

INCREMENTAL PLANNING TOWARDS EFFECTIVE LAND USE MANAGEMENT IN PERI-URBAN TRADITIONAL AREAS



TRADITIONAL LEADERSHIP AND AUTHORITY VS LOCAL GOVERNMENT

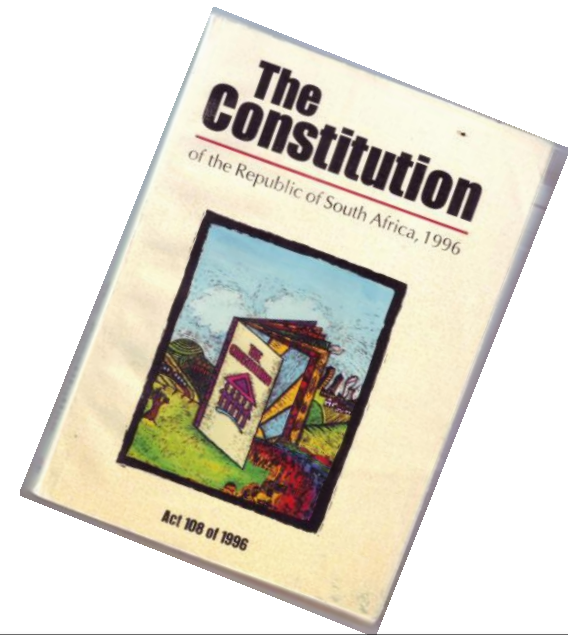
The Coexistence of Traditional and Local Governance Structures in a Democratic Dispensation: Challenges & Successes

13-14 SEPTEMBER 2018 POTCHEFSTROOM
MAGESHNEE IYER , City of uMhlathuze, KZN

INTRODUCTION

The Constitution of South Africa affords all citizens the right to protect the environment and secure sustainable development that promotes justifiable social and economic benefits

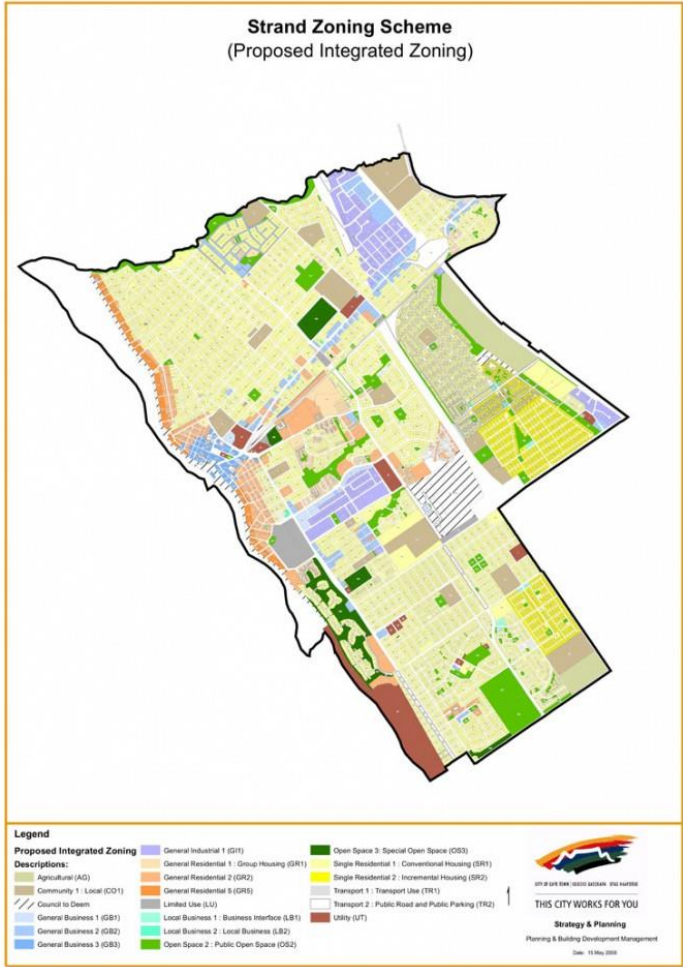
“Everyone is equal before the law and has the right to equal protection and benefit of the law”



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Ideal Settlements



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Reality



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BACKGROUND

WHAT IS LAND USE MANAGEMENT?

Government has previously neglected rural and peri-urban areas in terms of introducing statutory planning measures to guide their growth and development such as LUM.

*“It is a systematic and collaborative procedure that **seeks to create an enabling environment for sustainable development**. It assesses the physical, socio-economic, institutional and legal potentials and constraints with respect to optimal and sustainable use of natural resources.”*

Expansion and development of peri-urban areas has solely been influenced and guided by customary laws and practices with no technical mechanisms used to determine the suitability of that land for human habitation.

For a long time planning systems have continued to perpetuate their existence as a criminal offence as they are continuously referred to as `illegal or informal` settlements.

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and as a result ...



2010



2017

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KZN



MP



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But how did we get here ?!

legislation in existence pre-1994 that was related towards land use management and planning was directed towards limiting, depriving and controlling black man's access to urban areas, enjoyment of urban areas and benefit from urban areas, enforced by unjust legislations such as:

- **The Natives Land Act, 1913 (Act No. 27 of 1913)**
- **The Natives Urban Areas Act, 1923 (Act No. 21 of 1923)**
- **Group Areas Act, 1950 (Act No. 41 of 1950)**
- **Provincial Ordinances**
- **And friends...**

These legislations unjustly relegated black communities to the periphery, subjecting them to underdeveloped and unplanned settlements exposing them to an environment that is unsafe and unhealthy, inadequately equipped with infrastructure and amenities.

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So what do we do from here ?!

Excluded areas had to now be incorporated into land development and management plans promoting inclusive development, which can only be achieved if it reaches a larger segment of the poor and excluded population. Inclusion was set to be achieved by legislation such as:

- **The Less Formal Township Establishment Act (Act 113 of 1991)**
- **The Development Facilitation Act (Act No. 67 of 1995)**
- **KwaZulu-Natal Planning and Development Act, 2008**

These legislations have failed to fully appreciate and redress the injustices of the past, despite governments effort it seems to have maintained the status quo of rural and peri-urban areas.

- **Spatial Planning and Land Use Management Act, 2013 (16 of 2013)**

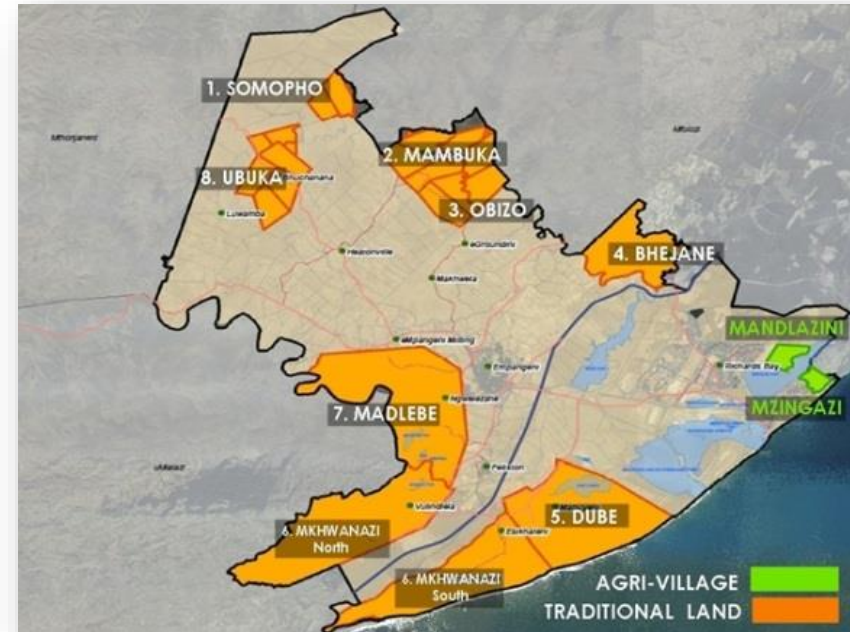
Pregnant with the agenda of transformation, has devised explicit measures to ensure inclusive transformation as it has Bylaws and administer spatial planning throughout their entire jurisdiction.

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MZINGAZI VILLAGE: SPATIAL CONTEXT

Map of KwaZulu Natal Province



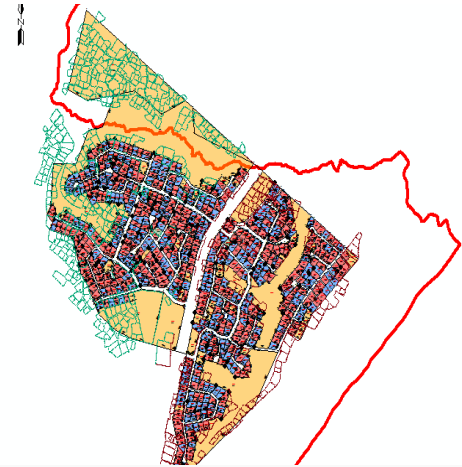
The City of uMhlatuze (CoU)
within the King Cetshwayo District

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MZINGAZI AGRI-VILLAGE

- Located about 10km North East of the central business district (CBD) of Richards Bay
- **In the ownership of the local municipality**
- The land was initially earmarked and used for residential developments in support of the Richards Bay port
- **The land was then surveyed and pegged, and the identified residents were issued with survey diagrams (occupation certificates) for their stands**
- Registration and formal transfer of the said properties did not take place
- **lack of resources such as funds to provide basic infrastructure services**



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MZINGAZI TODAY

- Built-up area generally depicts a disorderly spatial pattern
- Unregulated land subdivision and transactions
- Attractive residential area for middle income groups
- Efficient public transport system
- Affordable rental housing stock
- Uncontrollable population growth



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MZINGAZI TODAY (CONT)

- In the planning no consideration for the long-term impact that haphazard development will have on the environment and service infrastructure
- Environmentally sensitive, flood prone areas, wetlands and unstable soils, under power lines, on top of water pipes, sewer pipes threatening the very lives of the inhabitants
- Unregulated land uses (consent use / social impact?)
- **Need for regulation in this area and others like it cannot be ignored due to the many issues that occur as result of its absence**



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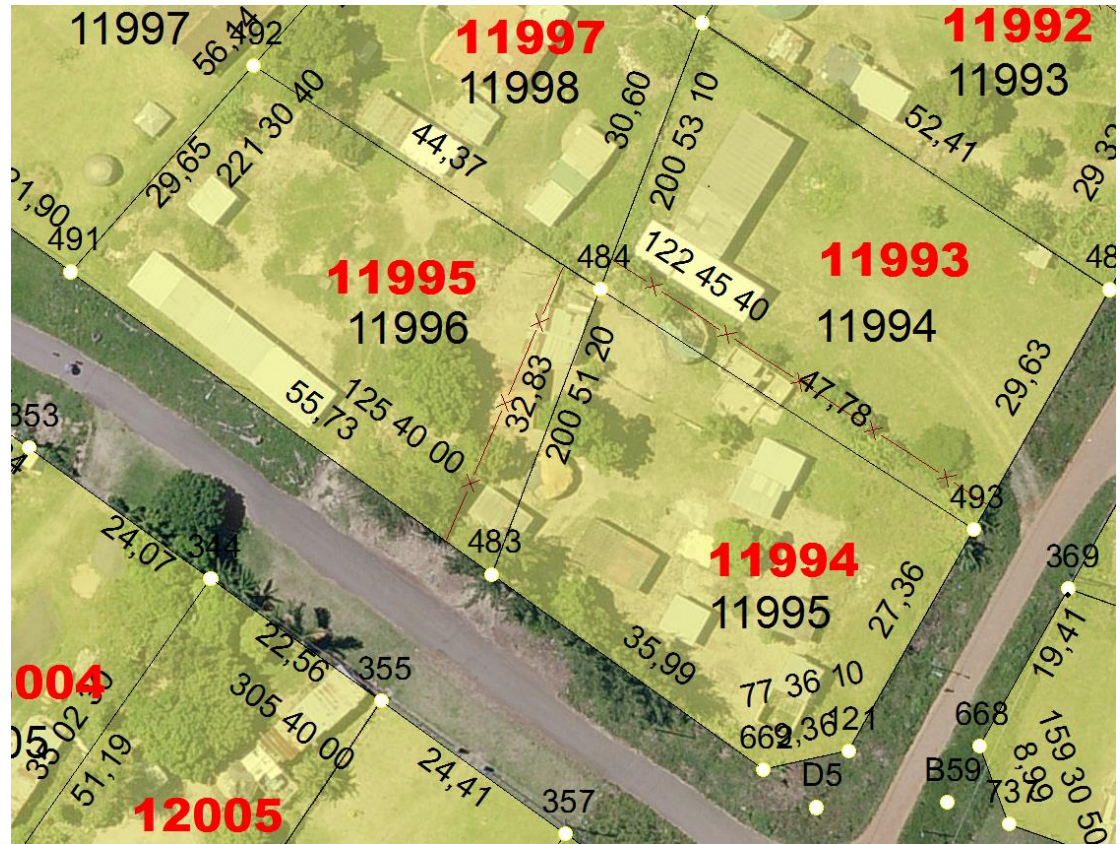
PHYSICAL INTERVENTIONS

Mzingazi Formalisation Project - revived with the aim of creating an in-situ settlement layout for more a sustainable community

- Rates?
- Financial implications
- Negotiations
- Mediation
- Possible removals

Progress?

a township register has been opened on 18 August 2018.

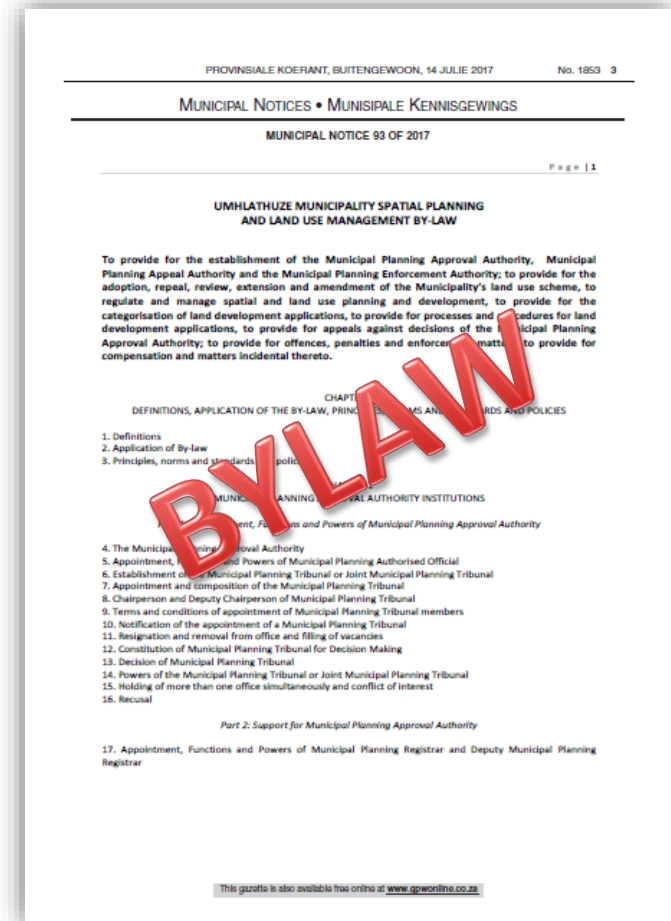


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POLICY INTERVENTIONS

- **Section 24 and 104** recognises the need to keep track of land allocations
- **Section 112** recognise any area as a traditional settlement area (TSA) for the purpose of receiving and processing applications
- **Schedule 5B** sets out the procedure for receiving and processing applications in TSAs
- **Schedule 4** discretion regarding the required public participation process that the applicant must undertake
- Definition of “owner”
- Flat and reduced rate for application fees
- Wall-to-Wall Land Use Scheme
- Collaborative Planning



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THANK YOU

Siyabonga