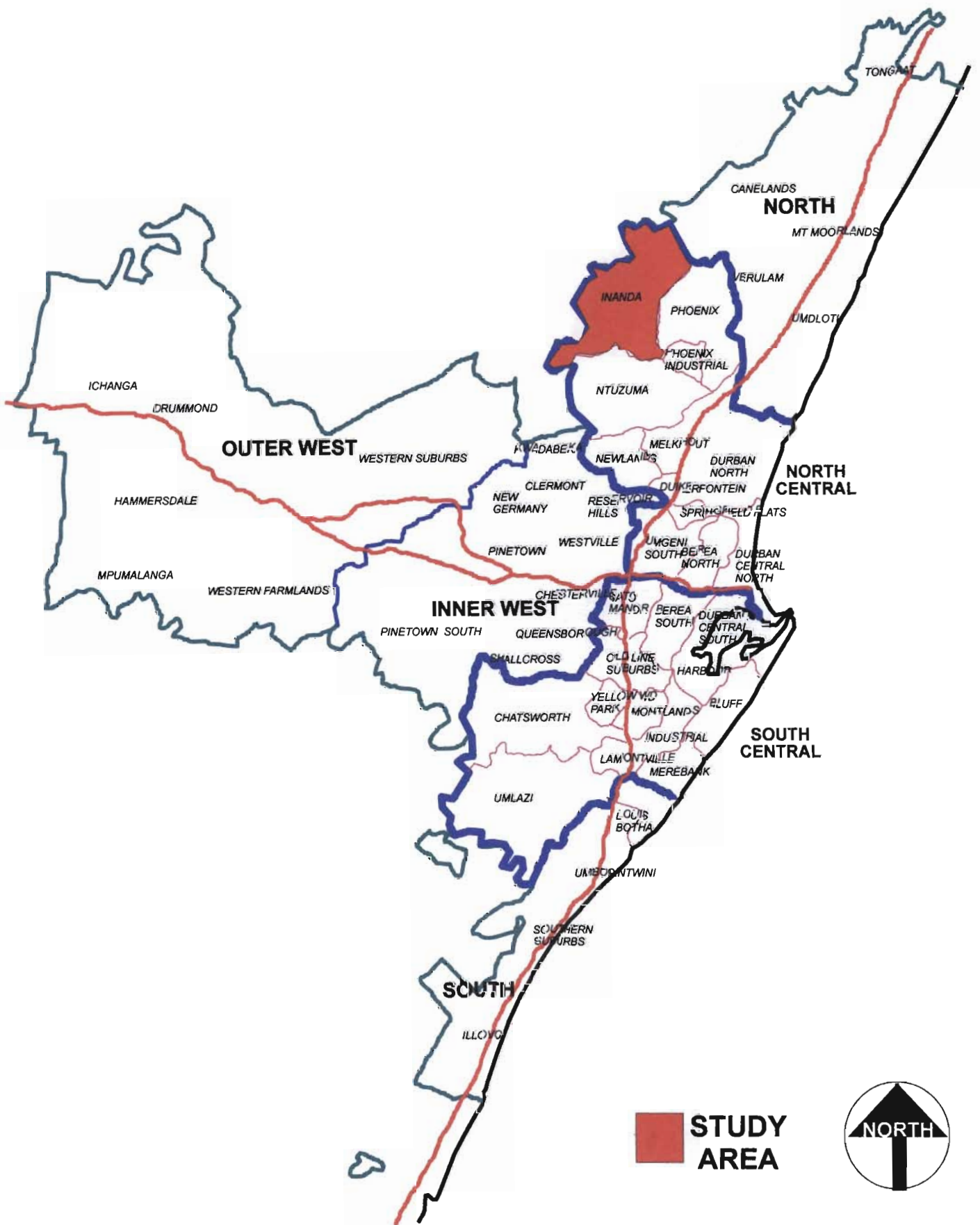
5.3. AREA OF GREATEST NEEDS

In the recently completed Integrated Development Plan of the North and South Central Local Councils, Inanda had been identified as a priority area for allocation on social and physical investment since it has the greatest level of need. Inanda is an area which has the poorest level of services and facilities. The conditions of facilities such as Community Halls, Sports fields and Courts in Inanda are very poor. In comparison with other areas such as Durban North and the Bluff, the facilities in Inanda have to serve a larger population size [See Map Four]. For example, within the Bluff area there are 27849 persons per Community Hall whereas within Inanda there are 76216 persons per Community Hall (IDP, 1998). Inanda is also an area of severely isolated low service levels, fragmented and crime sensitive compared to other areas as indicated in the IDP(1998) [See Map Five]. This is an indication of the gross disparities in terms of the levels of services within Inanda in comparison within other areas as well as the great distances between Inanda and the major employment and commercial opportunities within the North and South Central Local Council area.

5.4. DEMOGRAPHIC CHARACTERISTICS

The process of informal settlement was facilitated by the facts that land owners were prepared to lease land, with the result that there is a substantial tenanted population in Inanda. Given the

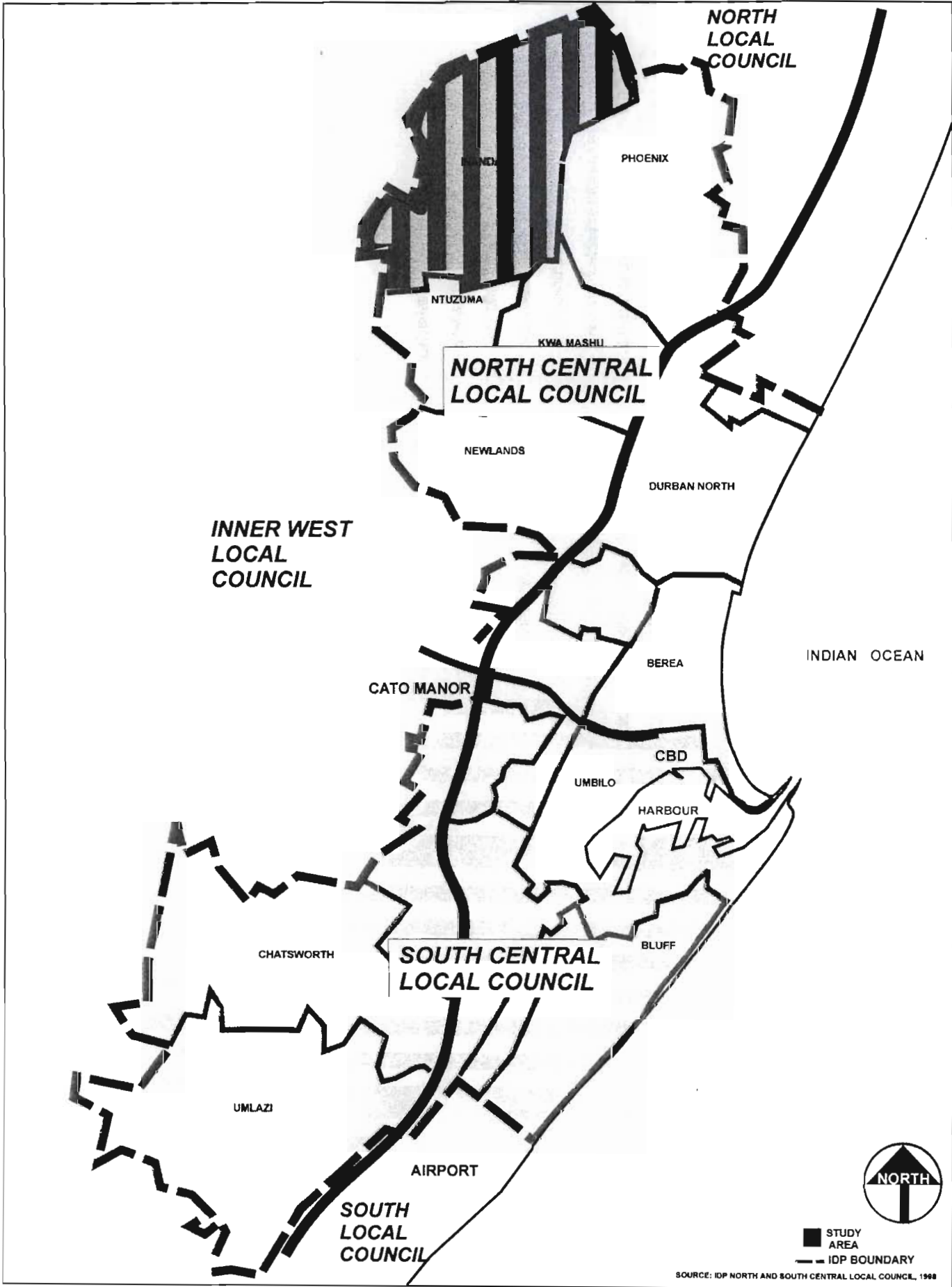
MAP ONE



SOURCE: IDP NORTH AND SOUTH CENTRAL LOCAL COUNCIL, 1998

TITLE: INANDA WITHIN THE METROPOLITAN CONTEXT

MAP TWO



TITLE: INANDA WITHIN THE CONTEXT OF THE NORTH AND SOUTH CENTRAL LOCAL COUNCIL

FINAL DRAFT INANDA STRUCTURE PLAN

- ✓ Metro
- Existing Major Roads
- Existing Secondary Roads
- Existing Gravel/Dirt Road
- Links to Surrounding Metro Area
- Prop expressway
- Railway Line
- Degraded/Canalised Drainage Lines
- Escarpment/Cliff Vegetation/Coastal Forest
- Well vegetated river valleys
- Barrier
- 1 Commercial Developments & Support Facilities
- 2 Sports Complex & Higher Order Community Facilities
- 3 Central park & Higher Order Community Facilities
- 4 Mixture of Community Facilities and Commercial/Industrial Facilities
- Wetlands/Major River Confluence Points
- Institutional node.shp
- Emerging Inanda Activity Spine
- Emerging Activity System Spine
- Emerging Potential Activity Systems Spine
- Existing_nodes_&_spines.shp
- Emerging Nodes & Spines
- Potential_nodes_&_shapes.shp
- Existing Recreation Node
- Potential Recreational Node
- Submetropolitan_activity_node.shp
- Submetropolitan transport node.shp
- Dense Informal Settlement
- Formal areas
- Rural area
- Sparse Informal settlement
- Upgraded_informal_areas.shp
- Vacant land - Greenfields Housing Development
- Vacant/Agricultural land - Greenfields Housing Development
- Well Located Vacant Land Pockets
- Vacant /Agricultural Land - Greenfields/Urban Agricultural Development



context of increasing densification and scarce resources, it is logical to expect the generation of social conflict and tensions. The population estimates for Inanda display enormous variation, which has serious implications for planning. However, the latest figure indicated in the Integrated Development Plan (1998), places the population at 162 432. There are at present 7,7 Dwelling Units per Hectare and 36,8 persons per Hectare [See Map Four]. As in the case of the other disadvantaged areas, the population is extremely youthful with approximately 50% being under the age of 20 years. Approximately 40% had received primary school education, although only 10,5% had completed matric, and 6% were in the possession of a postmatric qualification. These figures are an indication of the low levels of skills existing thus limiting their ability to obtain highly skilled formal employment. These statistics would have implications forcing them to engage in informal activities to earn an income which in turns has implications for land use management, i.e. allowing people to conduct informal entrepreneurial activities from their homes which the current land use management systems do not allow. The occupational ratio is five persons per dwelling uni. The dependency ratio is 1: 2.73 (IDF, 1995)

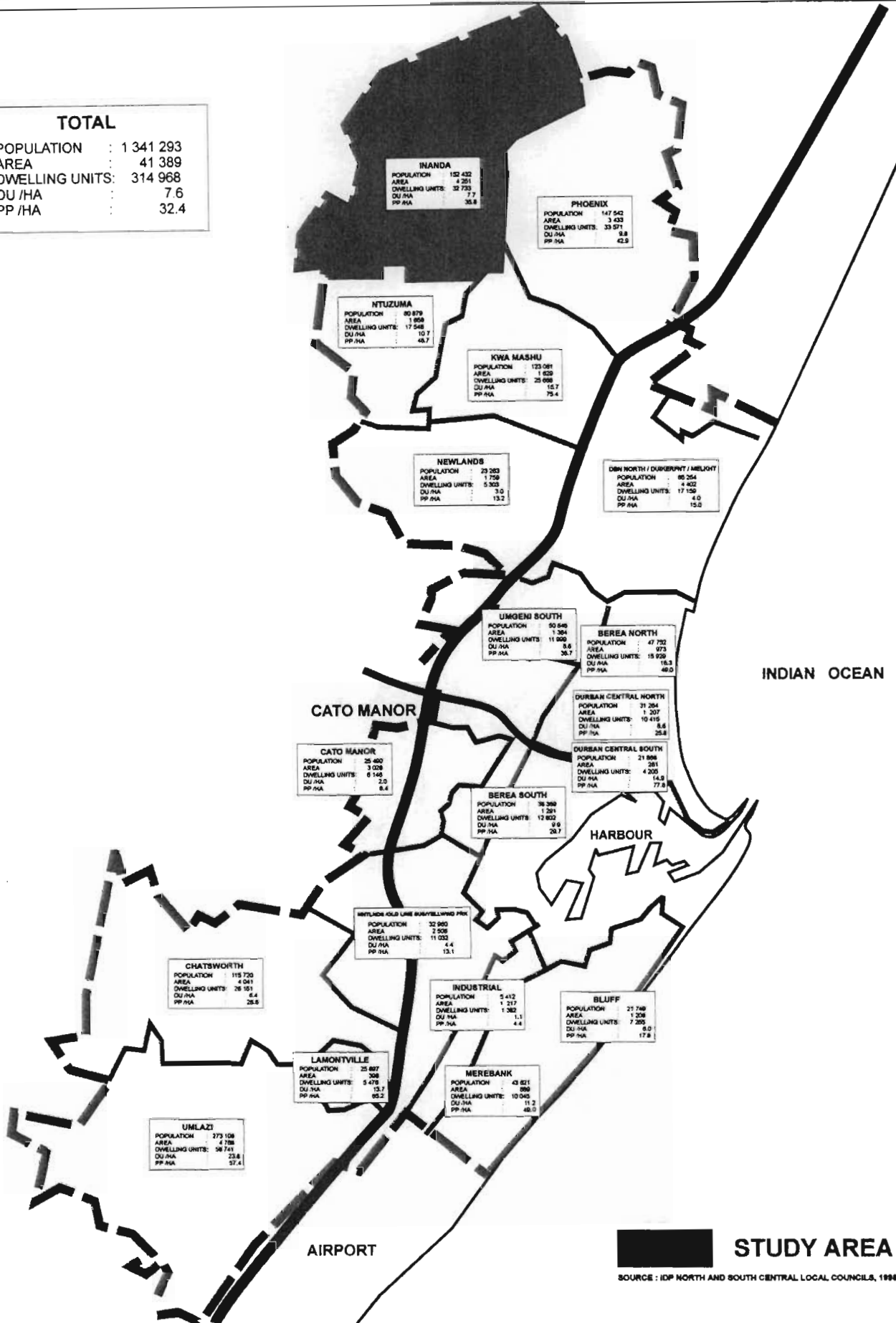
5.5. LAND AND HOUSING

Inanda covers an area of 5650.3ha of land which is owned by various categories of people. It is estimated that 33% is privately owned (African and Indian), 30% is state owned, 8% is church owned, and no information is available for the balance of 29%. This has negative implications for the land assembly process which needs to take into consideration the size and location of land deemed suitable for the various uses [See Map Three].

Inanda represents a mixture of formal as well as informal settlement types. However, the predominant form of settlement is informal, with the exception of Newtown, Langalibalele and Glebe. The most critical issue undermining the development of Inanda is that of land availability. In addition, several other major constraints relative to residential land use include unsuitable topography, land ownership patterns and the introverted, fragmented nature of the planned physical environment as well as inappropriate standards. Densities vary considerably, but in some cases they are so high that the houses virtually lean against each other. Arising from this was the common concern expressed by residents that the lack of privacy impacts severely on their lives (RDP Urban Renewal Report, 1998). Such issues such as the limited availability of land have impacts for land use management systems such as ensuring multi functional use of the limited space available to ensure access to maximum opportunities.

MAP FOUR

TOTAL	
POPULATION	: 1 341 293
AREA	: 41 389
DWELLING UNITS	: 314 968
DU /HA	: 7.6
PP /HA	: 32.4



INANDA	
POPULATION	: 152 432
AREA	: 4 291
DWELLING UNITS	: 32 733
DU /HA	: 7.7
PP /HA	: 38.8

PHOENIX	
POPULATION	: 147 542
AREA	: 3 433
DWELLING UNITS	: 33 571
DU /HA	: 9.8
PP /HA	: 42.9

NTUZUMA	
POPULATION	: 80 879
AREA	: 1 958
DWELLING UNITS	: 17 548
DU /HA	: 10.7
PP /HA	: 48.7

KWA MASHU	
POPULATION	: 123 081
AREA	: 1 620
DWELLING UNITS	: 25 698
DU /HA	: 15.7
PP /HA	: 79.4

NEWLANDS	
POPULATION	: 23 283
AREA	: 1 728
DWELLING UNITS	: 5 303
DU /HA	: 3.0
PP /HA	: 13.2

IBEM NORTH / DURBURN / HELLGOTT	
POPULATION	: 85 254
AREA	: 4 402
DWELLING UNITS	: 17 159
DU /HA	: 4.0
PP /HA	: 15.0

UMGEN SOUTH	
POPULATION	: 50 648
AREA	: 1 384
DWELLING UNITS	: 11 909
DU /HA	: 8.6
PP /HA	: 36.7

BEREA NORTH	
POPULATION	: 47 782
AREA	: 4 073
DWELLING UNITS	: 15 929
DU /HA	: 15.3
PP /HA	: 48.0

CATO MANOR	
POPULATION	: 25 480
AREA	: 3 028
DWELLING UNITS	: 6 148
DU /HA	: 2.3
PP /HA	: 6.4

DURBAN CENTRAL NORTH	
POPULATION	: 31 264
AREA	: 1 207
DWELLING UNITS	: 10 419
DU /HA	: 8.6
PP /HA	: 25.8

DURBAN CENTRAL SOUTH	
POPULATION	: 21 986
AREA	: 281
DWELLING UNITS	: 4 205
DU /HA	: 15.0
PP /HA	: 77.8

BEREA SOUTH	
POPULATION	: 38 388
AREA	: 1 291
DWELLING UNITS	: 12 802
DU /HA	: 9.9
PP /HA	: 28.7

HILLSIDE OLD LINE BUSHVELDING PARK	
POPULATION	: 32 980
AREA	: 2 508
DWELLING UNITS	: 11 032
DU /HA	: 4.4
PP /HA	: 13.1

CHATSWORTH	
POPULATION	: 115 720
AREA	: 4 041
DWELLING UNITS	: 26 151
DU /HA	: 6.4
PP /HA	: 28.8

INDUSTRIAL	
POPULATION	: 5 412
AREA	: 1 217
DWELLING UNITS	: 1 382
DU /HA	: 1.1
PP /HA	: 4.4

BLUFF	
POPULATION	: 21 748
AREA	: 1 208
DWELLING UNITS	: 7 293
DU /HA	: 6.0
PP /HA	: 17.8

LAMONTVILLE	
POPULATION	: 25 887
AREA	: 308
DWELLING UNITS	: 5 478
DU /HA	: 17.7
PP /HA	: 85.2

MERE BANK	
POPULATION	: 43 821
AREA	: 896
DWELLING UNITS	: 10 043
DU /HA	: 11.2
PP /HA	: 48.0

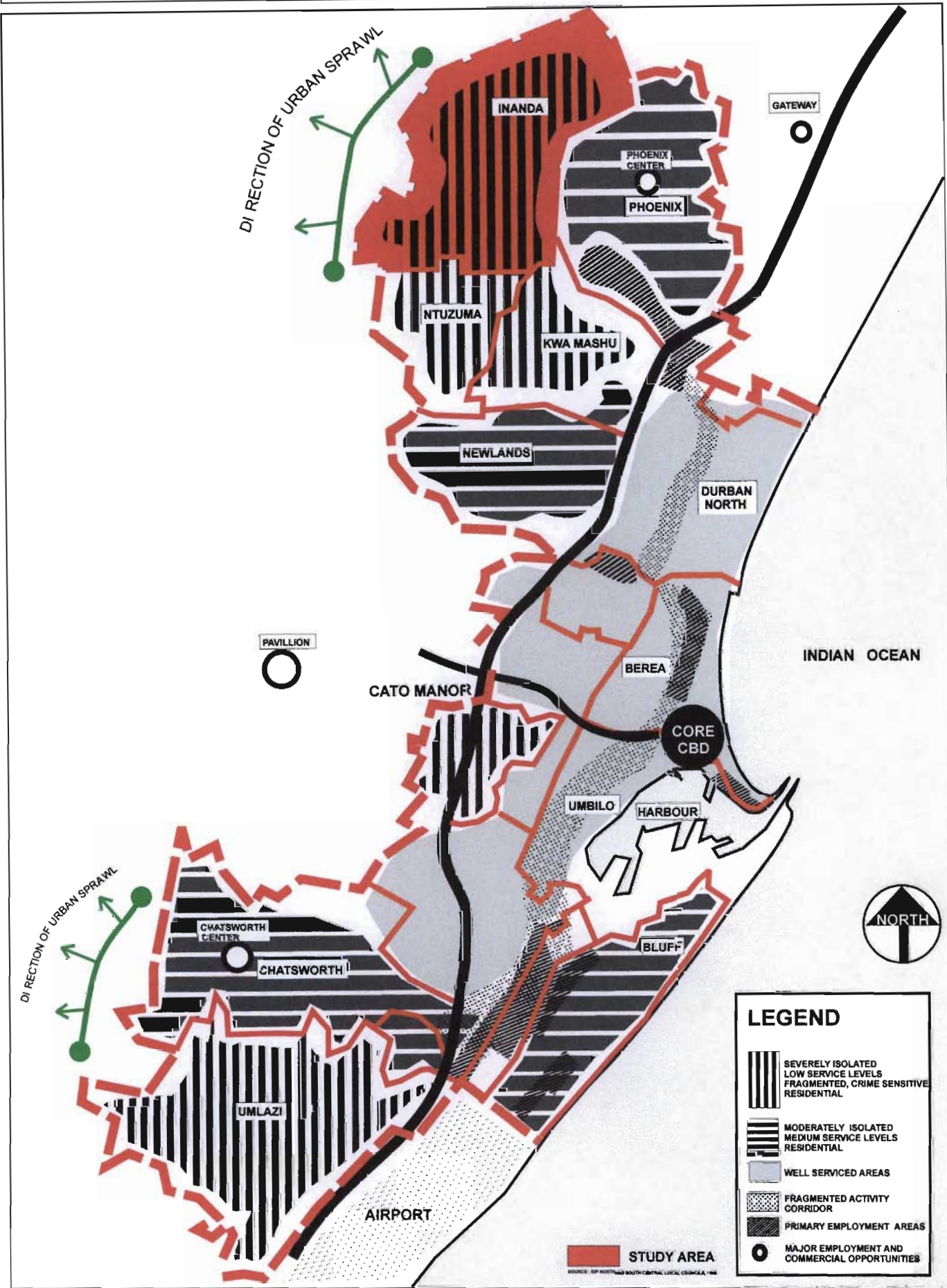
UMLAZI	
POPULATION	: 273 108
AREA	: 4 788
DWELLING UNITS	: 58 741
DU /HA	: 23.8
PP /HA	: 27.4

STUDY AREA

SOURCE : IDP NORTH AND SOUTH CENTRAL LOCAL COUNCILS, 1998

TITLE: DEMOGRAPHIC CHARACTERISTICS OF INANDA IN COMPARISON TO OTHER AREAS.

MAP FIVE



TITLE: INANDA WITHIN THE CONTEXT OF INEFFICIENT URBAN FORM WITHIN THE NORTH AND SOUTH CENTRAL LOCAL COUNCIL

5.6. COMMUNITY FACILITIES:

Reference has been made to the fact that in terms of the availability of municipal, health, education and commercial services, Inanda is the poorest subregion in the DMA, with some of the worst human development indicators (Peart et al: 7). Inanda is also not very well serviced in terms of its' recreational facilities in comparison with other areas within the Local Council areas [See Map Nine].

Not only are there tremendous shortfalls experienced in the provision of community facilities, but they tend to be concentrated in most of the formal areas, making their distribution very uneven and rendering them inaccessible to large numbers of people, especially those in the more remote, rural areas. Women are a particularly vulnerable category with the limitations and lack of accessibility to creches, clinics, and shopping. For young women the risk of rape is an ever present danger. For the elderly who are vulnerable on account of their pensions, the collection of pensions presents tremendous problems. Payout points are scarce and inaccessible, and therefore costly and inconvenient to get to. Taxi industry violence poses a major threat to peaceful coexistence. This has implications for its users especially if they have to travel distances to obtain any services or resources.

5.7. ECONOMY OF INANDA

Inanda is a reservoir of labour for the various economic activities conducted in the central, southern and western areas of the DMA. Inanda is a relatively informal low income area [See Map Six]. Inanda contributes 2.8% of the Gross Geographic Product of the DMA, approximately half of which is accounted for by manufacturing. The capacity for economic growth is considerably diminished with residents earning and spending their money outside Inanda. Economic development is also impeded by such factors as low level of skills-both business as well as training for formal employment. Small, Medium and Micro Enterprises feel constrained in terms of access to credit facilities, unsuitable premises as well as the restrictive land use management systems. Although the residents of Inanda may appear to be economically better off than those in disadvantaged areas, approximately 50% live below the Household subsistence level (DRA, 1994)

A substantial proportion of the household budgets are allocated to transport cost, given the fact that manufacturing and other employment centres are located at great distances away from the northern parts of the Durban Metropolitan Area. The average household expenditure is approximately R718 per month, while in 1994 it was estimated that the per capita income was R271 per month. This has implications for people being in a position to engage in other income

generating activities particularly for the more disadvantaged groups (eg. the elderly, disabled etc.) who finds it difficult to secure formal employment elsewhere (IDF, 1997).

Formal economic activity in Inanda is noticeably rare. However, significant proximate employment creating areas include the Phoenix Industrial Park, the North Coast Road activity spine, the Tongaat Hulett brick industries as well as the smaller commercial centres created to serve each of the surrounding residential areas [See Map Seven]. Other than this the northern sector of which Inanda is a part, is primarily residential in nature (Dass, 1995).

On the other hand informal sector activities are more prevalent. The existence of informal sector activity is to a large extent an outcome of the lack of formal employment. However, these are often difficult to quantify because of the diverse range of activities and their sometime illegal nature. In fact, a study conducted by Cross, Bekker and Clarke (1992) warns that the informal sector activity in Inanda Released Area 33 could be seriously under reported in many survey results. They nevertheless identified the following list of frequent economic activities: dressmaking; candle making; floor polish manufacturers; basic general storekeeping; bead work; metal work; mechanics; panel beaters; small appliance repairing; and brewing.

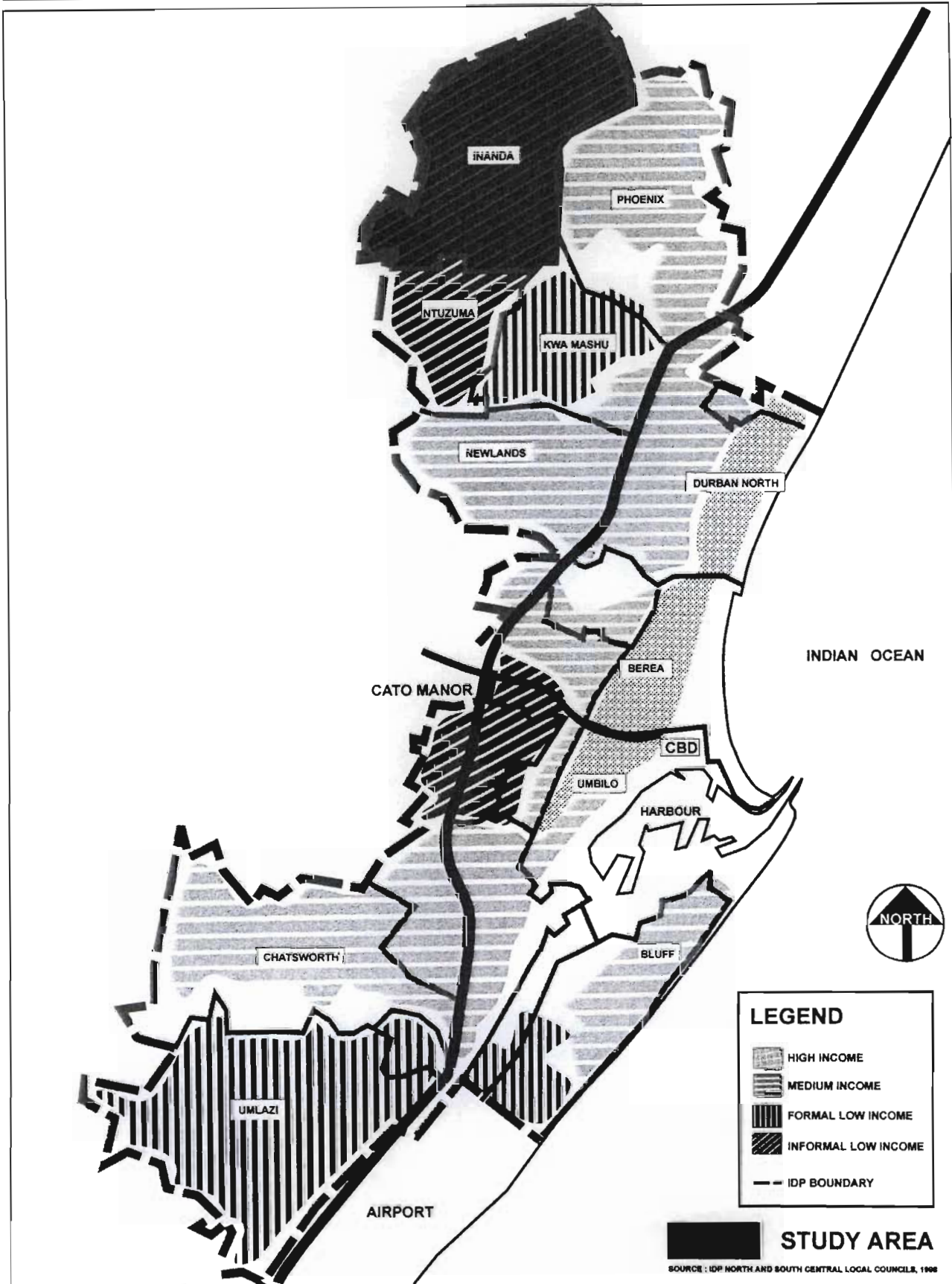
In a study conducted by Dass (1995), of the 30 small and micro entrepreneurs surveyed in the study 57% were retail activities eg. Spaza shops, liquor stores, general dealers, fruit and vegetable stallholders and butchers; 23% were service activities eg. Panel beating, welding, upholstery, shoe repairs, herbalist and 20% were manufacturing activities eg. blockmaking, dressmaking and baking. Of these, hawking of small commodities, and Spaza ownership accounted for 40% of the sample; dressmakers accounted for 10% of the sample; panel beaters for a further 10%; and shebeen owners, shoe repairmen, and block makers for a further 7% each.

There are many constraints which prevent Inanda from becoming an economically viable area. These constraints will be discussed within the chapter which records the responses of Group discussions held with Informal businessmen.

5.8. THE SPATIAL FORM

The spatial structure and form of Inanda have been constrained and influenced by topography, land ownership patterns, fragmented administrative organisation, limited development financing and separate development policies of the pre-1990 era.

MAP SIX



TITLE: INCOME LEVELS OF INANDA IN COMPARISON WITH OTHER AREAS.

5.8.1. The Problem

Inanda is characterised by a physical environment that suffers from the following as depicted in the Inanda Development Framework (1995):

- Inwards focused local communities with weak economic and social links between them thereby severely undermining the thresholds required for viable local economic development strategies
- An unequal relationship with the greater Metropolitan region with Inanda playing essentially a dormitory role
- A fragmented Inanda community with little vision of its future
- A physical environment characterised by either low levels of servicing or no servicing at all
- Large scale unemployment resulting from problems of illiteracy and a low skill base
- Problems associated with unemployment and poverty including drug abuse, crime and violence resulting in an environment of fear, especially for women
- A monotonous and sterile land use pattern with little or none of the social infrastructure required to support high density living, resulting in amongst other problems boredom amongst youth
- An urban society suffering the consequences of massive land shortage and pressure on land often resulting in conflict between land owners and tenants

5.8.2. Principles for a Vision

The following principles have been proposed by the Inanda Development Framework to inform a future vision for Inanda:

- interactive and balanced linkages with the Greater Durban Metropolitan Area
- interactive and balanced linkages within Inanda
- decent and safe living environments
- people centred development products
- enhancement and productive use of the natural environment
- sensitivity towards the aged and disabled
- choice, options and affordability
- gender equality, non sexism and the safety of women
- privacy

5.8.3. Spatial Vision for Inanda

The spatial vision proposed in the Inanda Development Framework report (May 1995) clearly represents a conceptual move away from isolated and 'inward looking' communities to both a

greater understanding of the varying needs of different community groupings, and the linkages between Inanda and the various sub-levels of spatial organisation. The spatial vision for Inanda is reflected in Map Three. In addition it proposes the following:

- Maximise convenience and access to a range of facilities
- Generate the thresholds and patterns of activity required to support local economic development initiatives
- Generate job opportunities within the Inanda area
- Encourage the development and support of small, medium and micro-enterprises
- Provide a wider range of choices with regard to the goods and services available within Inanda
- Improve the access of residents to the facilities and services
- Create mixed-use environments along identified corridors such as the MR93 (See Map Three and Seven).

5.8.4. The Development Process

The resources required to address the development challenge facing Inanda are likely to exceed available resources. As far as possible the gap between the challenge and available resources needs to be filled through commitment to an appropriate, relevant and ongoing process. In order to achieve the objective of sustainable and integrated development, all initiatives should be premised on sound development that incorporate a mix of product and process. The following principles serve to guide an appropriate process (IDF, 1995):

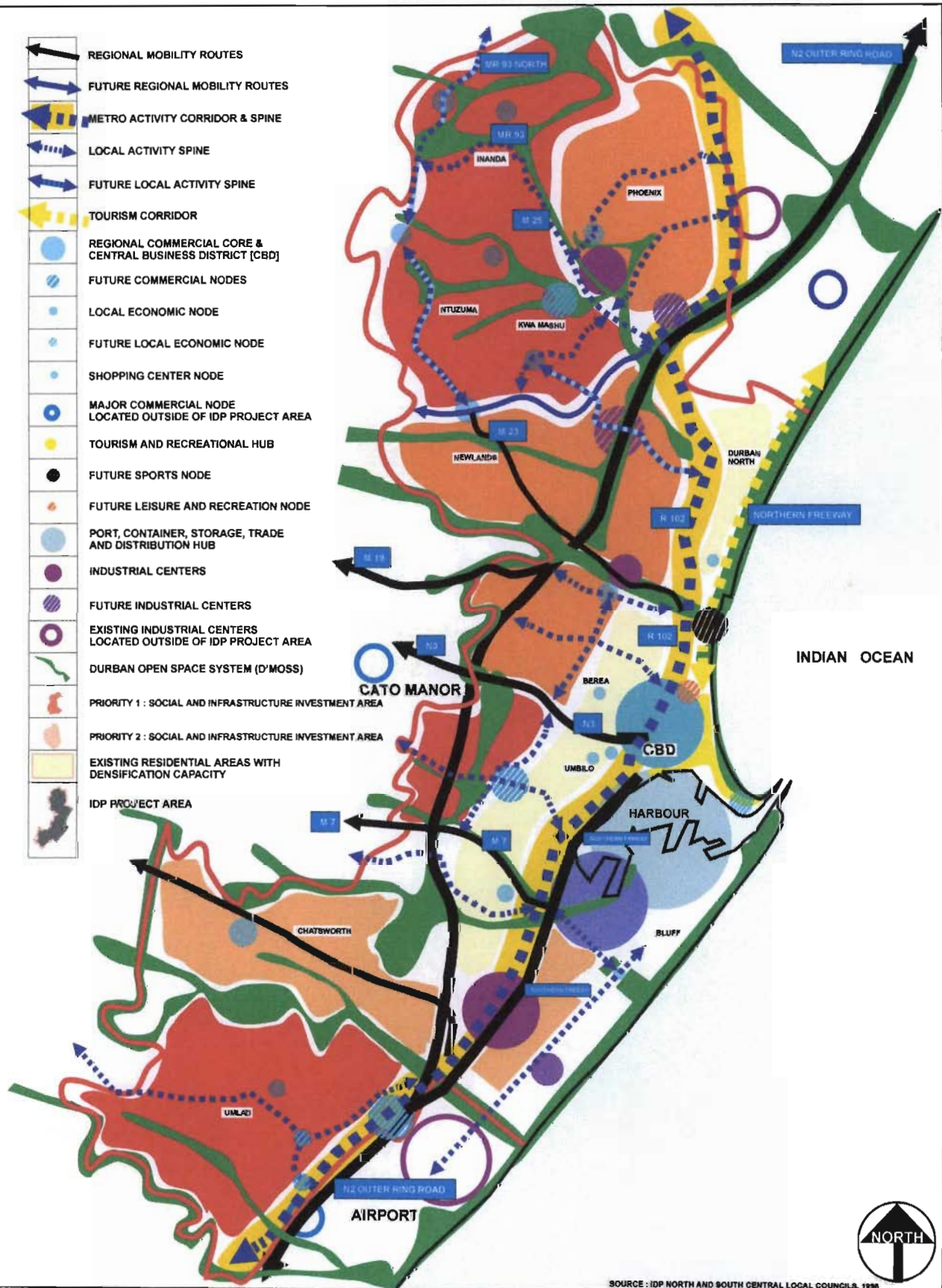
- Transparency
- Negotiated solutions
- Focus on local business enterprise
- Rights and reciprocal responsibility
- Non discrimination
- Balance between community and individual rights
- Community profile and stakeholder involvement

5.9. Conclusion

Having reviewed the conditions applicable in Inanda, it is quite evident that previous legislation applicable in Durban and the historically disadvantaged areas is not relevant within the current realities existing in Inanda. One of the major issues the Development Framework wishes to be addressed are the facts that physical and spatial planning standards applied in past planning approaches need to be reviewed and the use of performance criteria which can effectively measure

MAP SEVEN

- REGIONAL MOBILITY ROUTES
- FUTURE REGIONAL MOBILITY ROUTES
- METRO ACTIVITY CORRIDOR & SPINE
- LOCAL ACTIVITY SPINE
- FUTURE LOCAL ACTIVITY SPINE
- TOURISM CORRIDOR
- REGIONAL COMMERCIAL CORE & CENTRAL BUSINESS DISTRICT [CBD]
- FUTURE COMMERCIAL NODES
- LOCAL ECONOMIC NODE
- FUTURE LOCAL ECONOMIC NODE
- SHOPPING CENTER NODE
- MAJOR COMMERCIAL NODE LOCATED OUTSIDE OF IDP PROJECT AREA
- TOURISM AND RECREATIONAL HUB
- FUTURE SPORTS NODE
- FUTURE LEISURE AND RECREATION NODE
- PORT, CONTAINER, STORAGE, TRADE AND DISTRIBUTION HUB
- INDUSTRIAL CENTERS
- FUTURE INDUSTRIAL CENTERS
- EXISTING INDUSTRIAL CENTERS LOCATED OUTSIDE OF IDP PROJECT AREA
- DURBAN OPEN SPACE SYSTEM (D'MOSS)
- PRIORITY 1: SOCIAL AND INFRASTRUCTURE INVESTMENT AREA
- PRIORITY 2: SOCIAL AND INFRASTRUCTURE INVESTMENT AREA
- EXISTING RESIDENTIAL AREAS WITH DENSIFICATION CAPACITY
- IDP PROJECT AREA



SOURCE : IDP NORTH AND SOUTH CENTRAL LOCAL COUNCILS, 1998

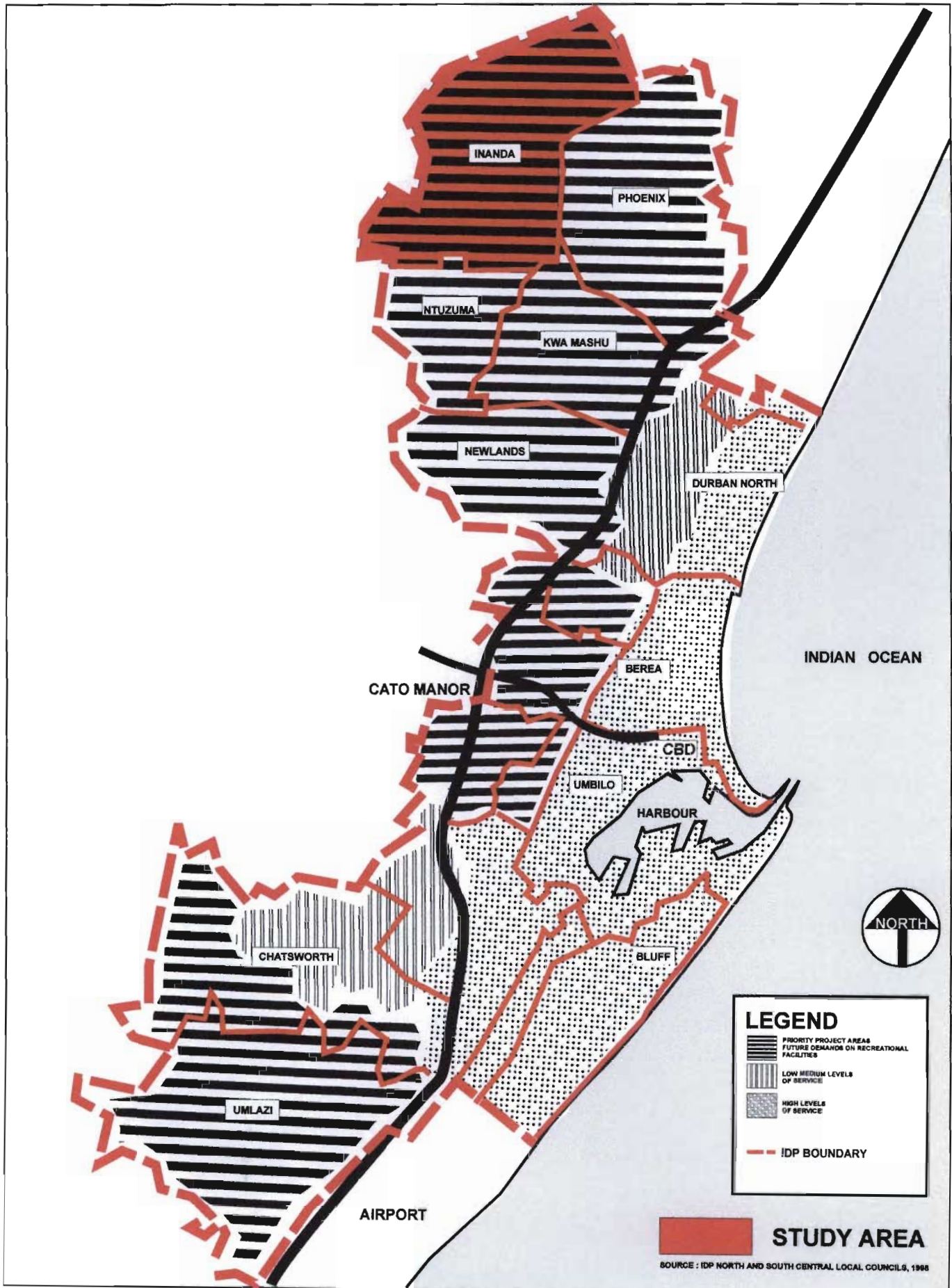
TITLE: INANDA WITHIN THE SPATIAL FRAMEWORK OF THE NORTH AND SOUTH CENTRAL LOCAL COUNCILS

MAP EIGHT



TITLE: ROAD AND RAIL NETWORKS

MAP NINE



TITLE: INADEQUATE RECREATIONAL FACILITIES IN INANDA

overall settlement performance needs to be introduced. This Dissertation hopes to address the problem of the inappropriate system and making proposals on new systems by conducting research with the following groups:

- [A]. Officials of the various Councils operating within the Durban Metropolitan Area and from the KwaZulu Natal Provincial Administration
- [B]. Members of the Inanda Development Forum, Politically Elected Councillors within Inanda and Private Sector Consultants who have worked in the area.
- [C]. Focused Groups
(Youth, Caretakers of Children, Disabled, Elderly, Women, Informal Business)

CHAPTER SIX

THE PLANNERS SPEAK!

6.1. INTRODUCTION

The Development and Planning Service Unit of the North and South Central Local Councils are attempting to develop an appropriate Land Use Management strategy. The new strategy developed is expected to offer guidance in dealing with areas such as Inanda, Umlazi, KwaMashu and Ntuzuma. These areas have only recently been incorporated into the boundaries of this Local Council area and currently operate without a Scheme. Some guidance is required by the planning officials of this Council as to how to deal with applications received from these areas.

The project team (of which the researcher is a member) convened of a workshop as a first step in this process. Officials from Planning Departments of all Local Councils within the Durban Metropolitan area and planning officials from the KwaZulu Natal Provincial Administration were invited to the Workshop. Planning Officials were involved as participants in the process for both their technical experience and expertise. They were asked to merely outline their view of existing systems and the objectives of land use management that in their opinion would constitute appropriate systems.

6.2. OBJECTIVES OF AN APPROPRIATE LAND USE MANAGEMENT SYSTEM

A comprehensive list of objectives (Refer to Annexure Four) had been outlined at the Workshop, however, the discussion that follows will encapsulate the main objectives of relevance to this dissertation. This discussion sets the tone for the broad principles that constitute an appropriate land use management system. It was agreed by the participants that any system proposed should be user friendly and be easily accessible. A new system proposed needs to be sensitive to women's needs and differently abled people. A less prescriptive and more flexible system were encouraged which should also be development oriented. The system should guide development rather than prevent development and should allow for greater discretionary ability.

The land use conflict management process needs to be appropriate and effective. Appropriate development needs to be promoted with specific regard to safety and security. Confidence in development will also be enhanced if the system is enforceable and the resources necessary for enforcement to be put in place. To be effective, the enforcement section should follow up on approvals and illegal uses.

The system must encourage greater intensity of uses, for example, the operation of offices and light industrial uses from some residential properties thereby lending itself to economic growth. A system should also create jobs and promote economic development. It should provide an integration of land uses and promote urban integration with an appreciation of mixed uses

Consensual principles for a land use management system should be guided by the Integrated Development Plan. It is necessary to have the same procedures and regulations throughout the metropolitan area along a similar vein of 'One municipality, one plan!' as envisaged in the Provinces' proposal. At the same time, however, cognisance should be taken of peculiarities within areas, for example, the same procedures or systems cannot be applied to Inanda as the systems applied to Durban North. Uniqueness should be added to these principles on a geographic basis, for example, one needs to ask questions such as 'What's unique about CBD or Inanda?', to establish such uniqueness.

A system should introduce participatory mechanisms. A unitary system was proposed where parameters are set by the local community and therefore should be appropriate to local context. Communities should be involved to add level of sophistication and detail to scheme. The system should have maximum support to encourage compliance. This can be achieved by improving communication between Council and public. An integration of land use management and development planning is encouraged, for example, there should be a new appreciation of densification with accompanying support services.

A cost-effective and economical system is necessary, one that will enable and encourage low earning households to submit development applications rather than contravene regulations. The process involved in assessing development applications must be a faster track process.

6.3. VIEWS ON THE EXISTING SYSTEM

There were different views expressed about Durban's Town Planning Scheme. Some were positive such as it allows for a greater level of certainty in decision making, it offers a high degree of protection to the broader community and protects rights and preserves amenities. However, majority of the views expressed were negative. A more comprehensive list of such views will be provided in Appendix Four, however, the discussion that follows will highlight the main points.

There is jurisdictional fragmentation between KwaZulu Natal Provincial Administration and city, as well as geographical fragmentation - between the former "R293 towns" and Durban which the present scheme does not address. The time spent on dealing with applications because of

procedures and number of departments implies huge costs to potential developers. The size of bureaucracy hampers the speed with which applications are processed. The lack of communication between departments also makes the processing of applications difficult.

The Town Planning Scheme has also been criticised for being rigid and outmoded, lacking diversity and for being very prescriptive and control oriented. The inflexibility of the system does not lend itself to being proactive in promoting development. The Scheme is very complicated and highly sophisticated and not appropriate for historically disadvantaged areas such as Inanda. The basis of preparation of existing system is inappropriate that is it is based on first world English standards. This results in many communities not understanding the Scheme.

The Scheme has also been criticised for being too separate and narrowly focussed since it does not make provision for such uses as informal trade/taxi ranks. It also does not keep up with development and changing needs of the communities. The Scheme also creates a slow response to development demands.

These are some of the main themes that had emerged through the discussion that had been considered applicable to this dissertation by the researcher.

6.4. CONCLUSION

The results obtained from the workshop are useful to the extent to which it provides criticisms on the Scheme itself. It also articulates the objectives of a Land Use Management system very clearly. However, being officials from bureaucratic structures, the participants of the Workshop operated from a very normative framework about the City in general and did not really engage in debates on development issues in Inanda and the levels of poverty, poor levels of service and the inappropriateness of the Land Use Management system in relation to such issues. The participants were able to make contributions based on their technical expertise and not necessarily on their experience in Inanda. This is possibly due to the fact that many of the participants at the workshop have never worked in Inanda since it is an area that has recently been incorporated into the boundaries of the North and South Central Local Council area. It is therefore essential that this study included individuals who have had meaningful experience in development problems and issues that Inanda is currently facing. To this end the chapter that follows involves an analysis of questionnaires that had been issued to Politically elected councillors, Members of the Inanda Development Forum as well as Town Planning Consultants who have worked in these areas.

CHAPTER SEVEN

THE 'DEVELOPMENT PEOPLE' SPEAK!

7.1. INTRODUCTION

The current conditions in Inanda are a result of the historical neglect of Inanda and the legacy of racially defined apartheid institutions. The process of settlement in Inanda was regarded as illegal and temporary by successive apartheid governments and consequently very little was done to develop the area or install an overarching local authority. The introduction of services and infrastructure was therefore done in an ad hoc and indifferent manner, with little or no coordination between the different institutions. In order to overcome this problem an interactive approach was needed. This would involve representation of the community, councillors as well as the Local Authority. This therefore required capacity building within the community which would aim at providing members of the community with the skills needed to manage local government areas. Consultants had been appointed for the purpose of kick-starting development in Inanda. The Organisations or individuals that have played a significant role promoting development in Inanda in recent years (other than Local Government and Provincial Government) have been the following structures:

1. Inanda Development Forum

In Inanda, the Inanda Development Forum represents the new culture of decision making as it draws together community-based organisations, land owners, developers, local business owners, the local authority and Non-Governmental Organisations into an "alliance" aimed at facilitating the speedy and effective implementation of development.

2. Politically elected Councillors

During the 1996 Local Government elections a number of councillors had been elected for the very first time in the history of Inanda. Since then these Councillors have been instrumental in ensuring that development takes place in Inanda.

3. Town Planning Consultants

Town Planning Consultants had been appointed for the purpose of researching the development needs of Inanda and planning for development within the area. The Consultants that had been appointed for this purpose was Tony Marcewicz of Marcewicz, English and Associates and Nathan Iyer of Iyer Rothaug Collaborative. The other consultant included in the Study was Bruce McCormick of Integrated Planning Services because of his experience in working with low income communities.

In the light of the role played by these groups in promoting development in Inanda, it was considered necessary to include them as participants in the research. The results, however, will be recorded under specific themes.

7.2. ANALYSIS OF QUESTIONNAIRES

The discussions contained in this chapter are the summaries of responses that were obtained from questionnaires administered to the individuals of the above-mentioned groups (Development Forum, Councillors and Consultants). It is by no means a reflection of the authors' opinion, but reflects the suggestions and recommendations put forward by the respondents.

7.2.1 Suitability of existing system in Inanda

In Inanda, decisions are made in a very ad hoc manner. Applicants cannot represent themselves in the application procedure. Their only link with the Planning Authority is through the Township Manager. This individual may not be able to communicate the needs of the applicant as effectively as the applicant would be. No guidance is offered as to the type of uses that are allowed within any particular zone, therefore, individuals in the community start any business they feel like without any concern for the well-being of the community at large. They also realise that no regulations are in place so there is no fear of enforcement or fines. In this way the rights and welfare of the wider community are not protected and they do not have any avenues through which they could take up grievances. For example, if an individual who suffers from asthma lives immediately adjacent to a panel beater operation and his condition deteriorates as a result of the use. Such an individual has no legal avenues that would help stop such an operation. All power is vested with an authority that is so far removed from the community that they do not feel comfortable taking up issues. Different standards are used for different individuals who are totally dependant on the discretion of the Township Manager. Communities are not consulted within the decision making process.

7.2.2. Applicability of Durban's Town Planning Scheme to Inanda

Respondents indicated that the existing Town Planning Scheme was standardised and did not recognise the unique circumstances in areas such as Inanda. Inanda has different development levels from the historical boundary area of Durban and land use planning should be geared in each area to meet these unique circumstances.

Conventional control through zoning which separate land uses will not be appropriate for Inanda where a land use management system should be more flexible. Instead of setting specific categories for individual zones, guidelines and standards could be provided which allow for land

use mixes, density parameters and amenity protection.

Town Planning Schemes should represent a more detailed framework (which essentially refers to a finer grained approach as opposed the current broad brush approach) tied to overall development goals and objectives. In the case of previously disadvantaged areas, these goals are clear and well documented. The realisation of such goals lies squarely within an approach that seeks to facilitate rather than regulate. The Town Planning Scheme is an extension of the Modern Town Planning movement which represented a formidable force in concretising our cities into rigid, neatly regulated parcels which often hinder positive freedom. It is essential that the Town Planning Scheme forms part of a continuum of planning, whereby each scale/intervention should express and further a basic set of objectives. In the case of Umlazi, Inanda etc., these objectives should facilitate transformation into a particular environment, which has at its' basis the facilitation of complexity-maximising opportunity, choice, diversity etc. Clearly this is a product of a facilitatory approach rather than a regulatory approach. The problem with this is that there are different value systems and therefore different perspectives on “what” needs control, guidance and management between officials and the community.

Lack of flexibility on the part of the Scheme sometimes prevents communities from securing much needed resources in close proximity to their homes. The Town Planning scheme is rigid and outmoded.

The terminology contained within the Town Planning Scheme is a very high standard of the English vocabulary and therefore difficult for individuals who are predominantly Zulu speaking to comprehend. The system itself is not user-friendly and does not adequately respond to the changes and trends in development particularly in low income areas such as Inanda. Although strong emphasis is being placed on facilitative measures, it was recognised that these measures should have sufficient “teeth” to ensure that land is used for appropriate purposes within a particular zone.

7.2.3. Needs and Problems experienced by Community in relation to Land Use Management

The needs of Inanda expressed by respondents are summarised as follows:

- ▶ Shortage of space in terms of land availability that prevents them from securing this resource for business activity
- ▶ Inaccessibility to economic, social and recreational opportunities
- ▶ Irregular plot sizes

- ▶ Inadequate provision of services, for example, clinics
- ▶ Land ownership, forced to make communal use of land
- ▶ Lack of affordability for resources and facilities
- ▶ Lack of enforcement on high nuisance activities, for example, panel beating

7.2.4. Objectives/ Characteristics of a Land Use Management System

- Land Use Management systems should reflect the areas' diversity, both in terms of the level and type of existing development and the needs and aspirations of different communities.
- Development control should be consistent with the overall vision and theme for the future development of the Transitional Local Council area.
- Development controls should generate a climate within which small scale entrepreneurs can develop with due regard to the amenities of the environments within which they operate.
- More effective public participation mechanisms need to be utilised
- The technical process of formulating appropriate development controls should be accompanied by a process of capacity building at community level.
- Protection and enhancement of a public realm, this is where collective life is played out and where the public good needs to be protected.
- Maximum individual freedom for residential sites, that is, promote mixed use development as a basis
- Land Use Management should be implemented at the lowest practical level
- Existing development rights should be recognised.
- Land Use Management systems should be accessible and simple

7.2.5. Roles of the Community in Land Use Management

Communities should form part of the establishment process of a Land Use Management system. Public participation is indeed a positive ingredient in establishing responsive plans. People should form part of the basic ingredients, however, the participation process needs to be well defined and managed. Working with representatives of a “community” would be more productive. The true measure of participation rests not just in the process, but more fundamentally in how people respond and shape their environment over extended periods of time.

The community should be given the opportunity to influence the policy that informs the Land Use Management process. Input should also be made by community members on individual applications, for example, if an individual operates a tavern from home the neighbours should be given an opportunity to express their opinion on the use as well as to establish certain conditions of operation.

Communities need to be organised and their capacity developed to understand land use issues before being able to actively influence its’ direction. The sharing of information and education is an essential element in this process. Communities need to know about the system itself and the types of uses they are allowed to have in their residential area. In addition information is needed about the procedures that need to be followed when making an application. Communities also need to be educated about their rights in the neighbourhood. Whom they should contact if they are aggrieved by any decisions and if they need to lodge complains concerning any issue. Communities can also play a role in policing their area thereby informing the relevant authorities of undesirable uses. This would help prevent such uses from continuing in the community in the interest of public good. Communication with communities can take place through workshops where every aspect of the Land Use Management system is explained to them.

7.2.6. Procedures needed for Land Use Management

There was general agreement that there should be control over development, as the present lack of control in Inanda has allowed certain businesses located in residential areas to become a nuisance and a security problem. However, control should be such that it does not stifle development of small enterprises. In addition, land should be made available to which businesses can relocate once they have outgrown their residential locations.

A structured and comprehensive process should be initiated to introduce the concepts of planning and associated land use management system to the community. Systems can only be exercised if it is generally acceptable, and it is therefore imperative that it reflects the values and needs of the

community. This will require a lengthy consultative and participatory process that will flow from the Integrated Development Planning Initiative. Responsibility for administering the Land Use Management system should be located with the Local Authority. The Township office should serve as Development Advice Centres where individuals can lodge their applications as well as seek advice on all matters relating to development. Simplified application procedures should be followed which applicants can both understand and afford. Costs of the application should be minimal. Advertisement procedures should be restricted only to the application site and not necessarily in the newspapers. Not all individuals read the newspaper, however, individuals who are in the vicinity of the application site will be able to read the site notice.

Respondents recommended that applications be lodged at the Township Office. The Township offices should have computers linked to the Central Planning offices. All applications should be processed by the Local Authority. Only those applications which have the potential to impact negatively on the amenities of the neighbourhood should be presented to the Community/Development Forum who should also be represented within the Planning Committee responsible for making decisions. The level of control should be in direct relation to the magnitude of the potential impact of the development, and should reflect the values of the community. Generally, control should be generative instead of prohibitive, but still supply the Council and the Community with a “safety net”. More emphasis should be placed on a flexible control system to ensure that the final form of a development proposal is achieved through a process of negotiation among all stakeholders.

Informed decision making will take place if the community is allowed to contribute to the process. The system that will be put in place should only set parameters to ensure that different uses do not have a negative impact on the immediate environment. The nature of controls should to a large extent be determined by the different tolerance levels in different communities.

More research is required that would lead to a formulation of procedure that would be appropriate to the various contexts and localities existing within the North and South Central Local Councils.

7.3. Conclusion

Large proportions of Inanda has up until now not been exposed to the benefits of planning, and has in many instances perceived the planning discipline as an instrument that was used to implement unacceptable ideologies. Within the rapid transformation process of the Durban Metropolitan area, planning has a central role to play in the reintegration of the city and the

creation of an efficient and effective urban environment through the implementation of the Integrated Development Plan. What needs to follow from this process is an effective Land Use Management system that flows with the vision of this Plan.

In the field of Land Use Management, planners need to be positive and imaginative when formulating development control mechanisms. It is absolutely essential that this is not limited to a technical process. The communities that are to be served by these processes should be involved from the outset. Empowerment or capacity building essentially implies that all planning processes must be open and transparent, and that communities should continuously influence and in fact own the processes which shape their environment. We should therefore strive for systems and processes which are jargon free, appropriate to the needs of the communities and easy to administer.

It has become somewhat of a cliché in planning circles that the process is as important as the product, but it is particularly appropriate to an initiative to produce an integrated development control system. The lasting impression from this chapter is that development controls will only be implementable and for that matter relevant if they are acceptable to the community whom the controls are meant to serve. The importance of a structured and focussed participation process cannot be over emphasized. It is therefore necessary to obtain a survey of peoples' perceptions concerning the different uses that they are prepared to live with and not live with. In addition, it is important to find out their perceptions on participation and the extent to which they wished to be included in decision making. While it is not the intention of this dissertation to stratify society by dividing the respondents into various groups, it is important to test whether in fact differences do exist between the various groups.

CHAPTER EIGHT THE COMMUNITY SPEAKS!

8.1. INTRODUCTION

Recognising the need to elicit the perceptions of individuals who have daily experiences with land uses which needs to be taken into account in planning for residential areas. The researcher held group discussions with various groups as outlined in the methodology in Chapter Two. Diversity is an important principle to recognise in the formulation of a Land Use Management process. One of the key problems that planning has to deal with internationally is the question of diversity of interest. This includes racial, ethnic, gender, age and other interests. Recognition of diversity is critical if outcomes of land use management systems are to be recognised as legitimate and just (Mabin et al, 1997).

Land Use Management systems must be so designed as to empower the least advantaged, creating equality of opportunity. This is particularly important in societies where inequality is endemic as is the case in South Africa. This principle is related to that of diversity but goes further in helping to develop the capacity of the marginalised to participate in land use management systems (Mabin et al, 1997). To this end the perceptions of the various groups were surveyed with regard to the uses they were prepared to live with and not live with and how different uses impacted on their particular group. In addition individuals were also questioned on the role of participation in land use planning and the extent to which they could participate in this process. The intention of these questions was merely to get an idea of what individuals felt about participation and not necessarily to obtain details of the exact nature and form of participation. The uses existing in Inanda were categorised by the researcher based on the study by Smith, Von Riesen and Kahn (1998) as follows:

'Freely Entry Uses': Those uses that were freely permitted within a specific zone

'Development Permit': These consist of uses that are complimentary with the zone and which have low impact implications and therefore a simplified consent use procedure will be followed.

'Conditional Permit': Those land uses that may be permitted with the consent of the Responsible Authority subject to certain conditions

'Prohibited uses': Those land uses that are prohibited because they are not compatible with other uses within residential areas.

The list compiled was based on the uses already in existence in Inanda. These lists were presented to the various groups for the purpose of obtaining their opinion on the types of uses they were

prepared to live with and not live with. The uses contained within the list will be tested against and compared with the proposals made within the Land Use study by Smith, Von Riesen and Kahn (1998).

8.2. FORMAL USES

The discussion that emanated around the formal uses was very limited in that all groups were in agreement concerning the formal uses that were a necessity within residential areas, and those uses that they were not prepared to live with.

Use	Freely Permitted	Development Permit	Conditional Permit	Prohibited
School		♦		
Places of Worship		♦		
Clinics		♦		
Creches	♦			
Public Open Space	♦			
General Dealers			♦	
Doctors surgeries	♦			
Community Halls	♦			
Takeaways				♦
Restaurant				♦
Motor Mechanics				♦
Carpentry			♦	
Workshop			♦	
Post Office			♦	
Offices		♦		
Warehouse				♦

(A). Offices

This particular use was not considered important to meet the daily needs of the community. Therefore, it warrants an application to be made for it. This is very different from the Town Planning Scheme since it allows small scale offices to operate freely within residential areas. The socioeconomic conditions and the levels of education and skills mean that individuals do not engage in office related activities from their homes.

The **groups that** were particularly vociferous on the following uses were the womens' group, the disabled and the elderly:

(B). Clinics

It was felt by this particular group that clinics are very useful within residential areas. It eliminated the need to travel long distances to secure medical services. Due to the difficult terrain and topography of the land, they needed to walk long distances to secure taxis or buses and this was particularly difficult for the elderly, the disabled and pregnant women. Women specifically need the services of a clinic often for primary health care purposes and family planning advice. Their children often needed injections, inoculations and medical services. With the increase of Aids in the area access to clinics were vital. Both the elderly and the disabled groups indicated that hospitals are overcrowded and it sometimes takes an entire day to secure medical services.

However, a facility such as a clinic requires particular standards in terms of health because of the very nature of the service provided. It is therefore necessary for individuals to make applications to the Local Authority so that at the very least, health standards can be maintained

Creches

It was agreed that this use is allowed to operate freely within a residential area provided that it meets with some predetermined criteria for the purpose of protecting the health and safety of the children. Health and safety should be nonnegotiable issues in all uses within the system. It was the womens' group in particular who voiced the need for creches within the residential area. Many of the women were heads of their households and therefore had to engage in other activities to supplement their income. This meant that they were away from home for long periods of time. It was necessary for them to secure services of a creche to take care of their children.

In view of the fact that many of the women did not benefit from a schooling education, they were of the opinion that their children could be more intellectually stimulated in a creche than if they were left at home with other relatives. The only problem experienced the high fees that needed to be paid in view of the fact that many of them were low earning households. It was also proposed by these women that creches should be planned close to transport networks to eliminate the need to travel long distances between the creche and the taxi/bus stop.

Schools, Places of Worship and Community Halls

Although these were considered necessary uses within a residential area, it should be understood that there will be sites allocated to these uses distributed widely across the residential area. These

uses therefore should not be allowed to develop freely since there could be quite a mushrooming of such uses if no control is exercised in terms of its location. For example, it is acknowledged that it is important to have a Place of Worship site within a residential area. However there are so many religious denominations within a residential area and if all religious denominations are allowed to develop sites for their particular denomination, it will impact negatively upon the amenities of the neighbourhood. Such uses therefore warrant 'special consent' applications.

Generally the discussion from all groups around the formal uses were quite consistent, however, more discussion emanated from the list of informal uses and these will be discussed in greater detail under the particular groups.

8.3. INFORMAL USES

The different groups were quite vociferous as to how various uses impacted on them. While it was easier to categorise some uses under the headings of 'freely permitted', 'special consent' or 'prohibited', some of the uses were more difficult to categorise since within groups there were differences of opinion. The results obtained from discussion have been analysed and conclusions drawn based on comments made by the various community groups. Some of the uses were easy to classify in terms of whether the groups felt that it should be 'Freely Permitted' or 'Prohibited', however, for some of the uses there were differences of opinion and therefore does not fit into the above-mentioned categories. Where differences of opinion existed and where uses might have a potential negative impact on the amenities of the neighbourhood, it would be necessary to make applications for special consent so that communities can decide whether a particular use is appropriate or not for their communities.

Land Use Type	Freely Permitted	Development Permit	Conditional Permit	Prohibited Use
Tuckshop	♦			
Tavern			♦	
Salon		♦		
Panel Beaters				♦
Shoe Repairs	♦			
Telephone Kiosks	♦			
Taxi Rank				♦
Road Kiosks		♦		
Keeping Livestock			♦	
Cultural Practice	♦			

(A). Tuckshops

It has been concluded from discussions with all groups that tuckshops was most certainly a beneficial use to all sectors of the community and therefore should be a use that was freely permitted. It allows for maximum accessibility for children very often being on the same street. It increases safety for children who can purchase goods under the surveillance of their parents. Particularly beneficial to the elderly and the disabled as it is difficult for them to travel long distances to purchase much needed goods. It is therefore necessary to have such facilities close to home. It also offers goods on credit so that they are able to pay when they receive their pensions. Criminal elements around tuckshops sometimes make it unsafe for these to patronise it. It was therefore recommended that owners provide security.

The womens' group found Tuckshops to be more expensive than formal shops and therefore preferred shopping in the Town Centre and shopping centres. Others felt that Tuckshops provided a valuable service at irregular hours, that is, they open very early in the morning and close much later than formal shops. It was also suggested that it not be allowed to operate in close proximity to an existing shop or Tuckshop.

(B). Taverns

A difference of opinion existed within all groups in relation to taverns within residential areas. While certain members of groups highlighted the positive aspects of taverns within residential areas, there were others still who emphasized the negative aspects of taverns and were of the opinion that it should be a precluded use within residential areas. It is therefore important to be fair to both sets of groups by ensuring that a development application is made in respect of every tavern. This would give members of the community to raise objections if necessary and to set down the conditions for the operation of the tavern, for example, specifying the scale of the tavern and setting out the hours of operation. This will also provide community members to be aware of the conditions set and to monitor the use and ensure compliance with the conditions.

The caretakers of children felt that having alcohol being sold in their area has a negative influence on the children since the behaviour of drunken adults can cause children to imitate such behaviour and grow up thinking it is socially acceptable behaviour. Groups which included the elderly, the women and the disabled were of the opinion that it attracted outsiders to make noise in their areas which threatened their safety as particularly vulnerable groups unable to defend themselves. They also felt that the sale of alcohol within a residential area was dangerous as it often resulted in the breakdown of the family unit. The women also felt that Taverns within residential areas meant

that their children start experimenting with the use of alcohol at an early age having easy access to it. It is then difficult for them to discipline their children at a later stage.

Owners of taverns within the group, however, felt that it was a profitable business as it helped generate additional income. In view of the fact that they are disabled, difficult for them to secure employment as they are still discriminated against in the workplace. In the light of this groups agreed that such a use should be controlled in terms of its hours of operation (17h00 -10h00p.m) as well as its scale of operation (only allowed at a small scale). The groups also felt that security should be provided at taverns, however, the owners felt that the income generated was not enough to pay for security as well.

Positive

The men, especially the elderly and the disabled, found Taverns to be a particularly beneficial use within residential areas as it is difficult for them to travel long distances to get alcohol. They also felt that individuals should be allowed to purchase alcohol from a tavern, however, it should operate as a takeaway. People should not be allowed to drink from the premises. This would prevent it from interfering with the amenities of the neighbourhood.

(C). Hairdressing Salon

All groups were in agreement that a hairdressing salon was a beneficial use to all. However, a development permit should be obtained so that the scale of the operation could be controlled and monitored. A salon is neither a traffic generator nor an obtrusive use and therefore does not impact negatively on the amenities of the neighbourhood. The promotion of local economic development as well as employment creation is certainly an added benefit.

The caretakers of children felt that while a salon is a use that will be beneficial to the community, however, some control should be exercised on the ages of children that are allowed to have different hairstyles. Children of school going age should be discouraged from having fancy hairstyles and if hair salons are close to their homes, it will be difficult for parents to prevent them from doing so.

The elderly and the disabled groups also thought it a beneficial use within their areas as it is difficult for them to travel long distances to get a haircut. Also home salons are cheaper than those at large shopping centres, this is particularly useful for them as they cannot afford to pay a lot on their minimal pensions.

The women felt that they needed to beautify themselves and make themselves attractive at all times, however, the exorbitant prices charged at salons within the City Centre and shopping malls made this difficult. Salons also create job opportunities for both women and the disabled as they do not require high levels of skill to perform such tasks as washing hair or sweeping the salon.

(D). Panel Beaters

All groups were in agreements that panel beaters are causes of both noise and air pollution. Such a use is not necessary for meeting the daily and basic needs of residents within a residential area and should therefore be confined to business or industrial areas.

It was considered dangerous to children, fumes can cause pollution which can cause ill-health to children who are vulnerable to illness and disease. The dangerous equipment can affect the safety of children, for example, a blowlamp can be blinding if precautions are not taken. The dangerous chemicals used can also be harmful to children

The elderly and the disabled groups also considered it to be a health hazard. The panel beaters themselves wear masks to protect them from the dangerous fumes, however, no consideration is given to other residents within their area.

(E). Shoe Repairs/Sewing

It was agreed that these were uses that would not interfere with the amenities of the neighbourhood and were most certainly uses that the community could benefit from and should therefore be freely permitted within the residential area. Both these uses would also help to promote local economic development and help create employment opportunities for individuals in the neighbourhood. Useful and beneficial to children and the disabled groups since they damage their shoes easily. This facility can help children to have their shoes repaired as soon as possible. Shoes are expensive commodities which cannot be bought on a regular basis. It is therefore more affordable for them to have their shoes repaired and even more convenient if it is within their areas.

Sewing

Older people and disabled people find great difficulty securing employment elsewhere, easier for them to work from home. Small scale manufacturers from home assists' people to secure employment. It is also cheaper for them to buy clothing from small scale manufacturers as opposed larger shops in malls and within the CBD. Sewing is an easy skill to learn, therefore easier to secure employment as well as generate additional income

(F). Telephone Kiosks

This was considered as use that was essential in the area. Inanda consists of low earning households and very few individuals can afford to have their own telephones. Having such a facility close to their homes would definitely benefit all sectors of the community, the elderly and the disabled in particular.

It is particularly useful for children to contact their parents and other emergency numbers like the police and the ambulance services. The elderly and the disabled find it more affordable to them, than having their own phones, which they cannot afford on the meagre pensions. The illiterate individuals find it easier for them to phone than to write letters to friends and relatives. The disabled experience great difficulty in standing in long queues in supermarkets. The owners of the kiosks are often more sensitive to the plight of the disabled than owners of formal shops.

(G). Taxi Ranks

While all groups agreed that having access to taxis most certainly increased their mobility, it does not necessarily mean that you need to have a taxi rank within your residential area in order to get access to a taxi. Having taxi lay-byes well distributed throughout the residential area would serve the same purpose. In the light of the negative comments made about taxi ranks such as the violence, recently becoming a significant phenomenon, it was agreed that a rank should be a prohibited use within a residential area.

Taxi Ranks are not good for children since drivers are vulgar and often violent, children can imitate such behaviour. The elderly and the disabled need to go to clinics and hospitals and therefore cannot walk long distances to catch a taxi. Owners are sensitive to the plight of the disabled as taxis drop them off closer to their destination than buses. The elderly and disabled often need to secure services outside of their areas such as medical, social and recreational purposes and having taxis close to their homes allows them to travel to their destinations with ease.

(H). Road Kiosks

While it was agreed that road kiosks are essential uses, development permits are necessary to ensure that health standards are maintained and that the scale of the operation is controlled.

The women found this use particularly beneficial as it improves accessibility and assists them in meeting their daily requirements in terms of fresh produce required for their cooking purposes.

It also provides income generating opportunities close to home, for example, urban agriculture is encouraged to promote Local Economic Development within their areas and also do not have to travel far to access markets if they are allowed to sell their produce at these kiosks. It eliminates the need to travel long distances and spend large amounts of money just to purchase small quantities of goods. The disabled individuals found supermarkets to be often very busy and not user friendly to the disabled. They not given preference to their more abled counterparts and they experienced difficulty standing long queues.

(I). Keeping Livestock

There was a difference of opinion in relation to the keeping of livestock. Some individuals felt that it should be confined to rural areas since it caused pollution and had the potential to become a nuisance to neighbouring properties. There were others still who felt that certain types of livestock, for example, fowls were acceptable within residential areas as it was of a smaller scale and could be more easily controlled than cows or sheep. It would therefore be necessary to make an application for special consent so that communities would be given an opportunity to express either their approval or discontent with the application and also be given an opportunity to set appropriate conditions.

The women were of the opinion that it helped them to generate wealth. Within the African culture if you have livestock, you are considered wealthy and accorded respect. Also, their culture makes it necessary to slaughter livestock during certain practices. Such livestock are expensive to purchase. Therefore if they were to breed such livestock, it will make it readily available for such practices. African families also need to pay 'Lobola' for their future wives, being expensive and not having it readily available means that a large number of women have to be single as a result of this which means that African men do not accept responsibility for their families.

(J). Cultural Practices

Majority of individuals in the groups were of the opinion that as African people their culture was very important to them. They should therefore be given an opportunity to express their culture in a manner that they saw fit provided it did not impinge on the rights of their neighbours. Such a use should therefore be freely permitted within the residential area. They felt that it set examples for certain practices, for example, the prayer that is given for Virgins will encourage other girls their ages to remain virgins in order for them to gain the respect of the community.

Some individuals did not encourage cultural practices within residential areas as they felt that everybody is of different religious and cultural backgrounds. Such practices could lead to

neighbourly disputes. Others, however, were of the opinion that within residential areas whatever happens with your boundaries should be respected by others and is the business of the owners of the property.

(K). Entertainment Facilities

The youth thought it was important for them to have recreational facilities within their areas such as Tennis Courts, Swimming Pools and Libraries. In addition, it was important for them to also have Games Machines that usually operate within the Garages of residential properties. This was important as it kept the youth off the street and therefore prevents from getting involved in criminal activities.

8.4. INFORMAL BUSINESS

This group consisted of both the informal businesses that had made applications to the relevant authority as well as those who had not made applications. Out of sixteen members in the group, only four (25%) individuals had made formal applications. The owners of various types of businesses were contacted, namely, tuckshops; taverns; panel beaters; shoe repairs; road kiosks etc. The questions posed at the sessions conducted with businessmen were different from the other groups. The focuses of these sessions were more on the problems they experienced with current land use management systems in relation to their business and what they would expect from such a system in helping them to thrive in their businesses as well promote local economic development. Some of the problems experienced were as follows:

(A). Restrictive Regulations

The labourious procedures involved in making applications were the fundamental reason that prevented many of the individuals from making formal applications. Information about the necessary procedures and steps that needed to be followed was not widely publicised and many of them were not educated on such procedures.

(B). Ad hoc Decision-making

Individuals that had made applications complained that no coherent system of decision-making existed. The Township Manager made decisions based on his own perceptions and opinions and did not allow for consultation with the community or follow a systematic procedure. Their only link with the key decision-makers was through the Township Manager who they felt was not in a position to communicate their needs in relation to their applications accurately.

(C). Limited Land Available

In Inanda, the most significant problem experienced by residents is the lack of availability of suitable land whereon they could conduct their business. This forced them to conduct their businesses from their homes.

(D). Limited Resources Available

The individuals within this group were not wealthy businessmen who drove fancy cars and lived in big houses. Each of the members of the group had started their business due to unemployment caused by retrenchment, disability or the poor economic climate. Many of them also had a low level of skills and their only means of survival was through these informal businesses. However, it was difficult for them to understand and keep up with the standards contained in and prescribed by the regulations.

These were some of the problems highlighted during discussion that was relevant to the study. Some of the other problems mentioned were: unfair tender procedures; not having access to credit facilities etc. What did emerge, however, is that many of the individuals were unhappy with the fact that their businesses were not formalised. They proposed that the application procedure should be more simplified to enable them to make their applications with ease.

8.5. PARTICIPATION IN LAND USE PLANNING

In terms of participation in Land Use Planning, all individuals were of the opinion that they needed to become more actively involved in land use planning decisions. From workshops conducted with the groups the following observations and recommendations were made:

8.4.1. Lack of Knowledge of the Land Use Management system

It was discovered that the individuals within the various groups lacked knowledge on the Land Use Management system itself in terms of what they were allowed to do and not do within their residential properties. They lacked knowledge on the system operating within their own area, the procedures involved if they needed to establish a creche, who should they contact if they were aggrieved by any uses (example, taverns) currently operating in their areas.

8.4.2. Capacity Building

What is important then for municipalities, is to start building the capacity of communities in terms of various aspects of the land use management system. This would involve conducting workshops with communities educating them about their rights within their residential areas in terms of land uses, the types of uses that were freely permitted and those that were prohibited.

They should also be educated on the procedures that were necessary to follow if they wished to apply for special consent for any particular use. The Province of KwaZulu Natal is presented with a unique opportunity to start afresh in terms of educating the various constituencies of the Province. It is important that prior to approving the Draft Land Use Study proposal as the applicable legislation within the Province, the Document needs to be workshopped with communities and the document should be revised based on the current realities of the communities at large. Individuals need to be educated on the different systems and they should be allowed to exercise some discretion as to whether their conditions warrant a Simplified Town Planning Scheme, a Comprehensive Town Planning Scheme or whether they would like their areas to be established as a Development Code Area. In this way communities would be in a position to influence the policy that is introduced within their areas and there this would then meet with wider community acceptance and consequently fewer contraventions.

8.4.3. Community / Development Forums ✓

Communities acknowledged that they needed to work together. The question, however, that needed to be answered was who should be involved in land use decision-making? Can entire communities be involved in this process or should it involve a representation of the community? Firstly, all groups were in agreement that a Community/Development Forum needed to be established. This should be constituted of representatives from all sectors (Health, Sports and Recreation, Economic etc.) and the vulnerable groups in particular such as the Elderly, the Women, the Youth and the Disabled. The Forum should ensure wide scale representation from all communities within a given area. The groups were of the opinion that the Local Government Authorities should work with these community structures in making land use decisions that affect the community in view of the fact that these communities had more knowledge of the area of the area and therefore more in touch with dynamics existing in the area. They therefore are in a better position to make more informed decisions in relation to land uses.

8.4.4. Procedure

Having answered the question on who should be involved in such processes, the remaining question to be answered is How?. There are essentially two levels at which communities need to be involved:

(A). Policy Making Stage

Communities need to be actively involved at this stage. Even though they have limited knowledge and capacity to develop such policies on their own, they need to be assisted by the Local Authority. The KwaZulu Natal Land Use Study has up until this stage not taken communities'

perceptions into account in its' proposal, however, it still has the opportunity of taking the proposal to communities and getting popular acceptance of the proposals and recommendations. If communities are vehemently opposed to any particular aspect, it should be revised accordingly within the Draft Proposal. It is absolutely essential that communities understand the Proposal and it is widely accepted to prevent contraventions at a later stage.

The North and South Central Local Councils have recently established a Consultative Forum with representation from both Geographical areas, for example, Inanda; Umlazi; Chatsworth; KwaMashu etc. as well as representatives from different sectors, for example, Disabled; Youth; Women; Health and Welfare; Sport etc. The purpose of this forum is to serve as a vehicle for democratic participation and to provide a common platform from which constructive and strategic engagement on various issues affecting local governance can occur (for example, Local government Transformation, local economic development and land use management, etc.). It is also intended to increase opportunities for networking, learning and sharing of experiences between organs of civil society, thereby allowing greater integration and effectiveness in their operations. The Land Use Management proposal needs to be presented before such a Forum to ensure that the product has included a process of consultation and participation. What is also important is that the process will ensure that the following principles are embedded in the Land Use Management system: Inclusivity; Democracy and Gender-sensitivity as well as sensitivity to vulnerable groups such as the disabled, children, youth and the elderly.

(B). Development Application Stage

Not all applications need to be presented to Development/ Community Forums.

- The communities need to decide which are the uses that should be 'Freely permitted' within the areas and which are the uses that should be 'Prohibited'.
- They should then allow the Planning officials to make the necessary decisions on such applications according to what had been decided by themselves in the policy making stage.
- The only applications that need to be presented to the Development Community are the 'Special Consent' uses and those uses that would potentially impact negatively on the community such as the taverns, keeping of livestock, cultural practices etc. Essentially the 'grey area' of land uses that are not clearly defined in the Policy.
- The operation of home businesses with potentially negatives impacts on the community need to be monitored and controlled, however, ensuring that controls is balanced with the current economic reality and the need to promote small scale economic activity.

- With regard to home businesses including tuckshops and taverns, each site as needs to be inspected by a planning official and rated on a scale of 1-10 in terms of its' negative impact on the amenity.
- Specific criteria must be established for the rating system, through the involvement of both the Local Authority and the Development/Community Forum.
- For all sites which rate highly, that is, very negative to amenity for example, 7; 8; 9; 10, comment should be obtained from neighbours and a decision need to be made based on all the steps mentioned.

More research is needed as to the exact nature and form participation should take within the context of Land Use Management. It is not within the scope of this dissertation to provide details on the exact nature of participation but merely to emphasize its' importance based on the communities' perceptions. Research is needed for the purpose of developing appropriate mechanisms for participation. No doubt, participation is a complicated process, however, it would be erroneous to eliminate this very essential element in Land Use Planning.

8.6. CONCLUSION

This chapter has helped shed light on the experiences of various groups in relation to land uses within the area. The women, for example, were more opposed to taverns than men who saw it as a use that they could benefit from within a residential area. The women who were more mobile did not approve of tuckshops which they claimed were very expensive and preferred to shop at shopping centres or the Central Business District as opposed to the Disabled people with restricted mobility who thought that tuckshops were definitely a use that they benefited from as it eliminated the need to travel. The results contained in the above discussion will be compared with the recommendations made in the KwaZulu Natal Land Use Study and new proposals will be made accordingly in chapters to follow.

CHAPTER NINE RECOMMENDATIONS

9.1. INTRODUCTION

It is important to note that the KwaZulu Natal Provincial Administration acknowledged the need to articulate an approach to land use management as it is widely acknowledged that notwithstanding any statutory requirement to prepare performance criteria and controls for land usage, the existing vehicle of the Town Planning Scheme and its Regulations as well as the R1888 is inadequate to respond to and meet the changing and diverse demands of the planning, social, economic and political environment we find ourselves in. The Local Government Transition Act demands for municipalities to prepare Integrated Development Plans. The North and South Central Local Council had launched its' Integrated Development Plan (IDP) on the 7 November 1998. The IDP now has to be translated into Land Development Objectives from which a suitable Land Use Management Strategy should follow. For this purpose it was necessary first to summarise viewpoints on the existing system as well as the objectives of a suitable Land Use Management system and to eventually suggest a process that will set the System in motion.

9.2. OBJECTIVES OF THE PROPOSED LAND USE MANAGEMENT SYSTEM

In assessing the shopping list of objectives identified, from the research conducted for the purpose of this dissertation, the key issues that emerge in respect of what would be important for a Land Use Management strategy - is as follows: -

- ▶ Flexibility needs to be built into the system
- ▶ Discretion needs to be applied within the decision making process
- ▶ Promotion of appropriate development
- ▶ Promotion of safety and security
- ▶ Promotion of health and privacy
- ▶ The Land Use Management system needs to be user friendly
- ▶ The system should promote job creation and economic development
- ▶ Sustainability should be ensured at all times (particularly around densification and integration of land uses)
- ▶ The housing needs of people should be given priority
- ▶ Environmental issues should be built into the system
- ▶ Participation and Consultation should form integral elements of the system
- ▶ A stronger relationship should be developed between land use management and planning
- ▶ Conflict resolution processes should form part of the system particularly for contentious applications

- ▶ Effective enforcement should form part of the system to prevent unnecessary contraventions
- ▶ Nonnegotiables should be identified at the inception
- ▶ Uniqueness of areas to be catered for, with areas like Inanda, Umlazi very much in mind.

9.3. VIEWS ON THE EXISTING SYSTEMS

The existing Town Planning Scheme and its Regulations were critiqued by all the participants, within the context of this dissertation, from a perspective that it has played a significant role in managing City development.

The **positive** issues relating to the existing scheme were expressed in this process as follows:

- The Town Planning Scheme offers a high degree of protection to the broader community.
- It protects rights and preserves amenities of the neighbourhood.
- It is a structured approach that is part of a hierarchy of plans.
- The onus rests on an applicant to carry out preliminary tasks and therefore saves time.
- It offers a degree of certainty to the community.

The **negative** views around the existing Scheme can be summarised under the following broad areas: -

- ◆ The Town Planning Scheme is rigid, outmoded and inflexible.
- ◆ It involves time consuming and expensive procedures.
- ◆ A large gap exists between planning and management and a response to broad planning initiatives nonexistent.
- ◆ Involves a case of political intervention vs good planning, for example, Councillors who shout the loudest manage to get applications approved in their areas in order to gain political support.
- ◆ The Scheme does not address existing historical jurisdictional/legislative problems
- ◆ Results in an ad hoc approach often used to overcome inability to respond to change.
- ◆ There is a definite lack of a synergy between national, provincial and parastatals
- ◆ The institutional mechanisms that exist are inappropriate to meet the challenges of current development.

9.4. ANALYSIS OF RESULTS AGAINST PROPOSALS MADE BY THE KZNPA LAND USE MANAGEMENT STUDY

From an analysis of the results obtained from the research against the backdrop of the Proposals made by the Land Use Study commissioned by the Province, it can be concluded that the systems appropriate for Inanda will be the following:

- ◆ Land Use Code Area Two (Urban and Urbanising settlements)
- ◆ A Primary Town Planning Scheme in Urban areas
- ◆ A Comprehensive Town Planning Scheme in Urban areas

The above components of the system will take the form of a 'Layered' process. The Land Use Code Area Two will form the basic system that will be widely applied and is particularly applicable within the less formal areas and those areas that have been highly rural in character. As areas become more formalised, the second layer which consists of a Primary Town Planning Scheme will be applied. The third layer in the system will be the Comprehensive Town Planning Scheme which will apply in those formal areas which contain predominantly formal housing types and particularly close to other formal areas such as Phoenix.

9.4.1. Land Use Code Area Two

Inanda is a developing residential area which can be considered to be peri-urban and informal. In terms of its stronger relationship with the surrounding urban areas as well as the preferences of communities expressed in previous chapters, it needs to contain stronger and more stringent controls than rural areas.

Location Criteria

The ideal locations for Land Use Code Area Two are urban areas, urban fringes and rural growth areas.

Land Use Controls

Within the residential area freely permitted uses may be described as any land use, buildings and activities which relate to, and enhance, the residential use of the precinct for living, gardening and other subsistence or income generating activities, and which do not generate noise, pollution, traffic or general harmful effects within the precinct. For example, a tuckshop may be considered to be acceptable and therefore 'Freely permitted' whereas a panel beater may be considered unacceptable because of its' pollution generating nature and therefore 'Prohibited'. The 'Prohibited' use within residential precincts according to this Code Area includes taverns,

however, this is contrary to the opinion, certain members of the community have expressed in relation to taverns. In the interests of democracy, each application should be treated on its' own merit and therefore individuals should make applications for 'Special Consent' to give others members of the community to express their viewpoints in relation to this use.

Community Participation ✓

Community Participation forms an important element within this type of planning and indicates that the determination of guidelines and controls should vest in and be accepted by the particular community and should influence aspects such as the following as suggested by Smith, Von Riesen and Kahn, (1998):

- The types, ranges of uses and the extent of building activity in relation to each individual property or identifiable portion of land, permitting flexibility and facilitating an acceptable mix of building and land use activity,
- The physical development of each property so as to facilitate aesthetic requirements, harmonious development, observance of service and emergency requirements,
- the keeping of domestic animals and livestock,
- The slaughtering of animals and disposal of by-products,
- Disposal of effluent and control of such aspects as litter and community control mechanisms.

Institutional Arrangements

In Inanda, the Inanda Development Forum actively involved in promoting development in Inanda to date should be looked upon to fulfill the function of the formally constituted committee required within this Code. They are particularly sensitive to all vulnerable groups and have representation from the following groups: Women, Youth, Disabled, Elderly, Children and Informal Business. Their capacity building according to Smith, Von Riesen and Kahn, (1998) should include:

- Recording and approving the position of buildings and the use of the land;
- Monitoring adherence to, and Sustainability of building uses and resources and undertake remedial action where necessary;
- Undertaking awareness and education programmes especially in relation to new land use management systems adopted;
- Facilitating extension and training programmes;
- Interfacing with, and integrating, the cultural and customary practices of different communities; and
- making recommendations to the Responsible Authority

9.4.2. Primary Town Planning Scheme

The principle underlying the residential use within this level of Scheme Continuum is to provide mainly residential usage of both the formal types of dwellings and for the accommodation of shelter type housing in developing residential areas. It provides space for housing of all types and limits the number and magnitude of ancillary land use types to those that serve everyday needs.

9.4.3. Comprehensive Town Planning Scheme

(A). Residential Estate and Small Holdings [R.E.]

The intention of these zones is to create low-density residential and/or related small holding agricultural activities. A reasonable range of ancillary uses is permitted to protect low density residential/agricultural land use. In the view if the fact that large portions of Inanda is very rural in character, this particular zone will be applicable to such characteristics. The objective is to create the opportunity for people to avail themselves to a semi-rural style of living and yet be proximate to a full range of physical and social services that provide for local everyday employment and service needs.

(B). Residential Only [R.O.]

A zone where the primary land-use is residential with a limited number of ancillary uses which will have a non disruptive impact on the neighbourhood amenity and limited to those which will serve everyday needs.

(C). Low Impact Residential [L.R.] ✓

A zone which provides for a full range of housing types with ancillary uses limited to non disruptive services which are local and neighbourhood based and satisfy local demands and convenience. This would be particularly applicable to those areas of Inanda which are more formalised. Smith, Von Riesen and Kahn (1998), intended this type of zone for “corridor” type of developments along major roads, for example, this zone will be particularly useful along the MR93 (See Map Three)

(D). High Impact Residential Zone [H.R.] ✓

A zone which provides for the full range of housing types while also encouraging ancillary use for the broader community beyond the residential area concerned. This zone addresses all levels of accommodation and providing for a mix of non disruptive services and activities to cater for the broader community needs. This zone would be particularly appropriate within the Inanda Phoenix buffer [See Map Three]. It would serve the purpose of integrating the two communities as well as meet the needs of the broader North Central Local Council Area such as Phoenix,

KwaMashu, Inanda and Ntuzuma. This type of zone was intended for linear buffers around major nodes, industry and along major corridors (Smith, Von Riesen and Kahn, 1998). [See Map Three for all potential, existing and emerging Nodes and Corridors]

9.5. Comparison of Results with Proposal made by KwaZulu Natal Provincial Administration

D-Development Permit F-Freely Permitted C-Conditional Permit X-Prohibited

Land Use Type	Community Preference	Land Use Code Area Two	Primary Town Planning Scheme	Compr R.E	ehen Plan RO	sive ning LR	Town Scheme HR
School	D	F	-	C	C	C	D
Place of Worship	D	F	F	D	C	D	F
Clinic	D	F	-	D	C	C	F
Offices	D	D	C	D	C	D	D
Community Hall	D	F	X	X	C	D	F
Park	F	F	F	C	C	D	F
Creche	F	F	-	C	C	C	D
Restaurant	X	X	-	C	C	C	F
General Dealers	C	-	-	C	X	C	C
Take-away	X	-	C	C	X	C	C
Warehouse	X	-	X	-	-	-	-
Workshop	C	C	-	-	-	-	-
Carpentry	C	-	C	-	-	-	-
Motor Mechanics	X	-	-	-	-	-	-
Post Office	C	-	X	-	-	-	-
Doctors Surgery	F	-	C	C	C	C	C
Tuckshop	F	D	F	C	C	D	F
Tavern	C	X	X	C	X	C	D
Salon	D	D	D	F	F	F	F
Panel Beaters	X	X	X	-	-	-	-
Shoe Repairs	F	-	D	F	F	F	F
Telephone Kiosk	F	-	D	F	F	F	F
Taxi Rank	X	-	C	-	-	-	-
Road Kiosks	D	-	C	-	-	-	-
Keeping Livestock	C	D	-	-	-	-	-
Cultural Practice	F	F	-	-	-	-	-

It was considered a useful exercise to compare the results from the research conducted with the community with the example matrices provided within the three systems (Simple Town Planning Scheme, Comprehensive Town Planning Scheme and Land Use Code Area Two) [See Figures One Two and Three] proposed by the Land Use Study commissioned by Province. It should be noted that these matrices are merely examples and therefore do not contain controls of some of the uses of the list that had been presented to the community. This therefore accounts for the gaps evident in the table. A more comprehensive list needs to be developed taking into consideration the uniqueness of different areas.

This comparison reveals both similarities and differences in the controls in terms of what it considers to be 'Freely permitted', those uses that require 'Conditional Permits', 'Development Permits' and those uses that should be 'Prohibited'. An important observation made is that a high level of consistency exists between the uses the community prefers in their areas as well as those uses that the KZNPA's proposal allows in residential areas especially among the uses that are 'Freely Permitted', those that require 'Development Permits' as well as those that require 'Conditional Permit'. What needs to be understood that although communities may indicate uses to be 'Freely permitted' It is important to note from an analysis of the communities preferences with regard to uses they desire within their area, individuals in a community would desire all uses of convenience to be permitted within their area and at close range thereby eliminating the need to travel for resources and services. However, some discretion needs to be applied as to whether such uses need to be 'Freely permitted', 'Development Permit', 'Conditional Permit' and those that need to be 'Prohibited'. Such levels of control should be communicated to the community as well as the reason for the levels of control applied for each use.

An example of this is in reference to the use Place of Worship. Every member of the community would want a Place of Worship site at close range. Given the fact that Inanda is a fairly heterogenous society with different religious backgrounds it will be difficult to allow all religious groups to practice their varied religions freely from particular buildings in undesignated areas (other than the sites allocated in the Land Use Management system) as a Place of Worship within one area. Certain Places of Worship play loud music with noisy musical instruments. If there are several such buildings within one area with such practices the resulting impact would severely impact upon the amenities of the neighbourhood. This particular use therefore warrants at the very least a Development Permit so that a certain level of control is exercised with regard to this use. The same principle applies to Schools (other than Public Schools as allocated within the Land Use Management system) and Community Halls.

Further, differences exist between what members of a community wish to be 'Freely permitted' and what others wish to be 'Prohibited'. An example of the point of contention is the operation of Taverns. While some members of the Community (particularly the women, the disabled and the elderly) are of the opinion Taverns should be prohibited within a residential area, there are those (particularly the men) who think that they should be 'Freely permitted'. Also, there are specific differences that exist with reference to this particular use between the community preference and the proposal made by the Provinces' study. Community groups concluded that applications for Special Consent should be made for Taverns, however, the Land Use Code Area Two, the Simplified Town Planning Scheme, and the Residential Only Zone within the Comprehensive Town Planning Scheme considers it to be a 'Prohibited Use'.

These differences and similarities as observed in the above discussion would apply within any community in any given area. This therefore suggests that within all of the systems proposed above, communities in every area should be consulted on their preferences as well as uses that they would find tolerable and intolerable. All of the systems proposed within the study by Smith, Von Riesen and Kahn (1998) would therefore need to be presented to each community and fine tuned to meet with the preferences of that community.

9.6. PRINCIPLES FOR IMPLEMENTATION OF A SYSTEM

Arising out of the objectives of Land Use Management strategy and the negative and positive views on the existing scheme, the following principles were identified to guide the articulation of an approach.

1. The Land Use Management process should follow from the Integrated Development Plan process.
2. The Local Authority needs to channel and manage participation both on a City wide and geographical scale.
3. The process of establishing an appropriate Land Use Management should be driven by a strong champion within a Local Council area.
4. All significant role players (Officials, Councillors and Community) should inform the basic principles of Land Use Management.
5. A Steering Committee within each local council area should be formed with Representatives from relevant academia (for example, Architects and Town Planners),

Professional bodies (for example, South African Planning Institute), Councillors, Provincial representatives and Senior Officials (Town Planning, Environment and Transportation) from the Local Authority. The steering Committee should provide specialist input into the Land Use Management process.

6. A Working Group should also be established. This working group will be involved in the development of an appropriate Land Use Policy as well as be actively involved in its' implementation. This Working Group should include a broad spectrum of people who cuts across all people involved in spatial planning, for example (Transport and Environment) and should include officials from the Metropolitan Councils to ensure standardisation of systems across Metropolitan boundaries.
7. The working group should be assigned tasks that involve Research and Consultation. At the end of each milestone reached the findings should be communicated to the community for the purpose of both information sharing and receiving feedback on appropriate processes.
8. Other functions of the Working Group would also include the following tasks: -
 - The conditions of all areas should be assessed and the suitable approach for each of the areas needs to be developed. The unique circumstances of each of the areas need to be taken into consideration in the development of an appropriate Land Use Management system. A uniform, broad brush approach cannot be applied to all areas.
 - The impact of certain potentially contentious land uses, for example, Taverns, panel beaters require appropriate development of policies to offer a level of guidance when applications for such uses are made.
 - The spatial impacts of uses and the distances between much needed social, economic and recreational opportunities and residential areas will need to be looked at. This is necessary to ensure an even distribution of opportunities across the residential area. For example, even though a Creche has been identified as a much needed resource, it would not be considered feasible if every house on the street had a Creche. Some level of control would therefore need to be exercised to prevent such a situation.
 - Other legislation that impacts on Land Use Management will also need to be assessed. For example, the impact of Transportation legislation and Environmental legislation will need to build into the system.

09. The level of interaction (province, national government) should take place at the inception of the process to ensure standardisation of systems across such boundaries.
10. There is a definite need for skills training of all individuals required to implement the system to ensure greater levels of flexibility and discretion in decision making as well as a level of consistency in its' application.

Detailed issues that could be considered in the strategy are as follows:

- ▶ As part of the preparation of a local development plan, a revision of the Town Planning Scheme could introduce new development criteria.
- ▶ Formulation of local development/action plans that should incorporate community consultation - preparation of precinct plans particularly in Inanda can be seen as a solution.
- ▶ Emphasis to be placed on mixed uses based on matrix principle suggested by KZNPA's proposal
- ▶ The procedures proposed to process applications within a new system must be simplified.
- ▶ A five-year review of the system proposed is essential to ensure that it is relevant at all times as well as changing circumstances.

9.7. SUGGESTED PROCESS TO SET LAND USE MANAGEMENT SYSTEM IN GEAR FOR ALL AREAS WITHIN THE DURBAN METROPOLITAN AREA

In order to implement the Land Use Management strategy based on the principles and objectives of previous discussion, it will be necessary to divide the process into phases: -

Phase One

This phase is expected to be Research based and should involve in-depth investigations into all aspects of the Land Use Management system as well as those aspects that will possibly impact on the system and should include the following:

- * An investigation into the existing trends that shape development in each of the area, for

example the growth of home businesses.

- * All Legislation (For example, Transport and Environment legislation) that impact on Land Use Management
- * Collection of various types of data (Demographic data, social and economic characteristics, level of existing facilities etc.)
- * An analysis of the constraints that exist which will possibly impede the process
- * The proposed Land Use Management system needs to fit into the overall objectives and vision of the Spatial Plan as proposed in the Integrated Development Plan of each of the Local Councils within the Metropolitan area.

During this phase, and all phases to follow in achieving the above, consultation with the following would be essential: -

1. Politically elected Councillors within the Local Council area
2. Consultative Forum
3. Community Forums

Phase Two

This phase involves working out the broad policy guidelines and principles required to put in place an appropriate Land Use Management system.

- * The broad principles for a system for a system will need to be established, for example, flexibility, user friendliness and Sustainability.
- * The nonnegotiables of such a system need to be established, for example, health and safety.
- * A consultative basis needs to be developed, for example, a suitable consultation strategy needs to be put in place that will guide participation in the Land Use Management process.
- * Set a primary code as a starting point, in the case of Inanda the primary code refers to Land Use Code Area Two as defined in the KZNPA's proposal
- * Identify special case areas such as those areas that require special treatment for investment purposes, for example, in Inanda the MR93 [See Map Three and Seven] has been identified as having the potential of a local economic development "corridor" and therefore should be treated as a Special Case area.

Phase Three

This phase involves working out the finer details of the Land Use Management system and attempting to gearing more closely to meet the needs of individual communities.

- * The layering process (Land Use Code Area; Primary Town Planning Scheme and Comprehensive Town Planning Scheme) within each area needs to be defined and detailed. It may be decided that some areas operate with only a Primary Town Planning Scheme while the conditions in another area may warrant the implementation of a Comprehensive Town Planning Scheme. Others still may require different systems at different locations within a particular area.
- * Each Local Council area needs to set up appropriate management systems and procedures to be able to implement the new system.
- * Education and capacity building of both internal staff and communities to adapt and cope with new systems is absolutely essential. For example, staff at North and South Central Councils Land Use Management section are only capacitated to implement the regulations contained within the existing Town Planning Scheme. They would need to undergo a series of workshops to build their capacity to be able to build such concepts as flexibility and discretionary decision makings into their daily operations.

Phase Four

This phase is important in publicising and marketing newly developed Land Use Management systems.

- * The new system adopted would need to be widely advertising and publicised to ensure that all individuals within a Local Council area are made aware of the system.
- * The system needs to be marketed to ensure that it becomes widely owned by the community at large.
- * The land use management system adopted needs to be adopted by the Local Authority.
- * All stakeholders need to be educated about this adoption of the new system.
- * The new system needs to be legislated with the various spheres of Government [Local Government, Provincial Government and National Government]
- * The new system will need to be implemented at a local level.

Phase Five

- * The new system requires monitoring and evaluation to ensure that it continuously adapts to meet with changing realities.
- * Education on the system should be an ongoing process to ensure continuous understanding by all concerned.

9.8. CONCLUSION

It is therefore evident that the results obtained from the study commissioned by KZNPA does have broad relevance to the case study area of Inanda. However, it is essential that it is presented to the community for the purpose of fine-tuning it to the peculiarities and uniqueness of this area. Similarly, it can be concluded that the study also has relevance to other areas such as Umlazi, KwaMashu and Ntuzuma where similar conditions prevail. The process as suggested in the previous discussion needs to be followed in all communities to ensure that the uniqueness of each area is built into the system adopted for each of these areas. The proposals made by the KZNPA's study cannot be uniformly applied across the Province since the conditions within each of the Metropolitan areas differ so widely. Neither can it be uniformly applied within the Metropolitan area since the conditions within each Local Council area also differ widely. The need to fine tune the system to gear it towards the uniqueness of each community cannot be over emphasized.

CHAPTER TEN

CONCLUSION

10.1. Introduction

The viability and appropriateness of continuing to apply or simply modify the existing body of land-use policies and controls have been questioned both in this dissertation and the Land Use Management study commissioned by the KwaZulu Natal Provincial Administration. It has been recognised that a whole new look is required at how land use planning decisions are made and implemented. Both this dissertation and the Provinces' study have concluded that the existing controls, zoning, and related policies are no longer appropriate and have therefore proposed a new system which also includes elements of the old system to a certain extent. This new system enables us to properly reflect the new democratic reality in South Africa, and to an extent the governments' commitment to sound principles of governance and ethically responsible land use management.

10.2. Objectives of this Dissertation

This dissertation has set out to achieve the following objectives:

- 10.2.1. Investigate the criticisms levied at both the systems implemented in Inanda and Durban.
- 10.2.2. Identify the objectives and principles of future systems.
- 10.2.3. Investigate the uses that communities are prepared to live with/not live with and the reasons for these.
- 10.2.4. Reflect on the extent to which communities can participate in the process and at which stages.
- 10.2.5. An investigation into the system that would be appropriate for Inanda based on the proposal submitted by the KwaZulu Natal Provincial Administration study on "An appropriate Land Use Management system for KwaZulu Natal".

Each of the objectives listed above has been successfully met within this study. The following discussion is a very brief summary of these objectives.

10.2.1. Criticisms levied at existing systems

This dissertation concludes that both the Ex-DDA land use system and Durban's Town Planning Scheme is not appropriate the current development realities existing in Inanda. Inanda is a low income area with relatively low earning households. Both systems have been criticised for being

applied in a 'broad brush' manner. It also lacks diversity, is very prescriptive and control oriented. Further, these pieces of legislation have been criticised primarily for its inflexibility and thus inability to meet Society's changing requirements. The system is not user friendly and can be described for being reactive rather than proactive. For all of these reasons mentioned as well as those contained in previous discussion on criticism of the Scheme, it is safe to conclude that these systems are not appropriate for areas such as Inanda and it is therefore necessary to investigate the possibility of new systems.

10.2.2. Objectives and Characteristics of future systems

There was overall agreement that a new land use management system needs to be able to promote development and also ensure health and safety at all costs. A new system should also be a less prescriptive and a more flexible system. The system should be a unitary system where parameters are set by the local community and therefore appropriate to the local context. Taking into consideration the uniqueness of areas as well as participatory mechanisms need to be built into the system. The system should have maximum support to encourage compliance and the system should not be rigid in implementing its regulations but should allow for greater discretionary decision making.

10.2.3. Community preferences in uses they can live with/ not live with.

From research conducted with communities, it is evident that a high degree of tolerance exists in Inanda, a low income area. From the experience of the researcher in working in both areas like Inanda and Morningside; low income areas (Inanda) are far more tolerant in the different land uses they are prepared to live with as opposed to high income areas (Morningside). For example, while communities in Inanda will find it quite acceptable to live next door to a 'tavern', a community in Morningside will find such a use intolerable. The community of Inanda is prepared to live with most land uses except for those uses which generate noise and pollution and has the potential to affect their health negatively, for example, panel beaters. Many individuals are even prepared to live next to a tavern provided that some level of control is exercised in terms of its' operation, for example, its' hours of operation.

An interesting observation that can be made is that there are very subtle differences (if any) that exist among groups in terms of the uses that they are prepared to live with and not live with. The responses of the elderly and the disabled were very similar and the women and the caretakers of children were also very similar in their responses. The only use that men within the various groups were vociferous about were the 'taverns' which they wanted to be 'Freely permitted' as opposed to women who spoke out strongly against this use but eventually relented to imposing conditions

‘Conditional Permit’ on this use to ensure adequate control.

Conducting sessions with the various groups had been a thought provoking experience and some very interesting ideas and suggestions were made, certainly some that the researcher had not even thought about! This experience also provided the researcher with a unique opportunity of understanding the peculiarities of each of these groups. From this experience, the researcher has concluded that the people in Inanda are poor first before they are women, disabled and elderly and future land use management systems should take cognisance of this point.

10.2.4. Community Participation in Land Use Management systems ✓

It was not the intention of this dissertation to produce a sophisticated strategy that would indicate the nature and form of community participation within the context of land use management, merely to survey the attitudes of people towards participation and more especially within the context of Land Use Management. The results obtained within the dissertation emphasized the importance of participation within land use planning.

Ensuring that there are realistic and genuine opportunities for the community and stakeholders to participate in the formulation of the plans and policies which determine land use is a formidable challenge. There is often significant insecurity between politicians and officials about public participation, in that this has clear potential to lead to public demonstrations, acrimony, delays and conflict (Schwenke, 1997). From the research conducted there was an overwhelming support from all groups (Officials, Councillors, Community Forums and the Community) for Community Participation. It should, however, be recognised that those from historically disadvantaged backgrounds are now in unfamiliar territory since they were victims of the apartheid legacy and therefore previously excluded from decision making. It is important to start building the capacity of communities in terms of the various components of the land use management system. Education through workshops is therefore important. In this way communities would be in a position to influence the land use policy that is introduced within their areas. The researcher has also concluded that participation in land use management systems can take place at two stages; the ‘policy making stage’ and the ‘development application stage’.

There is a definite need for more research in developing practical measures of participation in land use management processes. No doubt this will not be an easy task and the levels of participation will vary from one community to the next, however, the need for participation cannot be overemphasized.

10.2.5. The appropriateness of the KwaZulu Natal Provincial Administration study within Inanda

In comparing the results obtained from the research conducted with the proposal made by the Provinces' study, a high degree of consistency is observed between the preferences of the community and the levels of control proposed by the study. There are some discrepancies between what needs to be 'freely permitted' and those uses which require 'conditional permits'. This points to the fact that these proposals need to be workshopped with the community to obtain a more accurate picture of the desired level of control. Each of the types of Land Use Management Mechanisms (Land Use Code Areas, Primary Town Planning Scheme and the Comprehensive Town Planning Scheme) proposed can also be successfully applied to Inanda since built into it are degrees of flexibility and discretion in decision making. It is also sensitive to the conditions prevailing in low income areas such as Inanda. This points to the fact that the proposal will also be relevant in other areas with similar conditions, for example, Umlazi, Ntuzuma, KwaDabeka etc.

10.3. IN CONCLUSION

The KwaZulu Natal provincial government wishes to adopt a new land use management system and has made specific proposals in this regard. This dissertation concludes that the proposals made have applicability to Inanda. Inanda is a relatively 'poor' area in comparison to other areas of the Durban Metropolitan area. It is 'poor' in terms of its' income levels, the provision of services and facilities, the predominant type of housing (highly informal development) among other reasons. Therefore, it is safe to conclude that if the proposal has applicability to an area like Inanda, then it is also applicable to other areas within the Durban Metropolitan area, however, the proposals made would need to be fine tuned to gear it towards the uniqueness of each area.

Once the new system has been adopted, its functioning will undoubtedly require adjustment. No new system will operate perfectly without such amendment. In this vein, it is strongly recommended that the new system adopted be accompanied by a strong component of monitoring to ensure that it is relevant to different environments with different circumstances and conditions as well over different points in time.

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Annexures

Annexure One: Questionnaire administered to Councillors, Inanda Development Forum and Consultants

LAND USE MANAGEMENT STUDY

Dear Respondent

A study is currently being conducted into finding an appropriate Land Use Management System for residential areas in Inanda. You are kindly requested to participate in this study by filling out the following questionnaire.

Background to study

Durban currently controls its land uses with the Town Planning Scheme. Through this system, large parcels of land are zoned for specific purposes (eg. Residential, Industrial etc.). The development of buildings are controlled through a system of Development Control which prescribes the distance you are expected to build from the road, the height of your buildings etc. Any person wishing to change such uses or requires relaxation in terms of the controls needs to make a development application to the Council. The previously disadvantaged areas of Inanda, Kwamashu and Umlazi etc operated without a Scheme. Inanda made use of the R1888 to guide its' land use system. It has been agreed that it would not be appropriate to extend the Town Planning Scheme to these areas for various reasons.

The Council is currently in the process of formulating a system that would be appropriate to these historically disadvantaged areas taking into account the peculiar characteristics of such areas. This study acknowledges that the needs and characteristics of various sectors (women, children, youth, disabled, elderly, informal business) are overlooked in the formulation of such systems and therefore wishes to research the extent to which existing systems impact on such sectors and how a new system can take into consideration the needs and peculiar characteristics of such groups.

Name: _____

Organisation: _____

Role in Relation to Development in Inanda : _____

Thank you for your co-operation !

RESEARCHER : MISS A.CHETTY

Question One :

Do you think that the existing Town Planning Scheme applicable within the historical areas of Durban is appropriate for areas such as Inanda, Umlazi, Kwamashu? Substantiate

Question Two :

Do you think that the existing system currently used in Inanda should continue/not continue? Why ?

Question Three:

What are some of the negative/ positive experiences your particular organisations has with the existing systems in attempting to promote development ?

Question Four :

What should the objectives/characteristics of an appropriate land use management system for Inanda contain?

Question Five:

What role do you think communities should play in the Land Use Management decision making process ?

Question Six :

What procedures do you think should govern Land Use Management Systems especially for historically disadvantaged areas?

Annexure Two: Questionnaire for Focus Group Discussions

The following questions were introduced to the various groups and discussion was encouraged around such questions. The questions were explained in the simplest manner and communicated to them in their home language.

Question One

What role do you think the community can play in developing appropriate Land use management systems and how?

Question Two:

Which of the following uses do you think should be Freely Permitted / Approved through Special Consent / Prohibited within Residential Areas in Inanda ?

List of Formal and Informal Uses

Use	Freely Permitted	Development Permit	Conditional Permit	Prohibited
School				
Places of Worship				
Clinics				
Creches				
Public Open Space				
General Dealers				
Doctors surgeries				
Community Halls				
Takeaways				
Restaurant				
Motor Mechanics				
Carpentry				
Workshop				
Post Office				
Offices				
Warehouse				
Tuckshop				
Tavern				
Salon				
Panel Beaters				
Shoe Repairs				
Telephone Kiosks				
Taxi Rank				
Road Kiosks				
Keeping Livestock				
Cultural Practice				

EXISTING SITUATION

A myriad of legislation relates to land in this period of transition. The former legislation assigns roles and responsibilities to the various tiers of government, and although the overall framework may have been repealed portions of the regulations are still enforce in KwaZulu Natal. Superimposed on this situation is new land legislation that assigns powers to the new tiers of local government to deal with land issues. This section is particularly concerned with those aspects of land use controls within the land legislation. The existing situation is analysed in terms of generic areas and creates a framework for assessing aspects of land use control or management.

GENERIC AREA	TOOL	LEGISLATION	CONTEXT	UNDERLYING PRINCIPLES	AGENTS	PROCEDURE	PARTICIPATION	TIMEFRAME
URBAN AREAS Town Planning Scheme Areas	Town Planning Schemes (TPS)	TPS are prepared and enacted in terms of the Town Planning Ordinance No. 27 of 1949, as amended.	Development and control of land within the Local Council boundary and where the TPS area of jurisdiction is applied.	<ul style="list-style-type: none"> Manage and control development in order to minimise negative externalities affecting the public interest. Zoning is based on the separation of land uses, particularly those regarded as conflictual. The opportunities for integrating land uses and providing mutually supportive uses tend to be minimal. In relation to non-conforming uses zoning is reactive and can reinforce a fixed urban structure if not frequently reviewed. The flexibility of the TPS is dependent on the range of land uses, intensities permitted and frequency of revisions. Legislation provides for a package of plans: structure plans, policy plans, and town planning schemes in order to create consistency between levels of planning, and a basis upon which to review town planning schemes. The TPS is based on predetermined standards and building regulations. 	<ul style="list-style-type: none"> The Act assigns power to the KwaZulu-Natal Premier or the Minister of Local Government and Housing. The Local Council are the first tier in processing and administering the application, until in the case of an appeal or a scheme amendment the KwaZulu-Natal Provincial Administration are required for final decisions. In some cases delegated authority has been given to the larger local authorities, such as the Durban Central, South and North Councils, Pietermaritzburg Council and Richards Bay Council. The maintenance and revision of the scheme requires technical expertise and in most cases, where the capacity and financial input are absent the scheme tends to become reactive to the market 	Applications are lodged, advertised and commented upon by the Local Council. Technical recommendations made to the Council by town planning staff, technicians, clerk or appointed consultants also occur at the local level. Amendments to the TPS, where delegated authority does not exist, are finalised and ratified at the provincial level.	Advertisement and procedures for objections and appeals built into the legislation.	The special consent procedure from submission of application through to a decision on the matter will take approximately three months, as opposed to six to nine months for a scheme amendment. Should there be an appeal the time will be extended to between six and nine months. Township establishment requires 18 months to two years and subdivision some three to nine months.
TRUST AREAS reclaimed townships	Land Use & Planning Regulations	Regulations for the Administration and Control of Townships in Black Areas R293 of 1962	Proclaimed township within former KwaZulu, i.e. Urban Areas on Tribal Authority Land	<ul style="list-style-type: none"> The legislation is based on creating a separate and parallel system for the administration and establishment of towns within the former KwaZulu. Regulation and control of development are explicit principles in the management of R293 townships. Mechanisms for land use control make use of a simplified version of TPS and zonings and tend to be prescriptive and inflexible. 	<ul style="list-style-type: none"> The Act assigns powers to the Premier and the KwaZulu-Natal Minister of Local Government and Housing. The application is lodged with the Township Manager who passes it onto the Department of Local Government and Housing (DLGH) for processing. DLGH are the responsible authority for approving township establishment. Due to the absence of technical expertise within the township administration consultants were appointed to assist with the planning and maintenance of these towns. 	The regulations permitting registration of leasehold and ownership still apply to R293 townships. The proposed layout is submitted to the DLGH through the township manager's office. Approval is done at a central level although recommendations are done locally.	Provisions relating to public comment and public notification are provided for in the legislation. Specific procedures relating to community participation in the legislation do not exist.	The provision for an indefinite extension of time beyond one month makes the approval process indefinite.
TRUST AREAS reclaimed townships	Land Use Regulations	Township Development Regulations for Townships R 1886 of 1990	Town set aside in terms of section 30(1) of the Black Local Authority Act No. 38 of 1927, i.e. urban land within the former trust townships.	<ul style="list-style-type: none"> Trust townships are administered through a parallel system of controlling development at the provincial level. As with other township establishment procedures, control is extended to these areas through the subdivision of land and simplified procedures that incorporate concepts from the TPS. The policy and procedures tend to be prescriptive and control orientated. 	<ul style="list-style-type: none"> The Act assigns power to the KwaZulu-Natal Premier or the Minister of Local Government and Housing. 	The conditions of establishment, layout and motivation are submitted to the DLGH and processed with a recommendation for the Minister to declare an approved township. A clause for amendment is allowed prior to the declaration.	Opportunities for objections and public notification procedures are made in the regulations.	A minimum of four months is required from the time of lodging the application to a Ministerial decision. There is scope for an extension of time where objections are lodged.
TRUST AREAS reclaimed townships	Township Establishment Regulations	Regulations for Township Establishment and Land Use R 1888 of 1990 Structure Plans, Town Planning	Town set aside in terms of section 30(1) of the Black Local Authority Act No. 38 of 1927, i.e. urban land	<ul style="list-style-type: none"> Development is controlled through the provisions within the town planning scheme, and is based on the separation of land uses into less than twenty discrete categories. These tend to be prescriptive and control orientated. The legislation is based on principle of creating a separate system to administer land held in trust. Although the regulations within and outside of the 	<ul style="list-style-type: none"> The Act assigns power to the KwaZulu-Natal Premier or the Minister of Local Government and Housing for those areas outside of the Tribal Authority boundaries, and to the Minister of Traditional Leaders and Environmental Affairs within Tribal Authority areas. 	The TPS is to be consistent with the structure plan. Scheme amendments occur at local government level.	Opportunities for objections and public notification procedures are made in the regulation.	The timeframe allows for time extensions and in practice the approval period is unlimited.

WORKING DRAFT

		Schemes	within the former trust towns	former KwaZulu are still applicable, the separate land registration system has now been incorporated into the Deeds Registry in Pietermaritzburg.	<ul style="list-style-type: none"> Chapter 2 makes provision for planning officer to provide additional capacity for the implementation of the regulations. The planning officer, the Local Council and regional representative are the primary agents and the DLGH 			
URBAN AREAS Cinar	Township Establishment	Less Formal Township Establishment Act No. 113 of 1991	Provides for shortened procedures for designation, provision and development of land for less formal forms of residential settlement.	<ul style="list-style-type: none"> Facilitate fast track housing delivery through the provision of simplified procedures. Flexible enough to accommodate people with an urgent need for land by allowing them to settled in an informal manner on state owned land (Ch1). All applications in Natal are processed through the Ch1 route. Responsibility to manage land use is delegated to the lowest level of local government, although final approval is made at the provincial level. 	<ul style="list-style-type: none"> Although the legislation relates to the National Department of Agriculture and Land Affairs, the powers are delegated to the KwaZulu Minister of Local Government and Housing. The DLGH processes the application and co-ordinates input from the Local Council. 	Following the preparation of the layout and application the DLGH process the application by circulating it to the various departments and the Local Council where it exists. The memorandum for the recommended decision is prepared and final approval is published in the gazette	Although no statutory route for objections exists, the approval is dependent on community support for the development.	In order to save time the application is not formally advertised. The power to lift any legislation that may slow the approval exists as a mechanism to speed up approval. Ch 2 allows for fast tracking approvals.
URBAN AREAS Cinar	Township Establishment	Upgrading of Land Tenure Rights Act No. 112 of 1991	The legislation provides for the upgrading and conversion of lesser forms of tenure into full ownership. Can be applied to areas where a general plan or lesser forms of title, such as leasehold, deeds of grant, quitrent, and PTO certificates exist both within and outside of formal urban townships.	<ul style="list-style-type: none"> The policy and procedures are enabling and development orientated. The legislation is flexible and pragmatic in terms of facilitating the incorporates lesser forms of tenure into existing land tenure systems. It is assumed that privatisation in the form of freehold tenure yields positive results in the broader interests of the community. 	<ul style="list-style-type: none"> Powers remain with the national Department of Agriculture and Land Affairs and are not delegated to KwaZulu-Natal. The Act requires that land be surveyed for the preparation of a diagram and title registered by the Deeds Registrar 	Applications are lodged with the Department of Agriculture and Land Affairs in their regional and national offices. The legislation allows for the updating of existing land registry if the land is already surveyed. If the land is unsurveyed then township establishment procedures are followed.	Community consultation is required in the legislation. A form of appeal exists although there is no consultative and dispute resolution mechanisms. Ch 4 allows for the formalisation of townships and this is a township establishment route in itself.	The intention of the legislation is to speed up the upgrading and conversion of lesser tenure rights.
URBAN AREAS Other	Local Development Plans	Development Facilitation Act No. 67 of 1995	The legislation provides for urban and rural land development procedures.	<ul style="list-style-type: none"> Facilitate the implementation of land projects in line with RDP principles through providing mechanisms to speed up delivery through development tribunals. The policy and procedures are enabling and development orientated. The Act is proactive in terms of linking development to local economic objectives, and by providing principles to guide land development. In this respect development is guided by its ability to response to local development objectives (LDOs) as opposed to controlling development. Provision to streamline duplication by providing for uniform procedures for the subdivision and development of land at all levels of government. Integrated approach for development by including geotechnical and environmental evaluations, integrating community needs into development. These are ensured by linking development to LDOs. 	<ul style="list-style-type: none"> Powers are assigned to the national Department of Agriculture and Land Affairs and Department of Housing, but not to Provincial Ministers. Development and Planning Commission, Development Tribunal and Appeals Tribunal create national and provincial forums to hear development area applications and have the power to decide on conflict over land development. 	Land development procedures include submitting land development application to the tribunal following the public notification procedure, consideration by the tribunal and imposition of conditions thereto. The Act allows for recourse to the Appeals Tribunal.	Communities affected by land development are required to participate in the land development process. The intention of the act is to empower disadvantaged communities by developing skills in the process.	There is a fast track element to the tribunals.
URBAN AREAS Other	Integrated Development Plans	Proposed Planning and Development Act for	The Act provides for a framework that integrates	<ul style="list-style-type: none"> The policy and procedures are enabling and development orientated. Principle of provincial autonomy relates to regulating matters around human resources, land 	<ul style="list-style-type: none"> Planning and Development Commission responsible for co-ordinating planning in KwaZulu-Natal. 	Provides for procedures for preparing, rescinding, altering and amending development plans.	The act assigns responsibilities to various bodies to facilitate and	Intention is to rationalise and streamline procedures for land

		KwaZulu Natal	legislation that applied to the former areas of KwaZulu and Natal.	<ul style="list-style-type: none"> and other physical resources. The legislation provides for a co-ordinated decision making framework. The integrated approach deals with the sustained use of resources, protection of the environment and rehabilitation of degraded areas and systems. 	<ul style="list-style-type: none"> The tiers of local government relate to the level of planning and preparation of development plans by Regional Councils, Metropolitan Councils, and Local Councils. The Act allows for recourse to the Appeal Tribunal to deal with appeals. 	converting existing plans and development applications in conflict with development plans.	involve people in planning and development. Procedures for public notification, objections and appeals are included in the legislation.	subdivision. This is the first attempt at unitary legislation in the province and is linked to the repeal of other township establishment procedures.
URBAN Other	Land Availability	Restitution of Land Rights Act No. 22 of 1994	The legislation seeks to address those communities disposed of urban and rural land after 1913 through racially based legislation.	<ul style="list-style-type: none"> The policy and procedures are enabling and development orientated. Principle of redressing apartheid land claims by creating a mechanism to facilitate land restitution, redistribution and delivery of land tenure. 	<ul style="list-style-type: none"> Department of Agriculture and Land Affairs 	Land Claim Courts have been set up to hear applications for land restitution and compensation.	CHECK	CHECK
GENERIC AREA	TOOL	LEGISLATION	CONTEXT	UNDERLYING PRINCIPLES	AGENTS	PROCEDURE	PARTICIPATION	TIMEFRAME
RURAL Commercial Farming	Township Establishment	Certain Land for Settlement Act No. 126 of 1993	Delivery of tenure to the landless within unproclaimed settlements, with the assistance of the state.	<ul style="list-style-type: none"> The policy and procedures are enabling and development orientated. Facilitates development by focusing on implementation, e.g. makes allowance for subsidy in order to assist in implementation. Promotes a mix of land uses and forms of tenure in rural area, e.g. the intention is to provide people with access to land for productive purposes, not only residential land uses. 	The act assigns power to the National Minister of Agriculture and Land Affairs to facilitate the subdivision and acquisition of designated land.	Applications are lodged with the Department of Agriculture and Land Affairs in their regional and national offices. Following a request and evaluation of the need for land, the administrator publishes the intention to designate land, imposes conditions, considers representations and may then designate the land. Plans are drawn up for approval, where after the subdivisions are lodged with the surveyor general.	Participation is limited to public notification procedures. These are required to prior to designation.	The intention of the act is to allow for swift development of land.
RURAL Commercial Farming	Township Establishment	Subdivision of Agricultural Land Act No. 70 of 1970	Applicable to agricultural land, even within metropolitan and Local Council areas, that is required to be released for development.	<ul style="list-style-type: none"> Providing control over agricultural assets, and is not inherently holistic in determining the need for non-agricultural uses. It is often reactive to demand. 	<ul style="list-style-type: none"> National Department of Agriculture and Land Affairs. 	Applications are lodged with the Department of Agriculture and Land Affairs in their regional and national offices.	Not specified within the Act	Not specified within the Act
RURAL Intervention Areas	Limited development areas	Environmental Conservation Act No. 73 of 1989	The legislation provides for the protection and controlled use of the environment.	<ul style="list-style-type: none"> Legislation provides for determining policy guidelines for those activities deemed to be detrimental to the interests of the environment. Negative externalities are controlled through penalties. Appropriate activities to limited development areas are controlled. 	Department of Environmental Affairs, with ministerial discretion to administer control. Powers are assigned to the province in order to deal with limited development areas.	CHECK	Not specified within the Act	Not specified within the Act
RURAL Intervention Areas	Limited development areas	Environmental Conservation Amendment Act No. 52 of 1994	The former act is amended in terms of the participation on the Environmental Co-ordinating Committee, as well as setting out provisions	<ul style="list-style-type: none"> Legislation provides for determining policy guidelines for those activities deemed to be detrimental to the interests of the environment. 	Powers are assigned to the Minister of Environmental Affairs and Tourism	CHECK	Not specified within the Act	Not specified within the Act

			for the regulation of International Conventions and Treaties.					
RURAL Conservation Areas	Establishing nature reserves	Nature Conservation Ordinance No. 21 of 1981	Establishing nature reserves on private and state owned land	<ul style="list-style-type: none"> The natural environment is conceptualised as separate from human activities. Human activities are viewed as externalities requiring control. 	<ul style="list-style-type: none"> Nature reserves are administered by the KwaZulu-Natal Conservation, and legislatively fall under the KwaZulu Natal Provincial Administration. 		Not specified within the Act	Not specified within the Act
RURAL Conservation Areas	Establishing nature reserves	KwaZulu Nature Conservation Act No. 29 of 1992	Consolidate laws relating to nature conservation	<ul style="list-style-type: none"> The natural environment is conceptualised as separate from human activities, and as such all activities relating to human impacts require control. 	<ul style="list-style-type: none"> The administration of this act is assigned to the KwaZulu Minister of Environmental Affairs. 	The Minister proclaims a reserve through a proclamation in the government gazette.	Participation in declaring a nature reserve is not provided for in the legislation.	No timeframe is specified.
RURAL Tribal Areas	Township Establishment	KwaZulu Land Affairs Act No. 11 of 1994	Provides for the disposal of state land, access to tenure and township establishment	<ul style="list-style-type: none"> Legislation is based on creating autonomy on matter related to land in KwaZulu by maintaining parallel planning procedures. Mechanisms for land use control make use of a simplified version of TPS and zonings and tend to be prescriptive and control orientated. 	<ul style="list-style-type: none"> The Act does not assign powers to the Premier. These remain with the National Department of Agriculture and Land Affairs. 	Approval of a township is accompanied by conditions made known by the Government Gazette.	Not specified within the Act	No timeframe is specified.
RURAL Tribal Areas	Township Establishment Procedures	Amakhosi Iziphakanyiswa Act No. 9 of 1991	Provides for the establishment of tribal and regional authorities	<ul style="list-style-type: none"> Legislation is based on a recognition of customary Zulu law as a legitimate form of government. The Act provides for a specific procedure for dealing with land within the Tribal Authority area of jurisdiction. 	<ul style="list-style-type: none"> Powers are assigned to the Provincial Administration CHECK 	The agents are not specified within the Act other than the responsibility for land development and use rests with the regional authority.	All community involvement is directed through the relevant tribal structure.	Not specified within the Act
RURAL Tribal Areas	Township Establishment	KwaZulu Natal Ingonyama Trust Amendment Act No. 9 of 1997	Provides for functions and powers related to the Ingonyama Trust, and matters related thereto.	<ul style="list-style-type: none"> Legislation is based on maintaining provincial autonomy on matters related to Tribal Authority land in KwaZulu-Natal, with the intention of preserving communal rights. 	<ul style="list-style-type: none"> National Department of Land Affairs Powers are assigned to the Ingonyama for approval and the KwaZulu-Natal Minister of Local Government and Housing. 	Land Development must comply with the traditional leaders and ultimately the trustee of the land, Ingonyama.	All community involvement is directed through the relevant tribal structure.	Not specified within the Act
RURAL Tribal Areas	Township Establishment	Less Formal Township Establishment Act No. 113 of 1991	Provides for shortened procedures for designation, provision and development of land for less formal forms of residential settlement.	<ul style="list-style-type: none"> The policy and procedures are enabling and development orientated. Facilitate fast track housing delivery through the provision of simplified procedures. The Act is flexible enough to accommodate people with an urgent need for land by allowing them to settle in an informal manner on Tribal Authority or communally owned land (Ch 3). Responsibility to manage land use is delegated to the lowest level of local government. 	<ul style="list-style-type: none"> Although the legislation relates to the National Department of Agriculture and Land Affairs, the powers are delegated to the KwaZulu Minister of Local Government and Housing. The DLGH process the application and co-ordinate input from the Local Council. 	Following the preparation of the layout and application the DLGH process the application by circulating it to the various departments and the Local Council where it exists. The memorandum for the recommended decision is prepared and final approval is published in the gazette.	Although no statutory route for objections exists, the approval is dependent on community support for the development.	In order to save time the application is not formally advertised. The power to lift any legislation that may slow the approval exists as a mechanism to speed up approval.
RURAL Trust Areas	Land Regulations	Black Areas Land Regulations R188 of 1969	The Regulations relate to the provision of tenure in the form of freehold tenure, commonage, quitrent tenure and permission to occupy	<ul style="list-style-type: none"> The legislation is based on creating a separate and parallel system for the administration of land within the former KwaZulu. 	The Act assigns powers to the Premier or Minister of Local Government and Housing, for those areas not within Tribal Authorities.	Applications are lodged with the DLGH for processing.	Consultation with the Tribal Authority or community is required prior to the survey of new arable and residential lots. An appeals process is included within the legislation.	Not specified within the Act
RURAL Other	Land Availability	Restitution of Land Rights Act No. 22 of	The legislation seeks to address those	<ul style="list-style-type: none"> The policy and procedures are enabling and development orientated. Principle of redressing apartheid land claims by 	<ul style="list-style-type: none"> Department of Agriculture and Land Affairs 	Land Claim Courts have been set up to hear applications for land		

		1994	communities disposed of urban and rural land after 1913 through racially based legislation.	creating a mechanism to facilitate land restitution, redistribution and delivery of land tenure.		restitution and compensation.		
GENERIC AREA	TOOL	LEGISLATION	CONTEXT	UNDERLYING PRINCIPLES	AGENTS	PROCEDURE	PARTICIPATION	TIMEFRAME
Development and Services Board Development Areas		Town Planning Ordinance No. 27 of 1949, as amended. Development Services Board Ordinance No. 20 of 1941.	Part 1 of the Ordinance deals with Development Areas.	<ul style="list-style-type: none"> The explicit aim of the legislation is to manage regulate and control of matters related to health. 	Development and Services Board	An area within a District Council is declared a Development Area by defining the boundaries, naming the area and having the Minister proclaim it as such in the Gazette.	The Ordinance makes provision for notices to be served upon owners and occupants of land.	Not specified within the Act. CHECK
Development and Services Board Regulated Areas		Town Planning Ordinance No. 27 of 1949, as amended. Development Services Board Ordinance No. 20 of 1941.	Part 2 of the Ordinance makes provisions for Regulated Areas.	<ul style="list-style-type: none"> The explicit aim of the legislation is to manage regulate and control of matters related to health. 	Development and Services Board	An area is declared a regulated area by the Minister if a need exists to manage, regulate and control any aspect relating to public health.	Not specifically mentioned within the Act	Not specified within the Act. CHECK

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Annexure Four: Proceedings of Workshop held with Planning Officials Of all Councils within the Durban Metropolitan Area and KwaZulu Natal Provincial Administration

(A). OBJECTIVES OF A LAND USE MANAGEMENT SYSTEM

A comprehensive list of objectives

- Clear representation on environmental issues - Management system/framework needs to be established that addresses issues, both City wide and specific areas.
- Create jobs and promote economic development.
- Zoning must cater lesser for commercial activities.
- Land use conflict management process - appropriate and effective conflict resolving process on decisions made
- Promotion of appropriate development with regard to safety and security and promote confidence in development.
- Introduction of flexibility in the system.
- System to be user friendly and have the ability to be easily accessible. User friendly to both the Council and its users.
- Sensitive to public safety with special regard to traffic issues.
- Process that allows trade-offs in terms of the following aspects :-
sectoral
sustainability of the system :
integration - densification
- infiltration
- Safety, health and privacy to be secure at all costs.
- Ensure the availability of land for low income housing as well as compatibility of land uses
- System should introduce participatory mechanisms.
- Ability to optimise the use of infrastructure.
- Integration of land use management and development planning.
- Must accommodate all other land related legislation, for example, transportation , environment legislation etc.
- To address issues of relationship between open space and built-up environments - (recreational facilities).
- To address issues of enhanced values.
- Sensitive to women's needs and differently abled people.
- Have an effective reviewing process to ensure that land use management is consistently responding to development trends
- Unitary system where parameters are set by the local community and should be appropriate to local context.
- A less prescriptive and more flexible system.
- Certain areas/zones to be firm in respect of being public good (public frequented areas).
- System to be enforceable and should have the resources to be enforced.

- To have a effective Enforcement Section to follow up on approval and illegal uses.
 - To recognise decentralisation and promote development by means of incentives eg : reduced rates or taxes.
 - To have the same procedures/scheme throughout the metropolitan area but at the same time taking cognisance of peculiarities within areas, for example, the same procedures or systems cannot be applied to Inanda as the systems applied to Durban North
 - Consensual principles that are guided by the Integrated Development Plan.
 - Uniqueness should be added to the principles on geographic basis (eg. What's unique about CBD, or Inanda, or wherever).
-
- Communities should be involved to add level of sophistication/detail to scheme (will involve education, marketing).
 - Management of externalities - identify, ascribe cost responsibilities.
 - Policy on areas for interpretation and intervention.
 - Timing - co-ordinate local councils, KZNPA other role players - to keep within stipulated time frames for approval.
 - Content of system would be based on IDP, LDOs, LDPs (including special cases).
 - Approach should be based on regulatory framework, stemming from non-negotiables.
 - The system should be flexible and development orientated.
 - Should provide an integration of land uses.
 - A cost-effective and an economical system.
 - Promote urban integration with an appreciation of mixed uses.
 - New appreciation of densification with accompanying support services (eg. Of present negative aspect is the parking requirement for granny flats).
 - The process involved in accessing development applications must be a faster track process.
 - The system must encourage greater intensity of uses eg. Of offices and light industrial uses from a residence thereby lending itself to economic growth.
 - The system should not necessarily deal with commercial decentralisation but encourage more residential use within the CBD.
 - The system should have maximum support to encourage compliance. This can be achieved by improving communication between Council and public and operate an effective legal system.
 - The system should not be rigid in implementing its regulations but should have a greater discretionary ability.
 - Health and safety must be non-negotiable in the system.
 - Accessibility to goods and services must be improved.
 - The system should guide development rather than prevent development.

(B). VIEWS ON EXISTING SYSTEM

- Ad hoc approach to environment management - unevenness of scale (relating to size of development) and applicability (some applications require environmental assessment, others do not)
- The types of applicants dealt with vary (by content, geographical location, etc.) But there is no common set of principles to deal with them
- Jurisdictional fragmentation between KwaZulu Natal Provincial Administration and city, as well as geographical fragmentation - former "R293 towns" which the present scheme does not address.
- Time spent on dealing with applications because of procedures and number of departments involved
- Lack of synergy between various statutory requirements - local and provincial
- Parastatals exempt from approval by local authority and relationships with Parastatals is ill-defined eg. Port authorities.
- Does not respond to broader planning initiatives
- Size of bureaucracy hampers the speed with which applications are processed
- Communication between departments is difficult
- There needs to be greater delegation of authority
- Need for performance criteria related to productivity
- Rigid and outmoded
- Lacks diversity
- Includes double standards
- Very complicated and highly sophisticated therefore not appropriate for areas such as Inanda.
- Basis of preparation of existing system is inappropriate (based on first world English standards.)
- The existing system is very prescriptive and control orientated.
- The procedures and management of the system is not accessible to the wider population.
- Too separate and narrowly focussed
- Communities do not understand the system.
- The inflexibility of the system does not lend itself to being proactive in promoting development.
- The system creates a slow response to development demands.
- The system displays insensitivity to private investments
- Does not effectively manage or respond to change (eg. Movement of people out of the City).
- Does not make provision for such uses as informal trade/taxi ranks.
- The system allows or forces a greater degree of contravention.
- Not user friendly present Town Planning Scheme is reactive rather than pro-active.
- Does not keep up with development and changing needs of the communities.

(C). APPROPRIATE LAND USE MANAGEMENT SYSTEM

1. Unitary system where parameters are set by the local community and should be appropriate to local context.
2. System that does not separates Land Use management from planning.
3. A less prescriptive and more flexible system..
5. System to be enforceable and should have the resources to be enforced.
6. System must be user friendly.
7. System should have the appropriate and effective conflict resolving process (eg. Appeals on decisions made).
8. To have a effective Enforcement Section to follow up on approval and illegal uses.
9. To recognise decentralisation and promote development by means of incentives
10. A full assessment is required of where we are right now/what were are faced with and what do we want to achieve.
11. Content of system would be based on IDP, LDOs, LDPs. Approach should be based on a regulatory framework, stemming from non-negotiables and consensual principles that are guided by the IDP
12. Uniqueness should be added to the principles on geographic basis (eg. What's unique about CBD, or Inanda, or wherever)
13. Communities should be involved to add level of sophistication/detail to scheme (will involve education, marketing)
14. The process involved in accessing development applications must be a faster track process.
15. The system must encourage greater intensity of use eg. Of offices and light industrial uses from a residence thereby lending itself to economical growth.
16. The system should have maximum support to encourage compliance. This can be achieved by improving communication between Council and public and operate an effective legal system.
17. The system should not be rigid in implementing its regulations but should have a greater discretionary ability. .

Annexure Five: Discussion on Informal Uses in Focus Group Discussion sessions

INFORMAL USES

The different groups were quite vociferous as to how various uses impacted on them. While it was easier to categorise some uses under the headings of 'freely permitted', 'special consent' or 'prohibited', some of the uses were more difficult to categorise since within groups there were differences of opinion.

1 Caretakers of Children

(A). Tuckshops

- It allows for maximum accessibility for children. It is easier for children as they do not even have to cross the road as there are so many tuckshops on the same street.
- Children can purchase goods under the surveillance of their parents
- Children do not have to carry cash as the tuckshops offer credit therefore eliminates being robbed or the money being lost.

(B). Taverns

- Having alcohol being sold in their area has a negative influence on the children.
- The behaviour of drunken adults can cause children to imitate such behaviour and grow up thinking it is socially acceptable behaviour.
- If the parents get drunk it can lead to the abuse and neglect of children.
- Children can engage in unsafe behaviour if they are not under the care of responsible adults.
- The behaviour of drunken adults can lead to violent assault of children

(C). Hairdressing salon

- A salon is a use that will be beneficial to the community, however, some control should be exercised on the ages of children that are allowed to have different hairstyles. Children of school going age should be discouraged from having fancy hairstyles and if hair salons are close to their homes, it will be difficult for parents to prevent them from doing so.
- Some individuals were of the opinion that salons are good for children as they should be taught to take care of themselves from an early age.

(D). Panel Beaters

- Dangerous to children, fumes can cause pollution which can cause ill-health to children who are vulnerable to illness and disease.
- Noise can be harmful to children whose ears are still developing.
- Should not be in residential areas as dangerous equipment can impact negatively on the safety of children eg, blowlamp can be blinding if precautions are not taken.
- Dangerous chemicals are harmful to children

(E). Shoe Repairs

- Useful and beneficial to children since they damage their shoes easily through careless recreation. This facility can help children to have their shoes repaired as soon as possible.
- This is more affordable to families than time.

(F). Telephone

- Useful for children to contact their parents in emergencies
- Also useful for them to contact emergency numbers like the police, ambulance etc
- Community itself benefits. Due to low income levels every household cannot afford to own a telephone.

(G). Taxi Rank

- Not good for children since drivers are vulgar and often violent, children can imitate such behaviour. Such environments are not suitable for children to grow up in.
- Taxi violence within residential areas could be harmful to children
- Not positive influences for children.

(H). Road Kiosks

- Convenience, close by makes it possible for children to purchase goods at their convenience under the surveillance of adults

(I). Keeping Livestock

- Can learn about animals
- Livestock should be in specially designated areas
- If you have them, they should be protected

(J). Cultural Practices

- Noisy for children
- As African people culture is important therefore it needs to be conserved.
- Sets examples for certain practices, for example, the prayer that is given for Virgins will encourage other girls her age to remain virgins in order for them to gain the respect of the community.

2. Youth

The responses from the youth were very similar to the caretakers of children with one exception therefore it will not be recorded separately.

(A). Entertainment Facilities

- The youth thought it was important for them to have recreational facilities within their areas such as Tennis Courts, Swimming Pools and Libraries.
- In addition, it was important for them to also have Games Machines that usually operate within the Garages of residential properties. This was important as it kept the youth off the street and therefore prevents from getting involved in criminal activities.

3. The Elderly

(A). Tuckshops

- Beneficial to them as old people as it is difficult for them to travel long distances to purchase goods and therefore need to have facilities close to home.

(B). Tavern

Negatives

- Not an essential use within a residential area as it generates noise and violence within their area.
- Attracts outsiders to make noise in their areas which threatens their safety as a particularly

vulnerable group who are unable to defend themselves.

- Dangerous as it results in the breakdown of the family, results in family violence [child abuse, wife abuse].
- The sale of alcohol is not essential within their area.

Positive

- Need alcohol in their areas, as they are older it is difficult for them to travel to get alcohol.
- Shebeens should be in close proximity where they can drink and come back home.

(C). Panel Beaters

- Creates employment for them close to home, however, it should take place within a specified place.
- Noise and fumes are not good for the elderly (they are vulnerable to illnesses).

(D). Hairdressing Salon

- Important use for the elderly to have within their areas as it is difficult for them to travel long distances to get a haircut.
- Home salons are cheaper than those at large shopping centres, this is particularly useful for them as they cannot afford to pay a lot on their minimal pensions.

(E). Shoe repairs

- Cannot get their shoes repaired easily unless it was close to home.
- Cannot afford to buy shoes, cheaper to repair.
- Eliminates the need to travel long distances to repair their shoes.

(F). Sewing

- Older people find great difficulty securing employment elsewhere, easier for them to work from home.
- Small scale manufactures from home assists people to secure employment.
- Cheaper for them to buy clothing from small scale manufacturers as opposed larger shops in malls and within the CBD.
- Easy skill to learn, therefore easier to secure employment as well as generate additional incomes.

(I). Telephone Kiosks

- Definitely a use that they can benefit from within the residential area.
- More affordable to them than having their own phones which they cannot afford on the meagre pensions.
- Easier for them to phone than to write letters to friends and relatives as many of them are illiterate.

(F). Taxi Rank

- Need to go to clinics and hospitals and therefore cannot walk long distances to catch a taxi.
- Increases their mobility within their areas to visit friends and places of interest.
- Taxis drop them off closer to their homes than buses.
- Do not have to be confined to their boring environments if taxis are accessible to them.

(I). Road Kiosks

- A useful facility as perishable goods are more accessible to them therefore eliminates the need to travel long distances to buy goods especially to this group with mobility.

(J). Keeping Livestock

- It is acceptable to keep livestock, however, it should be controlled.
- Need to ensure that its kept within the yard to prevent it from interfering with the amenity of the neighbourhood.
- However, it sometimes can cause neighbourly disputes.
- Some felt that chicken farming was more acceptable than other types of livestock as they are easier to control as it can be done on a much smaller scale.

(K). Cultural Practices.

- Do not encourage cultural practices within residential areas as they felt that everybody is of different religious and cultural backgrounds. Such practices could lead to neighbourly disputes.
- Others were of the opinion that within residential areas whatever happens with your boundaries should be respected by others and is the business of the owners of the property.
- Culture is important to them and they should be allowed to practice it in their special ways.

4. The Disabled

(A). Tuckshops

- Goods sold are necessary for their daily consumption.
- Maximises accessibility to the disabled by eliminating the need to travel distances to meet their daily needs.
- Offers goods on credit so that they are able to pay when they receive their pensions.
- Criminal elements around tuckshops sometimes makes it unsafe for them to patronise it, owners should provide security.
- Makes it possible for them to send children under supervision as they can be watched from their homes.

(B). Taverns

- People should be allowed to purchase alcohol from a tavern, however, it should operate as a takeaway and should not be allowed to drink from the premises to prevent it from interfering with the amenities of the neighbourhood.
- Problematic use within a residential areas as it attracts criminal elements and loud music. Creates violence, theft and drunkenness within residential areas.
- When people get drunk within residential areas and become violent, the disabled are unable to defend themselves against such abuse since they are a particularly vulnerable group.
- **Owners of taverns within the group, however,** felt that it was a profitable business as it helped generate additional income. In view of the fact that they are disabled, difficult for them to secure employment as they are still discriminated against in the workplace.
- In the light of this the group agreed that such a use should be controlled in terms of its hours of operation (17h00 -10h00p.m)) as well as its' scale of operation (only allowed at a small scale).

- The group felt that security should be provided at taverns, however, the owners felt that the income generated was not enough to pay for security as well.

(C). Hairdressing Salon

- Beneficial use for the disabled within a residential area as it is easier to access
- The kind of use which does not create disturbances to neighbours.
- A skill that is easy to acquire and for the disabled makes it easier for them to work at or close to home and supplement their disability pensions. Even if they do not know how to make fancy hairstyles, they can still assist to perform simple tasks like wash hair or clean up.
- The disabled cannot afford to pay exorbitant prices at large shopping centres on their disability pensions.
- Being close to their homes, the local hairdresser would be in a better position to offer them services within the comfort of their own homes if for some reason they were unable to go to the salon.

(D). Panel beaters

- The quality of work done is not as good as professional services.
- Creates health hazards within residential areas. The panel beaters themselves wear masks to protect them from the dangerous fumes, however, no consideration is given to other residents within their area.
- The noise generated also creates disturbances.
- Should definitely not be within residential areas but rather within areas specially designated for business and industry.

(E). Shoe Repairs

- A useful business within a residential area.
- Shoes for the disabled are expensive and not possible to buy often. Shoes for the disabled are easily worn out and requires constant repairs, having a person who repairs shoes within a residential area makes it possible to access them whenever needed.

(F). Telephones

- An important means of communication for the disabled since they cannot afford telephones within their homes as they would have to pay high fees with their disability measures.
- Since they are disabled they experience great difficulty standing in long queues.
- The owners of the kiosks are often more sensitive to the plight of the disabled.

(G). Taxi Ranks

- Provides maximum accessibility to the disabled.
- Owners are sensitive to the plight of the disabled and sometimes go out of their way to drop them much closer to their homes than the designated stops.
- They are also given priority within the taxis.
- They often need to secure services outside of their areas such as medical, social and recreational purposes and having taxis close to their homes allows them to travel to their destinations with ease.

(H). Road Kiosks

- Useful to the disabled as they often sell fresh produce which they need at irregular intervals and often in an emergency.
- Supermarkets are often busy and not very user friendly to the disabled.
- They not given preference over their more abled counterparts, difficult for them to stand in long queues.

(I). Keeping Livestock

- Not recommended for residential areas.
- Causes pollution within residential areas probably a more suitable use within rural areas.
- Creates unattractive environments.
- Chicken farming might be more acceptable than other uses since they are easier to control than other uses, however, measures should be taken to control and minimise pollution.

(J). Cultural Practices

- Good for them and often offers valuable services to them. Culture is important to them and its' practice should therefore be encouraged.
- Sangoma practices that occur at night creates disturbances to the residents.

5. Women

(A). Tuckshops

- Tuckshops are more expensive than formal shops.
- Prefer shopping in the Town Centre and shopping centres.
- Tuckshops are accessible and provide a valuable service at irregular hours that is, they open very early and close much later than formal shops.
- It was , however, felt that tuckshops should be approved only through special consent and should not be allowed to mushroom all over the area.
- It should be allowed to operate in close proximity to a shop or an existing tuckshop.

(B). Taverns

- Having a tavern within residential areas creates violence.
- The community is not protected from such violence.
- Their children are also subjected to violence and abuse especially if their fathers patronise these taverns.
- Their children grow up in these environments thinking that the behaviour witnessed is socially acceptable behaviour.
- Having alcohol sold within residential areas means that their children start experimenting with the use of alcohol at an early age having easy access to it. It is then difficult for them to discipline their children at a later stage.

(C). Hairdressing Salon

- As women they would like to beautify themselves and make them attractive at all times, however, the exorbitant prices charged at salons within the City Centre and shopping malls makes this difficult.
- They would support the local hairdressers who operate from homes since they are relatively cheaper.
- Closer to home so it is more accessible.

- Creates job opportunities within their areas.
- Should be freely permitted within the residential areas as they do not cause undue disturbances.

(D). Panel Beaters

- Are major causes pollution within residential areas and suitable for their children, both in terms of safety and the ill-health it causes.

(E). Shoe Repairs

- Eliminates the need to travel long distances to have their shoes fixed.
- Shoes are expensive commodities which cannot be bought on a regular basis.
- More affordable for them to have their shoes repaired and even more convenient if it is within their areas.

(F). Taxi Ranks

- As women who cannot afford to buy their own cars, they are dependant on public transport.
- Having taxi rank within their areas makes it possible to secure their taxis easily.
- Creates job opportunities for individuals close to their homes, as SMMEs often spring up around Taxi Ranks.
- However, some were of the opinion that 'taxi violence' which is becoming common practice may impact negatively on the amenities of the neighbourhood.

(G). Telephone Kiosks

- A beneficial use within their areas.
- Eliminates the need to travel long distances to secure such a service.
- They are very accessible in emergencies.

(G). Road Kiosks

- Improves accessibility and assists them in meeting their daily requirements in terms of fresh produce required for their cooking purposes.
- Provides income generating opportunities close to home, for example, urban agriculture is encouraged to promote Local Economic Development within their areas and also do not have to travel far to access markets if they are allowed to sell their produce at these kiosks.
- Eliminates the need to travel long distances and spend large amounts of money just to purchase small quantities of goods.

(H). Keeping Livestock

- Helps them to generate wealth, especially within the African culture if you have livestock you are considered wealthy and accorded respect.
- Also their culture makes it necessary to slaughter livestock during certain practices, such livestock are expensive to purchase.
- Therefore if they were to breed such livestock it will make it readily available for such practices.
- African families also need to pay 'Lobola' for their future wives, being expensive and not having it readily available means that a large number of women have to be single as a result of this which means that African men do not accept responsibility for their families.

(D). **Cultural Practices**

- As Africans, culture is important to them and it is their responsibility to instil the value of culture to their children.
- It should be freely permitted as it forms an important part of their lives.
- Some, however, some were of the opinion that such practices were not suitable for urban areas and should be confined to rural areas.