

KHANYA

**THE SPATIAL
DEVELOPMENT
FRAMEWORK IN RURAL
AREAS IN THE CONTEXT
OF IDPs**

**A critique of the Green Paper on Development
and Planning**

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SPATIAL DEVELOPMENT FRAMEWORK IN RURAL AREAS IN THE CONTEXT OF INTEGRATED DEVELOPMENT PLANNING

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GLOSSARY

CBO	Community-based organisation
CBPO	Community-based planning organisation
CEO	Chief executive officer
CSS	Central Statistics Service (now SSA)
DC	District Council
IDP	Integrated development planning
LDO	Land development objectives
MTEF	Medium Term Expenditure Framework
RNP	Richtersveld National Park
SDF	Spatial Development Framework
SSA	Statistics South Africa
TLC	Transitional local council
TRC	Transitional rural council

**SPATIAL DEVELOPMENT
FRAMEWORK IN RURAL AREAS IN
THE CONTEXT OF
INTEGRATED DEVELOPMENT
PLANNING**

EXECUTIVE SUMMARY¹

1 Introduction

The Green Paper on Development and Planning, 1999 aims to review and recommend changes to the legislation and process of land development in South Africa. The Development Planning Commission decided to review the document in the light of the needs of rural areas and Khanya-managing rural change were commissioned to do this review.

The objective of the study was to have produced recommendations for updating the Green Paper to reflect the needs of Spatial planning for IDPs in rural areas.

The work was essentially a desk-top study building on experience of the consultants in spatial planning, the IDP process and development planning elsewhere in Africa. The report was submitted on 20 January 2000.

2 Case studies

Nine case studies were used:

- 1) Dense rural settlements without an economic base – QwaQwa, Free State
- 2) Peri-urban smallholdings – surrounding Bloemfontein
- 3) Large commercial farms – the Maluti TRC area in the Free State

- 4) Small commercial farms – area in QwaQwa, Free State
- 5) Private mining villages – parts of the Goldfields², Free State
- 6) Conservation Area: Richtersveld National Park
- 7) Government Irrigation Scheme: Vaalharts Irrigation Scheme
- 8) Betterment village: Xume, Transkei
- 9) Small town: Excelsior, Free State

3 Recent Planning experiences in South Africa

The planning experience of the Free State, Northern Cape, Gauteng and Western Cape were reviewed. The IDP process has been interpreted and implemented differently in different provinces. In some province the Land Development Objectives (LDOs) and IDP process has been combined (eg E cape), in others they are separate (eg Free State).

Most provinces have taken the IDP to be an integrated development plan for economic and social change of the municipal area, and so covering sectors not within the control of the local authority. However in some local authorities in Gauteng it has been interpreted to be only a municipal development plan using municipal resources.

There are some significant areas where the IDP process can be improved, notably:

- Clarifying what the IDP should cover
- Clarifying what funding it should address (capital, operational, maintenance)
- Integration of government services with the IDP process
- Linkage of budgets to the planning process

¹ Note the numbering matches section headings in the report. A summary of recommendations is in section 11 of the report.

² Note originally it was hoped to use the Bafokeng area of NW Province but bearing in mind the holiday period, there was no response to requests for information

4 Critical debates

4.1 Defining rural development, and linking the sustainable rural livelihoods (SRL) approach to spatial planning

The objective of the IDP process in rural areas is rural development. The SRL approach provides a way of looking at rural development that is holistic, participatory and emphasises poverty eradication.

4.2 Looking at the links between a spatial development framework and IDP process

The study adopted the recommendations of the DPC in the Green Paper that *the integrated development planning process produces an IDP, and that the spatial plan is the spatial development framework for the IDP*. It is not a separate plan. Someone, who has been called the IDP Officer should be assigned responsibility for the IDP process. The term spatial development framework is used to describe this plan in the rest of the report.

4.3 Looking at land development management or spatial management

Three different terms are used in the Green Paper which all have slightly different connotations:

- Land development and management
- Land development management
- Land management

To avoid this confusion it is suggested that the term spatial management be used which only covers management of land use, and development of land. It does not cover land allocation and land administration.

4.4 The relationship between urban and rural

There is much debate about what is urban and what is rural. In reality they represent a spectrum of settlement types, land uses and micro-economies, as shown by the list of

case studies. The distinction is useful in looking at economic and social development, and the definition in the National Rural Development Framework should be used. This defines rural areas as

“the sparsely populated areas in which people farm or depend on natural resources, including the villages and small towns that are dispersed through these areas. In addition, they include the large settlements in the former homelands, created by apartheid removals, which depends for their survival on migrating labour and remittances”.

4.4 The relationship between planning levels

The Green Paper advocates a set of planning functions at different levels. However local government is going through major change and it is very possible that the roles of provinces will also change. Category C municipalities will be the equivalent of current District Councils. Category B municipalities will cover approximately 3 or 4 current TLCs plus the TRC that covers the area between. The Category Bs (referred to later as municipalities) will therefore have considerable greater human and financial resources than current TLCs/TRCs.

A set of scenarios are suggested, which are used in the report to illustrate different roles that may happen, or indeed be beneficial. One of these is based on the premise that the current system has no community-based planning system, and thus participation is ad-hoc, and that some structure such as the Village Service Committees of NW Province is needed. The four scenarios are:

Scenario 1 Community-based planning organisations (CBPOs)

There are legitimate village structures with powers over planning and management,

empowered Category B municipalities, and the province plays the supporting role.

Scenario 2 Devolution to Bs

Where there are no CBPOs, the emphasis is on strong category B municipalities, who are supported by regional offices of provincial/national government, and Category Cs are redundant.

Scenario 3 Deconcentrated within provincial government

Empowered Bs, category Cs play coordination and support role, and the provincial level is one of deconcentrated national administration³, not provincial government. This situation is close to the current situation in the Free State.

Scenario 4 Devolved to DCs

Where powers from national government are devolved to category Cs, with the provincial administration playing a coordinating role. This is not far from the role some DCs are carrying out at present⁴.

Recommendation

Scenario 1 is recommended. This must be accompanied by fiscal decentralisation. Three types of CBPOs could be found: (1) in some traditional areas where it could be that the traditional leader will be the leader, (2) an elected committee where the majority of members are elected and the traditional leader is a member but not the chairperson, and (3) an elected committee where traditional authorities are absent.

³ As in Zimbabwe, Ghana or Zambia

⁴ Amatola District Council in the E Cape is already handling health, roads, and tourism services amongst others, as well as playing an active planning and coordination role. Some services are provided on an agency basis, and the services are not necessarily provided throughout their area (for historical regions)

5 Issues arising from the Green Paper

Some major issues arising from the Green Paper are that:

- It is very inaccessible and difficult to read, even with the explanations of the DFA principles in associated documents
- The integration with the IDP legislation is inadequate
- It does not sufficiently address the need to liberate economic potential, in urban as well as rural areas⁵
- The role of traditional authorities is not addressed adequately

6 Review of key issues affecting rural development

6.1 Economic, fiscal and poverty issues

Rural areas are more dependent on the primary sector, and on the informal sector. Economic services are often poorly available, whether banks, post offices or supply of inputs for business. The poor infrastructure in many areas also limits economic development. IDPs and so their spatial development framework needs to focus in particular on ways of stimulating economic growth, and in particular on providing the enabling infrastructure and services.

6.2 Infrastructure issues

Infrastructure is needed for both economic and social aspects of livelihoods. The difficulty is providing infrastructure at the levels of “right” suggested in the RDP. Kwazulu-Natal has suggested the ‘rational and spatially strategic provision of basic services’, with more basic services provided in rural areas than for urban areas, including community gardens, woodlots, boreholes and protected springs. The critical enabling infrastructure is roads, electricity and

⁵ We note that the suggested alterations by Prof Dewar to the DFA principles strengthen this element which we welcome

telephones, while for households water is one of the most important. Bond (1999) points out the economic spin-offs of increased infrastructure, in terms of livelihoods created, and Vaalharts Irrigation Scheme provides an example of this success in the past.

6.3 Social issues in rural areas

Social networks are critical for poor people, and typically rural areas have a rich fabric of community organisations. It is very important that these are strengthened as part of the empowerment process. The possibility of developing community-based planning organisations could have significant potential for helping to empower rural communities.

The levels of dislocation amongst rural people are also high, largely as a result of the history of labour migration and split households.

External organisations form part of the policy and institutional environment within which people live. However those that reach rural villages are very limited, basically primary schools, sometimes clinics or community health workers, and occasionally agricultural workers. This has to change if people are to move out of poverty and new paradigms of service delivery are required.

Capacity-building and lifelong learning are important ingredients. About the same number of people are illiterate in the Free State as school-going, yet only 0.5% of the Education budget is on adult education⁶.

Rural areas typically have increased health problems, and access to clinics is a problem. Even where they are not far, access may be a problem due to poor roads, with people having to carry patients on their backs.

⁶ Free State Poverty Eradication Strategy

The spatial planning framework has to deal with the distribution of infrastructure and services that are critical for rural development and the eradication of poverty.

6.4 Legal issues relating to tenure, land rights and land use management

The study concludes that within the context of spatial planning and management it is primarily the use of land that should be addressed. Traditional systems of land allocation are very important in many rural areas, which have been overlaid by Westernised systems. There needs to be rationalisation of the system to aid developers, to assist rural people access land and yet have security of tenure for investment, and to raise capital. CBPOs could provide a vehicle for integrating traditional authorities and local government in the allocation of land.

6.5 Power relations

The issue of power between levels of formal structures is discussed in 4.5, and these power relationships are critical in development. Typically competition and lack of coordination means that levels of local government, services of provincial and national government do not work in an integrated way.

Another important aspect of power relations is between traditional leaders and local government. These have often been very poor, for example in the Eastern Cape, or in Kwazulu-Natal, where the *Amakhosi* have been demonstrating against the newly demarcated local authorities⁷. The CBPO concept may provide a way of integrating these concerns at a local area, by traditional leaders being represented on the CBPO

⁷ See Khanya (1999b) for a discussion of this in relation to the Eastern Cape

structure⁸. These CBPOs would need to play a significant role in planning, including spatial planning and management, for communities.

Another potential area of conflict is in commercial farming areas, between farmers and farmworkers. The empowerment of farmworkers is politically very important and yet resisted by many farmers. Planning systems and processes need to take this into account.

7 The proposed pro-active spatial planning system in rural areas

The spatial development frameworks at different levels all need to contain:

- The IDP objectives for the spatial transformation of the area
- Localised spatial DFA principles
- A spatial guideline that inform development and that focuses on what is not desired in an area rather than spelling out what should happen in an area.
- Locating the IDP projects, preferably those projects with an allocated budget, within the area of jurisdiction
- The map, which reflects the spatial guidelines and projects graphically, need to be organic and could be changed annually to reflect new priorities.

These are discussed in relation to the different scenarios. The process that needs to be gone through to produce these is also discussed for each scenario in turn, including the phasing of provincial and municipal IDPs

⁸ In Zimbabwe there have been CBPOs since independence, but these are now being revised and village assemblies created which are chaired by headmen.

Recommendation

Scenario 1 is recommended as the framework for planning levels.

8 Proposed spatial management system

The nature of spatial management has been discussed previously to focus primarily on the management and development of land use. There are the following key elements:

- Map illustrating the spatial development framework
- Spatial management guidelines that can guide decision-making on land development and land use change.
- Spatial management guidelines for areas earmarked for communal property management
- Guidelines for natural resource management. An environmental management plan should form part of the spatial management plan.
- Application, decision-making and appeal procedures
- Action plan for spatial development initiatives.
- Register of applications, comments, decisions and appeals received.

These therefore comprise both reactive elements and proactive elements (implementing elements of the spatial plan).

A process is suggested which includes:

- Formulation of a spatial management plan
- Implementation of the spatial management plan
- Monitoring and evaluation

However due to the complexity of this topic it is recommended that the relationship between spatial management and land rights

be further researched, notably for the links to other legislation such as the Environmental Conservation Act, Mineral Act etc.

Recommendations

- In CBPO 1, that traditional leaders are given authority to act as development agents based on an agreement between the local municipality and the traditional authority.
- In a CBPO type 2 or 3 situation, that CBPOs once elected be given the power to allocate land, subject to ratification by the municipality, whether for individual or common property use.
- Further research is recommended on land management.

9 Changes to the DFA Principles

The DFA principles were reviewed, along with recommended changes made by a task team led by Professor Dewar. This study team were in agreement with the economic thrust of Dewar's work, and endorse the recommended changes they made. Additional changes are made in the text.

10 Changes to the Green Paper

Recommendations are made for changes to the Green Paper. Some of the main thrusts of these changes are:

- To standardise the use of spatial development frameworks and spatial management to have consistency in usage
- Linked to this, to change the name of the White Paper to **The White Paper on Spatial Planning and Management within the context of the IDP**
- That the Coordination and Implementation Unit in the Presidents Office should retain responsibility for coordination of national plans, but

- It would also be **more appropriate for the home for spatial planning and IDP matters to be in the Ministry of Provincial and Local Government (MPLG) as the planning function of local and provincial government, and IDPs, resides with them**

In conclusion, there are many areas that need refining in the IDP process, both for urban and rural areas, which will make it more meaningful and more effective. It is critical for rural areas that the focus of spatial planning is not just on settlements, but on releasing the economic potential of what are often very poor areas. Spatial planning and management has an important role, in so far as it is anchored as part of the IDP process. The Green Paper provides a solid basis for this, and the proposals here should help to make it clearer and more focused on spatial planning and management, and that it covers the needs of rural areas.

SECTION 1

INTRODUCTION

1.1 Background

The Green Paper on Development and Planning, 1999, aims to review and recommend changes to the legislation and process of land development in South Africa. The focus is on spatial planning of urban and rural areas as an integral part of the Integrated Development Planning Process. The Commission accepted that development issues have spatial implications and therefore the importance of spatial planning.

“Spatial Planning” refers to the organisation of space that is informed by the full range of social, cultural, economic, political, environmental and technological issues which impacts upon and which are affected by these decisions. “Organisation of space” refers to the location of urban and rural areas and their complex interrelationship with each other and their environment in space. Spatial planning should therefore aim to improve the settlement structure and form of urban and rural areas in order to improve the quality of life of people living in settlements with the necessary awareness of environmental sustainability. Spatial planning is therefore a necessary component of the effort to achieve national government objectives in addressing the imbalances of the past and to contribute to the arena of economic development, employment creation and poverty alleviation. This is discussed in 4.2 and section 7.

Policy, legislation and planners often refer to the necessity of development in both urban and rural areas, and that focus should be drawn to rural development. However, most of these policies are still urban biased. Very few people and planners understand the dynamics in rural areas and therefore

uniform planning principles are set for both urban and rural areas. Some people also have a different understanding of the term “Rural” and this complicates matters. This is discussed further in section 4.4.

Urban and rural areas should be seen in relation to each other and it is impossible to apply the same norms and standards to these two settlement patterns. Rural areas lack capacity in both public and private sectors to address the challenges facing these areas. Government therefore needs to set the direction for development in rural areas that will help to enable the development of sustainable livelihoods. Spatial planning, as a component of the integrated development process, needs to focus on the integration of different sectoral elements in a creative way and could be utilised as a tool to structure rural and urban areas in support of sustainable development.

Spatial planning is seen as a public sector activity in the Green Paper on Development and Planning, creating a public investment and regulatory framework within which private sector decision-making, and investment occurs. The public sector activity of spatial planning has two broad dimensions: proactive planning, which defines desirable directions, actions and outcomes; and land development management, which is concerned essentially with regulating land use change, and with protecting individual and group rights in relation to land.

Different spheres of government are involved in spatial planning although the Commission believes that the guiding principle should be that decisions should be taken at the smallest scale compatible with the decision being considered holistically. The need however exists for guidance from national and provincial level and therefore the need for the Commission to expand the

Green Paper for Development and Planning to include rural specific objectives.

The guidelines for LDOs and IDPs (proactive planning tools) and the DFA Principles are still urban biased. It is therefore necessary to expand the present guidelines and principles that could address proactive and land development management in rural areas.

1.2 Objectives of the study

The Goal of the study was that the Development Planning Commission can update the Green Paper to reflect effective spatial planning as a component of IDPs in rural areas.

The Purpose/Objective was to have produced recommendations for updating the Green Paper to reflect the needs of spatial planning for IDPs in rural areas. The Outputs were:

1. TORs and approach finalised with DPC
2. Methodology finalised
3. Case studies developed
4. Provincial resource people interviewed
5. Secondary data reviewed
6. Result analysis
7. Report produced

1.3 Approach and methodology

1.3.1 Approach and balance of the team

Three people participated in the study from Khanya – managing rural change:

- Erika Jakobs, an experienced spatial planner
- Mathilda Roos, with a broad development background and experience of IDPs

- Ian Goldman, who has broad experience of development planning and management in Africa

A sustainable livelihoods approach provided a framework for looking at rural development, and to cross check that spatial planning issues address the range of issues required for sustainable rural development.

1.3.2 Methodology

The study was essentially a desk-top study. However to ensure that the study is rich and relates to reality the methodology involved the following elements:

- 1) Drawing on consultants who have a wide knowledge of the subject already, so that their knowledge can be distilled on this topic
- 2) Drawing on previous work undertaken for a related study on Rural Planning for Sustainable Rural Livelihoods, and so also speeding up the work
- 3) Use of case studies to reality test the issues and to build up a framework of what can be seen in terms of policy, practice and alterations needed to the Green Paper.
- 4) Using secondary data from the DPC, the case studies and own sources
- 5) Undertaking telephone interviews to fill out the case studies as necessary
- 6) A workshop with members of the RPTT to brainstorm emerging findings

1.4 Introduction to the report

Section 2 gives a background to the different case studies used in the report. Section 3 reviews experience in 4 provinces with the IDP process to highlight lessons about this

process. Section 4 looks at some of the key background debates around this subject.

Section 5 takes an overview of the Green paper, and section 6 then looks in details at some critical issues around rural development which need to be considered if spatial planning and the IDP process are to have an impact. This covers economic development, infrastructure, social development, legal issues in relation to land and finally power relations.

Chapters 7 and 8 then summarise what is required in terms of:

- A proactive spatial planning process to create a spatial development framework
- A spatial management (land management) process to implement this plan

Finally to take this approach into account changes to the DFA principles are suggested in Section 9, and to the Green Paper itself in Section 10.

Section 11 summarises the main recommendations. These are referred to as **R3.1** etc, and numbered by section number and then sequentially. Note there are some detailed proposals in section 5 which are not separated as recommendations as they are too detailed.

SECTION 2

CASE STUDY AREAS

Ten case studies from rural areas were selected, but in the end only nine were covered⁹. The areas were selected with the support of the Rural Planning Task Team of the Commission of Development and Planning to cover a diversity of rural situations from which lessons could be drawn. These case studies drew on existing knowledge and contacts of the team so that this information could be drawn in a very short space of time, hence the concentration on examples from the Free State and eastern Cape. The 9 case studies were:

- 1) Dense rural settlements without an economic base – QwaQwa, Free State
- 2) Peri-urban smallholdings – surrounding Bloemfontein
- 3) Large commercial farms – the Maluti TRC area in the Free State
- 4) Small commercial farms – area in QwaQwa, Free State
- 5) Private mining villages – parts of the Goldfields¹⁰, Free State
- 6) Conservation Area: Richtersveld National Park
- 7) Government Irrigation Scheme: Vaalharts Irrigation Scheme
- 8) Betterment village: Xume, Transkei
- 9) Small town: Excelsior, Free State

2.1 Dense rural settlements without an economic base

QwaQwa is a former homeland area that is located 60 km south of Harrismith and 40 km south of Kestell, in the Free State Province. It is home to the Batlokwa and

Bakwena Basotho Tribes. The area is characterised by its mountainous terrain, extreme climate and remote location from national roads.

The greater QwaQwa area consists of Phuthadijhaba, the urban centre that serves the surrounding peri-urban rural area, which stretches up to 20 km from the urban centre (30 km by road). Phuthadijhaba has a Transitional Local Council (TLC) while the surrounding peri-urban rural area has a Transitional Rural Council (TRC). The Traditional Authority has ex-officio rights to sit on both TLC and TRC, but due to power struggles, the Tribal Authority does not partake in local government affairs. Most of the land is State-owned Land and the Tribal Authority has the right to allocate land to people. The Permission to Occupy (PTO) system apply to the area, however many residents have not applied for a PTO.

In the former Apartheid era QwaQwa was a self-governing state and therefore has good public infrastructure located in Phuthadijhaba. It was also part of the decentralisation strategy of the former government (as well as Harrismith) and thus qualified for rebates on the development of new industries in the area. According to Statistics South Africa 262 088 people lived in Greater QwaQwa in 1996. This figure shows a decrease of 11,4% since 1991. This is mainly contributed by the out-migration of public sector servants, after the incorporation of QwaQwa Government into the Free State Province and the closure of industries, due to the withdrawal of decentralisation subsidies. A lot of in-migration took place since the census of 1996, especially from the Goldfields and farming area where a lot of retrenchments took place and therefore the population figure could show an increase. However, the high prevalence of HIV/AIDS in the area could influence the population figure tremendously.

⁹ The tenth was non-betterment villages. Some information was obtained from Kwazulu-Natal and has been used but there was not sufficient for a case study.

¹⁰ Note originally it was hoped to use the Bafokeng area of NW Province but bearing in mind the holiday period, there was no response to requests for information

Residents in Phuthaditjhaba reside on 400 - 600 m² sites (9 – 14 housing units per hectare = 60 persons per ha) while residents in Rural QwaQwa have 900 m² - 3000 m² sites (2 – 6 units per hectare = 12 persons per ha). These figures represent net residential densities.

The level of education is low in the rural areas of QwaQwa but Phuthaditjhaba residents compare well with National averages. The area is also characterised by the dominance of females (54%) while 48% of the population is recorded to be younger than 18 years.

The formalised areas in Phuthaditjhaba have good basic civil infrastructure, mainly onsite. The informal and tribal areas have a low level of basic infrastructure. The road network is in many of the rural areas informal and thus increases inaccessibility to services in Phuthaditjhaba. Most of the services are rendered by outside agents/government departments and this contributes to the confusion regarding service delivery and maintenance, as the local councils deliver some. No land tax is collected in the tribal and informal areas and service charges are only levied in the formalised areas of Phuthaditjhaba. However, many people cannot afford paying these charges and taxes.

High levels of unemployment furthermore characterise the area and the average income per capita in rural QwaQwa is less than R200 per month. QwaQwa and Thaba Nchu, also a former homeland and tribal area, are classified as the highest poverty stricken areas in the Free State. People in rural QwaQwa depend mostly on subsistence farming, job opportunities in Phuthaditjhaba, or surrounding small towns and farms, remittances and informal trading activities. Phuthaditjhaba has a limited economic base and therefore major shopping take place in

the bigger centres, namely Bethlehem or Harrismith.

Land management is very complex due to different legislation, unresolved tenure issues and power struggles. However, this function is mainly executed by the Tribal Authorities while Phuthaditjhaba TLC manages the formalised areas in private ownership. Provincial Government needs to approve of land use changes on formalised sites, and the jurisdiction of the Free State Town Ordinance has been expanded to include the former homeland areas. However, no application has yet been received for a land use change except for township establishment.

2.2 Peri-urban smallholdings

Bloemfontein is a typical urban area that is surrounded by smallholdings with a semi-urban character. These smallholdings constitute the peri-urban area that links the urban (densely populated) and rural (scarcely populated) area. It also forms the fringe of urban development and represents a combination of agricultural and urban activity. The peri-urban area surrounding Bloemfontein stretches approximately 5-8 kilometres from the urban edge into the hinterland, representing half of the distance of the current urban structure radius. The area covered by smallholdings has decreased in the past couple of years and units have been subdivided. They usually cover 1 – 2 ha close to town, 4 – 8 ha further away.

Different settlement types characterise the smallholdings of Bloemfontein. All of these areas are part of the Bloemfontein TLC's area of jurisdiction. They can be categorised into three main categories:

- *Estates* (Elite areas with low densities and high environmental or esthetical qualities and 1- 2 ha in extent, density 1,5 persons per hectare)

- *Smallholdings* (Single family units with a combination of agriculture, commercial and residential use for people who prefer a semi-rural character and usually 4 – 8 ha in extent, density 2 persons per hectare) and
- *Fringe areas* (High densities of people settle here, without a choice, either legally or illegally, density 15 - 20 persons per hectare).

These areas represent approximately 15% of the total population of Bloemfontein (Estates and Smallholdings less than 3% and Fringe areas, 12%). These figures are however increasing due to the greater urbanisation that is occurring in these areas. The density of these settlements varies according to category. The density in fringe areas is equal to low-income residential areas (300 m² sites) in other parts of Bloemfontein.

The peri-urban areas are also characterised by the variety in educational levels. Estates have the highest qualification level while fringe areas have the lowest. The inhabitants of estates are mostly working people over 35 with school going children, or retired professionals. Smallholdings are inhabited mainly by middle-income working people with school going children and a large portion of retired people. Fringe areas have mostly young people with small children.

The area is also characterised by in-migration. The fringe areas in particular experience a continuous inflow of people from outside and inside Bloemfontein. The fringe areas also have a low level of services while the other categories are well developed. Most of the residents in the fringe areas cannot afford to pay for services and no land tax is collected in informal areas. Land use management is only applicable to the formal areas, while different regulations apply to the different

settlement types. Land allocation in fringe areas is controlled by informal community structures or “shacklords”. This usually leads to friction between the authority and community structures.

2.3 Large commercial farms – Maluti TRC

6 magisterial districts in the Eastern Free State constitute the area, under the jurisdiction of the Maluti Transitional Rural Council. The area represents commercial farmland surrounding the small towns of Fouriesburg, Ficksburg, Rosendal, Clocolan, Marquard, Excelsior, Tweespuit, Hobhouse, Thaba Patchoa and Ladybrand. The eastern parts of the area are well known for the production of cherries, asparagus and other soft fruit and vegetables while the western region produces good quality crops and livestock. Small agro-processing plants have been established on the farms while some farmers are starting to focus on eco-tourism.

There has been a decrease of 35,6% in the rural population while the urban population grew by 42,7 % since 1991. The rural/urban ratio is 39:61. There are approximately 2750 farms in the area with approximately 22 people per farm. The farming units vary between 500 ha and 1000 ha in extent. However, a trend exists that one farmer farms more than one unit and this also contribute to the large retrenchments in the agricultural sector and rapid urbanisation in rural areas. Most farmers have high school and post-graduate qualifications while most farm workers have less than Grade 7. Females also dominate the population and half of the population is younger than 19 years.

A lot of out-migration has taken place due to a lack of services and entertainment in the rural areas, as educated youngsters prefer the urban areas, as well as retrenchments in the agricultural sector. The farmer has a high

level of services while most of the farm workers still depend on rudimentary services. Road networks are in bad condition and this impacts negatively on the farmers and farm workers as transport companies and taxis refuse to operate in the area, or increase their tariffs to compensate for maintenance on their vehicles. Telecommunication in some areas is outdated, still using manual exchanges. The low level of these two key services isolates the farmer from the global economy and the farm worker from contact with the rest of the world.

2.4 Small commercial farms – the 114 farmers in QwaQwa

In 1984, the former SA Development Trust (SADT) bought agricultural land in the districts of Harrismith and Bethlehem with the aim of incorporating it into QwaQwa as part of the then consolidation process. The consolidation never materialised and in 1992 a proclamation was signed through which the administration of the land was transferred to the former Department of Development Aid and later to the QwaQwa Government. The QwaQwa Government subdivided the farms into smaller units of on average 440 hectares each. They advertised for prospective farmers and 120 farms were allocated to QwaQwa farmers. The farmers were given trial periods of three years. If proven as successful farmers, they were granted a further lease of 9 years. During this time the farmers were extensively subsidised and supported in terms of extension services, production loans, infrastructure, etc.

In 1994, with the new dispensation, all SADT land became the responsibility of the Minister of Regional and Land Affairs and currently rests with the Minister of Land Affairs and Agriculture. The farmers approached the Department to buy the land. The Minister agreed to sell the land at

productive value to the current lessee. The Free State Department of Agriculture argued that the Land Bank would give a 100% loan to the farmers based on the productive land value of the farm. This would enable them to buy their land and become successful commercial farmers. (This is contrary to the Department of Land Affairs policy position that state land be sold at market value as outlined in the White Paper.) The process of alienation was complex and took a long time to complete. Currently 114 farmers received ownership of the land. Most of these are parents, which have no formal education. The children have been schooled and some visit tertiary education facilities in Phuthadijhaba. Phuthadijhaba, Bethlehem and Harrismith act as their local service centres. The farms have good infrastructure and housing and most of the farmers enjoy a good living standard.

2.5 Mining village – Free State Goldfields

The Free State Goldfields is characterised by private mining villages, situated on private or corporate land within 15 to 20 kilometres from a small-town. The mining companies established these villages for the mineworkers, especially the management staff, while hostels with single male quarters (some as big as 4000 units) and married quarters (Some 300 units big) were developed for miners separately from these villages.

These villages vary in size and can accommodate as many as 300 housing units. The units have been serviced with infrastructure, although in most cases it does not comply with the standards of the local council. Some of these villages are also provided with a primary school, private clinic, post office and small shops. Some of the mining properties have also been developed with office complexes and

workshops that are in many cases under utilised or standing empty.

All of these mines were outside the area of jurisdiction of the local municipality but with the new dispensation were incorporated within the area of jurisdiction of the TLC. Land use management was not regulated on these private or corporate mines. With the incorporation of these areas into the area of jurisdiction of the small towns, the existing town planning schemes were not applicable in these areas and therefore these areas were never incorporated within the boundaries of the town planning scheme.

One of the mining villages near Welkom was formalised and sold to the individual owners and then incorporated within the town planning scheme of Welkom. Most services were upgraded to comply with the standards of the council but the road widths still remain very narrow. In many cases the upgrading of services is too expensive so the redevelopment of these villages is unaffordable. However other areas like Vierfontein and Allanridge set examples of the possible redevelopment of mining villages into retirement villages. However, the economic base of these private towns still depends on the mining activity in the area.

With the large-scale retrenchments in recent years, these two towns have suffered tremendously and only those who cannot afford leaving their properties remained. The redevelopment opportunities of mining villages should therefore increase economic diversity which will help reduce their vulnerability.

One of the mining companies investigated the possibility of miners buying their housing units. The survey concluded that only 50% of miners wanted ownership, while only 20% of the 50% could afford buying the housing. This indicates that

many miners anticipate the possibility if being retrenched, returning home or leaving for job opportunities elsewhere and did not want to be bound by property where they work. The study also revealed that the mining company subsidised the rental housing and that private ownership would cost more than the rent paid by the miners. Many investigations have been undertaken into the redevelopment of these mining villages. In most cases the long-term feasibility of the proposed developments looked bleak. The remoteness and custom-made buildings hampers redevelopment. Another setback is the lack of economic diversity and the limited potential for expansion.

2.6 Conservation Area: Richtersveld National Park

The Richtersveld National Park (RNP) encompasses 162445 ha of rugged mountain desert and was proclaimed as a national park on 16 August 1991. In terms of the contract signed with the Richtersveld community, the park remains a contractual area which allows for the continuation of existing activities, including stock-farming. This is a unique area in South Africa both in terms of its natural elements and the participation of local inhabitants. The Park was established after 19 years of negotiation.

The region is arid, situated in the Northern Cape, bordering with Namibia along the Orange River. The RNP is situated within the jurisdiction area of the Richtersveld TRC, which also includes the four villages of Lekkersing, Eksteensfontein, Sondrif and Kuboes. There are 4 000 people living in the area falling under the jurisdiction of the TRC.

2.7 Government Irrigation Scheme: Vaalharts Irrigation Scheme

Since the late 1800's the valley of the Harts River has been considered ideal for irrigation. The area lies midway between the towns of Kimberley and Vryburg with a natural slope that allows the gravitational flow of water from the east to the west.

The Vaalharts irrigation scheme was proclaimed in 1934 to create employment for poor whites after the rinderpest epidemic and drought of the early 1930's. £3,5 million was spent between 1934 and 1946 to develop the infrastructure of 3 066m of tunnels, a weir of 753 m in length and 11 m high, 126 km of supply canals, and 540 km of communal furrows.

The irrigation scheme is 32 km long and between six and eleven kilometres wide. 1280 farms of 30 ha each were neatly divided into 13 blocks, each with approximately 13 rows and each row with 10 to 14 farms. Two towns were established, namely Hartswater and Jan Kempdorp. This meant that farmers were never further than 20 km from the nearest service centre. Today Vaalharts is a prospering farming community who succeeded to overcome several setbacks during the sixty years of its existence.

2.8 Betterment village: Xume, Transkei

Xume Administrative Area is situated in the Tsomo District, which falls within the Butterworth sub-region of the Eastern Cape. The people of Xume were moved to this area in 1953 as part of a betterment scheme, where farms were grouped, and each household was allocated a 6ha arable plot, a 60x60m household plot and had access to communal grazing.

Xume consists of 11 villages within a circle of about 15 km. The population of these

villages in 1996 was 2488, a decline of 23% since the 1991 census. Tsomo Transitional Rural Council is in fact just a representative unit of Amatola District Council. The TRC is not held in high esteem while the traditional leader is considered to be more important and more accessible by the people. There is very little infrastructure in Xume, many villages of which lack safe water and electricity. There is a primary school, and a community school. Roads are very poor, and patients have to be carried on people's backs to the nearest clinic. The only service providers based in the area are the primary schools, a community health worker and a dip tank foreman. An agricultural extension officer does visit regularly.

The area is very undeveloped and livelihoods are very poor, although there is the potential for development. There does need to be extensive investment in roads and water in particular, and ways found to provide business and agricultural support, if areas such as Xume are to develop¹¹.

2.9 Small town: Excelsior, Free State

Excelsior is a typical rural small town situated approximately 100 km north of Bloemfontein and has a population of about 14 000 people. The population has increased by 71% since 1991. There is a TLC, which is able to provide and maintain most of the basic infrastructure, like water, sewerage, electricity and household waste removal. The commonage is rented out and therefore residents are not allowed to keep cattle.

It falls in a commercial farming area, from which most of the economy of the area is derived. However commercial farmers are now bypassing the town and going directly to Bloemfontein to purchase inputs, and buy

¹¹ Xume was used as a case study in a report by Khanya looking at Institutional Support for Sustainable Livelihoods in the Eastern Cape. A detailed report is available.

inputs, so that the retailers in Excelsior are suffering.

Political tension within the majority political party has created a situation where a minority party now manages the town. The TLC managed to decrease the town's debt recently after strict financial control measures were applied.

SECTION 3

RECENT PLANNING EXPERIENCES WITH THE IDP IN RURAL AREAS

The Land Development Objectives (LDO) as prescribed in the Development Facilitation Act (1995), the Integrated Development Planning (IDP) process prescribed in the White Paper on Local Government (1998) and the DFA principles introduced a whole new planning paradigm in all government spheres. The Municipal Systems Bill (1999) proposes that the two planning processes be combined into one, called Integrated Development Planning. This should solve the terminological confusion as well as streamline the planning process in practice.

All provinces have experienced teething problems in developing an efficient process.

3.1 Free State Province

In the Free State the Directorate of Spatial Development co-ordinates the LDO process. LDOs have been defined as an economic and social development plan for the area covered by the local government, including projects outside the local government budget line. However Bloemfontein City used consultants from Gauteng who interpreted the LDO/IDP as used in Gauteng as an internal municipal plan.

Local governments and District Councils (DCs) appointed their own consultants from funds supplied by the provincial government. The local LDOs were done before the DCs started their process. The priorities of the local LDOs are combined to form the district LDOs (the process is still happening).

The LDOs address all development issues. The district councils' LDOs will make sure that their responsibilities will be addressed within their budget. However, there is no

mechanism to ensure that other LDOs will be linked to budgets. It must be kept in mind that rural local authorities rely nearly 100% for their social and economic infrastructure on higher level governmental funding. An intergovernmental assessment committee will assess the LDO reports, but the assessment process does not include linking it to departmental budgets. There is therefore no system to ensure linking between local authority LDOs and the budgets of governmental service providers. The local LDO is thus merely a wish list that hopefully will be taken up in some budget. Prioritisation also becomes meaningless because the whole budgetary process depends on the budget of the governmental service providers.

The spatial development framework is not a regulatory requirement either, and was added as a requirement halfway through the planning process by the provincial government. At this stage there is no plan on how the IDP process will be co-ordinated, funded or aligned with budgets.

3.2 Northern Cape Province

Northern Cape has looked at IDPs in a similar light to the Free State as an integrated economic and social plan for an area. In the Northern Cape a co-ordinating body was formed in the provincial government to co-ordinate the whole LDO process. A consultant was appointed per district that is also responsible for each local authority in that district. The local LDOs will first be done, followed by the district LDO that will be a combined plan of the lower level LDOs.

After completion of the district LDOs, it will be assessed by all the governmental service providers and placed onto their budgets for the next five years. After this process, the IDPs (financial, communication, institutional plan and spatial development framework) of

the local authorities will be done. In this way all LDOs will have a budgetary home.

The spatial development framework is seen as a structural plan with a budget and will only include those items that are on the budget in the first five years. The spatial development framework will therefore 'develop' as the LDO/IDP is adapted after five years.

3.3 Gauteng

In Gauteng some consultants describe the LDO/IDP as a management plan for local government and only direct responsibilities of municipalities are addresses. In other cases they are being dealt with as an integrated development plan for the area.

Provincial departments failed to provide parameters within which LDOs could realistically be developed. Some departments felt that it was unnecessary to spell out what would be possible in terms of their budgets and policy priorities, since their planning would be informed by what emerged from the LDOs.

The consequence was that the LDOs that emerged from the extensive process of participation are not realistic, and may not mesh with departmental priorities and budgets¹². Another set of problems is the way in which LDOs might fit into future planning and budgeting processes. It is anticipated that rolling budgets will be set in place, which will enable prioritisation of programmes and projects over a period of five years. In the absence of budgetary re-alignment, arbitrary amounts are being set aside for LDO priorities on the basis of the existing system of budgeting.

The spatial development framework is usually done in the second cycle (second

year) and is seen as a LDO (project) and not as an element of the LDO or IDP.

3.4 Western Cape Province

The Western Cape distinguishes between Integrated Development Frameworks, Sectoral Plans and Spatial development frameworks. The Integrated Development Framework will integrate all aspects of development like economic, social, spatial, infrastructure, housing, institutional, etc, to enable optimal allocation of scarce resources in a specific geographical area.

Sectoral plans prescribe more detailed strategies, proposals and guidelines for a specific sector, element or subject for which it is developed.

The Spatial development framework must indicate the spatial implications of IDPs, and prescribe strategies, proposals and guidelines for the future spatial development of the specific area. These proposals, strategies and guidelines should not be restricted to the IDP but can make proposals for land reform, integration, environmental planning, transport planning, etc.

A review of the planning process by the Foundation for Contemporary Research¹³ found that municipalities surveyed:

- had little success in developing a strategic orientation;
- had not progressed beyond basic infrastructure planning. No sectoral plans were evident;
- did not directly addresses long-range land use management issues (spatial development frameworks) in their IDP exercises;

¹² Green Paper on Rural Development for Gauteng, 1998.

¹³ A Review of Integrated Development Planning in the Western Cape. FRC.

- did not have clear plans for Local Economic Development, although it was one of the key concerns in all of them;
- did not address democratisation, empowerment and redistribution issues; and:
- had limited success in public participation.

3.5 Proposals to improve the IDP process

The scope of plans at different levels (local, district plans, provincial) must be agreed upon before the start of the LDO/IDP process. Some questions that need to be answered are:

- should the IDP cover capital projects, and/or maintenance, and/or or the operation of services?
- can local government's IDP plan for provincial departments areas of responsibility, such as schools and clinics, or to improve the quality of education?
- Linked with this is clarification of whether the IDP should be purely planning for internal Council funds, or a wider economic and social plan for the area.

It is the view of the authors that what is intended behind the IDP concept is a wider economic and social plan for the area. If this is so then it becomes essential that:

Recommendations

R3.1 The coverage of the plan in terms of capital (one-off), maintenance and running costs is critical. These should be dealt with separately and not confused in one plan. The first to be drawn up should be operational, so that maintenance costs of existing infrastructure/projects are covered, before new projects are agreed.

R3.2 In order to look at running costs and capital costs the governmental service providers' budgetary process must be aligned with the IDP planning process;

R3.3 And so government services must recognise that it is essential for them to participate in the planning process

R3.4 Budgets must be made clear at the time of planning otherwise the exercise becomes meaningless and abstract and no real prioritisation, hard decisions about levels of infrastructure etc, will be taken. Ideally this should be on at least a 3 year basis corresponding to the MTEF;

R3.5 Each municipality should be allocated an amount to be used in any way they feel appropriate for their development plan, but that would need appraisal by a higher body;

R3.6 Local prioritisation becomes meaningless when higher spheres of government control budgets and services. Responsibility for deciding on projects should be taken as low as possible, depending on the different scenarios for local government (see section ?)

R3.7 Growth points, regional SDIs must be agreed upon before planning starts.

R3.8 Levels of basic services (standards) and minimum basic services must be agreed upon between municipalities/districts and provincial service providers before planning starts.

R3.9 Local government should play a co-ordinating role in the delivery network/partnership to increase quality and coverage.

R3.10 Clear performance standards must be set to enable community evaluation.

SECTION 4

CRITICAL DEBATES

4.1 Linking sustainable rural livelihoods and spatial development

It is critical to the debate on integrated development planning to understand what one is planning for. One way of describing this for rural areas, would be planning for rural development. However rural development is a rather amorphous term. One framework which has been tested in South Africa and proved to be very useful for looking at rural development, particularly in the light of poverty eradication, is the Sustainable Livelihoods Approach (SLA) and the Sustainable Livelihoods Framework.

This provides a holistic way of looking at rural development, starting with a view of a household or community and its strengths or assets, its vulnerabilities, the policies and institutions which influence it, its preferred outcomes, and the current livelihood strategies and potential ones to reach the outcomes. Figure 4.1 shows a diagram of the SL framework from Khanya (1999b).

A livelihood is defined as:

“ the capabilities, assets (including both material and social resources) and activities required for a means of living. A livelihood is sustainable when it can cope with and recover from stresses and shocks and maintain or enhance its capabilities and assets both now and in the future, while not undermining the natural resource base ”.

4.1.1 Assets and vulnerabilities

Assets are defined as¹⁴:

¹⁴ UNDP (undated). Note some people do not include political as a separate asset⁶, eg Carney, 1998.

- natural/biological (i.e., land, water, common-property resources, flora, fauna),
- social (i.e., community, family, social networks)
- political (i.e., participation, empowerment)
- human (i.e., education, labour, health, nutrition)
- physical (i.e., roads, clinics, markets, schools, bridges)
- economic/financial (i.e., jobs, savings, credit).

Rural people are vulnerable to issues such as drought political conflict, or the market.

Livelihood outcomes

Rural people have their own view about what they aspire to. It is important that government or programmes do not impose outcomes, but negotiate with communities to find out what their aspirations are, and what may be achievable outcomes, bearing in mind the external resources that government and other agencies may be able to provide.

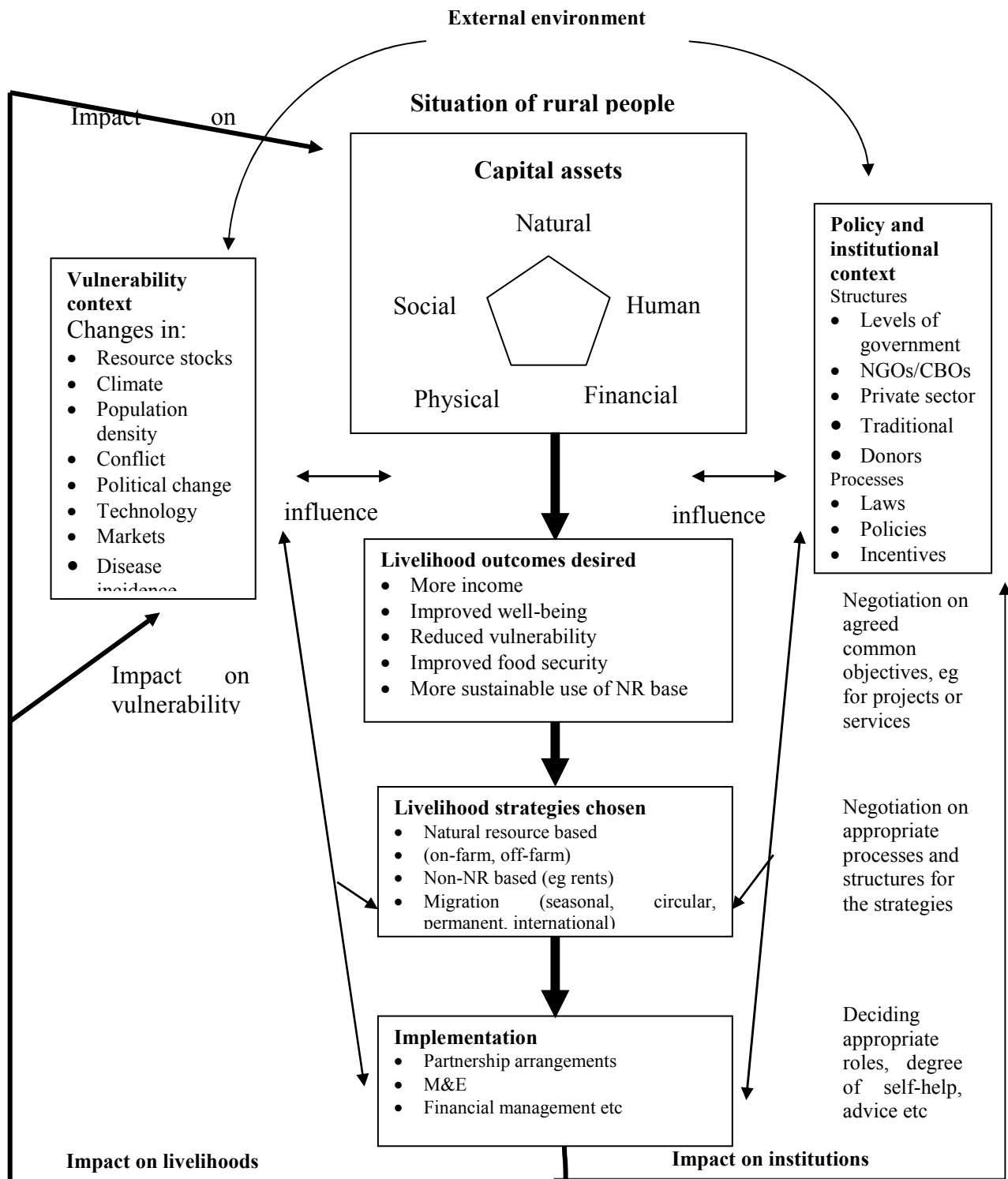
Institutional structures and processes

A variety of organisations provide services to rural people, and both people and organisations operate within a set of laws and policies or processes. These define the options which are available. Depending on this institutional environment, the outcomes desired and the vulnerabilities people then select livelihood strategies.

Livelihood strategies

Based on their awareness of the above, rural people adopt a strategy or strategies to cope with their lives. One of the most important things development can do is increase the options and choices people have, which increases the power they have over their lives. The key strategies in rural areas can be categorised as on-farm, off-farm or migration.

Figure 4.1 SUSTAINABLE RURAL LIVELIHOOD FRAMEWORK¹⁵



Impact on

↓

Impact on vulnerability

Negotiation on agreed common objectives, eg for projects or services

Negotiation on appropriate processes and structures for the strategies

Deciding appropriate roles, degree of self-help, advice etc

¹⁵ From Khanya (1999) adapted from Carney, 1998.

Box 4.1 Implications of the SRL Approach (Khanya, 1999b)

- It starts with (poor) people as the focus, and so puts clients at the centre. This means that client-focused, participatory and responsive approaches are needed.
- It recognises the holistic nature of people's lives, their use of multiple livelihood strategies, and so the need for holistic responses, rather than organisation-driven sectoral approaches
- It mainstreams the environment within this holistic approach
- It builds on positives – a respectful approach to rural people as people with strengths and opportunities and not just needs
- It recognises the differences within rural communities, and implies the need to do livelihood analysis on different groups so that institutional responses can be appropriate
- It recognises the importance of institutional structures and processes which determine access to assets and their value and so the attractiveness of livelihood strategies
- And so implies the need for bottom-up participatory work as well as top-down strategic work
- It implies a partnership approach between state, community and private sector – with the role of the state as facilitator, animator, or provider
- It recognises the learn to listen to those with whom we are working and learn about their objectives, but that there needs to be a dialogue about short versus long-term objectives, eg on environment, where people may sacrifice long-term sustainability for short-term gain
- It recognises that rural and urban areas are intimately connected, and that policy and service linkages need to be looked at, rather than seen in isolation

There are certain key principles behind the SLA which are shown in Box 4.1. As can be seen several of these have implications for the IDP process. For example:

- the need for planning to be based on an understanding of rural people, including their strengths
- the importance of a holistic approach covering the 6 assets
- for planning to be participatory

- for planning to link micro and macro, eg in developing policies

These seem to match the spirit behind the IDP process.

4.2 Link between spatial development framework and integrated development planning

The Green Paper on Development and Planning explicitly states that the Planning and Development Commission agreed to accept the focus of spatial planning as the brief for the Green Paper (p.14). Part of the brief of this study was that spatial planning should be seen as part of the integrated development planning (IDP) process.

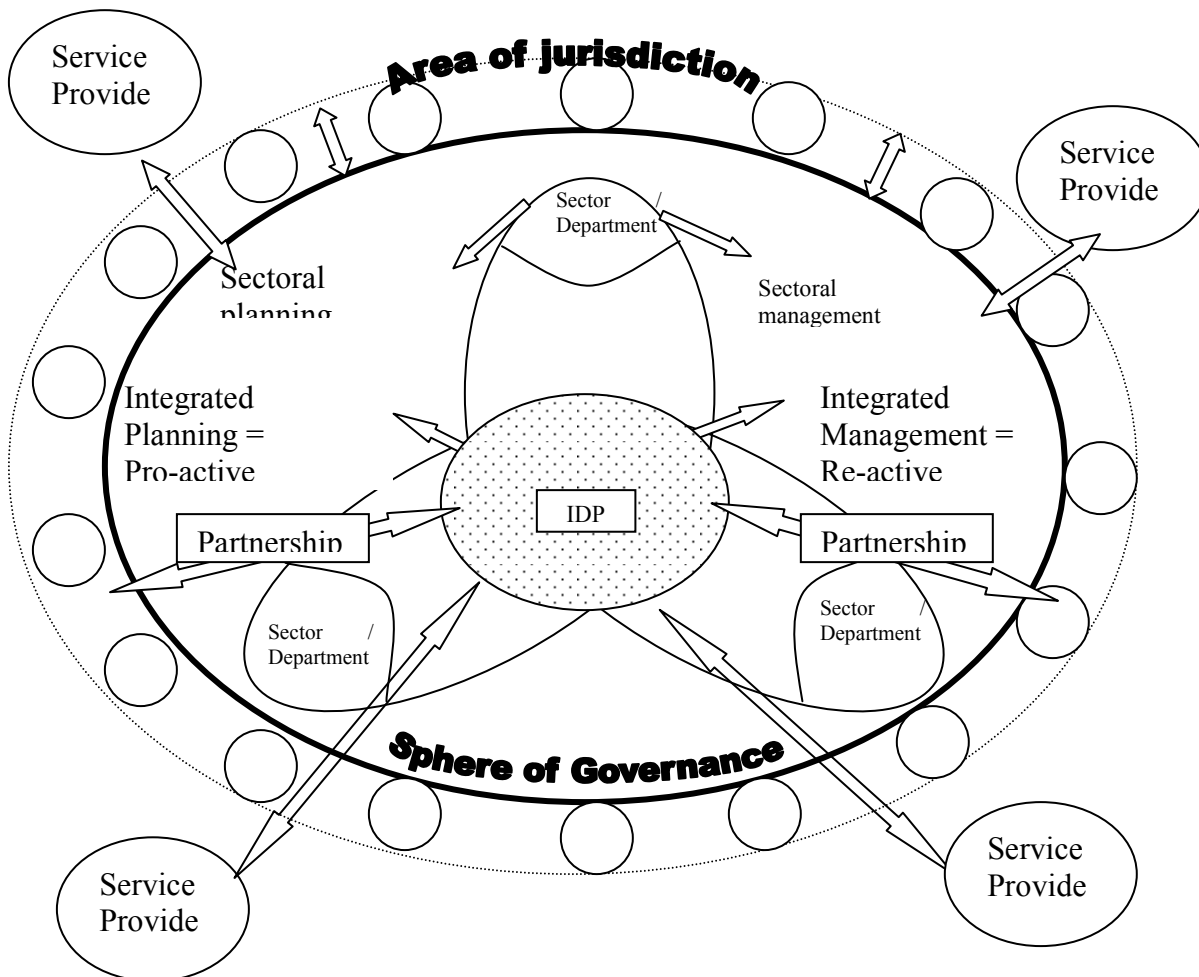
R4.1 The definition of spatial planning used should be taken from the Green Paper as “the integrated development planning process produces an IDP, and the spatial plan is the spatial development framework for the IDP”. It is not a separate plan.

“Integrated development planning”, as defined in the Green Paper on Development and Planning (p. 33), has a number of dimensions. The term “integrated” implies that it pulls together social, economic, environmental, spatial, cultural and political concerns into a single set of processes, in which considers the relationship between them.

“Development” is defined to be holistic while “planning” is not defined in the Green Paper but it is generally understood to be a pro-active process that includes a sequence of actions, which are designed to solve problems in the future.

The Green paper states (p. 14) that “Spatial planning” refers to the organisation of space. It therefore entails a process that plans the

Figure 4.1 Illustration of relationship between spatial planning and IDP



organisation of space. Later in the Green Paper it is stated that “Spatial planning”, as part of the integrated development planning process, refers to the spatial dimension of integrated development planning (p. 33).

“The “spatial plan” of a sphere of government, therefore, is only one, but an important aspect of the broader integrated development planning process. The spatial plan can only be responsibly drawn up when other issues like the economy; culture, social factors, politics, the environment and technology are taken into consideration.”

The spatial plan referred to in the Green Paper represents the spatial development

framework referred to in the Municipal Systems Bill, 1999.

R4.2 It is therefore suggested that the term “spatial development framework” be adopted when reference is made to the spatial plan.

This is necessary for alignment of the Green Paper to the Municipal Systems Bill, 1999.

Figure 4.1 provides a graphical representation of the Integrated Development Planning Process within a sphere of government.

The intersection of the different sectors (departments) is where the pro-active planning process takes place (the round table), within an integrated and participative process, for a particular sphere of governance. Stakeholders in the area participate in the formulation process via community-based organisations or non-governmental organisations, and together with an inter-departmental forum, plan for development of the area of jurisdiction.

The end product of this action is called the integrated development plan (IDP) for that particular sphere of government, while partnerships are being established between the sphere of government and the private sector. The latter partnerships are of great importance as the electoral 5-year cycle restricts continuity. Continuity could therefore be established through structured community involvement.

In rural areas there is very limited capacity in local government (TRCs and TLCs), which have few departments and staff. Therefore it is important that outside service providers interact with the local government and stakeholders in the IDP Process. In such a planning process, local government must fulfil a coordinating function. This will enhance their strategic role and enable them to enlarge their basis of service providers.

The IDP should also be managed, implemented and monitored by the sphere of government that formulated the plan, through a participative process. This calls for an integrated management, implementation and monitoring process.

As different departments and protagonists are involved in the process, responsibility for the IDP should be assigned to a specific person. This person (IDP Officer) will usually be the CEO (in the case of local government) or the Director General (in the case of provincial or national government).

However, especially in rural areas, where capacity is limited, other measures should be implemented to reduce the workload of the CEO or Director General. The IDP Officer will act a project manager and he must task departments, protagonists and service providers with the implementation of the IDP.

The IDP is a guideline document and the specifics needed for proper management and implementation, are not necessarily dealt with in the IDP process. It is suggested that more detailed plans (action plans) for implementation and management be prepared, within the context of the IDP, by a department or sector within a particular field of expertise. This will result in different sectoral management plans (action plans) that are more sector-specific than the IDP, but that build upon the IDP.

R4.3 For the proposals on the IDP to be useful, it is essential that a budget framework is made available within which local government can plan realistically. Ideally this should be 3 years and follow the Medium Term Expenditure Framework (MTEF).

This has not been provided in the first round of IDPs.

The spatial development framework, as the spatial dimension of the integrated development plan, is not a sector plan and will thus be formulated simultaneously with the integrated development plan. This spatial development framework will describe the desired spatial environment within which the IDP will be implemented. It will particularly give meaning to the DFA principles in local context. This framework will constitute the pro-active plan of the spatial planning activity.

The management, implementation and monitoring of the spatial development

framework, as part of the IDP, should be the responsibility of the IDP Officer. He will be able to task a specific department with the responsibility to formulate a spatial management plan (action plan), within the context of the spatial development framework of the IDP.

The implications for rural areas are that:

R4.4 As part of the IDP, a spatial development framework needs to be compiled

R4.5 An IDP officer, that could be the CEO or delegate, should take responsibility for the IDP Process.

R4.6 The community and service providers within the area of jurisdiction will form partnerships with the government in the IDP Process. Government will coordinate the process. Service providers not operating within the area will only be called in if capacity lack within the area of jurisdiction.

R4.7 The IDP Officer can delegate to a department or sector (community or service provider) the responsibility to compile a sectoral management and implementation plan (action plan to implement part of the IDP by a particular department or sector).

4.3 Confused land terminologies

Land vs spatial

The Green Paper states that the term “spatial” is consciously adopted in the place of “land” (p. 14). The term “spatial planning” refers to the organisation of space. It is a much more limited term than “land planning”. Later in the text it is mentioned that the activity of spatial planning has two broad dimensions: “pro-active planning”

and “land development and management” (p.33). The latter statement is confusing as it refers to “land”, whereas the Commission decided to use the term “spatial” in the place of “land” (p. 14). It furthermore confuses the term “planning” and “management”.

Planning vs Management

Spatial *planning* is a pro-active activity and therefore cannot include the second dimension, which is a management function. Comments on the Green Paper also articulated this problem and suggested that the last few chapters should be rescinded. It is therefore concluded that “land development and management” could not be part of the activity spatial planning.

It is not denied that the end product of spatial planning, namely the spatial development framework, needs to be managed and implemented. However, the latter refers to a management function and not a planning function. The team then asked whether “land development and management” is the same as “spatial management”?

Land development management vs land development and management

“Ordinary land” includes all the rights of ownership attached thereto including the air above it and the minerals therein (Ellenberger, 1987). “Land development and management” therefore refer to the development and management of these different aspects of land. The Green Paper states that the spatial aspect of integrated development planning (spatial development framework) allows for the management of land use and new developments (p. 57). The following statement contradicts again the meaning of management and planning and should have referred to planning and not management. The statement on page 57, namely “*The Commission therefore uses the terms “land use” and “land development management” to refer to the role of making*

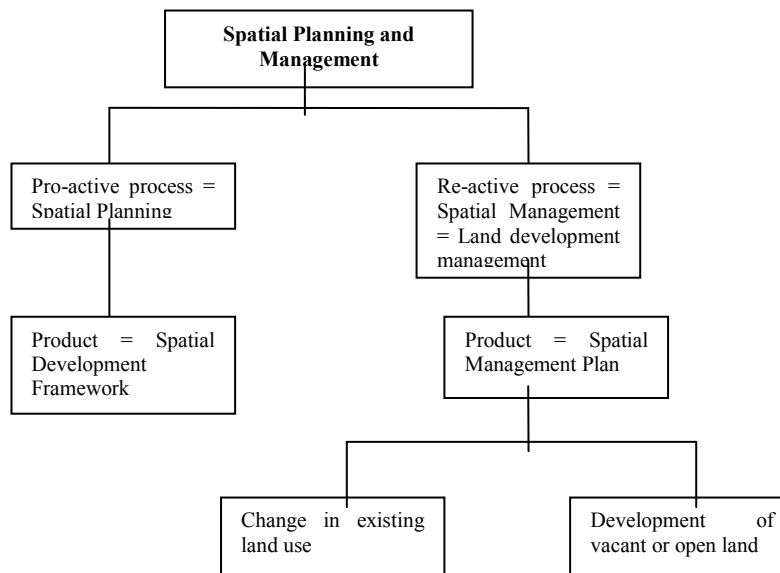
broad spatial strategic plans” is also wrong as it cannot include a planning function.” (Green Paper, p. 57)

The DFA defines “land development” as “*any procedure aimed at changing the use of land for the purpose of using the land for residential, industrial, business, small-scale farming, community or similar purposes*”. The Green Paper argues that the term “land development” refers to both aspects, namely land development and land use change. Therefore the term “land development management” is adopted in the Green Paper

the management of “land development”. It is thus not clear exactly what is the scope of the reactive process (management) that the Green Paper aims to address. It seems as though the Green Paper tries to address “land development management” and this could be translated into the management of space. If the latter is applicable, the term “spatial management” will assist in eliminating the confusion.

The Green Paper (p. 59) defines “land management” as having two key goals. Again different terms are used in the context

Figure 4.3 The relationship between spatial planning and management



to describe both actions (p. 58). However, the Green Paper also refers to “land development and management” (p. 33) which has a different meaning than “land development management” (p. 58). The first term mean the development of land and the management of land while the latter only refer to the management of “land development”.

Management of land (land use and land tenure) vs land development management “Management of land” includes the management of tenure, which is wider than

of land development management.

- it must provide effective protection to both the natural environment and members of the public from negative impacts of land development and land use change;
- It should also attempt to ensure a continually improving spatial environment, particularly in terms of the quality of public space. This statement implies rather a system of spatial management than land management, as

the latter will include the management of tenure.

However we therefore take spatial management as not including the management of land tenure. For the latter the term land management could be used, but it will imply the inclusion of the activity spatial management. For the purpose of the Green Paper, given its terms of reference and brief, it is taken that only spatial management should be addressed. And this results in the spatial management plan.

It is however unfortunate that the aspect of land tenure management is not addressed in the Green Paper. This complicates land management, particularly in rural areas subjected to tribal or communal tenure, where the allocation of land (tenure) and land use goes hand-in-hand. It is therefore proposed that:

R4.8 Spatial management should assist the process of land tenure management by allowing for communal or tribal tenure and setting guidelines for the allocation and use of land within these areas.

Conclusion

One can therefore conclude that:

- spatial planning is a pro-active activity whereas spatial management (land development management) is the re-active activity.
- Spatial management does not include the management of land tenure.
- The Green Paper further states that public authorities also have the responsibility of managing the use and development of land within their area of jurisdiction.

According to the Green Paper (p. 57), managing the use and development of land has two main aspects:

- the management of the development of vacant or open land, generally involving the improvement and subdivision of that land and the construction of buildings on it
- the management of ongoing changes to existing land use – this includes changes in the activities carried out on land, the size and coverage of buildings and the density or intensity of land use.

The implications for rural areas are:

- Land development management or spatial management will have to be implemented by local government who will manage the spatial development framework;
- The spatial development framework and the spatial management plan will have to allow for communal or tribal tenure systems and guidelines for land allocation in these areas will have to be incorporated within these plans;
- Land tenure management should be addressed, but outside the scope of this Green Paper.

R4.9 We recommend that the term spatial planning and spatial management should be used.

4.4 Relationship between urban and rural

The Rural Development Framework defines rural areas as

“the sparsely populated areas in which people farm or depend on natural resources, including the villages and small towns that are dispersed through these areas. In addition, they include the large settlements in the former homelands, created by apartheid removals, which depends for their survival on migrating labour and remittances”.

There is also an ongoing debate on how the hierarchy of settlement types can be structured into rural and urban. The draft report on the State of Human Settlements of the Department of Housing adopted the typology according to population numbers:

- metropolitan area: population of more than 500 000;
- cities/large towns: 50 000 to 500 000 population;
- *small towns: less than 50 000 population;*
- *displaced urban/dense rural : more than 50 000 population;*
- *rural villages: 500 to 5 000 population;*
- *dispersed or scattered settlements: less than 500 population.*

These settlements should however be seen in context of the their economic potential. Those areas with a large population but without an economic base or with a low diversity of economic activities, like displaced urban/dense rural settlements, are therefore classified as rural. The last four settlements in the settlement typology can therefore be considered as 'rural'.

It must also be kept in mind that there are no clear-cut boundaries between 'rural' and 'urban', especially in the context of the current demarcation of municipalities. Rural-urban can be viewed as a continuum because of the visible and invisible flow and interconnection between the rural and urban areas. These include economic services, demographic flows, environmental and infrastructure aspects which are not mutually exclusive¹⁶. The White Paper on Integrated Rural Development for KwaZulu-Natal took the approach that the urban breakpoint occurs not when wage work becomes central

to support but when reliance on the natural resource base stops.

R4.10 It is recommended to use the words 'rural' and 'urban' based on the Rural Development Framework definition and settlement typology described above, but keeping economic potential, the urban-rural continuum and the reliance on the natural resource base in mind.

4.5 Relationship between planning levels

Five scenarios were developed that will be used throughout this document to discuss the implications for rural development under the four spheres of government have different roles and responsibilities. These were developed reflecting certain forces:

- the growing power of Category B municipalities after amalgamation
- a tension between the support roles of Category Cs and the province
- some moves within government to change provincial government radically, either by reducing the number of provinces, devolving service delivery to local government etc¹⁷
- a recognition that although the DFA specifies participative processes, there is a governance gap, as there are no legitimate village-level structures in SA that can be used for planning and management¹⁸
- the importance of getting as much power to local level as possible, and that planning responsibility needs to be linked to authority and fiscal decentralisation

¹⁶ Discussion document: Integrated Rural Development Programme by Diet von Broembsen, Department of Housing. 19 November 1999.

¹⁷ And so it was important to consider scenarios which were relevant to these

¹⁸ Except in NW Province, where village service committees have been created.

Note that in this report local refers to community level, municipal level to that of category B municipalities, district level to the level of DCs.

4.5.1 Scenarios for local government

The scenarios are summarised in Table 4.1. These are essentially:

1 CBPO

There are legitimate village structures with powers over planning and management, empowered Category B municipalities, and the province plays the supporting role.

2 Devolution to Bs

Where there are no CBPOs, the emphasis is on strong category B municipalities, who are supported by regional offices of provincial/national government, and Category Cs are redundant.

3 Deconcentrated within provincial government

Empowered Bs, category Cs play coordination and support role, and the provincial level is one of deconcentrated national administration¹⁹, not provincial government. This situation is close to the current situation in the Free State.

4 Devolved to DCs

Where powers from national government are devolved to category Cs, with the provincial administration playing a coordinating role. This is not far from the role some DCs are carrying out at present²⁰.

4.5.2 Scenario 1: Community-based Planning Organisations

Community-based Organisations for Planning (CBPOs) work within empowered category B municipalities with provincial support.

Community-Based Planning Organisations (CBPOs)

At present IDPs have consulted people through workshops, or in some cases established some representative structures. However the role of the CBPOs are still weak and consultative. However in NW Province a legitimate structure of Village Service Committees has been established²¹ and it is this type of legitimate legally recognised structure that is referred to here which should include traditional authorities as members. The CBPOs should not only be actively involved with the planning process but also implementing projects at local level. Wards (as described in the Municipal Structures Act, 1998) may have more than one CBPO. The funds available for projects at local level must also be known so that local people can plan and prioritise realistically.

Category B municipalities

'Empowered' municipalities have skilled planning staff (it may be one planner), well defined policies and known resources (especially financial resources) and are co-ordinating the planning process. The spatial development framework is part of the integrated development plan.

Provincial government

The province provides technical support, advice and information on resources to the municipalities. Officials actively participate at municipal level in the planning process and then approve the plans. The provincial IDP and spatial framework provide strategic guidance. This plan is an accumulation of regional (regions refer to the service regions

¹⁹ As in Zimbabwe, Ghana or Zambia

²⁰ Amatola District Council in the E Cape is already handling health, roads, and tourism services amongst others, as well as playing an active planning and coordination role. Some services are provided on an agency basis, and the services are not necessarily provided throughout their area (for historical regions)

²¹ Zimbabwe has Village Development Committees, Ghana Unit Committees

of provincial departments) and provincial service programmes informed by a spatial development framework. Capacity building of municipal officials will happen through internships of provincial officials in municipal offices. The province will provide training programmes to municipal officials as well as CBPOs in all aspects of planning and project implementation.

4.5.3 Scenario 2 Devolution to Category Bs

Category B municipalities take on devolved services from the province. The province becomes a provincial administration for central government.

Category B municipalities

‘Empowered’ municipalities with skilled planning staff (it may be one planner), well defined policies and known resources (especially financial resources) are co-ordinating the planning process. Participation can be described as consultative without any structured CBPOs to play an ongoing role. The spatial development framework is part of the development plan.

Regional offices of province and national government

The regional offices of province and national government provide technical support, advice and information on resources to the municipalities. Officials actively participate on a municipal level in the planning process and then approve the plans. The provincial plan provides strategic guidance. This plan is an accumulation of regional (regions refer to the service regions of national and provincial departments), provincial and national service programmes and spatial framework, informed by a spatial development framework. Capacity building of municipal officials will happen through internships of national officials in municipal offices. The regional offices of province and national government will provide training

programmes to municipal officials in all aspects of planning and project implementation.

4.5.4 Scenario 3: Deconcentrated within Provincial Government

Empowered category B municipalities with support from co-ordinating District Councils (Category C) and provincial government deconcentrates certain functions to the level of municipalities and District Councils, but staff and budgets are still controlled by the province. The community is weak.

Category B municipalities

As scenario 1.

District Councils (Category C)

The District Councils co-ordinate, support and approve municipal plans, compile a district plan which is an accumulation of municipal plans and provincial programmes.

Provincial Administration

The Provincial Administration on behalf of central government co-ordinates, controls budgets and programmes, approve district plans, allocates budgets and audit financial expenditure of both local and district councils.

4.5.5 Scenario 4: Devolution to District Councils

Empowered category B municipalities with support from co-ordinating District Councils (Category C) and provincial administration who devolved certain functions and budgets to the District Councils. The community is weak.

Category B municipalities

Municipalities communicate the planning needs of the community. The municipal IDP is only a component of the District Council’s IDP.

District Councils (Category C)

The District Councils handle service delivery develop district plans within known

budgets, programmes and policies. These are communicated with the municipalities.

Provincial Administration

The Provincial Administrations approve district plans and give technical support to the District Councils.

4.5.6 Implications

These different scenarios have implications for the roles and powers of different authorities. They also illustrate that it may not be necessary ultimately to have both Category C and Provincial Government, that this could be a transition phase while Category Bs are empowered, and ideally a new class of CBPOs created which will give a real meaning to participation, and the potential of empowering local communities.

Recommendations

R4.11 In the medium-term (5 years) option 1 of Community-based Planning Organisations (CBPOs) and empowered Category B municipalities is recommended.

This would include community-based planning structures grouping a few villages (not at ward level), a single level of local authority (usually empowered Category B municipalities) taking over devolved services from provinces and category Cs, but in some cases this could be Category Cs²².

R4.12 This must be accompanied by fiscal decentralisation so that provincial budgets for service delivery accompanies devolved services.

Three types of CBPOs could be found: (1) in some traditional areas where it could be that the traditional leader will be the leader, (2)

an elected committee where the majority of members are elected and the traditional leader is a member but not the chairperson, and (3) an elected committee where traditional authorities are absent.

R4.13 For this to happen government must take the decision to devolve service delivery to Category Bs from the province.

Provincial administration then becomes a support agency for local government, plus having a regional planning role, rather than a provincial government. There could still be some form of provincial council, but this should be based on representation from constituent local governments (as with the provincial council in Zimbabwe).

R4.14 In different provinces different options are selected as intermediate to reach this objective, based on current strengths, with a clear time frame and process defined for implementation of Option 1. This should not involve building up current category C municipalities where these are weak but focus immediately on building capacity of the Category Bs²³.

R4.15 Support is sought from donors such as UNDP, GTZ and DFID for a national capacity-building project for local government, similar to the DFID-supported Rural District Council Capacity-building Programme in Zimbabwe.

²² For example in N Cape, where population density is very low.

Table 4.1 Comparison of roles under the different scenarios for local government and planning

Scenario Name	Scenario 1 CBPO	Scenario 2 Devolution to Bs	Scenario 3 Deconcentrated within provincial gov	Scenario 4 Devolved to districts	
Description	Legitimate community-based planning organisations are established, linked to empowered Category B municipalities. There are no Category Cs and provincial government provides support	Category B municipalities take on devolved services from the province. The province becomes a provincial administration for central government	Category B municipalities are supervised by Category Cs who play a coordinating role. Provincial government still provides services but these are deconcentrated to the level of B or C.	Category Cs are very strong and have taken over service delivery from provincial government. The province becomes a provincial administration for central government. Category Bs play a limited role.	
Community level	Have formal CBPO	Loose structures established for IDPs			
Municipal level (B)	Strong Bs take on responsibility for planning and promotion of economic and social development	Very strong Bs take over service delivery and become major local development organisations	Strong Bs take on responsibility for planning and promotion of economic and social development	Bs handle current type of municipal services such as water but do not play a major development role.	
District level (C)	DCs don't exist. Regional/local offices of provincial government exist	DCs don't exist. Provincial admin has regional offices but none below this.	Category C plays a coordinating and supervisory role of category Bs. Regional/local offices of provincial government are very important	Category Cs very strong similar to Amatola District Council now, running full range of devolved development services	

SECTION 5

ISSUES ARISING FROM GREEN PAPER

5.1 Accessibility

However, the IDP Process requires now also the involvement of members of the public in the development planning process, and therefore a need exists to explain spatial planning and the implications of the Green Paper in more layman's terms.

The Green Paper tends to be very technical and inaccessible in terms of interpretation to the general public or even a non-spatial planner. This is aggravated by the use of different terminology and the confusion of terms. Section 3 and 5 in this document highlight this problem.

5.2 Integration with legislation on IDPs

The Green Paper does not link properly to the Municipal Systems Bill, 1999 which makes it also difficult to relate it back and to see the implications for the IDP Process. It also does not take into account the Municipal Structures Act, 1999 and the implications of Category A, B and C municipalities for spatial planning and management. Section 3 and 5 give some scenarios and the implication it might have on spatial planning and management.

Although mention is made of rural areas, some big issues have not been addressed. The role of local government in rural planning has been limited to District Councils and attention is not paid to the implications it will have on small local authorities in rural areas.

5.3 Releasing economic potential

The IDP process must have the objective of releasing the economic and social potential of rural (and urban) areas (ie rural development). The planning process should not just be a process of deciding how to limit seemingly unlimited demands for development assistance. The settlement approach favoured by spatial planners tends towards the latter, whereas development planning tends to the former. If spatial planning is now a part of an IDP process, then it should be the releasing of this potential which should be paramount. However the impact of spatial planning and management on economic development, social issues and natural resource management is not sufficiently highlighted for rural areas in the Green Paper. Some of these aspects are addressed in section 5 of the document. Professor Dewar's task team has recognised this in that the changes recommended by his group to the DFA principles strengthen the economic orientation.

5.4 Other issues

Traditional authorities are very important in land management (spatial management and tenure management) in rural areas and their role is not covered. The suggested link with CBPOs may be one way out of this problem

The difference between urban and rural planning is not highlighted.

SECTION 6

REVIEW OF KEY ISSUES AFFECTING RURAL DEVELOPMENT

Section 5.3 implied that for rural development it was critical for planning to address proactively the needs of economic and social development. This is what the IDP process intends to accomplish. This section reviews some of these elements to see what is required to achieve them, and what the implications of this are for spatial planning and management.

6.1 Economic, fiscal and poverty issues

6.1.1 Introduction

The economic base can be classified into primary, secondary or tertiary sectors. The primary sector includes agriculture, mining, forestry, and fishery. The secondary sector includes industrial development and tertiary the service sector. The economic activities of an area can also be categorised in terms of whether they are in the formal economy or informal economy and whether a surplus of production or only subsistence production is produced.

Rural areas tend to be more dependent on the primary sector, have a high proportion in the informal sector, and much production is for subsistence. For example the Free State in 1991 derived 34% of Gross Geographic Product from the primary sector, whereas the average for the country was 14%²⁴. There is quite a diversity of activities people take to survive, but often at a subsistence level²⁵. This is less so in commercial farming areas, where farmworkers have an income on which they depend.

Rural areas have a higher level of poverty (approximately 75%)²⁶, especially – but not only – in the former homelands. Poverty, as defined by the Free State Government, is a

“lack of ownership of (or limited access to) resources and opportunities. These include insufficient food, inadequate or unrecognised skills and capabilities, inadequate income, poor health and welfare, conflict and breakdown in society, lack of access to natural resources and inadequate physical infrastructure, both personal and community²⁷.”

It is therefore an all-encompassing term that focuses on the total livelihood as an entity.

To support the economic development of the area requires different elements in the different types of economy, which is discussed in relation to the different case studies.

6.1.2 From the case studies

Betterment

Access to economic services are much more limited in the former homeland areas, especially sparsely dense areas, than in the rest of South Africa. Xume's economy is based on subsistence agriculture and social grants. There are a couple of spaza shops (informal businesses) in Xume but for other higher order needs people need to travel to Tsomo or Butterworth. Most people do not have jobs and they also do not qualify for loans, as they have no security to offer. The purchasing power in Xume is thus very low.

Dense rural

QwaQwa on the other hand, a more densely populated former homeland area, has Phuthaditjhaba as its primary service centre with a low variety of formal and informal

²⁴ CSS – Statistics in Brief, 1995

²⁵ See for example Khanya (1999b)

²⁶ See Poverty Eradication Strategy for the Free State,

²⁷ Poverty Eradication Strategy

businesses and some industries. Although Phuthaditjhaba has as many people as other bigger towns in the Free State and elsewhere in the country, its economic development lack diversity. For this reason, a lot of spending takes place in Harrismith or Bethlehem. Despite having a population of 200 000 people, rural QwaQwa only has a few small community centres and informal spaza shops.

Most people depend on subsistence farming for their daily consumption, as the majority of people are unemployed. The purchasing power of this community is also very low.

Commercial farming areas

Although the level of economic services is very rudimentary in most of the rural small towns in the former non-homeland areas, access to these services exists. However, accessibility depends on mobility. Large and small commercial farmers and miners residing in mining villages have private vehicles or public transport to access these services more regularly than farm workers.

Small towns

People with private vehicles can access better services in the bigger centres, and therefore a lot of the buying power in the rural areas gets spent outside the local area. This has a negative spiral impact on the smaller service centres resulting in a decrease in services. This again motivates people with buying power to shop elsewhere until the small town or service centre deteriorates to such a level that it has very few retail facilities.

This effect also influences the diversity of the economic base of rural small towns. Most of these small towns are only service centres and no or very few agro-industries have been developed. Although the diversity of the economic base in some farmland areas is very low, the commercial production of agricultural produce assists

these families to keep a relatively good lifestyle. The reduction in producer prices as tariffs have come down combined with high input costs has resulted in difficult times for many farmers, influencing the amount of capital spent in rural areas and employment opportunities in the agricultural sector.

Infrastructure

Access to good infrastructure and land is closely coupled to economic development. On the whole the former homelands have poor infrastructure. Roads, telecommunications, water and electricity are the most important public services needed to ensure a growing economy. Roads in particular are important to accommodate the high demand put on mobility in rural areas.

Land, on the other hand, acts as collateral for financial loans in the western economy. This enables people to access capital. In the former homelands and other traditional areas, communal land tenure makes it difficult for occupants to access capital and thus also limits their ability to start or expand business.

6.1.3 What makes rural development happen in the context of the economic issues discussed above?

- Local initiative stimulates economic growth. Government or service providers can only support local initiative, they cannot make it work.
- Economic services, like banks, support networks, post offices, etc. need to exist to support businesses
- The accessibility of good quality social services, like schools and clinics, in rural areas is particularly important for the community to be able to take on opportunities.

- Infrastructure is required to make services accessible to people. This also contributes to economic growth.
- The development of the inherited potential of natural and human resources creates economic opportunities
- Diversity in the economic base is necessary
- Buying power stimulates economic growth
- The current Western-based capitalist economy does not acknowledge other assets such as human or business plans as collateral²⁸
- Diversity within the economic sectors should be promoted and catered for in the spatial development framework.
- Co-operation between small towns or villages need to be encouraged and regular markets introduced.
- Encourage access to rural finance by improving the environment of the area.
- Mix household agriculture with residential areas and increase access to community gardens within easy reach of a residential area to assist with food security
- Improve access to commonage and small-scale farming as sources of subsistence and income generation

6.1.4 The implications of economic issues for Spatial Planning, within the context of the IDP

- The IDP should create a favourable environment for local economic development. The spatial development frameworks need to reflect this.
- Areas with high development potential should be identified and action plans to promote these areas need to be compiled in the spatial management plan.
- A system of good road networks, communication, water and electricity to those areas with development potential needs to be developed, and has high economic multipliers²⁹.
- Provision should be made for social services, like schools and clinics in close proximity to the community to allow that potential to be realised.
- Mixed uses should be allowed to encourage local initiative and entrepreneurship.
- The location of job opportunities close to a community should be encouraged.
- Spatial planning should give recognition to the diverse objectives of small-scale farming, including different balances between on- and off-farm livelihood generation and should address this diversity as a strength rather than a weakness of the process.
- Spatial guidelines for economic development should be included to inform proposed and existing development.
- Encourage more compact settlements that allows for productive land to be freed by build-up areas within walking distance of a community.

Rigid adherence to the concept of “economic land units” is unlikely to be helpful and non-conventional farming practises should rather inform decisions around smaller farming units. Spatial planning should therefore encourage a range of farming sizes that is economically viable and sustainable in terms of the farming practices.

6.1.5 Are there any implications for the IDP and spatial planning in the different scenarios?

Local Economic Development (LED) requires close co-operation between municipalities and community organisations.

²⁸ For example successful micro-finance schemes such as the Grameen Bank depend on social capital, peer groups and peer group pressure, to ensure repayment, and not collateral

²⁹ Eg see Bond’s study in the Eastern Cape (1999)

Therefore Scenario 1 is the best option for LED because CBPOs are already co-operating with their municipalities on various issues. However, LED will only be successful if the higher level decision-making body, whether District Council or Province, or private sector provide the necessary supportive infrastructure, financial and capacity building services. With an understanding of the local spatial situation, local people are also better able design a spatial development framework that will enable LED, e.g. mixing of residential areas and job opportunities.

6.2 Infrastructure issues in rural areas

The vision of rural development described in the Rural Development Framework has two main aspects:

- Those related to governance and the provision of physical infrastructure (water supplies, electricity, etc.) and social services (education and health care);
- Those related to the enabling framework essential for rural livelihoods to expand and thrive, principally by restoring basic economic rights to marginalised rural areas.

These are two sides of the same coin. Without the first, people and business will not thrive. Without an expansion in production, marketing and related economic activity, people will not be able to pay for the services they need and government will be unable to provide them. In essence, the vision for rural development constitutes a supply and demand paradigm³⁰.

The Constitution and the Reconstruction and Development Programme (RDP) were based largely on a rights-based approach (People

have a right to infrastructure). The GEAR policy, in contrast, attempts a difficult balance between a rights-based approach and a productivity-oriented approach (People should get access to infrastructure if it can contribute to economic participation and performance).

The Integrated Rural Development White Paper (IRDWP) of KwaZulu-Natal proposes 'rational and spatially strategic provision of basic services'. These strategies would include the provision of services at a far more basic level than is envisaged for the urban areas – protected communal water sources, alternative sources of fuel (wood lot) etc. Subsistence and semi-commercial agricultural production opportunities (allotments and community food gardens) need to be created to ensure food security, and to provide modest elements of livelihoods for poor households. It is suggested that these strategies which is conceptualised as essentially 'rural', should be extended to the urban fringes.

The iLembe Regional Council in KwaZulu-Natal has adopted the above approach in addressing the provision of services in the Durban Metro interface with traditional rural areas. Service delivery within these areas is dictated by the level of population pressure within many of the tribal areas, caused by people seeking relatively affordable access to opportunities provided by Durban. The municipality responsible for these areas is likely to face problems of municipal finance because of the inability to pay for services and the limited rates and revenue-generating base within the iLembe areas.

The challenge is to provide affordable services to these areas, recognising that most conventional services (housing, reticulated water, etc) will remain outside of the reach of people residing in these areas. This affects the type of services that need to be

³⁰ An Integrated Rural Development White Paper for KwaZulu-Natal.

prioritised as well as the form that delivery takes.

Services which are potentially affordable include community gardens, wood-lots, boreholes and protected springs. However these types of service require much greater levels of participation and community management if they are to be provided affordably, than conventional municipal services. Given that the mobilisation of communities in support of service delivery typically involves developing the support and cooperation of traditional authorities in these areas, a municipality wishing to provide affordable services must develop very close relations with existing land management administrations and mechanisms by which community support for services delivery can be mobilised. This comes back to the importance of legitimate CBPOs which involve traditional authorities and have significant powers over planning and management.

The Eastern Cape Livelihoods Report³¹ (1999) argues that for services to be sustainable, it is critically important that sustainable livelihoods be promoted, which can help to ensure that services can eventually be fully paid for. It recommends that an increasing emphasis is placed on infrastructure to promote economic growth, and that emphasis be placed in resource allocation for this infrastructure, which enables households and communities to generate an income.

The Green Paper on Rural Development for Gauteng (1998) argues for the focussing of economic opportunities, and concentrating the provision of resources and services. This will create strategically located development nodes within rural areas, and maximises the rural development potential of small towns. This type of approach can be similar to the

settlement approach, based on how to limit infrastructure demands to nodes, rather than how to liberate the economic and creative potential of rural areas.

6.2.2 The situation in the case studies

Betterment village in the Transkei

The situation in Xume is a result of the desperate situation in the Eastern Cape as a result of government services that collapsed and the impact of many years of neglect. Xume is only 7 km from its nearest service centre, Tsomo. The roads have deteriorated due to the lack of maintenance, and this makes visits to Tsomo where shops and government services are, or the nearby clinic, very difficult³². Taxis are not willing to use the roads. There is no electricity, water schemes for household or irrigation use and sanitation services. Neither are there services to stimulate entrepreneurship or economic development. Improving the livelihoods of the residents of Xume is very difficult under the current conditions.

Vaalharts Irrigation Scheme

Vaalharts Irrigation Scheme was identified many years ago as an area with high agricultural potential with a reliable water source. The government spent \$3,5 million between 1934 and 1948 on irrigation infrastructure. Today the area is prosperous. The full range of basic services are provided in the small towns of Hartswater and Jan Kempdorp. There is a very high rate of payment (86-105%) for services in Hartswater. Unemployment is relatively low, because short-term farm work is often available to unskilled labour. Electricity, telecommunications and roads are provided to the farms of 30 ha each. The ground water table is shallow, easily available and ground water is save for human consumption. Solid waste management and sanitation is the

³¹ Khanya, 1999b.

³² There is a backlog of R2.3 billion on road rehabilitation in the former Transkei (Khanya, 1999b)

responsibility of the farmers. All other social and economic services are available and easily accessible in one of the towns because the farmers have their own transport, good roads and are relatively close to the towns (no farm is more than 15 km from town).

Farm workers depend on the farmers for household basic services, while taxi services are within one kilometre from most farms. Farm schools are distributed throughout the farms and therefore accessible to many of the farm workers' children.

Maluti Rural Council

In the large, sparsely populated area of Maluti commercial agricultural area, the situation is different. Electricity and telecommunications are provided to the farms, although the latter are unreliable. The roads are in a bad condition, but not nearly as bad as those in the Xume area. The bad roads have a detrimental impact on the economy of the area, because private service providers are not willing to provide transport services, either for goods or passengers.

The most essential social and economic services, like banks, schools, post office, clinic, magistrate, shops are in the nearest town, which may be more than 30 – 35 km from some farms. The services are therefore inaccessible to farm workers who are without their own transport. Higher levels of services, like hospitals, medical specialists, and a wide and cheaper range of household goods, are available in bigger service centres like Thaba Nchu and Bloemfontein. These services are favoured by those with transport and who can afford it.

Community involvement in infrastructure

Not one of the case studies had examples where the community was actively involved in the planning, development and maintenance of infrastructure. It is often suggested that enhanced levels of community ownership, control and

commitment will ensure the maintenance of infrastructure. Many water provision projects in the rural areas collapsed because technology of service selected by the users was too 'high' or developed for the rural people to maintain. Other issues also arise in community involvement like equitable distribution of intra-community benefits, the slow process and whether people of a different class (traditional leaders, teachers or religious leaders) are really representing the interests of ordinary people, even though they live in the same area.

When we talk about affordability of infrastructure, we must ask to whom is it affordable and whether in terms of capital, maintenance or running costs. Box 6.1 illustrates the complexity of affordability. In KwaZulu-Natal in areas where people cannot afford to pay for services, affordable infrastructure is described as food gardens, secured wells and springs for household water, woodlots for household energy, etc.

Box 6.1 Waterborne sewerage or buckets in Excelsior

To maintain the waterborne sewerage system in Excelsior it costs the municipality 25% of the cost to maintain the bucket sanitation system. But waterborne sewerage is the more expensive service to install. However, these costs are paid by external funders (District Council or Department of Water Affairs) after successful application. Only the maintenance cost is transferred to the user, so therefore the expensive system is more 'affordable'. What does this mean for spatial planning of infrastructure?

Bond (1999) illustrates though that the construction of infrastructure has considerable impacts on economic development, for example that 7 businesses are started on average for every 100 households connected with electricity. Figures quoted in Khanya (1999b) on employment creation through the Community-based Public Works Programme

point to up to 15.5 workdays of employment being created per unit of expenditure on roads³³.

6.2.3 What makes rural development happen in the context of infrastructure issues discussed above?

Some areas of potential impact on rural development include:

- The concentration of services and resources in areas with high economic potential leads to economic growth;
- Well-maintained roads and access to services in dispersed settlements and between small towns and bigger towns.
- Modern technology like satellite telecommunication and solar power can overcome some of the current limitations;
- Water is a stimulating factor for rural development, for safe domestic water, reducing women's time of fetching water and improving health, and for irrigation;
- Community involvement in decision-making is a slow and messy process but essential if community ownership, consensus about decisions, or contribution to maintenance is important;³⁴
- Active community-based organisations with resources will contribute to local economic activities;
- Hard political decisions must be taken that may be unfavourable to certain individuals or groups, but that will have a beneficial impact on the community as a whole or the region, e.g. growth points and lines;

- Basic infrastructure must be production-orientated, rather than just consumptive, and lead to economic development. This must be planned;
- All settlements, should have locally-based field workers, eg community workers for entrepreneurship development or community health workers, with the larger ones having full extension staff. This greatly increase the impact of services and bring services within walking distance of people without access to transport

6.2.4 The implications of infrastructure issues for Spatial Planning, within the context of the IDP.

- Identify settlements with different levels of basic infrastructure types, depending on the economic potential and settlement size.
- Identify provincial, district and municipal priority roads, telecommunication services, electricity and water provision.
- Identify provincial economic growth nodes and SDIs.
- Develop a set of prioritised infrastructural projects to enable economic and social development for each sphere of government.
- Local priority infrastructure areas will be guided by impact on the livelihoods of the residents e.g. new housing schemes for the poor within walking distance of the economic centre of the town, public open spaces linked to economic opportunities like markets and community gardens, income generation opportunities integrated with residential areas, etc.

³³ Business Day of 19.1.2000 reports that Kwazulu-Natal has just launched the lengthman system where households are given a length of road to maintain.

³⁴ Eskom, DAWF, amongst others create local committee structures. However these are single issue and have no overall legitimacy. These would be more powerful if linked to a legitimate CBPO. There are examples quoted in Khanya (1999) from Xume where a lone councillor acted unilaterally in modifying decisions about locations of projects as there was no village structure with legitimacy.

6.3 Social issues in rural areas

6.3.1 Social networks

Social networks are crucial aspects of development, as they are the 'social capital' on which all activities are based. In any economy, relationships of trust, mutual assistance, co-operation, and exchange form the basis on which any transaction or investment can take place. Developmental activities in highly fragmented or alienated societies are virtually impossible.

Social networks are deeply normative, and are based on fundamental values about individual identity, appropriate behaviour, and status relationships. However, social networks are often politically controversial, because different political ideologies often have very different views about the types of social relationships which are socially beneficial or morally just. Political conflicts are often about deep-seated beliefs about appropriate social relationships. The kind of issues associated with social capital include³⁵:

The depth and nature of community organisation

Most rural areas usually have a long list of community-based organisations (CBOs), although they may not be very successful to access funds for development projects or implement projects. In Xume six CBOs are involved supporting economic activities. Tension develops easily within and between CBOs, especially newly established ones, when external funds are accessed for development projects. Societies, which could be arranged around burials or household goods, form an important part of the informal financial institutions. They depend on contributions from their members and are usually formed by women who know each other well. Churches are often the most

trusted CBOs in rural communities. Most rural people belong to a church, especially women, and churches could be utilised more as local development agents.

Farmers' Unions play an important role amongst commercial farmers. On Vaalharts, the farmers union were instrumental in establishing the Vaalharts Agricultural Cooperative that was the main instrument in developing and diversifying farming activities on the irrigation scheme. Soil conservation committees formed part of the farmers union in commercial farming areas and played a central role in implementing the soil conservation regulations of the government through a policing role. Women's organisations, like the Women's Agricultural Union played a central role in developing the capacity of farmers' wives, although it confirmed the non-economic role of women as housekeepers.

Dislocation, crime and violence

The levels of dislocation amongst rural people are high. This is mainly because of an enforced system of migrant work that prevented workers to take their families with them to the cities. The well-known result was that old people, women and children stayed in the rural areas while the husband started with a second household in the city. This migrant worker trend is still visible in Xume where 55% of the population is women, an increase of 54,6% since 1991, presumably reflecting an exodus of men seeking jobs. A different trend has developed amongst farm workers. To ensure that their children receive better education or education at all, children have to attend school in the nearest town. There are no hostels for the children, and they are forced to stay on their own or under the provision of a grandmother. This leads to social problems like early pregnancies, rape and abuse of children.

³⁵ Institutional support for Sustainable Rural Livelihoods in the Eastern Cape, 1999.

Table 6.3 Summary of external services in study areas

Study area	Poverty levels	Government services	External non-government service providers
Betterment town of Xume	High	Some provided from Tsomo or Butterworth	None
QwaQwa	High	Most social and economic services based in Phuthaditjaba, some from Bethlehem	Educare services, adult education, banks
Small farms of QwaQwa	Average	Most are based in Phuthaditjaba	None
Vaalharts Irrigation Scheme	Low amongst farmers, high amongst farm workers	Agricultural experimental farm, all social and economic services	Farmers Cooperative, banks, welfare services
Commercial farms of Maluti	Low amongst farmers, high amongst farm workers	Farm schools, Eskom, Telkom, Dept of Roads	Use serves in nearest town
Small town of Excelsior	High	Most social and economic services on small or patchy scale like welfare once a week, or a local clinic	Farmers Cooperative, Oranje Vroue Vereniging, banks
Richtersveld	High	National Parks Board	WWF SA

Community Policing Fora (CPFs) were promoted as the community-based institutions to work with the SAPS to eradicate crime. In the Eastern Cape, these fora have collapsed, and crime statistics from Bisho show that the nature of crimes is becoming diverse. The number of illegal firearms used in robberies is increasing, fewer arrests are made, and indications are that the majority of the crimes are poverty-related. The crime levels in commercial agricultural areas and small towns are relatively low. The main concern is white farmers who are murdered and cattle theft.

The existence of external organisations supporting communities

External organisations, whether government or non-government, are crucial to the development of poor areas. The location of these services within reach of their clients (whether the service providers can be reached via transport or telecommunication or whether the service providers are locally available) and the quality of the services influence the opportunities that are available

to the poor. However, historical financial and infrastructural distortions, and financial resources, ability and commitment of officials are some of the critical elements that influence the current situation. This is illustrated in Table 6.2.1 that shows that although QwaQwa residents have a range of local services and Xume has none, poverty is high in both.

The Richtersveld is a unique situation. The four small towns that are partners in the Richtersveld National Park are benefiting from the relationship with the National Parks Board (NPB). This is because highly skilled and committed officials (although the commitment is primarily to conservation) are creating economic opportunities for the partner communities that would not have available to them otherwise. Environmental and conservation NGOs like the WWF SA are keen to be involved with such a project, and are therefore willing to pour funds into the area. It is the policy of the NPB to create alternative incomes for neighbours and partners. The NPB initiated a textile printing

group whom they helped to get contracts. They also encourage local people to get involved with eco-tourism by training tour guides, development and marketing of hiking trails and guest houses in each village.

The existence of social networks, trust and cooperative activity

Churches, societies, youth groups, women's groups are all examples of social networks that exist within the study areas. The traditional authority is still trusted in Xume, but not in QwaQwa. The lack of trust between the community and the traditional leaders is hampering development in QwaQwa because decisions cannot be taken on land develop issues. While people demand title deeds of the land they occupy, traditional leaders are against it because it will break down their last power basis.

6.3.2 Lifelong learning

The legacy of the inequitable education system of the apartheid era is that we are left with a large number of adults who do not have enough basic education to become employed, to create employment or to access information that is important for them to manage their health, look after their children and participate in society³⁶. Farm schools and primary schools are reasonable well spread out in the rural areas, although the quality of the education is questionable. Secondary schools are mostly town-based, but the lack of hostels creates many social problems. Subjects like entrepreneurship development and computer studies are rare amongst rural schools. Most school leavers cannot find a job, create a job or go for further training. This has created the situation that rural settlements have a growing population of young people have a growing unskilled, unemployed population of young people younger than 25 years old.

³⁶ Institutional Support for Sustainable Rural Livelihoods in the Eastern Cape, 1999.

Widening the ABET curriculum from simply reading and writing to include a wide range of learning areas linked to career options has the potential to address some of the education problems mentioned. Unfortunately delivery is still hampered by lack of funds. Some government departments are trying to address this problem by providing training and funds for development projects on a demand-led basis, but with poor programme and resource coordination between departments. Unfortunately the approach that communities must organise groups for training (based on demand) is often not productive. In Excelsior a councillor was approached by the Department of Labour to organise training. Vegetable production was decided to be the topic of training, despite the fact that water for other than household use is a problem. Furthermore, the Oranje Vroue Vereniging has been trying for four year with limited success to access funds to develop a five hectare vegetable garden. The LDO of the municipality (that placed great emphasis on training and business development) and the community-based structures that are in place to implement the LDO, was completely ignored by the councillor (who has been a member of the LDO Steering Committee and is a member of the LED Forum) and the Department when the training was done. If the focus was on co-ordination and productivity, the results could have been different.

6.3.3 Health

Clinics are well spread throughout the case studies, but not always within reach of old people and those without transport, especially where roads are in a bad state. The services in the clinics are often not of a good quality, because of a lack of enough medicines and equipment. Commitment of staff is also sometimes questioned. The only government health services that are available to areas away from town are mobile clinics, but these services have been stopped in

many places due to budget limitations. Provincial health departments are also not paying subsidies to municipalities in time who do not have funds to carry these extra costs. This system to transfer of health subsidies from provinces to municipalities should be revisited to solve this problem. Community health workers should be placed in villages and small settlements without clinics.

Pharmacies and traditional healers play important roles in the primary health care services. These services should be acknowledged and enabled to work alongside formal services.

AIDS/HIV are hidden diseases, because people are afraid to talk about it or not well informed. Major efforts should be made to provide services because many AIDS patients return to their rural homes to die.

6.3.4 What makes rural development work in the context of social issues discussed above?

- Vibrant civil society
- Cooperation and trust between civil society and local government
- Clear roles for development partners
- Large proportion of the planning budget available for local prioritisation
- Safe places for learners near schools
- Good quality primary health care services, including community health workers based in villages
- Committed, skilled and resourced officials and field workers
- Field workers based in small towns and villages, and not concentrated in big services centres.
- The CBPO would be actively involved with planning process, have a known budget for local priorities, control community workers

6.3.5 The implications of social issues for the Spatial Development Framework within the context of the IDP

- Good quality primary health care facilities are within reach of most people.
- Higher level of health services like hospitals will be available only in bigger towns and cities.
- A range of lifelong learning facilities should be available within reach of most people.
- One stop service centres should not concentrate services away from the poor. Community health workers that are based in villages and towns can be connected to these centres for support.
- Private clubs share sport facilities with educational institutions
- Erven should be earmarked for development projects or business activities.

6.4 Legal issues relating to tenure, land rights and land use management

6.4.1 Terminology

“Tenure” describes the right to access, own and use land in a particular way. These rights are called “land rights” or “land tenure rights”. Land rights are dual in nature, in that they first controls access or ownership to land and secondly control the use of the land. “Land use management” thus refer to the management of use while “land management” also include the management of ownership or access to land. In terms of the Green Paper on Development and Planning the term “land development management” refers to land use management and it is suggested that “spatial management” be adopted to describe the management of space, which is the result of land use management.

Management of ownership is a public sector activity, which includes the recording of

who owns what. This activity forms part of land management. The Registrar of Deeds and Land Surveyor manages this function. In the case of public land, managing ownership also needs to include the drawing up of lease or disposal agreements. For the latter a system should be in place separate from the Deeds Office, which also controls how the land is allocated, collection of rents, etc.

The management of "land use rights" could form part of the above-mentioned system but could also be administered separately from a spatial management system, which will thus only manage the use of the land, which include the use of the air, surface and underground (definition of land). Due to the definition of land, different departments are at present involved in the allocation and management of these land use rights. This contributes to the complication and duplication experienced with present land use management systems.

So we conclude that:

R6.1 In addressing spatial management we should consider primarily the use of land.

6.4.2 From the case studies

Both Xume and QwaQwa are tribal areas that are subjected to traditional systems of tenure. Areas already formalised and in private ownership in Phuthaditjhaba are excluded from these traditional systems and are managed by the local council. In Xume the traditional authority is highly respected while in QwaQwa many young people disagree with the traditional system.

The local Chief is assigned to allocate land for residential, business, industrial, grazing or arable land. He/she also controls access to forests or woodlots. Most of these land rights are allocated in terms of the traditional

or customary system in place has certain problems in effective administration of these rights:

- in recording the rights
- in demarcating the land
- and that the rules for allocation are not transparent

This system also differs from a democratic system in that it is based on egalitarian principles within a hierarchy of ascribed power. Due to a lack of co-ordination and the problems in land administration of traditional land tenure, traditional land allocation systems leads to the overlapping of land rights and thus raises disputes regarding land tenure. However, according to McIntosh Xaba and Associates (1999), the introduction of a western freehold systems in traditional areas also contributes to land tenure disputes and weaken the traditional system, as the freehold system enable the land to be used as collateral. The positive aspect around traditional systems is the protection of the poor from being landless.

Different westernised administrations systems have been introduced to try and manage traditional tenure during the past years. Neither of these systems has successfully addressed the dynamics of traditional tenure, although it has had some impact on co-ordination. In most cases these administrative systems have collapsed with the incorporation of the former homelands into the Republic.

The system that was most used in traditional areas was the issuing of Permission to Occupy certificates (PTOs). PTOs are tenure agreements that regulate access and use of the land, based on certain conditions. These conditions are made and regulated within the tribal authority. A government department, usually a local regional office,

on recommendation of the Chief, issues PTOs.

The Eastern Cape also has a Quitrent system, where residential and arable land was surveyed in certain areas and became held in terms of quitrent or freehold titles entered in the Deeds registry. However, no new quitrent titles have been issued since the early 20th century, with the result that the system has become archaic and overlaid by the PTO system³⁷. In Ciskei, quitrent is regarded as more valuable than in the Transkei. The rights of titleholders in the Transkei have become diluted over time, and many quitrent titles have passed through the generations without formal transfer and registration.

Land use management in most traditional systems is based on the rules of the traditional authority. These have been successful in the past, but with greater demand on land due to population growth, there is a danger of this system leading to the depletion of the natural resource base.

Traditional authorities also often lack the capacity, nor do they have the knowledge to successfully implement a land management system, as they have not had training on developmental and environmental issues.

Many government departments are also not imposing their legislative requirements onto these areas due to a lack of resources and capacity at local level or perhaps a lack of interest or unwillingness to get involved in traditional areas. This results in an unequal representation of land use management in the country.

Access to land in the case of farm workers in Maluti, Hartswater, QwaQwa, and for miners, is controlled through their employees, who are the landowners. Tenant

agreements, based on certain conditions, regulate their access and use of the land.

This system, like any lease agreement, compares to the PTOs, except that no customary system is in place. Access to collateral is difficult for any tenant and therefore limits their access to credit. The landowner regulates the land use of the farm worker on the particular site. The land use of the site, however, is subjected to certain legislation, which is managed by different departments. In the Free State, the Provincial Government is responsible for land use administration outside the areas of jurisdiction of Transitional Local Councils (TLCs). This implies that neither the TRCs nor the District Councils have authority over land use. Land use is still managed in terms of the Physical Planning Act, 1984 and 1991. As different departments are involved in allocating land use rights, like Mineral and Energy Affairs, Water Affairs, Environmental Affairs, National or Provincial department of Transport, etc., the system of co-ordination and administration becomes much more complex and cumbersome. Many of the departments have streamlined their application procedures and now exclude other departments in decision-making. This results in conflicting land use rights, like mining permits in environmental sensitive areas. It also duplicates in many cases application procedures and thus increases time and costs involved.

Vaalharts and the small commercial farmers in QwaQwa are examples where state land has been transferred to individual owners. Although a long period of lease is entrenched in both these cases, the end result was freehold tenure. Land use management is similar to the rest of the country, which is complex and duplicated.

The fringe areas or peri-urban smallholdings are subjected to land invasion (informal land settlement) and illegal land occupation.

³⁷ See Khanya (1999b)

Many land use management systems does not sufficiently cover these peri-urban areas and in many cases are less controlling in these areas, thus allowing people more freedom. This results in the migration of people to these areas from other more controlled areas and contributes to the uncontrolled densification of these areas.

6.4.3 Who and what make it happen in rural areas in the context of land rights management discussed above

Traditional authorities allocate land and therefore manage land rights in an informal way. The system is effective in ensuring the poor have access to some communal land, but it also leaves room for land tenure disputes because of administrative problems:

- The lack of development and environmental knowledge by traditional authorities can lead to the depletion of the natural resource base;
- The TLC administers land use in areas transferred into freehold ownership within its area of jurisdiction. Provincial Government administrates land use in those areas falling outside the boundaries of the TLC;
- Different National and Provincial departments are responsible for administering land use rights in terms of their field of expertise. This creates duplication and is time- consuming and costly to the developer. Co-ordination is also lacking between these departments as the individual department allocates land use rights;
- Minor development applications need to be approved by higher order authorities. This also increases time for approval and costs. Applications for these minor development proposals should not be requested or should be delegated to lower authorities or accredited community based organisations or professionals;

6.4.4 The implications of land rights management for spatial management, within the context of the IDP

Tribal authorities should be trained to administer land tenure. This implies that traditional systems should be acknowledged and ways should be sought to incorporate it within formal land administrative systems. However, the introduction of westernised systems should be carefully considered in those areas that request it.

- Formal registration systems are optimal, but then the administration should be locally based to enable people to transfer and register properties. This will assist the present PTO system to eliminate overlapping land rights, but beneficiaries should have a proper understanding of the implications of the system;
- To increase productivity, security of investment is needed. Therefore traditional land tenure systems need to be administered in such a way as to ensure security of tenure;
- Spatial management should be streamlined and one application process needs to be instituted, although various decision makers could be involved. This function needs to be devolved to the lowest sphere of governance;
- decision making powers in land development should also be devolved to the lowest level possible and categories of development impact need to be defined in order to allow minor developments to be approved of by community based organisations or professionals;
- Management of natural resources should be included in the spatial management plan;
- Spatial management should seek to speedup the process of approval for development, to release land for development, permits change of use and

encourage security for investment by securing land tenure;

- Spatial management should ensure that all areas are covered and that the rules are the same for all within a particular area.

6.5 Power relations

There are several sources of tension in power relations in rural areas. These include:

- Between traditional leaders and formal structures, notably local government
- Between spheres of government
- Between different government service providers
- Between farmers and farmworkers

The different scenarios and types of decentralisation also imply very different power relations. This is discussed further in 4.5.

6.5.1 From the case studies

The traditional leaders of Xume were felt to be very important to the people, seen as very accessible, and much more important than the TRC. Problems are regularly taken to the headman, who deals with them immediately. In QwaQwa the younger generation favours more a democratic governance and support the political leader whereas in some cases the elderly still respect their tradition and the tribal authorities.

According to Macintosh, Xaba and Associates (1998), traditional authorities have been able to maintain power and influence within KwaZulu-Natal, and in parts of Mpumalanga, the Northern Province and North West. They remain influential also in parts of the former Transkei in the Eastern Cape. In other areas, like the Ciskei, the former KwaNdebele, QwaQwa and parts of the former Bophuthatswana, many

functions of the traditional authorities have been taken over by civic associations, or by other informal bodies wielding local power and influence. This contributes to the power struggle between civic and tribal.

Another problem is the power struggle between traditional authorities and local government. This stems from the political appointments within a tribal area where the tribal leaders do not form part of the political structure. Although provision has been made for them to serve as ex-officio members on the transitional local and rural councils, this has never been implemented in many cases. Tension therefore arises with the allocation of land and service delivery, as it is a responsibility assigned to local authorities³⁸.

Free State is also characterised by in-house political struggle, which hampers development. This led to the minority parties ruling in the small town of Excelsior. The Free State is fortunate that the rural councils comprise representatives of farm workers and commercial farmers. This assisted with the understanding of each other's needs and helped to tabled the farm workers' priorities. However tensions between farmers and farmworkers could be seen in the LDO/IDP process, which led to little participation farm farmworkers in the drawing up of some of the IDPs.

In the peri-urban area of Bloemfontein civic organisations and "shacklords" are allocating land illegally to people. This creates conflict between the council and these organisations.

6.5.2 Who and what makes it happen in rural areas in the context of power relations

- Unclear roles and responsibilities contribute and cause power struggles amongst various parties. Traditional

³⁸ See Khanya (1999) for a discussion of this in the E Cape

authorities should be recognised and their role in spatial planning and management should be supported where the community calls for it.

- Training for tribal authorities in land development and environmental issues is of utmost importance to ensure sustainable utilisation of resources.

impact of development on the natural environment.

6.5.3 The implications of power relations for spatial planning in the context of the IDP

- Clear roles need to be defined for parties participating in spatial planning.
- Traditional authorities need to be recognised and allowed to manage land allocation within a traditional area, linked to CBPOs in which they can participate. Their capacity should be build to enable them to make informed decisions.
- In areas where request arises for the introduction of a more westernised land administration system, opportunity should be availed to that community to change the traditional system
- In-house political struggle reduces the effectiveness of the political party and should be discouraged.
- Land invasion and illegal allocation of land can only be combated if provision is made for settlement in “informal areas”. In these informal areas council need to decide how land is going to be allocated, and who is going to administer it.
- Land use administration need to be devolved to the lowest level of decision making. This also implies that local government can initiate and delegate power to community based planning committees or to professionals, which could be responsible for limited spatial management functions. This will also enable the participation of traditional leaders in spatial management.
- Traditional authorities and community based planning committees should be trained in developmental issues and the

SECTION 7

THE PROPOSED PRO-ACTIVE SPATIAL PLANNING SYSTEM IN RURAL AREAS

The pro-active spatial planning process will result in the spatial development framework, which is part of the IDP. The following is an outline of what is needed in the spatial development framework and who will be responsible for it in rural areas.

7.1 The content of the spatial development framework

The different key issues investigated in section 6 inform the content needed in the different spatial development frameworks, as part of the IDPs. The following gives an outline of the minimum requirements needed for spatial development frameworks for rural areas. Table 7.1 summarises the elements that the Spatial Development Frameworks (SDFs) should contain at different levels. In all cases these should be mapped.

R7.1 The components of the SDFs should include:

- **The IDP objectives for the spatial transformation of the area**
- **Localised spatial DFA principles**
- **A spatial guideline that inform development and that focus on what is not desired in an area rather than spelling out what should happen in an area.**
- **Locating the IDP projects, preferably those projects with an allocated budget, within the area of jurisdiction**
- **The map, which reflects the spatial guidelines and projects graphically, need to be organic and could be changed annually to reflect new priorities.**

7.2 The process of formulating spatial development frameworks, as part of the IDP

The scenarios for the different spheres of government, as described in section 4 needs to inform this discussion. This section outlines the process of formulating the spatial development framework within the IDP using the different scenarios suggested earlier.

Spatial planning should not be seen as a separate action during the IDP Process. It needs to be incorporated in every step of the IDP process. However, some components of the spatial development framework, like the map, may be worked at later in the IDP Process.

Scenario 1: CBPOs

Step

1: Provincial Guideline to municipalities with a draft provincial spatial development framework

National and provincial government should provide the local municipality with the following information before the process of IDPs can start at the local level:

- Policies/frameworks for development
- Norms and standards for development
- 3– 5 year integrated budget allocated to local government for development by local government in its area of jurisdiction. Sectoral budgets hamper development at a local level and therefore it is proposed that one budget should be allocated to municipalities and they can decide during the IDP Process how to spend the money on local priorities. The prioritisation of needs in the present IDP Process fails because of sectoral budgeting.

Table 7.1 Contents of the Spatial Development Frameworks (SDFs) at the different levels

Element	Municipal SDF	District SDF	Provincial SDF
Objectives for land development identified in the IDP process.	Define municipal objectives	District objectives defined	Provincial objectives defined
Guidelines for spatial planning and management in rural areas	Formulated to assist implementation of municipalities	Formulated to assist implementation of district government.	Formulated to assist local government with their SDFs
Minimum norms and standards for development in the different types of settlements	Focus on what is not desirable in an area rather than being prescriptive in what should happen	-	Clearly outlined in PSDF
Local norms and standards for development	Municipal norms and standards defined	District norms and standards defined	-
Priority rural infrastructure	District priority infrastructure areas and decide on local priority infrastructure areas, taking into consideration level of services prescribed by provincial government and the economic growth potential of the area.	District priority infrastructure areas, taking into consideration level of services prescribed by provincial government and the economic growth potential of the area. Need to include bulk infrastructure. For rural areas priority infrastructure include at least public transport roads, communication, water and electricity	Contained in PDSF
Economic and social service points and development nodes	Include provincial, district and municipal service points and development nodes	Include provincial and district development nodes, provincial social and economic service points	Provincial service points of provincial economic and social services should be clearly indicated
Special areas of particular importance like conservation areas, environmentally sensitive areas, areas with tourism potential, mining, grade 1 agricultural land, etc.	Identify local special areas of particular importance,	Provincial and district special and priority areas and water catchment management area, areas with tourism potential, mining, grade 1 agricultural land, etc	PSDF identified conservation areas, environmentally sensitive areas, areas with tourism potential, mining, grade 1 agricultural land, demarcated water catchment areas etc

Priority areas for development initiatives	Municipal priority areas for development initiatives, like tourism attractions	District priority areas for development initiatives, like the tourism corridor	Define national/provincial, like SDIs
IDP Projects	Identify the location of IDP Projects	-	-
Special public sector project areas	Eg small-scale farming projects, schemes for farm workers, public housing schemes	-	-
Special problems	Areas where special problems in an area need to be resolved (such as land tenure and land rights issues pertain),	-	-
Other	Common property management areas, which could include traditional areas, areas for noxious (nuisance-creating) activities.	-	-

- The level and type of services to be rendered within local municipalities' areas of jurisdiction by provincial or national departments
- Provincial and national priority or special projects within an area of jurisdiction.
- Priority and special areas for development, like conservation, grade 1 agricultural land, tourism corridor, etc. and development nodes.
- Provincial or national infrastructure of great importance.

2: Municipal IDP with municipal spatial development framework

- 2.1: Establishment of legitimate local community based planning organisations (CBPOs) in the area of jurisdiction of the municipality, if not already in place to participate actively in the IDP Process
- 2.2: Conduct an in-depth analysis of the current spatial form of the area of jurisdiction during the situational analysis of the IDP.
- 2.3: Formulate specific objectives that relates to the spatial transformation of the area and that should be included in the development objectives of the IDP.
- 2.4: Develop localised spatial DFA principles for the municipality that together with the DFA principles could inform spatial management
- 2.5: Formulate spatial guidelines for each IDP objective that focus on what should not happen in an area rather than what should happen.
- 2.6: Map the spatial guidelines for the area
- 2.7: Locate the IDP projects within the area and map it
- 2.8: Map areas earmarked for specific predominant uses.
- 3: Finalise draft IDP document and get it approved in principle by council.
- 4: Circulate and advertise the draft IDP document for public comments.

5: Review comments received and make the necessary changes if necessary to the draft IDP document.

6: Send IDP to provincial government for approval

7: Provincial IDP with provincial spatial development framework, accommodating municipal IDP implications

- 7.1: Review all municipal projects proposed in municipal IDPs.
- 7.2: Prioritise municipal projects that need financial assistance from provincial government.
- 7.3: Align prioritised municipal projects to provincial and national priorities and link to budget.
- 7.4: Approve municipal IDP with spatial development framework.
- 7.5: Compile draft provincial IDP with spatial development framework.
- 7.6: Advertise for public comments.
- 7.7: Review public comments and amend draft provincial IDP, if necessary.
- 7.8: Send provincial IDP to national government for approval.

Scenario 2: Devolution to Category Bs

Step

1: National Guideline to municipalities with a draft provincial spatial development framework

National government should provide the local municipality with the following information before the process of IDPs can start at the local level:

- Policies/frameworks for development
 - Norms and standards for development
- 3– 5 year integrated budget allocated to local government for development by local government in its area of jurisdiction. Sectoral budgets hamper development at a local level and therefore it is proposed that one budget

should be allocated to municipalities and they can decide during the IDP Process how to spend the money on local priorities. The prioritisation of needs in the present IDP Process fails because of sectoral budgeting.

- The level and type of services to be rendered within local municipalities' areas of jurisdiction by national departments
- Provincial and national priority or special projects within an area of jurisdiction.
- Priority and special areas for development, like conservation, grade 1 agricultural land, tourism corridor, etc. and development nodes.
- Provincial or national infrastructure of great importance.

2: Municipal IDP as in scenario 1:

7: Provincial IDP as in scenario 1 but National government compile it.

Scenario 3: Deconcentrated within Provincial government

Steps

1: Provincial Guideline as for scenario 1

2: District IDP with district spatial development framework

Compilation of the district council IDP, which includes the district spatial development framework. The following is an outline of the process to be followed:

- 2.1: Establishment of a district community representative forum. This forum will only include organisations operational at a district council level and representatives from municipalities. It will therefore include the regional offices of provincial government. This

forum will not participate but rather be consulted.

- 2.2: Review provincial and national policies, frameworks, norms and standards for development.
- 2.3: Review the impact of provincial and national priority and special projects or areas identified for the area of jurisdiction of the district council as well as provincial or national infrastructure of great importance.
- 2.4: Conduct an in-depth analysis of the spatial form of the area of jurisdiction of the district council during the situational analysis phase of the IDP.
- 2.5: Formulate district specific objectives that relates to the spatial transformation of the area and that should be included in the development objectives of the IDP.
- 2.6: Develop localised spatial DFA principles for the district that together with the DFA principles could inform spatial management within the district
- 2.7: Formulate spatial guidelines for each IDP objective that focus on what should not happen in an area rather than what should happen. These IDP objectives should accommodate provincial or national priority and special projects or areas, district priority and special projects or areas for development additional to provincial and national projects or development initiatives in the area of jurisdiction, provincial or national priority infrastructure, district infrastructure of great importance (which should include those bulk infrastructure required to be managed by the district councils), the level and type of services to be rendered within local municipalities' areas of jurisdiction by the district council and the budget to be allocated to local government for development by local government in its area of jurisdiction.
- 2.8: Map the spatial guidelines for the area

- 2.9: Locate the IDP projects within the area and map it.
- 2.10: Map areas earmarked for specific predominant uses.
- 2.11: Finalise draft district IDP document and get it approved in principle by council.
- 2.12: Circulate and advertise the draft district IDP document for comments.
- 2.13: Review comments received and make the necessary changes if necessary to the draft IDP document.
- 2.14: Send to provincial government for approval
- 3: Municipal IDP** as in scenario 1 but community based structure is only consultative.
- 4: Provincial IDP** as in scenario 1.

Scenario 4: Devolved to Districts

- 1: National guidelines with provincial SDF** as in scenario 2.
- 2: District guideline to municipalities with a draft district spatial development framework**
District government should provide the municipality with the following information before the process of IDPs can start at the local level:
- Policies/frameworks for development
 - Norms and standards for development
 - 3– 5 year integrated budget allocated to municipality for development by municipality in its area of jurisdiction.
 - The level and type of services to be rendered within municipalities' areas of jurisdiction by district government
 - District priority or special projects within an area of jurisdiction.
 - Priority and special areas for development, like conservation, grade 1 agricultural land, tourism corridor, etc. and development nodes.

- District infrastructure of great importance.

3: Municipal IDP as in scenario 1.

4: District IDP with district spatial development framework, accommodating municipal IDP implications

- 7.1: Review all municipal projects proposed in municipal IDPs.
- 7.2: Prioritise municipal projects that need financial assistance from district government.
- 7.3: Align prioritised municipal projects to district priorities and link to budget.
- 7.4: Approve municipal IDP with spatial development framework.
- 7.5: Compile draft district IDP with spatial development framework.
- 7.6: Advertise for public comments.
- 7.7: Review public comments and amend draft district IDP, if necessary.
- 7.8: Send district IDP to national government for approval.

Recommendation

R7.2 Scenario 1 (CBPO and empowered Category B) is recommended as the framework for planning levels.

SECTION 8

PROPOSED SPATIAL MANAGEMENT SYSTEM

8.1 Proposed content of spatial management system

R8.1 It is recommended that the spatial management system should contain the following elements:

- **Map illustrating the spatial development framework**
- **Spatial management guidelines that can guide decision-making on land development and land use change.**
- **Spatial management guidelines for areas earmarked for communal property management or traditional areas.**
- **Guidelines for natural resource management. An environmental management plan should form part of the spatial management plan.**
- **Application, decision-making and appeal procedures**
- **Action plan for spatial development initiatives.**
- **Register of applications, comments, decisions and appeals received.**

8.2 Proposed process in spatial management

8.2.1 Formulation of a spatial management plan

The spatial management plan need to be compiled after the IDP has been approved, with the spatial development framework. This responsibility resides with the IDP Officer at the particular sphere of government responsible for the IDP. He/she can appoint or instruct a particular department, community organisation or service provider to assist with the process.

9.2.2 Implementation of the spatial management plan

The implementation of the spatial management plan entails the two processes. The first set is of procedures for application and reactive decision-making while the second process need to pro-actively promote spatial development.

Procedures for application and decision-making

The procedures for application and decision-making are outlined below.

- 1: *Formulate spatial management guidelines* that include environmental management guidelines and communal property management guidelines that will protect land rights and assist with the categorising of spatial development applications in order to establish the level of decision-making necessary for a particular application.

Category A applications that are relatively small or minor in impact can be approved by accredited community based organisations for planning or professionals outside the municipality. The local municipality should ratify the approval.

Category B applications that are more complicated, impact more on the environment and/or of a larger scale can be approved by an official at the local municipality or a body of professional. The national or provincial departments that deal specifically with the issuing of land use rights should approve applications.

Category C applications are large-scale developments that have a huge impact on a local area or an application that transcends municipal, district, provincial or national boundaries. The Provincial Tribunal should approve of

- these applications. Any application not consistent with the intentions of the DFA, local or spatial principles and/or spatial guidelines should be rejected.
- 2: *Establish decision-making structures* for all levels of decision-making, if they do not already exist. In scenario 1 community based organisations for planning or a professional will be the first level of decision-making. Officials at local government level will be the second tier of decision-making or a board of professionals and provincial or national departments specifically responsible for land use rights. The Provincial Tribunal will constitute the third level of approval.
 - 3: Formulate an *application procedure* that will enable speedier land development. The following should be taken into consideration:
 - Any application for land development, change of land use or land use rights needs to be *submitted to a single authority*, namely the local municipality. A copy of the application should be submitted simultaneously to the community-based planning organisation (if it exists) or the provincial or national department responsible for issuing land use rights.
 - The local municipality and the applicant should agree on a list of interested and affected parties that needs to be notified and which comments should be invited in writing. This list should also include government departments.
 - 4: A register needs to be kept of all applications received by the local municipality.
 - 5: *Invitation for public comments* should be lodged. Locally appropriate notices for public and government comments should be agreed upon between the applicant and the local municipality and the applicant takes responsibility for notifying the interested and affected parties. The applicant needs to deliver proof of the notices. The notice should invite comments around the proposed development and should be addressed to the local municipality. At least 21 days should be allowed for comments. This time limit needs to be legally binding on government departments.
 - 6: Local government should keep a *register* of the public comments received. These comments should be availed to the community based organisation for planning or national and provincial departments that are responsible for land use rights.
 - 7: Application, together with the comments is considered and *approved or rejected* by the appropriate decision-making structure.
 - 8: The local authority or national and provincial departments responsible for land use rights records and gives *notice in the local press* of the decision taken and invite for appeal within 14 days of notice.
 - 9: If an *appeal* is lodged against an application approved or rejected of by the community based planning organisation or a professional, the appeal gets referred to the council. If an appeal is lodged against an application approved or rejected of by an official of local government, a body of professionals, the local council or national and provincial departments responsible for land use rights, the

appeal gets referred to the Provincial Appeal Tribunal. An application considered by the Provincial Development Tribunal gets referred directly to the Provincial Appeal Tribunal an appeal for their final decision.

8.2.3 Monitoring and Review

The local municipality will be responsible for the monitoring and review of the spatial development framework. Community based organisations for planning should be utilised to assist with this function.

8.3 Other recommendations

R8.2 In CBPO 1, traditional leaders are given authority to act as development agents based on an agreement between the local municipality and the traditional authority.

R8.3 In a CBPO type 2 or 3 situation, that CBPOs once elected be given the power to allocate land, subject to ratification by the municipality, whether for individual or common property use.

The authors are concerned about the implications of this proposal for existing legislation such as the Environmental Conservation Act, Mineral Act, National Transport Act, etc.

R8.3 Due to the complexity of spatial management and the legal implications it has for established land rights, we recommend that this topic be further researched and simplified to ensure successful implementation.

SECTION 9

CHANGES TO DFA PRINCIPLES

This section goes through the principles of the DFA and makes suggestions of changes. Where words have been removed they are shown through a ~~strike through~~, and where they have been added they are in *italics*. Motivations are provided for suggested changes.

3(1)(a) Development in formal and informal, existing and new ~~settlements~~ developments

Policy, administrative practice and laws should provide for urban and rural land development and should facilitate the development of formal and informal, existing and new ~~settlements~~ *developments*³⁹

3 (1) (b) Illegal occupation of land

3 (1) (c) Efficient and integrated land development

Policy, administrative practice and laws should promote efficient and integrated land development in that they:

- (i) Promote the integration of the social, economic, environmental, institutional and spatial aspects of land development.⁴⁰
- (ii) Promote integrated land development in rural and urban areas in support of each other
- (iii) Promote the availability of residential and employment opportunities in close proximity to or integrated with each other;
- (iv) Optimise the use of existing resources, including such resources relating to agriculture, land, water,

- minerals, bulk infrastructure, roads, transportation and social facilities;⁴¹
- (v) Promote a diverse combination of land uses, also at the level of individual erven or sub-divisions of land;
 - (vi) Promote the compaction of towns and cities and discourage the phenomenon of urban sprawl;⁴²
 - (vii) Contribute to the correction of the historically distorted spatial patterns of settlement in the republic and to the optimum use of existing infrastructure in excess of current needs;
 - (viii) Encourage economically viable, environmentally responsible and social stable public transportation^{43,44}
 - (ix) Consciously promote conditions under which economic activity, and particularly small business, can flourish⁴⁵
 - (x) Create opportunities for small business at all places of high accessibility and economic agglomeration.⁴⁶
 - (xi) *Encourage a range of farm sizes that is economically viable and sustainable in terms of farming practices and permit a freer market in farmland*
Motivation international experience has shown that restricted land units does not lead to better natural resource management and inhibits natural expansion of small farmers.
 - (xii) *Provide the basics for survival to all existing settlements (water, road access and electricity) but places with some economic potential should receive higher levels and a wider range of services/facilities, and in*

³⁹ Dewar uses development rather than settlements. We endorse this and then the title needs changing too.

⁴⁰ We agree with Prof Dewar's working group's proposed revision

⁴¹ We agree with Dewar that water should be included

⁴² Agree with Dewar's revision

⁴³ The rest of these under 3.1 are proposed by Dewar

⁴⁴ Agreed

⁴⁵ Agreed

⁴⁶ Agreed

addition, should provide for growth of the population.

Motivation This will focus resources on economic development but ensure that all have access to basic services

C (1) (d) (New principle proposed by Dewar)

Policy, administrative practice and laws should promote the spatial quality and functional usefulness of the public spatial environment (streets, squares, parks and other forms of hard and soft public spaces) in that:

- (i) their edges are bounded and clearly defined by buildings, plantings, walls and other devices
- (ii) where possible they are adequately ~~surveilled~~ (what does this mean - change the word)
- (iii) the appropriate use of buildings to bound and define public space should be a factor in granting building approvals
- (iv) when appropriate and possible the space are landscaped and/or planted
- (v) the positive qualities of heritage and historical monument areas, buildings, elements or objects be identifies, protected and, wherever possible, enhanced.

3(1)(d) Public participation

Members of communities affected by land development should ~~actively participate~~ *be systematically involved* in the process of land development, have the right to object and be heard in respect of proposed land development and have access to information relating to proposed changes in land use⁴⁷

Motivation

At the moment participation is not systematic, few people participate and the basis has not been laid for an on-going

⁴⁷ Dewar version used here with additions

system to ensure participation in the revising of the IDPs. Systems such as the CBPOs suggested need to be developed, as has happened in NW Province with Village Service Committees.

3(1)(e) Capacity-building

The skills and capacities of ~~disadvantaged~~ all people involved in land development and management should be developed, *especially disadvantaged people and traditional leaders.*

Motivation: Levels of capacity and knowledge on planning are very low and need to be increased throughout the broader community.

3(1) (f) Facilitating developer interaction with government

Policy, administration practices and laws should encourage and optimise the contributions of all sectors of the economy (government and non-government) to land development so as to maximise the Republic's capacity to undertake land development and to this end and without derogating from the generality of this principle –

- (i) National, provincial and local governments should strive clearly to define and make known the required functions and responsibilities of all sectors of the economy in relation to land development as well as the desired relationship between such sectors: and
- (ii) A competent authority in national, provincial and local government responsible for the administration of any law relating to land development shall provide the particulars of the identify of legislation administered by it, the posts and names of persons

responsible for the administration of such legislation. A competent authority in national, provincial and local government responsible for the administration of any law relating to land development shall provide the particulars of the identify of legislation administered by it, the posts and names of persons responsible for the administration of such legislation and the address locality of such persons to any person who requires such information, *This shall be made available in the main languages of the area.*

- (iii) National, provincial and local government must ensure that the decisions on land development are fairly made in a manner that recognises the needs and interest of all interested and affected parties.⁴⁸

3 (1) (h) Sustainable land development

Policy, administrative practice and laws should promote sustainable land development at the required scale in that they should:

- (i) promote land development which is within the fiscal, institutional and administrative needs of the country
- (ii) promote the establishment of viable communities
- (iii) promote the sustained protection of the environment
- (iv) encourage environmentally sustainable land development practices and processes including, wherever possible, the reproductive recycling of settlement outputs, the protection of threatened species and habitats and the reclamation of degraded habitats

- (v) meet the basic needs of all citizens in an affordable way *to enable economic growth*

Motivation

If the infrastructure promotes growth people will be able to afford the services.

- (vi) ensure the safe utilisation of land by taking into consideration factors such as geological formations, ~~and~~ hazardous, undermined areas *and flood plains of rivers*

3 (1) (i) Speedy land development

Policy administrative practices and laws should promote speedy land development

3 (1) (j) No one land use is more important than any others

3(1)(k) Security of tenure

Land development should result in security of tenure, provide for the widest possible range of tenure alternatives, including individual and communal tenure and in cases where land development takes the form of upgrading an existing settlement, not deprive beneficial occupiers of homes or land or, where necessary for land or homes occupied by them to be utilised for other purposes, their interests in such land or homes should be reasonably accommodated in some other manner.

3(1) (l) Co-ordination of land development

A competent authority at national, provincial and local government level should co-ordinate the interest of all the various sectors involved in or affected by land development so as to minimise the conflicting demands on scarce resources.

⁴⁸ From Dewar and agreed.

3(1)(m) Promotion of open *land* markets and competition

Policy administrative practices and laws relating to land development should stimulate effective functioning of a land development market based on open communication between suppliers of goods and services.

SECTION 10

RECOMMENDED CHANGES TO THE GREEN PAPER

10.1 General

The Green Paper on Development and Planning is complicated and difficult to understand to all readers, especially to the non-spatial planner. In this sense it is far more difficult for the general public to interpret and understand the context and process and the implications for them as partners in the land development process.

Terminology used is confusing and overlapping despite the efforts of the Commission to simplify and streamline it. This reflects back to the topic of the Green Paper and the title chosen for the Green Paper, namely Green Paper on Development and Planning. It creates the expectation that it is a Green Paper for the Integrated Development Planning (IDP) Process, while it only addresses spatial planning. We therefore strongly suggest a change in name for the White Paper, to for example the “White Paper on Spatial Planning and Management within the context of the IDP”.

The Green Paper also confuses *planning*, which is a pro-active process, and *management*, which is a re-active process. The Green Paper also needs to be linked with the Municipal Structures Act, 1999 and the Municipal Systems Bill, 1999.

10.2 Gaps and recommendations

Gaps have been identified and recommendations are made to address rural planning in the Green Paper. However, the main problem experienced with the Green Paper was its complexity and the confusion of terminology. Many of the critique therefore centres around the latter. The comments made in this section are structured

on the format of the gazetted Green Paper dated 21 May 1999, Gazette No. 20071, Notice No. 626. The page number and section number are quoted and suggestions by the writers are in *italics*, with words removed in ~~striketrough~~. Comments follow the quote, where applicable.

EXECUTIVE SUMMARY

P. 7 First paragraph: “... to speed up the approval of *land* development projects, and to provide for the overhaul of the existing *spatial* planning framework”.

p. 7 Second paragraph: “... to advise the Minister of Land Affairs and the Minister of Housing on planning and development . Among other things, the Commission was requested to prepare a Green Paper on planning... The department will then produce a White paper to spell out its programme for land development planning into the future.”

The writers are not sure whether the terms of reference of the Commission include all planning and development (very broad – can imply family planning, financial planning, etc.? Or does it only include the planning and development of land? If the latter applies, the statement should reflect the more focused term. The last sentence creates the impression that the terms of reference are focused on land issues.

p. 8 First bullet: “*simplifying*, explaining and educating on the DFA principles...”

p. 8 Second bullet: “embarking on a campaign to communicate and educate people about the *normative* paradigm”

p. 8 Third bullet: “...to repeal all existing provincial *spatial* planning legislation and enact a single provincial *spatial* planning law..”

p. 8 Fifth bullet: “to establish *spatial management systems* which supports...”

1. INTRODUCTION:

1.1 Origin of the Commission and its terms of reference

p. 13, 1.1: The commission's terms of reference are "planning development generally, including land development" – It seems from this paragraph that the terms of reference are wider than land issues. However, in the previous section it was implied to be more focused on land development (spatial planning) while this paragraph contradicts this assumption.

1.2 Interpretation of the brief

p. 14, 1.2: "The term "spatial" is consciously adopted here in place of "land". – This statement is confusing as spatial refers to the organisation of land in space. It can therefore not be used in the place of land.

p.14, 1.2: "This Green Paper focuses on the spatial planning *and management* system..." This statement limits the scope of the Green Paper to only spatial planning and management systems. If this is the case, and it is reiterated throughout the document, the title of the Green Paper is wrong. Therefore it is recommended that:

R10.1 The White Paper should be renamed The White Paper on Spatial Planning and Management, within the context of the IDP.

p. 14, 1.2: "...Green Paper will be read as an input to addressing planning problems and one that offers solutions to specific difficulties in the spatial planning arena" – To what does the term planning refer to? Is it the IDP Process?

1.4 The structure of this document

p. 15, 1.4: "It is essential to integrate two interrelated forms of planning, viz. proactive

or forward planning and land management and change – the latter is not planning, but management. It is also suggested that the term "spatial management" be adopted for land development management.

p. 15, 1.4: "Chapter 4 concentrates on land development and land management" The term "spatial" was supposed to be adopted in the place of land. Chapter 4 also does not deal with land management. It should therefore only read: "Chapter 4 concentrates on *spatial management*".

p. 15, 1.4: "...current legal complexity of *spatial planning and management* and makes recommendations.."

p. 15, 1.4: "...in order to make the *spatial* planning system."

PROBLEM STATEMENT:

2.1 The spatial planning context

p. 16 &17, 2.1.1: When planning is mentioned the term "*spatial*" is omitted throughout these pages.

p. 17, 2.1.2: "The Characteristics of South Africa's "*spatial*" planning system."

P17 & 18, 2.1.2: When referring to *planning* in some instances the term "*land*" is used in stead of "*spatial*" – as mentioned previously in the Green Paper *spatial* was to be adopted.

p. 19, 2.1.3: When *planning* is mentioned the term "*spatial*" is omitted throughout.

p. 20, 2.1.3.1: "In the planning sphere, legislation has shifted.." Does this refer to development planning or spatial planning or what kind of planning?

p. 21, 2.1.3.1: Sectoral laws – the implications of the Municipal Systems Bill, 1999 is fundamental to the integrated development planning process and needs to be worked in, although it is still in a bill format.

p. 21, 2.1.3.2: "...policy initiatives with potential bearing on development and

planning” –Are “planning” in the broader sense (IDP context) being discussed or “spatial planning”? It also applies to the rest of this section where reference is only made to planning.

p. 22, 2.1.3.3: The CIU has the task to develop guidelines for “...more effective spatial alignment..” In paragraph 2.1.3.3 it is proposed that this function be allocated to the Department of Land Affairs. If viewed in the context of the IDP process, the CIU will be more appropriate, although it may delegate some responsibility to departments.

p. 22, 2.1.3.3: DFA Tribunal – Is and how will rural areas be represented in these tribunals?

2.2 A national review of spatial planning procedures and practices since 1994

p. 23, 2.2: When planning is mentioned the term “spatial” is omitted throughout this section.

p. 23, 2.2.2: Lack of a shared vision –The RDP sets a vision for “..what planning should be trying to achieve..” The problem is not that we don’t know where are we heading to if the RDP and other policy documents are used as a vision for South Africa, but rather how should we get there through the assistance of spatial planning?

p. 24, 2.2.2: “(b) Difficulties with interpretation. A great deal of difficulty is being experienced by *the public, planners, officials and political decision-makers alike...*”

p. 24, 2.2.3: “This level of control has now been removed ..”The Subdivision of Agricultural Land Act has not yet been repealed. The proclamation was never signed.

p. 24 & 25, 2.2.3: The paragraph does not address co-ordination between different Local Governments and Tribal Authority and Local Government. Although the latter is not a sphere of government, it is recognised to play an important role.

p. 26, 2.2.4: Intra Governmental Relations – Although district councils are recognised to be local government, they are viewed to be an additional sphere of governance and could actually be dealt with in terms of intra government relations.

p. 27, 2.2.5: “Lack of capacity is one of the most serious issues facing the *spatial* planning system in South Africa.”

p. 27, 2.2.5: “The problem applies to officials, decision-makers, *tribal authorities and the general public* alike.”

p. 28, 2.2.5: “The problem of planning demands being made by” Does this refer to all planning or should it be “spatial planning”.

p. 28, 2.2.5: The statement against consultants is meant to be good and can be supported but the impression is made that consultants should not be used. The problem lies with the lack of management of consultants and not the outsourcing.

p. 28 & 29, 2.2.6: The term “spatial” is omitted throughout this paragraph when planning as well as management and control is mentioned.

p. 29, 2.3: Again “spatial” is omitted when the word planning is used.

p. 29, 2.3: The following should be added: *See section 3.5 Proposals to improve the IDP Process* from this report.

3. THE PROPOSED SPATIAL PLANNING SYSTEM IN SOUTH AFRICA

3.1 The importance of the spatial planning system

p. 31, 3.1: The term “spatial” is omitted throughout this paragraph when the word planning is used.

3.2 The shape of the spatial planning system

p. 32, 3.2: “..local planning must be informed by provincial and national spatial priorities and *spatial development frameworks and budgets.*”

3.3 Terminological standardisation

p. 33, 3.3: “The public sector activity of spatial planning *and management* has two broad dimensions: pro-active planning, which defines desirable directions, actions and outcomes; and *spatial management*, which is concerned essentially with the regulating of land use change (driven, usually, by private sector initiatives), and with protecting individual and group rights in relation to land.”

p. 33, 3.3 “The term “land planning” should only be used in relation to the land development and management system which deals with specific parcels of land.” The writers do not properly understand this meaning of this sentence. The term spatial planning should rather be encouraged.

p. 33, 3.3: The confusion between the terms “land development management” and land development and management” should also be highlighted and the proposal to use the term “spatial management” instead of “land development management” need to be advocated. The difference between the two terms should be clearly outlined. **See section 4.3 of this report.**

p. 33, 3.3: The definition of “rural” and the continuum of urban/rural should also be addressed in this paragraph. The term settlements should also be defined. **See section 4.4 of this report.**

p. 33, 3.3: “This confusion has been compounded in recent years by the introduction of land development objectives (LDOs) under the DFA, and of integrated development plans (IDPs) under the Local Government Transitional Act *and the Municipal Systems Bill, 1999.*)

p.33, 3.3: “The “*spatial development framework*” of a sphere of government is only one dimension of an IDP..” (The Municipal Systems Bill refer to the spatial development framework and therefore should be adopted in the place of the “spatial plan”)

The guidelines with regard to the spatial dimension are not addressed. d) Settlements vs. urban/rural, migration – gradual planning

3.4 A broadly common direction and form of planning in South Africa

p. 34, 3.4: “Spatial” planning should be added in the title.

p. 34, 3.4.2: The DFA introduced a number of far-reaching changes to the *spatial* planning system as mentioned in Chapter 2.”

p. 34, 3.4.2.1: “They represent an outright rejection of the low density, sprawling, fragmented and largely monofunctional *build-up* forms of development, which resulted under apartheid in both urban and rural areas”

p.34, 3.4.2.1: “The Commission feels that these principles in combination constitute an appropriate vision for what spatial planning should be seeking to achieve” previously it is mentioned that there is a lack of a shared vision. This is confusing.

p. 34, 3.4.2.1 The term “spatial” is omitted when the word planning is used.

p. 35, 3.4.2.1: “..that it consistently deals with proactive planning as well as *spatial* land management in an integrated way;”

p. 35, 3.4.2.1: “..and emphasises the relationship between environmental quality and survival in *urban and rural* areas.”

p.35, 3.4.2.1: “that the DFA principles should be *simplified*, reworded, reordered and expanded to make them more understandable. *Illustrations with stories will assist communities to understand it clearly.*

p. 35 & 36, 3.4.2.2: “Spatial” is omitted when the term planning is used.

p. 36, 3.4.2.2: “It views *spatial management* (the change in the use of land) as..”

p.36, 3.4.2.2: “The Commission therefore believes that the central elements of the DFA (as opposed to all of its details) have provided, and continue to provide, an appropriate starting point for a new planning system.” This statement contradicts the previous one referring to a lack of a shared vision.

p. 36, 3.4.2.2 and 3.4.3: The word “spatial” has been omitted when the word planning is used.

p. 37, 3.4.4: “Firstly, it recognises that *spatial development frameworks* should not attempt to be comprehensive..These frameworks (made up of the ...emergency services *in dense areas whereas movement, communication, energy and water need to feature in low density areas*”

p37, 3.4.4: “At times, however, the *spatial development framework* should contain sufficient clarity...”

p.37, 3.4.4: “Secondly, the form of the *spatial development framework* will not be the same from circumstances to circumstances. For example, in large local authorities, the *spatial development framework* (or systems of *spatial development frameworks*) will necessarily be quite complex in form to meet management requirements. In very small local authorities management issues may be simpler and a much simpler form of *spatial development framework*, placing far less strain on capacity, will suffice...”

p. 37, 3.4.4: “*The spatial development framework* should primarily be seen as an instrument.....”

3.5 Promoting co-operative governance and integration between and within spheres of government

p. 37, 3.5 & 3.5.1: The heading can contain the subparagraph heading to eliminate confusion between this paragraph and 3.6.

3.6 Co-operative governance and planning

p. 39, 3.6.1: The proposal for the home with DLA will not solve the problem. Looking at the IDP Process and how it should function, it is recommended that:

R10.2 The CIU is the locus for co-ordination of the IDP Process at national level. CIU can delegate responsibilities to departments.

R10.3 As the planning function of local and provincial government resides with the Ministry of Provincial and Local Government it would be more appropriate for spatial planning and IDP matters to be the responsibility of MPLG. However, the functions of DLA primarily include land management and therefore the department should manage land tenure.

This section fails to address local government and provincial homes for spatial planning. It is suggested that an IDP officer be appointed to take responsibility for the IDP and spatial development framework.

p. 39, 3.6.2: See section 4.5 of this report to inform possible changes to this paragraph.

p. 39, 3.6.2: “..clarifying planning roles and relationships..” – Is this “spatial” planning?

P. 39, 3.6.2: This paragraph fail to address the roles between district council and local government. The writers acknowledge that district council is not a sphere of governance, but this relationship is one of the problems experienced with the current LDO/IDP process.

p. 40, 3.6.3.1: The term plan is used throughout whereas it should read IDP.

p. 41, 3.6.3.1: The term plan is used throughout whereas it should read IDP.

p. 41, 3.6.3.5: The IDP should only be called in if the authority is fully aware of the local dynamics. Co-operative decision-making is still the most appropriate route.

p. 41, 3.6.3.6: The term plan is used throughout whereas it should read IDP.

p. 42, 3.6.3.7: Mention need to be made of the role of the IDP Officer and inter-sectoral integration.

p. 42, 3.6.3.7: “Standardising spatial units for sectoral information collections as a suggestion to achieve greater integration” The writers does not understand this clearly?

p.42, 3.6.3.8: “...the most powerful mechanisms for implementing *spatial development frameworks*.”

p. 43, 3.6.3.8: A section around the current situation with different departments allocating money for development should be included. The following is suggested: *Sectoral budgeting hampers strategic planning as outside budgets usually override local priorities. To ensure success, an integrated single-budget system should be implemented that gets allocated directly to the sphere of government responsible for the service. The local priorities should inform the spending of the budget and not departmental needs or priorities.*

3.7 Clarity on planning functions of the three spheres

See section 4.5 for more detail on possible scenarios.

p. 43, 3.7.1.2: The co-ordination of the IDP and spatial development framework should rather reside with DCD while DLA can manage land tenure.

p. 43, 3.7.1.3: The establishment of norms and standards

p. 43, 3.7.1.3: A new heading with deliberations should be added: *The formulation of policies and frameworks.*

This bring the functions in line with what was stated on p. 20.

p. 44, 3.7.1.3: “... and *that spatial management* must be uniformly applied within a municipality’s boundaries.

p. 44, 3.7.1.5: “It should be the responsibility of DLA to establish a new body for this purpose.” This statement cannot be supported by the writers. The CIU should be the co-ordinating body and it should set up a new structure.

p. 45, 3.7.1.6: “South African Council of Town and Regional Planners should be statutorily required, ...” Why not other bodies/institutions? It is not only town and regional planners doing IDPs and spatial development frameworks.

p. 46, 3.7.1.7: “...the planning co-ordination committee established by DLA.” The writers propose that the CIU should fulfil this role.

p. 46, 3.7.2.1: “All provinces should appoint an IDP Officer to take responsibility for the IDP. A core spatial planning team should assist the IDP Officer to develop and manage a provincial spatial development framework and to ..”

p. 46, 3.7.2.2: “..national priorities with their own IDP and those of local government. Participation in the national planning co-ordination forum to be established by the CIU..”

p. 47, 3.7.2.5: “the alignment of *spatial development frameworks* between neighbouring local authorities..The monitor implementation of IDPs in order to provide ...”

p. 47, 3.7.2.7 “..to prepare a provincial *spatial development framework* which is one ...”

p. 48, 3.7.2.7: “The minimum content of such a provincial *spatial development framework* should include:..”

p. 48, 3.7.2.8: “can be appropriately taken at a scale of a *provincial spatial development*”

framework.” “The plan” should also be substituted with spatial development framework.

p. 49, 3.7.3.1: “... providing a spatial *development* framework for municipalities within the district.”

p. 49, 3.7.3.1: This paragraph refers to the limited capacity of rural councils. It needs to be realigned with the Municipal Systems Bill, 1999.

p. 50, 3.7.3.1: Subdivision of Agricultural Land Act has not yet been repealed.

p. 50, 3.7.3.2: The following should be added to this paragraph: *Community-based planning organisations need to be established at local level, as with the Village Service Committees in NW Province. Traditional authorities should have a seat on these. However, spatial planning and management systems need to provide for communal property management. If traditional authorities can effectively manage the land in their area, they need not form part of a larger group like the CBPOs. They can therefore individually take responsibility of an area.* See also sections 6.4 and 6.5.

3.8 The proactive spatial planning system in local government

p. 51, 3.8.1: “The second is to emphasise the relationship between the forward planning system and the regulatory *or spatial management system*. The spatial planning and management system in local government has two broad dimensions: a proactive or forward planning system and a decision-making *spatial management system*. The more regulatory and *spatial management* aspect is dealt with in Chapter 4.”

p. 51, 3.8.1: “The primary purpose of the *spatial development framework* should be to move towards...Specifically the spatial elements of the *spatial development framework* should.” The rest of the

paragraph also refer to the plan in stead of the spatial development framework.

p. 51, 3.8.1: “In rural contexts the *IDP* should deal with all key aspects of land development , including strategic environmental impact assessment. Also ...”

The plan referred to in this paragraph cannot be the spatial development framework.

p. 52, 3.8.2: “..centrally inform the proactive *spatial development framework* that is drawn up....The local *spatial development framework* essentially should give ... “

p. 52, 3.8.3: Components of the plan – the *IDP* or the spatial development framework? The section is not clear enough but one concludes that in this paragraph “plan” should be replaced by spatial development framework. The term instruments are also confusing. **See section 8 of this report for detail on proposed content.**

P52, 3.8.3: “It is widely accepted that development control (*spatial management*) is and essential instrument of good governance.”

p. 53, 3.8.4: Content of the *spatial development framework*.

p. 53, 3.8.4: “the open space system, including both green, *productive* and urban space..”

Add the following content: *Areas of communal property management; Areas with economic development potential, also accommodating subsistence, informal and SMME activities.* **See also section 8.2 for more proposed content.**

p. 54, 3.8.4: “...should be made to conform to the *spatial development framework*...and regulations regarding the content of the *spatial development framework* than is given here.

p.54, 3.8.5: “Adoption of the *spatial development framework*”. The word plan should be replaced with spatial development framework throughout the document.

p.54, 3.8.6: Throughout this paragraph the word plan should be replaced with spatial development framework.

P54, 3.8.6: “..it relates to both officials, decision-makers, *the public at large and traditional authorities.*”

p. 54, 3.9.1: “numerous training courses in the field of urban and regional planning *and other planning fields, like development planning.*...”

p. 55, 3.9.1: “..workshop on *spatial planning education* ...”

p. 55, 3.9.2: “The campaign should be targeted at the full range of players concerned with major land-related decisions: the professions concerned with the build environment, government officials, councillors, *tribal authorities and the public,* ...”

p. 55, 3.9.2: Add *using illustrative explanation with stories.*

p. 55, 3.9.2: “The Commission recommends that CIU appoint a communication expert..”

p. 56, 3.9.5: Add *Secondment of provincial staff to rural areas.*

4 MANAGING LAND DEVELOPMENT

See section 8 for more detailed proposals.

4.1 Terminology

p. 57, 4.1: Use the term spatial management consistently throughout this paragraph where reference is made to land development management.

p. 57, 4.1: “..uses the terms “land use” and “*spatial management*” to refer to the role of *managing spatial development frameworks*”

p. 57, 4.1: The word plan should be replaced throughout with spatial development framework.

p. 58, 4.1: “*spatial management*”

4.2 Starting points for managing land development

p. 58, 4.2: Replace township, a suburb and a village with type of settlement.

p. 58, 4.2: Plans have to be spelt out and policy has to be spatially specific. This does not correlate with the normative approach advocated in the Green Paper.

p. 58, 4.2: Reference to the plan should be replaced with spatial development framework.

p. 59, 4.2: “..South Africans in terms of *spatial management.*”

p. 59, 4.2: “..and the benefits of *spatial management* systems should be equitably spread....”

4.3 Purpose of land development management

p. 59, 4.3: “The manner in which a *spatial management* system achieve these goals....”

4.4 Background to *spatial management* in South Africa

p. 60, 4.4: “Local government bodies in white areas played a central role in *spatial management*, preparing zoning schemes...”

p. 60, 4.4: “..another has been the rapid pace of land development in urban *and rural* areas.”

p. 61, 4.4: “Several provincial government have also initiated change in *spatial management systems* which apply in ...”

4.5 The law relating to *spatial management*

p. 61, 4.5: Reference to land development management need to be replaced with spatial management throughout the paragraph.

p.61, 4.5: “...the Removal of Restrictions Act, the Physical Planning Act, *Subdivision of Agricultural Land Act.*”

p. 62, 4.5.1: “The distribution of legislative powers in relation to *spatial management*”

p. 62, 4.5.1: Reference to land development management need to be replaced with spatial management throughout the paragraph.

4.6 Mechanisms for *spatial management*

p. 63, 4.6: Reference to land development management or land use management need to be replaced with spatial management throughout the paragraph.

p. 63, 4.6: Add the word spatial when only the word management is used in the paragraph.

p. 64, 4.6: “..whether within a formal, informal *or traditional area*, should be able...”

p. 64, 4.6: “Civic organisations *or Community based organisations for planning or Traditional Authorities* should be able to apply for certification...”

p. 65, 4.6.3: Add time for appeal should be allowed after approval has been granted or rejected.

p. 65, 4.6.3: Add minor applications should not require development frameworks.

p. 65, 4.6.3: Farmland and traditional authority areas should be included in building plan approvals.

p. 67, 4.6.5 & 4.6.6: Tribunals should be representative of urban and rural areas.

p. 67, 4.6.8: Reference to land development management need to be replaced with spatial management throughout the paragraph.

4.7 Transitional arrangements

p. 68, 4.7: Reference to land development management need to be replaced with spatial management throughout the paragraph.

4. RATIONALISING THE LEGAL SYSTEM FOR PLANNING

P. 69, Title: Is it the planning or spatial planning?

5.1 The Development Facilitation Act and rationalising the legal system

p. 69, 5.1: “These principles should be *simplified*, reworded and expanded to make them...”

p. 69, 5.1: Reference to land development management or land use management need to be replaced with spatial management throughout the paragraph.

p. 69, 5.1: Reference to the spatial plan or other terms used to describe the spatial development framework must be corrected.

p. 71, 5.3.5: Reference to land development management need to be replaced with spatial management throughout the paragraph.

p. 72, 5.3.6 & 5.3.7 & 5.3.8 & 5.3.9: Reference to land development management need to be replaced with spatial management throughout the paragraph.

5. HOW TO IMPLEMENT THE RECOMMENDATIONS

p. 73, 6.1: “..devoid of a common vision..” Should be consistent with statements made in the document.

p. 73, 6.1: “...should be the starting point of a reformed *spatial* planning system.”

p. 74, 6.1: “strong linkages between public budgets and public *plans*? Is this referring to IDPs or spatial development frameworks?”

p. 74, 6.1: “..forward planning system and the *spatial management* system.

p. 74, 6.1: “..and approval of policies and *plans*...” Is it spatial development frameworks or IDPs?

p. 74, 6.1: “...politically-approved policies and *plans*.” Is it spatial development frameworks or IDPs?

p. 74, 6.1.1: “its principles should be *simplified*, re-ordered, reworded and ...”

p. 74, 6.1.1: “it should include principles dealing with how *spatial management* must be made compatible with ..”

p. 74, 6.1.1: “it should provide that all primary local authorities, metropolitan councils, district councils and provinces should develop *spatial development frameworks* ...” Also align this sentence with the Municipal Structures Act, 1999.

p. 74 & 75, 6.1.1: “..made up of experts, *traditional authorities, community based organisations of planning* and officials...”

p. 75, 6.1.2: “..These plans always have a spatial dimension and is called *spatial development frameworks*.”

p. 75, 6.1.4: “That the principles of the DFA be *simplified*, reordered, reworded..”

p. 75, 6.1.4: Add: *Illustrative explanations with stories*.

p. 76, 6.1.5: “making sure that the SACTRP and other related professional statutory bodies reports..”

p. 76, 6.1.6: “..relation to the DFA principles be launched regarding the *normative paradigm*.”

6.2 Roles of spheres

See section 4.5 for proposals.

p. 77, 6.2.1: “The Commission recommends the *CIU* as the most appropriate organ for this.

p. 77, 6.2.1: “provide support and advice by extending the capacity of *DCD* to advise provinces and where appropriate other sectors in further development of the *integrated development planning system*.”

p. 77, 6.2.1: Add: *provide information regarding the allocation of resources and development programmes*.

p. 77, 6.2.2: “continue the preparation of *spatial* planning and *land* development laws ..”

p. 77, 6.2.2: “...the means to co-ordinate the potential impacts of local government *IDPs*.

p. 77, 6.2.2: “prepare a provincial *spatial development framework* as a means to ...”

p. 77, 6.2.2: Add: *provide information regarding the allocation of budgets and development programmes to local government*.

p. 77, 6.2.3: “preparing *spatial development frameworks* as part ..”

p. 77, 6.2.3: District councils should not assess land development applications and

therefore is the second bullet not applicable to them.

p. 77, 6.2.3: “..administer fair and equitable *spatial management systems* ...”

p. 77, 6.2.3: “co-ordinating their *IDP* with neighbouring local authorities...”

6.3 Co-ordination and integration

See section 4.5 for more proposals.

p. 78, 6.3: “a key success factor in achieving successful *spatial* planning is co-ordination..”

p. 78, 6.3: “a single home – at a national level, there should be a common home for spatial planning.” This home should be shared with integrated development planning and therefore the suggestion that it should be *CIU*.

p. 78, 6.3: “approval by larger-scale authorities of smaller scale *IDPs* ...”

p. 78, 6.3: “facilitating information flow between spheres – the *CIU* should convene a co-ordinating committee of ...”

p. 78, 6.3: “aligning and linking the planning of special spatial projects with budgeting.”

p. 78, 6.3: “appropriately defining the location of responsibility for *integrated development planning* within government spheres. *An IDP Office should be considered*.

p. 79, 6.3: “standardising spatial units for sectoral information collection” This meaning is not clear.

6.4 Capacity

p. 79, 6.4: “..and relates to officials, private practitioners, *tribal authorities, the general public and decision-makers*.”

p. 79, 6.4: Fourth bullet – new demarcation will influence this statement.

p. 79, 6.4: Add: *Provincial officials seconded to district councils*.

p. 80, 6.4: “enabling civic organisations, *community-based planning organisations*

and traditional authorities to apply for certification...

p. 80, 6.4: second bullet. Farmland should be included.

6.5 Improving the *spatial management* system

See section 9 for proposals.

p. 80, 6.6: “policy and *plan* formulation and approval...” What plan?

6.6 Legal and procedural certainty

p. 81, 6.7: “..transformation of *spatial management* system”

p. 81, 6.7: “..relation to *spatial management*.”

p. 81, 6.7: “integrated development planning at provincial...” Align with Municipal Structures Act, 1999.

p. 81, 6.7: “co-ordination of local IDPs and provincial *spatial development frameworks*...”

p. 81, 6.7: “..stipulations regarding *spatial development frameworks*”

p. 82, 6.7: “*spatial management*. Here provinces...”

6.7 Summary of the Commission’s future role

p. 82, 6.8: Use spatial planning instead of just planning where appropriate.

SECTION 11

SUMMARY OF RECOMMENDATIONS

Improving the IDP Process

- R3.1** The coverage of the IDP in terms of capital (one-off), maintenance and running costs is critical. These should be dealt with separately and not confused in one plan. The first to be drawn up should be operational, so that maintenance costs of existing infrastructure/projects are covered, before new projects are agreed.
- R3.2** In order to look at running costs and capital costs the governmental service providers' budgetary process must be aligned with the IDP planning process;
- R3.3** And so government services must recognise that it is essential for them to participate in the planning process
- R3.4** Budgets must be made clear at the time of planning otherwise the exercise becomes meaningless and abstract and no real prioritisation, hard decisions about levels of infrastructure etc, will be taken. Ideally this should be on at least a 3 year basis corresponding to the MTEF;
- R3.5** Each municipality should be allocated an amount to be used in any way they feel appropriate for their development plan, but that would need appraisal by a higher body;
- R3.6** Local prioritisation becomes meaningless when higher spheres of government control budgets and services. Responsibility for deciding on projects should be taken as low as possible, depending on the different scenarios for local government.

R3.7 Growth points, regional SDIs must be agreed upon before planning start.

R3.8 Levels of basic services (standards) and minimum basic services must be agreed upon between municipalities/districts and provincial service providers before planning starts.

R3.9 Local government should play a co-ordinating role in the delivery network/partnership to increase quality and coverage.

R3.10 Clear performance standards must be set to enable community evaluation.

Spatial planning and IDP

R4.1 The definition of spatial planning used should be taken from the Green Paper as "the integrated development planning process produces an IDP, and the spatial plan is the spatial development framework for the IDP". It is not a separate plan.

R4.2 It is therefore suggested that the term "spatial development framework" be adopted when reference is made to the spatial plan.

R4.3 For the proposals on the IDP to be useful, it is essential that a budget framework is made available within which local government can plan realistically. Ideally this should be 3 years and follow the Medium Term Expenditure Framework (MTEF).

R4.4 As part of the IDP, a spatial development framework needs to be compiled.

R4.5 An IDP officer, that could be the CEO or delegate, should take responsibility for the IDP Process.

R4.6 The community and service providers within the area of jurisdiction will form partnerships with the government in the IDP Process. Government will coordinate the process. Service providers not operating within the area will only be called in if capacity lack within the area of jurisdiction.

R4.7 The IDP Officer can delegate to a department or sector (community or service provider) the responsibility to compile a sectoral management and implementation plan (action plan to implement part of the IDP by a particular department or sector).

R4.8 Spatial management should assist the process of land tenure management by allowing for communal or tribal tenure and setting guidelines for the allocation and use of land within these areas.

R4.9 We recommend that the term spatial planning and spatial management should be used.

R4.10 It is recommended to use the words 'rural' and 'urban' based on the Rural Development Framework definition and settlement typology described above, but keeping economic potential, the urban-rural continuum and the reliance on the natural resource base in mind.

Four different scenarios for the development of local government are put forward.

R4.11 In the medium-term (5 years) option 1 of Community-based Planning Organisations (CBPOs) and empowered Category B municipalities is recommended.

R4.12 This must be accompanied by fiscal decentralisation so that provincial

budgets for service delivery accompanies devolved services.

R4.13 For this to happen government must take the decision to devolve service delivery to Category Bs from the province.

R4.14 In different provinces different options are selected as intermediate to reach this objective, based on current strengths, with a clear time frame and process defined for implementation of Option 1. This should not involve building up current category C municipalities where these are weak but focus immediately on building capacity of the Category Bs.

R4.15 Support is sought from donors such as UNDP, GTZ and DFID for a national capacity-building project for local government, similar to the DFID-supported Rural District Council Capacity-building Programme in Zimbabwe.

Legal issues relating to tenure

R6.1 In addressing spatial management we should consider primarily the use of land.

Proposed pro-active spatial planning system in rural areas

The pro-active spatial planning process will result in the spatial development framework (SDF), which is part of the IDP.

R7.1 The components of the Spatial Development Frameworks (SDFs) should include:

- The IDP objectives for the spatial transformation of the area
- Localised spatial DFA principles

- A spatial guideline that inform development and that focus on what is not desired in an area rather than spelling out what should happen in an area.
- Locating the IDP projects, preferably those projects with an allocated budget, within the area of jurisdiction
- The map, which reflects the spatial guidelines and projects graphically, need to be organic and could be changed annually to reflect new priorities.

A series of processes for developing the SDF are suggested.

R7.2 Scenario 1 (CBPO and empowered Category B) is recommended as the framework for planning levels.

Proposed spatial management system

R8.1 It is recommended that the spatial management system should contain the following elements:

- Map illustrating the spatial development framework
- Spatial management guidelines that can guide decision-making on land development and land use change.
- Spatial management guidelines for areas earmarked for communal property management or traditional areas.
- Guidelines for natural resource management. An environmental management plan should form part of the spatial management plan.
- Application, decision-making and appeal procedures
- Action plan for spatial development initiatives.
- Register of applications, comments, decisions and appeals received.

R8.2 In CBPO type 1, traditional leaders are given authority to act as development

agents based on an agreement between the local municipality and the traditional authority.

R8.3 In a CBPO type 2 or 3 situation, CBPOs once elected should be given the power to allocate land, subject to ratification by the municipality, whether for individual or common property use.

R8.3 Due to the complexity of spatial management and the legal implications it has for established land rights, we recommend that this topic be further researched and simplified to ensure successful implementation.

Recommended changes to the Green Paper/White Paper

R10.1 The White Paper should be renamed The White Paper on Spatial Planning and Management within the context of the IDP.

R10.2 The CIU is the locus for co-ordination of the IDP Process at national level. CIU can delegate responsibilities to departments.

R10.3 As the planning function of local and provincial government resides with the Ministry of Provincial and Local Government it would be more appropriate for spatial planning and IDP matters to be the responsibility of MPLG. However, the functions of DLA primarily include land management and therefore the department should manage land tenure.

ANNEX 1 PROGRAMME OF CONSULTANCY

<u>Activity</u>	<u>Date</u>
Meeting with RPTT to plan in Johannesburg	8 Dec
Identify case studies	8 Dec
Develop checklist for telephone interviews	13 Dec
Telephone interviews	14 – 17 Dec
Collect secondary data	8 – 17 Dec
Read secondary data	15 Dec – 3 Jan
Write case studies	4 – 7 Jan
Mini workshop with 4 RPTT members in Bloemfontein	10 Jan
Analyse results, write findings	11 – 16 Jan
Team discussed findings	17 Jan
Finalise chapters	18 – 19 Jan
Edit and send off final report	20 Jan
Present findings to DPC	27 Jan

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⁴⁹ Note this is an analysis of international experience in the use of decentralisation and the key lessons

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ANNEX 3 PEOPLE CONSULTED

Doreen Atkinson	Consultant working on local government in N Cape
Engela Bornman	CEO, Excelsior TLC
George Cilliers	Housing and Urban Planning, Bloemfontein TLC
Cathy de Hart	Dept of Land Affairs, Free State
Koos Duvenhage	Town Planning, Welkom TLC
Johan Gildenhuis	Laubscher, Slabbert and Brink, Welkom
Johan Hauptfleisch	Spatial Planning, Free State Provincial Government
Howard Hendriks	National Parks Board
Mr de Jongh	CEO, Hartswater TLC
Willem Louw	CEO, Richtersveld TRC.
Alastair Macintosh	Macintosh, Xaba and Associates
Somi Ntonga	Dept of Agriculture and Land Affairs, Eastern Cape
Davina Piek	Dept of Land Affairs, Free State
Eddie Scott	Spatial Planning, Free State Provincial Government
Henning Stapelberg	Land Use Administration, Free State Provincial Government
Penny Urquhart	Consultant working on Agenda 21 and local government
Shirley van der Moolen	Makroplan, Kimberley

Development Planning Commission members attending workshop:

Mpho Mogale	Convenor of Rural Planning Task team
Mojalefa Ralakhetho	Commissioner
Reg Barry	Commissioner
Lusani Madzhivandila	DLA

