



**Urban LandMark**

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MAKING URBAN LAND MARKETS WORK FOR THE POOR

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# PERI-URBAN LAND MANAGEMENT ASSESSMENT AND STRATEGY IN METSWEDING DISTRICT MUNICIPALITY





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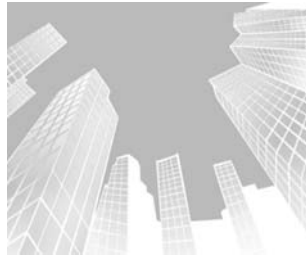
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**Prepared for Urban LandMark  
and  
Metsweding District Municipality  
by  
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**April 2008**



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# CHAPTER 1: CAPACITY ASSESSMENT



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# 1. INTRODUCTION AND BACKGROUND

## 1.1 ABOUT URBAN LANDMARK

Urban LandMark is a South African organisation based in the City of Tshwane which was set up in May 2006 with funding from the United Kingdom's Department for International Development.

Urban LandMark aims to influence policies and practices in South Africa to improve poor people's access to well-located urban land by making market, land planning and management systems work better, giving effect and meaning to the idea of people having a right to land.

Urban LandMark is dedicated to making urban land markets work for (and with) the poor. The "making markets work for the poor" approach is increasingly being adopted by the international development community. Urban LandMark will define what making markets work for the poor could mean for access to affordable urban land.

## 1.2 PROBLEM STATEMENT

Pro-poor management of "peri-urban" land in the rapidly growing urban areas of South Africa is an increasingly important issue. The peri-urban areas are formerly "rural" localities that are now, due to the rapid expansion of South Africa's metros and major towns, directly in the path of urbanisation.

A number of studies have documented the persistence of the "apartheid spatial pattern" in the rapidly growing urban areas of South Africa, including Gauteng. In practice, this can be seen in the majority of new affordable housing developments which are still often located in the least accessible and least integrated peripheral locations in the urban and peri-urban areas, where land is cheap and readily available. These reports and other research indicate that this persistence is related, at least in part, to **the inability of local government to manage land use effectively.**

Peri-urban land is managed most directly by district and local municipalities, and these local governments often have **capacity constraints** which limit their ability to effectively deal with land management and facilitate the poor's access to land. Metsweding, together with its two constituent local municipalities, Kungwini and Nokeng tsa Taemane, has been identified as an area that has a high level of development potential, but where possible capacity constraints also exist.

A number of national and provincial policies and legislation govern land use management, development and planning in the country, but these policies are of little use if capacity conditions within local authorities do not support the efficient implementation of policy.

Efficiency in land development processes has an impact on both public sector led developments and private sector developments. The efficiency of land development processes impacts on the municipality's ability to attract investment, which in turn has an impact on the creation of employment opportunities and the improvement of the municipality's rate base, the latter of which again impacts on the financial ability of the municipality to deliver services to the poor.

The rationale for undertaking this study is a belief that improved land use management processes and improved access to information will enable better service delivery and will enable the local authority to fulfil its function as developmental local government.

### 1.3 PROJECT BRIEF

The purpose of this project is (1) to undertake an analysis of the constraints on effective urban/peri-urban land use management in district municipalities, utilising Metsweding District Municipality as a case study, and (2) to formulate a strategy for addressing the key constraints or issues that emerge from the analysis. The latter part of the study is addressed in Chapter 2.

In terms of the Scope of Work, the project brief for the capacity assessment component of the project is as follows: *“The existing capacity, systems and information base for effective urban/peri-urban land use management in MDC will be documented. Particular attention will be given to systems, functions and responsibilities that a) are unclear to MDC officials and/or b) impede timely and effective action on specific land use issues. The consultant should also make a brief appraisal of recent land sales and purchases made by the MDC and the two local municipalities. These activities should be compared against current development plans and spatial frameworks to assess compliance, value for money and development impact.”*

### 1.4 METHODOLOGY

The methodology that was followed for the capacity assessment was (1) to define what is understood under the concept of capacity for the purpose of this study, (2) to structure pertinent questions around the identified issues of capacity and (3) to conduct interviews with internal and external stakeholders to determine what the capacity constraints are.

For the purpose of this study, it was decided to go beyond the conventional understanding of capacity (which is generally understood to mean human resource capacity) and rather look at a number of issues that impact on the efficiency of the land use management system in the respective municipalities. It was felt that it was important to investigate as broadly as possible in order to develop an appropriate and relevant response.

Following this approach, 4 key questions were identified, namely:

Question	Explanation
<ul style="list-style-type: none"> <li>What resources does the municipality have in place to support efficient and sustainable land development?</li> </ul>	This issue refers to capacity in terms of human resources (qualitative and quantitative) and access to physical and technical resources such as equipment.
<ul style="list-style-type: none"> <li>How enabled is the local authority to make informed decisions on land development in the municipality?</li> </ul>	This issue refers to two aspects, namely (i) whether the municipality has appropriate spatial development policies in place that can guide development and decision-making and (ii) whether the municipality has access to spatial information as a tool for effective decision-making.
<ul style="list-style-type: none"> <li>How efficient are the municipality's processes when dealing with land development?</li> </ul>	This question specifically addresses the internal land use management processes and the shortcomings and frustrations that exist in these processes.

Question	Explanation
<ul style="list-style-type: none"> <li>How empowered is the community insofar as knowledge of land development processes is concerned?</li> </ul>	<p>This issue refers to whether the municipality has any programmes in place through which to empower communities with knowledge of planning and development processes. The rationale behind this is that communities that are aware of their rights and responsibilities, insofar as land use and land development are concerned, indirectly contribute to more efficient land use management.</p>

With regard to the latter issue of community empowerment, it may not be directly linked to the internal capacity of the municipality as far as land use management and planning is concerned, but it is considered to be an important function of planning that is often not addressed because of the lack of capacity and inefficient internal systems.

In terms of the White Paper on Local Government, 1998, *“extremely rapid changes at the global, regional, national and local levels are forcing local communities to rethink the way they are organised and governed... Local government has a key role to play in building this kind of social capital – this sense of common purpose – to find local solutions for increased sustainability... In practical terms, municipalities can build social conditions favourable to development through [inter alia]:*

- *Ensuring the knowledge and information are acquired and managed in a way that promotes continuous learning, and which anyone can access easily and quickly.*
- *Actively seeking to empower the most marginalised groups in the community and encouraging their participation.*
- *Empowering ward councillors as community leaders who should play a pivotal role in building a shared vision and mobilising community resources for development.”*

---

## 2. ABOUT METSWEDING

Metsweding District Municipality comprises the north-eastern part of Gauteng and lies adjacent to both the City of Tshwane and Ekurhuleni Metropolitan Municipalities.

The Metsweding District Municipality was established as a cross-boundary category C municipality on 5 December 2000 in terms of Section 12 of the Municipal Structures Act (Act No. 117 of 1998). The Local Municipalities of Kungwini and Nokeng tsa Taemane were established as category B municipalities within the jurisdiction of Metsweding.

The Metsweding District Municipality covers an area of 4169 km<sup>2</sup>, of which 2202 km<sup>2</sup> lies in Kungwini and 1967 km<sup>2</sup> in Nokeng tsa Taemane.

According to the 2001 Census, Metsweding had a total population of 160740 people, with 50427 households. 107 543 of the population resided in Kungwini and 53 197 in Nokeng tsa Taemane.

The area is largely rural, with a number of dispersed settlements. The three major urban centres in the district are Bronkhorstspuit (Kungwini Local Municipality) and Cullinan and Rayton (Nokeng tsa Taemane). Other settlements comprise either township areas or informal settlements.

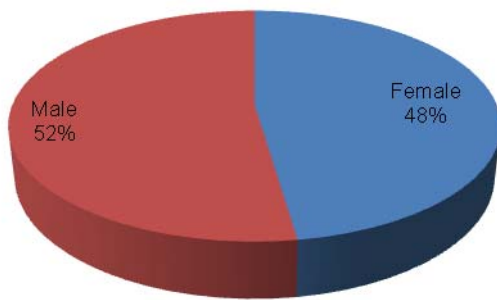
Some of the important socio-economic facts for Metsweding include:

- 16% of adults have no form of formal schooling, while 10% has some form of higher education.
- 19% of the economically active population is unemployed.
- 14% of households have no annual income while 63% have an annual income of less than R38 400 (2001 income levels).
- The male to female ratio is 52:48.
- 28% of the population uses walking as their main mode of transport.
- 70% of households have access to electricity for lighting.
- 6% of households have no access to piped water.
- 38% of households are situated in rural areas.

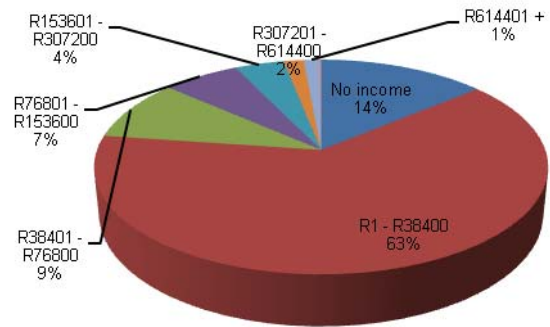
*Source: Demarcation Board Municipal Profiles 2006 (Based on Stats SA Census 2001)*



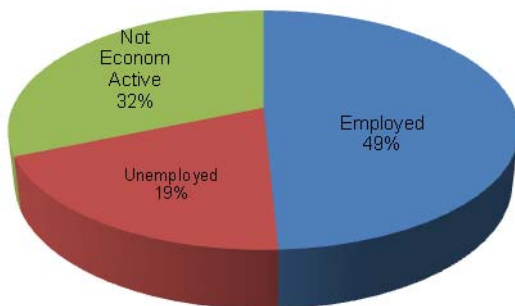
**Gender**



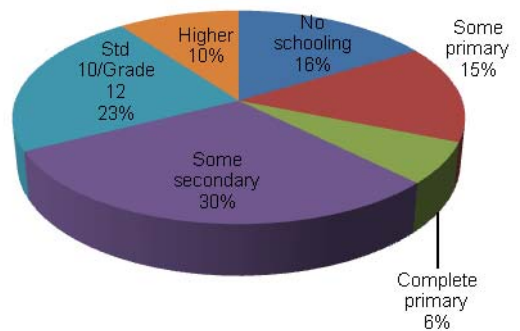
**Annual Household Income**



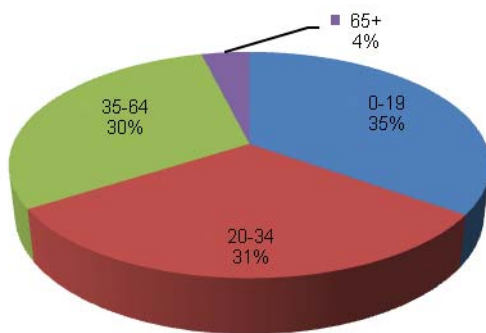
**Employment Status Economically Active Population**



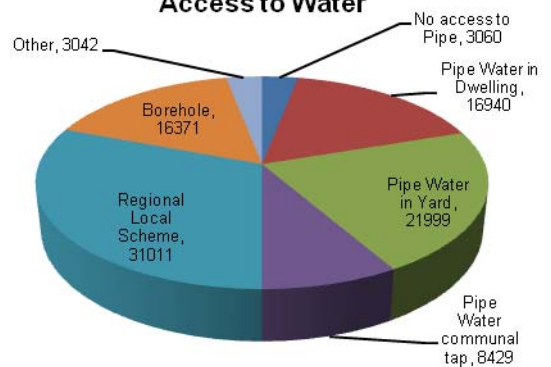
**Adult Education Levels**



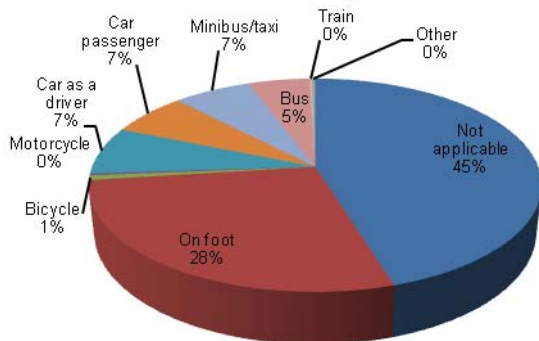
**Metsweding Age Distribution**



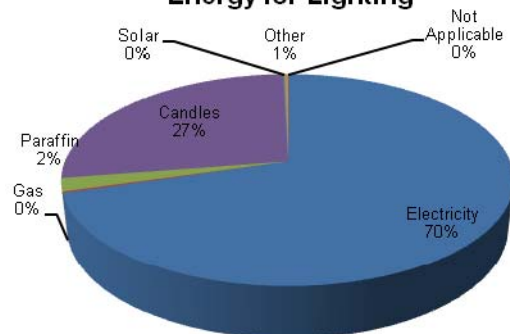
**Access to Water**



**Mode of Transport**



**Energy for Lighting**



Source: Stats SA Census 2001

### 3. HUMAN RESOURCE CAPACITY OVERVIEW

The recently released report, *Municipal Demarcation Board Assessment of Capacity for the 2007/08 Period*, provides information on the human resource and financial capacity of municipalities across South Africa. The tables below set out a broad indication of the human resource capacity in the Metsweding District Municipality as well as the two local municipalities at the time of the Demarcation Board's study. This information is based on questionnaires that were filled out by the municipalities.

It is important to note that this information was collated in 2007, and given the constant changes that take place in these local municipalities the situation could have changed again. Certain of the key positions could have been filled and certain could be vacant now.

#### 3.1 GENERAL

##### *Annual Staffing Levels 2002 – 2007 (Actual Results)*

MDB Code	Municipality Name	Employees 2002	Employees 2003	Employees 2004	Employees 2005	Employees 2006	Employees 2007
DC46	Metsweding District Municipality	13	15	100	115	106	32
GT461	Nokeng tsa Taemane Local Municipality	167	135	139	150	154	243
GT462	Kungwini Local Municipality	469	494	427	411	327	917

##### *Staff per capita ratios*

MDB Code	Municipality Name	Staff per capita ratio 2002	Staff per capita ratio 2003	Staff per capita ratio 2004	Staff per capita ratio 2005	Staff per capita ratio 2006	Staff per capita ratio 2007
DC46	Metsweding District Municipality	12299	10659	1599	1390	1508	5024
GT461	Nokeng tsa Taemane Local Municipality	315	390	378	351	341	219
GT462	Kungwini Local Municipality	229	217	251	261	328	117

##### *Existing staffing levels*

MDB Code	Municipality Name	Number of approved positions 2007	Total number currently employed 2007	Number of vacant positions 2007	% posts filled 2007
DC46	Metsweding District Municipality	51	32	19	62.75%
GT461	Nokeng tsa Taemane Local Municipality	324	243	81	75.00%
GT462	Kungwini Local Municipality	568	917	568	161.44%

#### 3.2 IDP MANAGERS

With regard to integrated development planning, the profile of the managers responsible for IDP's in the three municipalities is as follows:

### **IDP Managers**

<b>MDB Code</b>	<b>Municipality Name</b>	<b>Qualification</b>	<b>Years of local Government Experience</b>	<b>Current position Section 57/Acting/Other</b>	<b>Years in existing position</b>	<b>If acting – reason provided</b>
DC46	Metsweding District Municipality	BA Higher Dip Development Planning	6	Other	3	
GT461	Nokeng tsa Taemane Local Municipality	MSc planning BA Swork	5	Acting		Previous manager resigned
GT462	Kungwini Local Municipality	BSc (Hons) Diploma in municipal governance environment Management masters in public & development management - still completing	12	Acting		IDP manager resigned June 07

### **3.3 MUNICIPAL PLANNING**

When considering capacity in respect of municipal planning, the report has provided the following information:

#### ***Department rendering the service – Municipal Planning***

<b>MDB Code</b>	<b>Municipality Name</b>	<b>Name of Department Performing function</b>	<b>Only department performing function</b>	<b>Name of other department/s performing the function</b>	<b>Description of function performed by municipality</b>
DC46	Metsweding District Municipality	Pims	Yes		IDP Preparation, SOF, PM System
GT461	Nokeng tsa Taemane Local Municipality	Town Planning and IDP	Yes		Spatial framework, Land Use, IDP
GT462	Kungwini Local Municipality	Governance (IDP)	No	service delivery	Integrated Planning, PIMS, ICT, Internal Audit and Risk Management, SER Delivery & Strategic Support Services

#### ***Function Management – Municipal Planning***

<b>MDB Code</b>	<b>Municipality Name</b>	<b>Qualification</b>	<b>Years of local Government Experience</b>	<b>Current position Section 57/Acting/Other</b>	<b>Years in existing position</b>	<b>If acting – reason provided</b>
DC46	Metsweding District Municipality	BA Degree Higher Dip Development planning	6	Permanent	3	
GT461	Nokeng tsa Taemane Local Municipality	MSc Development planning BA social work	5	Acting		previous manager resigned
GT462	Kungwini Local Municipality	Bsc Hons Environmental health Diploma in Mun Government Master of management & Dev manager Exec leadership course for municipality manager	10	MSA Sec 57		

### Staffing – Municipal Planning

MDB Code	Municipality Name	Staff Available for the function					
		2002	2003	2004	2005	2006	2007
DC46	Metsweding District Municipality	1	1	3	2	3	3
GT461	Nokeng tsa Taemane Local Municipality	0	7	3	3	2	1
GT462	Kungwini Local Municipality	8	1	1	3	10	6

MDB Code	Municipality Name	Staff per capita ratio				Staff Vacancies		
		2004	2005	2006	2007	2005	2006	2007
DC46	Metsweding District Municipality	53297	79945	53297	53584	1		
GT461	Nokeng tsa Taemane Local Municipality	17528	17528	26292	53202	1	5	4
GT462	Kungwini Local Municipality	107306	35769	10731	17925	1	1	3

### Equipment – Municipal Planning

MDB Code	Municipality Name	Equipment available for the function					
		2002	2003	2004	2005	2006	2007
DC46	Metsweding District Municipality	No	No	Yes	Yes	Yes	Yes
GT461	Nokeng tsa Taemane Local Municipality	Yes	Yes	Yes	Yes	Yes	Yes
GT462	Kungwini Local Municipality	Yes	Yes	Yes	Yes	Yes	Yes

## 3.4 KEY ISSUES EMERGING

- Kungwini Local Municipality had 161.4% staffing levels in 2007, which could be considered to be a serious irregularity.
- None of the municipalities had a proper IDP Manager in 2007.
- The information provided for Municipal Planning in the case of Kungwini does not reflect information on Development Planning but rather Governance/Corporate Planning. It appears that Kungwini Local Municipality did not understand this category of municipal functions correctly. It is therefore impossible to compare the three municipalities, because information provided is for different functions.
- The staff available for planning in Nokeng tsa Taemane concurs with the results of the Urban LandMark capacity assessment in 2008, but not in the case of Metsweding District Municipality.

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## 4. CAPACITY ASSESSMENT - METSWEDING DISTRICT MUNICIPALITY

### 4.1 RESOURCES

#### 4.1.1 Human Resources

The Metsweding District Municipality has one official responsible for land development and planning, namely the Head of Development Planning and Environment. The main responsibility of this official is to provide support to the two local municipalities and ensure coordination of planning between the local municipalities. The District Municipality does not deal directly with land use management from an operational perspective.

From the discussion that was held it appears that there is no clear understanding of what “support” and “coordination” entail and what exactly the functions and responsibilities of the District should be. For example, there are no clear guidelines as to when the District should provide inputs on development applications in the area. The District is requested to provide inputs on development applications on an *ad hoc* basis, mostly when there are issues regarding the availability of services. The District therefore makes no consistent input into developments that are of District importance.

### 4.2 POLICY AND INFORMATION

#### 4.2.1 Policy

The Metsweding District Municipality has three policy documents in place that specifically deal with planning and land development. These are:

- Metsweding District Municipal Spatial Development Framework Plan, 2006.
- Housing and Land Reform Strategy for the Metsweding District Municipality, 2003.
- Municipal Housing Development Plan: Metsweding District, 2007 (commissioned by Gauteng Provincial Government Department of Housing).

##### 4.2.1.1 Metsweding District Municipal Spatial Development Framework Plan, 2006

The purpose of the Metsweding District Municipal Spatial Development Framework Plan, 2006 is to:

- *“Provide a spatial strategy that will aim to realise the land development principles set as statutory obligations;*
- *Provide development direction for the local municipalities and communities;*
- *Co-ordinate provincial and national initiatives within the district; and*
- *Identify key urban structuring initiatives to ensure that the appropriate form is developed for the district.”*

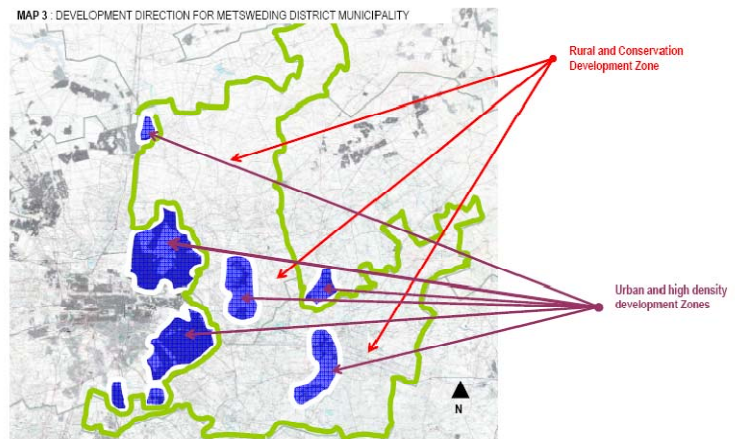
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The spatial proposals contained in the spatial development framework are structured around two main components, namely:

- The Metsweding District Open Space System (DOSS); and
- Urban Settlement Management Systems and Village Nodes.

*“To avoid the development of an un-balanced urban form, there needs (at a district level) to be a clear distinction between land for development, and land for environmental protection and food production. The Metsweding District Municipality proposes the **DISTRICT OPEN SPACE SYSTEM** as the instrument that will seek to establish the balance required.”*

The spatial development framework is therefore clearly structured around a distinction between areas for development and areas for protection against development.



In terms of the **Urban Settlement Management Systems** section, the SDF identifies certain development guidelines for each of the urban development areas, but these guidelines are fairly generic.

The section dealing with Urban Settlement Management further deals with (1) Housing Integration guidelines, which are based on the principle of inclusionary housing, although not entirely in line with the policy which was developed by the Gauteng Provincial Government, (2) Commercial/Business Opportunity Location guidelines, (3) priority roads and (4) urban growth and expansion management guidelines.

Lastly, the SDF identifies certain **Critical Development Areas** in Metsweding, as shown on the map below.



- Steve Biko Ville: Urban and rural opportunities programme
- Steve Biko Ville: Housing Intensification programme
- Roodeplaat dam area, Silverlakes, Rayton and Cullinan/Refilwe: Housing Intensification programme
- Cullinan/Refilwe: Urban and rural opportunities programme
- Ekgangala, Rethabiseng and Zithobeni/Bronkhorstspuit: Housing Intensification programme
- Ekandustria: Urban and rural opportunities programme
- Zithobeni/Bronkhorstspuit: Urban and rural opportunities programme
- Bronkhorstspuit dam: Housing Intensification programme

One of the issues in the spatial development framework that is particularly noticeable is the somewhat negative view of what the National Spatial Development Perspective means for Metsweding, namely that:

- *“The municipality will have to accept the fact that it will remain a poor area and that the bulk of the people will have to move to urban centres where economic growth is happening faster.*
- *The municipality will have to accept that the bulk of its economy will be dependent on remittances from migrant workers.*
- *Economic growth happens in certain spatial settings more speedily, but sector growth is also experienced in other areas. There are also opportunities that develop from such growth which can be capitalized on by areas such as Metsweding. In the context of this strategy Metsweding will not be able to capitalise on such opportunities as resources will be focused elsewhere.”*

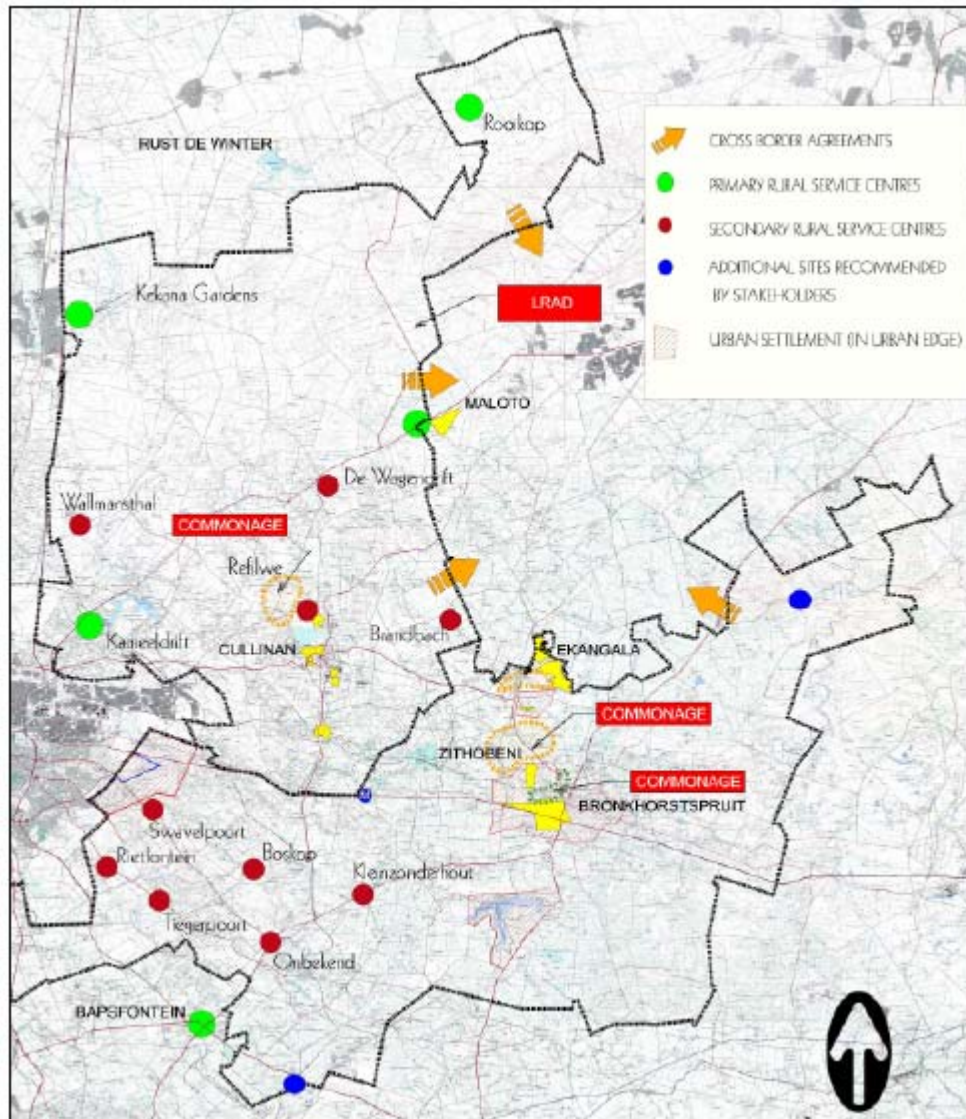
The SDF does highlight certain potential positive effects that the NSDP might have, but these certainly do not come across as strongly as the perceived negative implications.

Peri-urban land and development is not addressed in this document. Instead, a clear distinction is made between urban and rural development, with no provision for transitional development areas.

#### **4.2.1.2 Housing and Land Reform Strategy for the Metsweding District Municipality, 2003**

The Housing and Land Reform Strategy for the Metsweding District Municipality, 2003, deals extensively with all forms of policies and legislation relating to land development, housing, grants, development programmes etc. It is a vast resource document in terms of policy directives and processes, but only contains limited proposals with regard to implementation.

The spatial proposals deal predominantly with proposed areas for urban development, the establishment of rural service centres and commonages. The principles of rural service centres and commonages were not incorporated into the Metsweding Spatial Development Framework, 2006.



*Housing and Land Reform Strategy, 2003*

#### 4.2.1.3 Municipal Housing Development Plan: Metsweding District, 2007 (commissioned by Gauteng Provincial Government Department of Housing)

According to the Municipal Housing Development Plan, “the MHDP is primarily a strategic management tool to assist municipalities to focus their energy to ensure that all activities in its Housing Department are working towards the same goals...”

In terms of this plan, the Metsweding District should deliver 1685 units per annum to meet the Vision 2014 target, and thereafter 800 units per annum up to 2025 to meet future housing needs in the low income category.



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### **KEY ISSUES EMERGING**

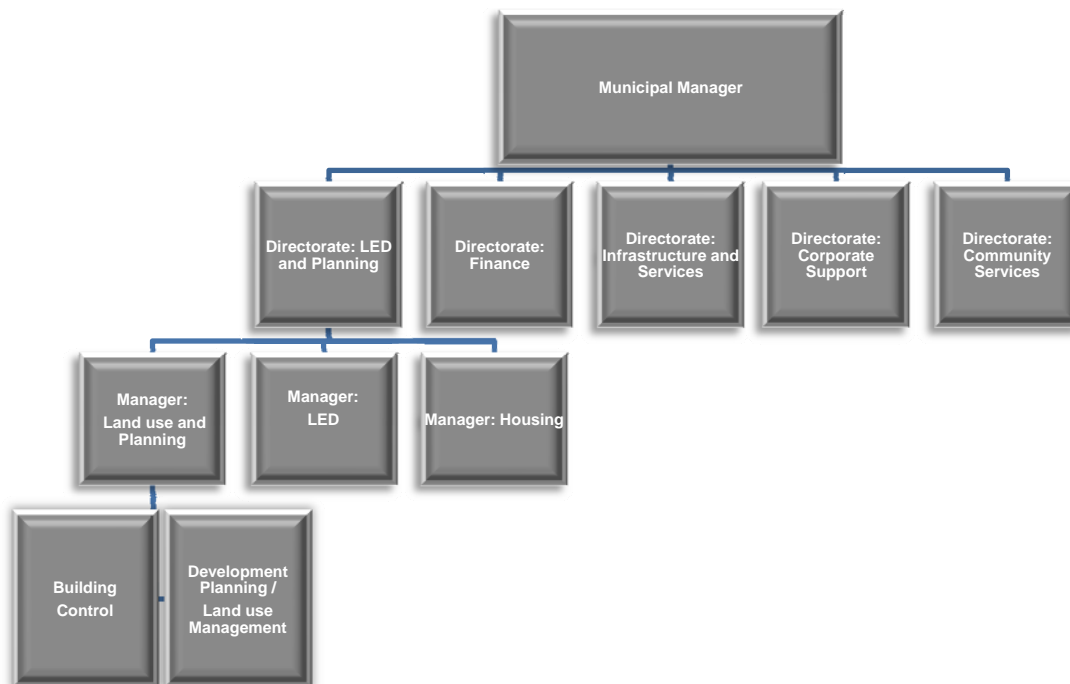
- There is no clear understanding of the role and function of the District in terms of land use management and planning in its area of jurisdiction.
- There are spatial policies in place, but these do not address critical issues such as land for the poor, peri-urban land development etc. These policies are also not necessarily aligned with each other.
- The District Municipality does not have access to spatial information systems to support decision-making and planning

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## 5. CAPACITY ASSESSMENT - NOKENG TSA TAEMANE LOCAL MUNICIPALITY

### 5.1 ORGANISATIONAL STRUCTURE

The Development Planning and Land Use Management Unit is a sub-sub-function of the Directorate of Local Economic Development and Planning, and functions on the same level as the Building Control Office. Land Use Management and Development Planning are also seen as a single unit, and not as two separate but equally important functions.



The problem with this structure is perhaps not the issue of the level of importance, but the fact that three major functions, namely LED, Housing and Planning, are grouped under one directorate. This is, however, to be expected in a local municipality with limited resources.

### 5.2 RESOURCES

#### 5.2.1 Human Resources

With regard to Development Planning and Land Use Management, the municipality currently only has one professional staff member and two administrative support staff. The professional staff member is responsible for everything in this sub-directorate, namely:

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- He is the Manager of Land Use and Planning, responsible for both the Building Office and the Development Planning/Land Use Management unit;
  - He is responsible for the administration of all land use management applications in the municipality;
  - He is responsible for spatial planning; and
  - He is responsible for the formulation and management of the municipality's IDP.

He is qualified as a development planner, with a Masters Degree in Development Planning, and has 5 years' experience as a planner. He joined the Nokeng tsa Taemane Local Municipality in 2006, when he replaced the previous incumbent often who resigned. No transference of acquired local knowledge took place.

The administrative officers are merely responsible for telephone enquiries, checking the completeness of land use applications and distributing it to internal departments.

The only other position that has been made provision for on the corporate structure is for an assistant town planner (a position which is currently vacant but was recently advertised).

The structure further makes provision for one (1) GIS operator (which is currently vacant) and three (3) Building Inspectors (of which two positions are vacant but which were recently advertised).

In order to solve the HR resource problem, the Manager believes that the following are the minimum requirements:

- At least two town planners.
- Two additional building inspectors.
- One GIS operator/draughtsman.
- Three development control officers (one per ward), required to deal with contraventions.

The question was also posed as to how the municipality dealt with ongoing professional training, especially when new policies or legislation are introduced by national or provincial government. It is important to know if the municipality capacitates its officials insofar as knowledge and understanding of policy issues are concerned. The answer was that, up to date, no such interventions have been made, but that the Director has expressed his support for ongoing training.

### 5.2.2 Technical Resources

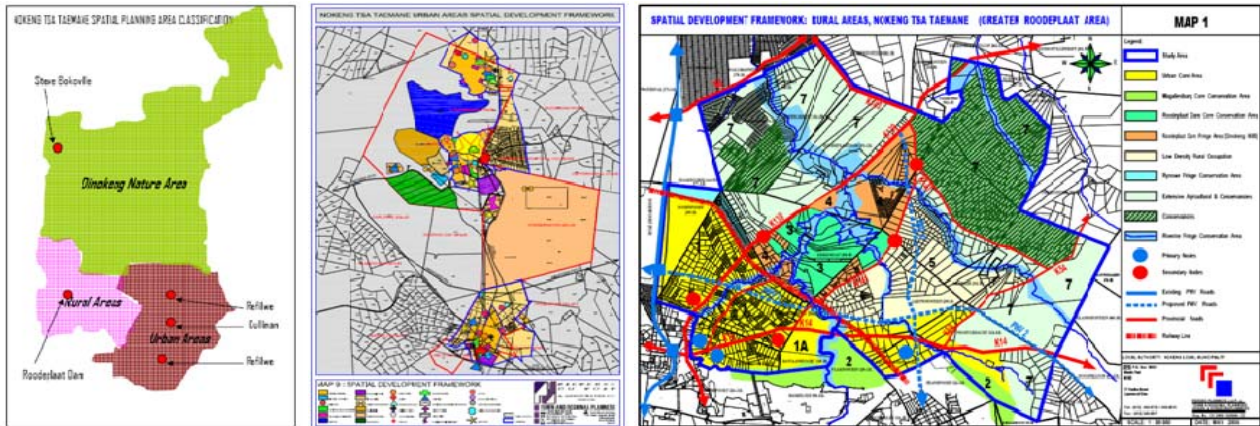
With regard to technical resources, the following was established:

- Personnel have access to computers, although not necessarily the latest models.
- There is only one small desktop printer which is shared between the Manager and the two Administrative Officers. This printer is not linked to a network, and has to be physically moved between offices if officials need to use it.
- There is access to the internet, although it is not a very reliable system.
- The Manager has a car allowance.

## 5.3 POLICY AND INFORMATION

### 5.3.1 Policy

For the purpose of Spatial Planning, the Nokeng tsa Taemane area has been divided into three planning districts, namely the Rural Area, the Urban Area and the Dinokeng Area. Spatial Development Frameworks, drafted in 2006, exist for both the Rural and Urban Areas.



Although these frameworks do enable the municipality to manage investment and development in the municipality, the frameworks will require in-depth analysis to determine to what extent they address current policy directives. One thing that is clear is that neither of these frameworks indicates specific areas for future affordable housing development. The frameworks also do not address peri-urban development potential.

The official with whom the interview was conducted felt that these spatial development frameworks were lacking in predominantly two areas, namely:

- The urban edge, which is too restrictive; and
- Certain proposals are contradictory with GDACE insofar as high potential agricultural land is concerned.

The official was of the opinion that the spatial development frameworks were well enforced, and it was only in rare instances with considerable merit that the municipality will approve an application that is not in line with the spatial development framework (this usually means an application that is outside of the urban edge). In these instances, the developer has to prove to the municipality that there are services available for the development. Many of these applications (which are not in line with the spatial development framework) are usually also dealt with by means of the Development Facilitation Act procedure.

The municipality does not have its own Housing Development Plan, but relies on the Housing Development Plan that was drafted for the District. This is not a negative situation, as it means that housing delivery can be coordinated by the District throughout the area. However, when it comes to decisions on where housing should take place, it was stated that at this point in time housing delivery is dealt with on a reactive basis rather than a pro-active basis. In most instances the municipality has to react to situations where people invade land, and this situation has up to now been solved by the Provincial or National Government stepping in and purchasing land to settle these communities on. These land purchases are done without any consideration of optimal locations from a spatial efficiency and sustainability point of view.

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Interventions which have been identified by the Manager are:

- There is a definite need for the Spatial Development Frameworks to be reviewed.
- The current 3 land use schemes (Peri-Urban, Cullinan and Pretoria Town Planning scheme) need to be consolidated into one land use scheme.
- Precinct Plans are required for the Rayton, Cullinan and Roodeplaat areas.

### 5.3.2 Information Systems

The planning unit of the municipality basically does not have access to any spatial information. Although they do have the necessary (outdated) software to operate a GIS system, there is no GIS operator or even a draughtsperson employed by the municipality to manage the system, and there is no GIS data.

Not only is there not an electronic GIS system, but the old map system of the municipality (layout plans and zoning plans) are not kept up to date since there is no official who is able to do it. The result is that maps often show outdated zoning information and new zonings have to be verified in the land use application records. This not only has a time implication for developers who request zoning information, but it also requires a lot of time from the (very few) personnel in this section to go through the record system.

The only spatial information tool currently available to the officials is Google Earth.

With regard to the land use management system, land use applications are not captured electronically but only in a manual filing system. Not only does this mean that there is no operational management information available (i.e. how many applications have they received, how long did it take to finalise etc.), but there is also no easy means of determining development trends in the municipality (e.g. how many applications of a particular nature were received in a particular area).

## 5.4 PROCESSES

The land use management process that is followed in the Nokeng tsa Taemane municipality is fairly standard, and is described in the diagram below. One of the major shortcomings of this process is the fact that neither the Director of Local Economic Development and Planning nor the Manager of Land Use and Planning has delegated authority to approve applications. The Manager of Land Use and Planning merely makes the recommendation to the Municipal Manager, but all letters have to be signed by the Municipal Manager. This means that, when the Municipal Manager is otherwise engaged, no approvals can be finalised.

The municipality has set itself a target of finalising rezoning, consent and subdivision applications within a period of three months, but agrees that it is not able to stick to these time frames because of the human resource constraints.

Exact information on the number of applications that were received during the last year, the time frames it took to finalise the applications, as well as the backlogs are not available because of the fact that the applications are not captured electronically. The official, however, estimated the current backlog at between 45 and 60 applications.

In discussions with external stakeholders, officials at the Gauteng Department of Agriculture, Conservation and Environment (GDACE) felt that the department had little to contribute to this study as it has very little interaction with Nokeng tsa Taemane. It deals with the Environmental Impact Assessment process, but does not receive any feedback on decisions that are made, so is unable to monitor the quality of decisions taken by the municipality. One of the issues that was raised by this department is the fact that people are often referred to GDACE on matters that actually have nothing to do with the GDACE. Also, GDACE feels that in the case of some larger developments the municipality enters into agreements with developers prior to the environmental impact assessment and Record of Decision being finalised.

Consultants felt that it took too long for land use applications to be finalised and that there is a certain degree of technical knowledge that is lacking.

## 5.5 COMMUNITY EMPOWERMENT

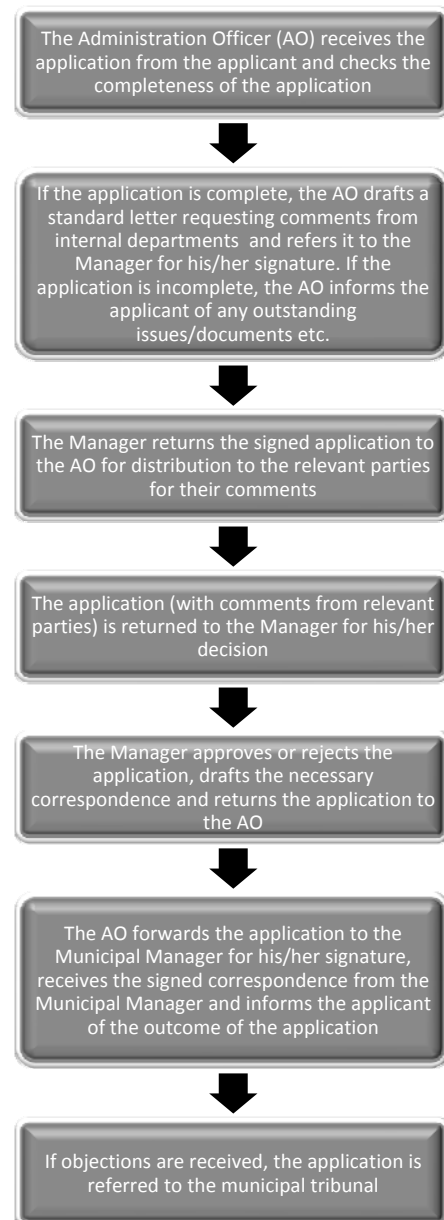
The municipality does not have any program in place for interaction with the community (community empowerment) to inform the larger community about planning policies, processes and procedures.

There is also no information available on the website on how to access certain processes at the municipality. In fact, there is no reference to the Directorate LED and Planning on the website.

## 5.6 SALE AND ACQUISITION OF LAND

In terms of information received from the Nokeng tsa Taemane municipality, the municipality has not sold land for the last few years, as it does not own any land.

Land for housing purposes has been purchased, but by either the Gauteng Department of Housing or the National Department of Housing.



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## **KEY ISSUES EMERGING**

- Shortage of staff, but also a lack of sufficient experience.
- There is no institutional memory, and no transfer of local knowledge took place when previous incumbents left.
- There is no spatial information system to support planning and decision-making.
- There is not a proper land use application capturing system.
- There are no community empowerment programmes.
- Spatial development frameworks are not entirely aligned with provincial and national policy directives.

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## **6. CAPACITY ASSESSMENT – KUNGWINI LOCAL MUNICIPALITY**

### **6.1 INTRODUCTION**

At the time of the study, the Kungwini municipality's planning department was undergoing a change in management and one of the greatest difficulties with this study was obtaining information for the Kungwini capacity assessment. Repeated attempts at scheduling meetings with officials from Kungwini failed, with the result that no direct information was obtained from the municipality. This participation problem partly stems from the fact that this project was essentially undertaken for the Metsweding District Municipality and was not a project that was initiated or necessarily endorsed by the top management of the local municipalities. Whereas the officials from Nokeng tsa Taemane willingly participated and provided information, officials from Kungwini Local Municipality did not respond to the request for interviews.

In view of the fact that no first hand information could be obtained from the local municipality, this capacity assessment relied on feedback obtained from external stakeholders such as developers and consulting town planners. The information provided in this section could thus not be verified with the municipality.

### **6.2 RESOURCES**

#### **6.2.1 Human Resources**

None of the people that work in the land use management and planning unit have any extensive experience. A few people have recently been appointed, but they apparently have no experience or knowledge of land use management systems or the basic procedural requirements in terms of legislation.

There is a widespread view that personnel do not have a professional approach to their functions, and are often not at work, are unwilling to assist and are generally considered to be obstructive.

#### **6.2.2 Technical Resources**

There are apparently constant problems with the equipment in the section. These include telephones that do not work, printers that do not work, computers that do not work, printers without cartridges etc.

### **6.3 POLICY AND INFORMATION**

#### **6.3.1 Policy**

The Kungwini Municipality has a draft Spatial Development Framework, but this has been in the process of approval for more than a year. The framework has not been workshopped with major stakeholders and has

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not been made available for comment. Officials at Kungwini Municipality said that they are not in a position to provide us with a copy of the draft document.

### 6.3.2 Information Systems

According to the external stakeholders, there is no spatial information system or GIS in the planning section, at least not as far as information available to clients is concerned.

There is also no electronic record system for capturing land use management applications, with the result that information on applications is not readily available.

## 6.4 PROCESSES

The general impression created by external stakeholders of land use management processes is that of a system which is fraught with problems. The issues which have been raised during discussions include, *inter alia*:

- Applications which are submitted are subsequently often misplaced by the municipality.
- There is no proper record of applications.
- Once approved, the scheme documents are not stored in a database.
- No internal departments comment on land use applications – the applicant only provides the municipality with external comments (in the case of township applications).
- The applicant is responsible for managing the entire process.
- It takes a year or longer for any application to be approved.
- The town planners have no framework according to which they take decisions, and the decisions are often inconsistent.
- Layout plans for new townships are not scrutinised from a technical perspective, e.g. layout of engineering services, accesses etc. It is entirely the responsibility of the applicant to ensure that the layout works.
- There is no master planning for engineering services.

There is also no delegated authority for land use application approvals. All applications have to be approved by the Mayoral Committee. This adds to the already extensive time frames for approving applications.

#### KEY ISSUES EMERGING

- Officials from Kungwini Local Municipality did not respond to a request to participate in this study.
- External stakeholders are of the opinion that the current land use management system is fraught with problems.

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# CHAPTER 2: A STRATEGY FOR IMPROVING LAND USE MANAGEMENT



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# 1. INTRODUCTION

## 1.1 INTRODUCTION

Chapter 1 dealt with the assessment of the existing capacity, systems and information base for effective urban/peri-urban land use management in the Metsweding District Municipality. In this part of the study, each municipality (i.e. Metsweding District Municipality, Nokeng tsa Taemane Local Municipality and Kungwini Local Municipality) was assessed on a number of issues relating to land use management in order to determine the capacity constraints that exist in that particular municipality.

Having determined the capacity constraints in these municipalities, the next step is to devise a number of interventions or strategies to address the most important of these capacity constraints, taking into consideration the budget constraints the municipalities are generally faced with.

The Terms of Reference outlined the purpose of this part of the project as follows: *“The final deliverable will be a draft MDC Urban/Peri-Urban Land Use Management Strategy Concept Note. The note will detail the way forward for MDC in terms of systems, information, and capacity, including recommendations for focal areas (e.g. quick wins) and a prioritised plan taking into account the financial and other resources available to the Councils to improve their revenue bases (e.g. property rating) through improvements in land use management. This note will be thoroughly workshopped with key officials and stakeholders, leading to a final draft.”*

## 1.2 METHODOLOGY

The project focuses on three (3) municipalities (one District Municipality and two Local Municipalities), and the formulation of a generic Land Use Management Strategy for the three authorities is not considered to be practical. Firstly, the roles and responsibilities of the District Municipality differ from that of the Local Municipalities and, secondly, the capacity issues differ between the various municipalities.

For the purpose of the strategy, each municipality will therefore be dealt with separately, ensuring that the specific issues relating to that municipality are dealt with within the context of that municipality. This will not only ensure appropriate solutions, but will also make implementation of the interventions easier, as each municipality will have a clear understanding of the interventions applicable to that municipality.

## 2. LAND USE MANAGEMENT STRATEGY - METSWEDING DISTRICT MUNICIPALITY

### 2.1 INTRODUCTION

Although this project focuses on Metsweding District Municipality, land use management is in fact not a core competency of a District Municipality and, as such, the district does not conduct land use management as a line function. Land Use Management is the responsibility of the local municipalities which form part of the district.

In terms of Chapter 5: Functions and Powers of Municipalities of the Municipal Structures Act, 1998, section 83(1) and (2), a municipality has the functions and powers assigned to it in terms of sections 156 and 229 of the Constitution, provided that these functions and powers must be divided in the case of a district municipality and the local municipalities within the area of the district Municipality.

In terms of Section 83(3) of the said Act, *“a district municipality must seek to achieve the integrated, sustainable and equitable social and economic development of its area as a whole by:*

- (a) ensuring integrated development planning for the district as a whole;*
- (b) promoting bulk infrastructural development and services for the district as a whole;*
- (c) building the capacity of local municipalities in its area to perform their functions and exercise their powers where such capacity is lacking; and*
- (d) promoting the equitable distribution of resources between the local municipalities in its area to ensure appropriate levels of municipal services within the area.”*

The District municipality is therefore tasked with ensuring that the area develops in a manner which contributes to the development objectives set for the district as a whole. As set out in the legislation above, it must seek the integrated, sustainable and equitable social and economic development of its area as a whole. From a land use management perspective, this means overseeing and ensuring that land use management in the district is done in a manner that aligns with the development strategies which have been developed for the district.

A district municipality has the following functions and powers (section 84(1) of the Local Government Municipal Systems Act):

- Integrated development planning for the district municipality as a whole including a framework for integrated development plans for the local municipalities within the area of the district municipality, taking into account the integrated development plans of those local municipalities.
- Bulk supply of water that affects a significant proportion of municipalities in the district.
- Bulk supply of electricity that affects a significant proportion of municipalities in the district.
- Bulk sewage purification works and main sewage disposal that affects a significant proportion of municipalities in the district.
- Solid waste disposal sites serving the area of the district municipality as a whole.
- Municipal roads which form an integral part of a road transport system for the area of the district municipality as a whole.
- Regulation of passenger transport services.
- Municipal airports serving the area of the district municipality as a whole.
- Municipal health services serving the area of the district municipality as a whole.
- Fire fighting services serving the area of the district municipality as a whole.
- The establishment, conduct and control of fresh produce markets and abattoirs serving the area of the district municipality as a whole.
- The establishment, conduct and control of cemeteries and crematoria serving the district as a whole.
- Promotion of local tourism for the area of the district municipality.
- Municipal public works relating to any of the above functions or any other functions assigned to the district municipality.
- The receipt, allocation and if applicable the distribution of grants made to the district municipality.
- The imposition and collection of taxes, levies and duties as related to the above functions or as may be assigned to the district municipality in terms of national legislation.

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## **2.2 THE ROLE AND RESPONSIBILITIES OF METSWEDING DISTRICT MUNICIPALITY IN PROMOTING LAND USE MANAGEMENT IN THE DISTRICT**

Since the District Municipality is not responsible for land use management from an operational perspective, the only way in which the District Municipality can intervene to ensure efficient land use management systems in its area of jurisdiction is by utilising the powers and functions that it has at its disposal to either directly or indirectly influence land use management systems and levels of efficiency.

### **2.2.1 Ensuring Integrated Development Planning for the District as a Whole**

The first function of the District Municipality in terms of the Municipal Structures Act, 1998, is to ensure Integrated Development Planning for the District as a whole.

On the surface, this function could be interpreted as having to ensure that an Integrated Development Plan (IDP) is compiled for the District, providing guidelines for the compilation of local IDP's and ensuring that each municipality that forms part of the District compiles its own local Integrated Development Plan.

However, in terms of the Municipal Systems Act, 2000, each Integrated Development Plan must comprise a spatial development framework and, in terms of the Local Government Planning and Performance Regulations, 2001, such spatial development framework must "*set out basic guidelines for a land use management system in the municipality*". It can therefore be argued that although the District Municipality is not directly responsible for land use management in the district from an operational point of view, the District could, as part of its Integrated Development Plan, set out certain guidelines or standards for land use management in the District.

Metsweding District Municipality should therefore ensure, firstly, that with the next amendment of the Integrated Development Plan and the Spatial Development Framework, sufficient principles and standards for land use management in its area of jurisdiction are included and, secondly, ensure that these principles and standards are adopted as part of the local Integrated Development Plans and Spatial Development Frameworks of the local municipalities.

In addition, it is vital that the District Municipality monitors the quality, content and relevance of its own as well as the local Spatial Development Frameworks. These plans ultimately guide all land use management decisions in the area, and if these plans are not responsible, practical and easily interpreted and understood, then the quality of decision-making in the local municipalities will be compromised.

### **2.2.2 Promoting Bulk Infrastructural Development and Services for the District as a Whole**

The availability of bulk infrastructure is one of the strongest tools a municipality has at its disposal to direct development in its area of jurisdiction. Metsweding District Municipality has the responsibility to (1) have clear direction on where what types of development should take place and (2) to ensure the availability of infrastructure in those areas to support development.

Currently, developments are often allowed in areas where bulk infrastructure is not available, provided that the developer ensures that services are provided. This often leads to developments taking place in areas where they are not necessarily considered desirable. The availability of services should concur with areas

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earmarked for development, and these are the areas where development should be permitted. The District Municipality must therefore pro-actively ensure that services are available in these areas and not permit the “private” provision of services in areas outside development focus areas. The only exception to this principle will be developments that are resource-based, such as agriculture, tourism and mining.

### 2.2.3 Building the Capacity of Local Municipalities in its Area to Perform their Functions and Exercise their Powers where such Capacity is Lacking

Since one of the key aims of this study is to improve land use management capacity in the area, this function of the District Municipality is vital in the strategy to address capacity issues.

In terms of the Municipal Structures Act, 1998, one of the four key functions of the District Municipality is to ensure that sufficient capacity exists in the local municipalities. One of the key reasons why the capacity assessment has been commissioned is so that the District Municipality can understand the response that is required from it. However, the fact that this assessment needed to be done is also an indication that the District Municipality has, to a large extent, neglected its duties in this regard until now.

The District must, firstly, ensure that there are sufficient and appropriately qualified and experienced personnel in the local municipalities to deal with land development and land use management and, secondly, ensure that these officials are capacitated as far as access to information, continued training, resources and processes are concerned.

The question of qualification, experience and continued training are particularly relevant to the District and Local Municipalities. A trend that has become apparent in many District and Local Municipalities is to appoint professionals with very little or no relevant experience, even in managerial positions. Although these officials may have the relevant tertiary qualifications, they often lack the practical knowledge to deal with the technical requirements (and often difficulties) of planning and land use management.

In terms of the Planning Profession Act, 2002, three categories of planners are made provision for, namely:

- **Candidate planner:** A candidate planner is registered for, or has completed, an accredited planning educational programme at the National Qualifications Framework level 5 or higher and is, in the South African Council for Planners (the Council)'s opinion, a fit and proper person to engage in planning work under the control and supervision of a technical or a professional planner or such other person or institution as determined by the Council;
- **Technical planner:** A technical planner must have completed an accredited planning educational programme at the National Qualifications Framework level 6 or higher, has undergone practical training of not less than two years or as may be prescribed by the Council, and has passed a competency assessment determined by the Council ;
- **Professional planner:** A professional planner has completed an accredited planning educational programme at the National Qualifications Framework level 7 or higher, has undergone practical training of not less than two years or as may be prescribed by the Council, and has passed a competency assessment determined by the Council.

It is clear from these registration criteria that the South African Council for Planners places an emphasis not only on qualifications, but also on practical training that is supervised by registered town planners.

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The tendency of local municipalities to appoint personnel that are not yet registered as professional planners, and especially those appointed in managerial positions, is a concern. To remedy this, the District Municipality should introduce a mentorship programme whereby qualified, experienced and registered town planners are used to mentor and monitor incumbents, in order for them to be able to register as professional planners.

#### **2.2.4 Promoting the Equitable Distribution of Resources between the Local Municipalities in its Area to Ensure Appropriate Levels of Municipal Services within the Area.**

Promoting the equitable distribution of resources between the local municipalities as far as this study is concerned is closely related to the issue of creating capacity, as discussed in 2.2.3. The District Municipality must ensure that the local municipality has sufficient human, information and physical resources to enable them to conduct their work.

## **2.3 PROPOSED INTERVENTIONS**

Based on (1) the above understanding of the responsibilities of District Municipalities and how these relate to land development and land use management systems and capacity and (2) the needs and issues that were identified as part of Chapter 1, the following main interventions have been identified for the Metsweding District Municipality.

### **2.3.1 Engagement and Monitoring**

*“The two tier system of local and district municipalities was promulgated to take advantage of economies of scale, to avoid duplication and **to improve coordination between local municipalities**”.*

*IDASA Budget Brief No 153: Local Government Responsibilities. March 2005*

One of the areas where the District Municipality can be most effective as far as land use management systems and efficiencies are concerned is to establish a system of coordination and monitoring in its area of jurisdiction.

The district municipality must take cognisance of the land use management decisions that are taken in the municipality and constantly evaluate the validity and consistency of these decisions, and if necessary advise municipalities when the district municipality believes that local municipalities are not making decisions that are in the best interest of the area.

The district municipality should therefore, on a monthly basis, obtain a summary from each local municipality with regard to:

- The type of land use applications those local municipalities received;
- The locality of the application;
- The decision that was taken;
- The rights that have been approved; and
- The time it took to finalise the applications.

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The district municipality cannot “ensure integrated development planning for the district as a whole” or “promote bulk infrastructural development and services” if it is not familiar with the development trends in its area and does not understand what land use management decisions imply for the future development of the area. It can also not build capacity with regard to land use management if it is not aware of problems in the system. The latter will be clearly indicated by monitoring the time it takes for local municipalities to finalise applications.

The district municipality should also have a more direct input into applications that are of district importance. Large residential and economic developments should be forwarded to the district authority for inputs prior to the local authority making a decision on such an application. This should not only be the case where there are issues relating to bulk services, but in all instances where such a development has an impact on the larger region.

In order to ensure coordination and monitoring, it is proposed that a **joint land use management forum** be established between the district municipality and the local municipalities, which should convene once a month. At this forum, the various municipalities will discuss the land use management applications that are being received by it as well as decisions that are not clear, and generally jointly work on policy issues where a need for specific policies arise. The purpose of this forum will be to create open discussion on land use management in the district and to ensure that all the local municipalities and the district municipality are using the same guidelines and principles when dealing with land use management. Through this engagement, problem issues around processes and capacity can be addressed, and better decision-making will be achieved. It will be most beneficial if officials from Provincial Government Departments, such as GDACE, Housing and Economic Development also attend these meetings to ensure intergovernmental alignment and compliance.

### 2.3.2 Spatial Information System

The Metsweding District Municipality must invest in a proper Geographic Information System with the proper hardware, software and human resources required to operate such a system efficiently. This is one of the areas that the Metsweding District Municipality can truly assist local municipalities with. If it is not feasible for each of the local municipalities to invest in extensive data sets, then these datasets can be purchased or obtained and managed by the District Municipality. Whenever data or analysis is required, the local municipalities can request such information from the District Municipality.

The public owned land dataset which has been developed as part of this project is one example of a new dataset that will require a knowledgeable person to operate and manage the system. Data constantly changes, and if these systems are not updated on a regular basis then they become obsolete very quickly.

The spatial information system should also be utilised to capture development trends in the district, which can be utilised to make informed decisions on investment in bulk infrastructure or adjustments in policy. It is therefore important that a person who is competent in not only the operating of a GIS system but also spatial analysis be appointed to manage this system.

Alternatively, if the District Municipality does not want to employ a full-time GIS operator and spatial analyst, it should appoint a reputable firm to conduct such work on a contract basis.

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### 2.3.3 Spatial Development Frameworks

The Presidency has announced a project that will deal with the formulation of the Metsweding Spatial Development Perspective (MSDP). Consultants still need to be appointed to manage this project and the final result will therefore only be available at the end of 2008 or early 2009. However, once this is completed it will provide new insight into the development challenges, opportunities and directions for Metsweding, which will have a significant impact on the spatial development proposals for the District.

Once the MSDP has been completed, the Metsweding Spatial Development Framework must be revised to incorporate the outcomes of the MSDP.

In addition to basing the spatial development framework on the outcomes of the MSDP, the following shortcomings must also specifically be addressed in the revision of the Metsweding Spatial Development Framework:

- The need to include the Municipal Housing Development Plan and the Housing and Land Reform Strategy into the Spatial Development Framework;
- The need to address the development of peri-urban land; and
- The need to include guidelines for land use management in the district.

### 2.3.4 Human Resource Capacity

In order to fulfil the roles that are described above, it is necessary that at least two additional staff members be appointed, namely:

- A town planner, who will be responsible for monitoring land use management and land development in the district, and who will also be responsible for providing inputs into applications of district importance; and
- A GIS specialist and spatial analyst.

With regard to the improvement of capacity in the local municipalities, it is proposed that the District Municipality introduce a Professional Mentoring Programme in the local municipalities, as described in 2.2.3 above. The purpose of this Mentoring Programme will be to appoint external professional, experienced town planners to be responsible for officials in the local municipality up to the point of professional registration. If, however, the local municipality has registered, experienced personnel that can fulfil that function, they should be utilised in such a programme. The District Municipality must, however, ensure that the local municipalities require the town planning officials to register in terms of the Planning Professions Act, 2002.

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## 2.4 SUMMARY OF CRITICAL INTERVENTIONS

- Introduce a system for monitoring land use management decisions and land use development trends in the district.
- Establish an Inter-governmental Land Use Management Forum.
- Develop a Spatial Information System for the District with extensive datasets which can be utilised by the local municipalities as a resource.
- Update the Metsweding Spatial Development Framework.
- Employ two addition professionals, namely:
  - A town planner; and
  - A GIS specialist and spatial analyst.
- Establish a Professional Mentoring Programme for the Local Municipalities.

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## 3. LAND USE MANAGEMENT STRATEGY – NOKENG TSA TAEMANE LOCAL MUNICIPALITY

### 3.1 INTRODUCTION

The general impression of the land use management system in Nokeng tsa Taemane is that there is a credible process in place that is functioning relatively well, but that **backlogs exist** mainly because of **human resource capacity issues**. As indicated in Chapter 1, there is currently only one incumbent who is responsible for managing the Building Office, for spatial planning, for land use management and for the municipality's Integrated Development Plan. It is, therefore, not completely unexpected that backlogs would exist.

Other major shortcomings that have been identified in the planning and land use management system are:

- **The lack of an electronic application management system.** All applications that are received are captured in a paper filing system, and there is no electronic record or database of land use applications. This means that there is no easy way of tracking the progress of land use applications. In addition, the lack of readily available information on the performance of the land use management system is also an impediment to efficient management.
- **The lack of a spatial information system.** The Land Use and Planning Unit does not have a spatial information system (or GIS) in place. It does have outdated software, but no datasets or a qualified person to operate such a system. The lack of spatial information has an impact on efficient and easy decision-making, as well as on the quality of service that is provided to clients.

### 3.2 PROPOSED INTERVENTIONS

#### 3.2.1 Eradication of Backlogs

One of the first interventions, and **quick wins** at that, is to create temporary capacity to assist with the eradication of land use application backlogs.

In the past, Nokeng tsa Taemane had a system whereby a panel of consultants was responsible for the evaluation and finalisation of land use management applications on behalf of the municipality. This, to a large degree, eradicated unnecessary backlogs in the municipality as these consultants were responsible for finalising these applications as quickly as possible. However, this system did not last because, over time, more and more of the functions and responsibilities of the municipality began to lie in the hands of the consultants and not the municipality (e.g. people would start contacting the consultants to discuss new proposed developments rather than discussing it with the municipality). The panel of consultants was therefore discontinued in the end and, according to officials at the Nokeng tsa Taemane municipality, it would not be considered a desirable intervention with which to create capacity in future.

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One way, however, to create temporary capacity to assist with the current backlog is to appoint a consultant firm to put one or more of their professional planners in the municipal offices for a contract period of four to six months to deal with the backlog of land use applications.

The Development Bank of Southern Africa currently manages the Siyenza Manje Programme through which the Bank will be funding town planning related technical assistance to local municipalities. The Siyenza Manje initiative, launched by government in June last year, is accomplishing its objective of building capacity at municipal level. Siyenza Manje, though managed by the Bank's Development Fund, is a partnership between the DBSA, National Treasury, the Department of Provincial and Local Government, and the South African Local Government Association. It is one of the Bank's major transformation programmes and indeed a ground-breaking response to the shortage of properly qualified professional and technical personnel in many municipalities.

This is one of the funding options that could potentially be utilised to fund technical assistance for the eradication of land use applications backlogs, and Nokeng tsa Taemane, assisted by Metsweding District Municipality, should approach the DBSA in this regard.

### 3.2.2 Human Resource Capacity

Probably the greatest intervention required in Nokeng tsa Taemane Local Municipality is the appointment of more professional personnel. The current incumbent cannot be expected to manage the range of responsibilities that have been assigned to him and then also be responsible for the administration of land use management on a day-to-day basis. It is, therefore, vital that **at least one professional town planner** who is qualified and has at least three years experience be appointed in this municipality.

Since the capacity assessment was conducted, the municipality has advertised positions for one **assistant town planner** and two building officers. The process of short-listing candidates, conducting interviews and making the appointment must still be finalised. Although this will go a long way towards addressing the capacity constraints, the concern is that the person appointed as an assistant town planner will in all probability not have sufficient experience. Should this be the case, it is also proposed that such an incumbent be included in the Professional Mentoring Programme which has been proposed as one of the interventions for Metsweding District Municipality.

In addition, there is a need for a **GIS operator** who can set up and manage a Geographical Information System in the municipality.

If the current situation, whereby the Manager of Land Use Planning is responsible for the Integrated Development Plan, is to become a permanent one, then there will also be a need for an **IDP Specialist** to assist the Manager in the formulation of the Integrated Development Plan.

### 3.2.3 Spatial Information Management System

The establishment of a **spatial information management system**, with updated software, up-to-date cadastral information and a GIS Specialist/Operator who is able to manage the system, is critical for taking land use management forward in Nokeng tsa Taemane. No municipality can afford not to have access to a spatial information management system if it wants to remain competitive.

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Although these systems are expensive to set up and manage insofar as acquisition of data is concerned, the minimum requirement is a system that at least has updated cadastral information, links to aerial photos and has land use management trends available on it.

In terms of the human resource capacity to operate and manage the system, there are one or two options available to the municipality, namely:

- The current incumbent, as well as the new assistant town planner to be appointed, could be trained in the operation of the system whereby they will be able to extract information as required. For the management and continued updating of the datasets, the municipality will have to appoint consultants who can act as the developers of this system, so that there is not a need for a highly specialised professional to be appointed to manage the system; or
- The municipality can opt to appoint a GIS specialist who is not only able to operate the system but also to manage the system.

### 3.2.4 Land Use Application Management System

Another system that is required in the Land Use and Planning Unit is a **land use application management system**. The purpose of such a system will be to capture land use applications and the progress of such applications electronically. In this way, the municipality will have up-to-date information available with regard to the number of applications that it receives, the type of applications that it receives, the spatial distribution of such applications and the efficiency of the system in terms of time frames.

A number of municipalities around the country have developed sophisticated and very efficient land use application management systems, but at a considerable cost. If the municipality approves the budget for the design and implementation of such a system, then consultants can be appointed to develop a proper electronic application management system. However, if the funds are not available for such a sophisticated system, a similar result can be achieved with a simple Microsoft Access Database. What is important is that the municipality begins to capture applications electronically and does not continue to rely on a manual record system.

Such a system will be very effective not only for spatial development data, but also for line-function management purposes. It will also improve client services, because the municipality will be able to provide up-to-date information to applicants when they make enquiries on the progress of applications. Below is an example of how a Microsoft Access Database could be set up to capture applications. This could also be linked to the spatial information management system (when that is set up) in order to generate spatial representations of the land use applications.

One of the issues that such a system will also have to deal with is the creation of a link between land use management and the municipality's financial systems. Currently, there is a gap between the approval of land use applications and the delivery of such information to the Finance Unit for the updating of the municipal valuation roll and ultimately the rates and taxes. When a land use management system is implemented, it must incorporate the means to provide the information directly to the Finance Unit. Under a sophisticated, custom-designed system, such a step can be programmed as part of the process. However, if a simpler Microsoft Access Database is employed in the short- to medium-term, then a standard report can be generated which contains the critical information of relevance to the Finance Unit, and this can be forwarded to the Finance Unit via e-mail.

Microsoft Access - [Nokeng Land Use Application Database]

File Edit View Insert Format Records Tools Window Help

Type a question for help

ID: [ ] Spatial Code: [ ]

File No: [ ] Type of Application: Rezoning

Date Received: [ ]

**RESOLVED**

Decision: Pending

Decision Date: [ ]

Appeal:

Proclamation Date: [ ]

**PROPERTY DESCRIPTION**

Erf No./Farm Pln/AH No: 278 Portion No: 3 Size of Property: [ ]

Township/Farm Name/AH Name: wolmansthal

**APPLICANT**

Name of Applicant: [ ] Telephone No: [ ] Name of Owner: [ ]

Contact Person: [ ] Fax No: [ ]

E-mail address: [ ]

**OBJECTIONS**

Date for Objections Expires: [ ]

Objections Received:

**DETAILS OF APPLICATION**

Proposed Zoning: [ ] Number of Dwelling Units: [ ]

Floor Area (m²): [ ]

**PROCESS**

Date Circulated for Comments: [ ]

Record: 1 of 1

Form View

CAPS

Inbox - Microsoft O... Metsweding Report ... Nokeng Land Use A... Nokeng Land Use A...

11:37 PM

Microsoft Access - [Nokeng Land Use Application Database]

File Edit View Insert Format Records Tools Window Help

Type a question for help

**OBJECTIONS**

Date for Objections Expires: [ ]

Objections Received:

**DETAILS OF APPLICATION**

Proposed Zoning: [ ] Number of Dwelling Units: [ ]

Floor Area (m²): [ ]

**PROCESS**

Date Circulated for Comments: [ ]

Roads and Stormwater received: [ ] Town Planning Comments: [ ]

Water and Sanitation received: [ ]

Electricity Received: [ ] Service Agreement: [ ]

ROD Received: [ ] Approved General Plan: [ ]

Bulk Contributions Paid: [ ] Section 125 (Scheme): [ ]

Conditions of Establishment: [ ]

**BUILDING PLAN**

SDP submitted: [ ] Building Plan Submitted: [ ]

SDP approved: [ ] Building Plan Approved: [ ]

Occupation Certificate: [ ]

Record: 1 of 1

Form View

CAPS

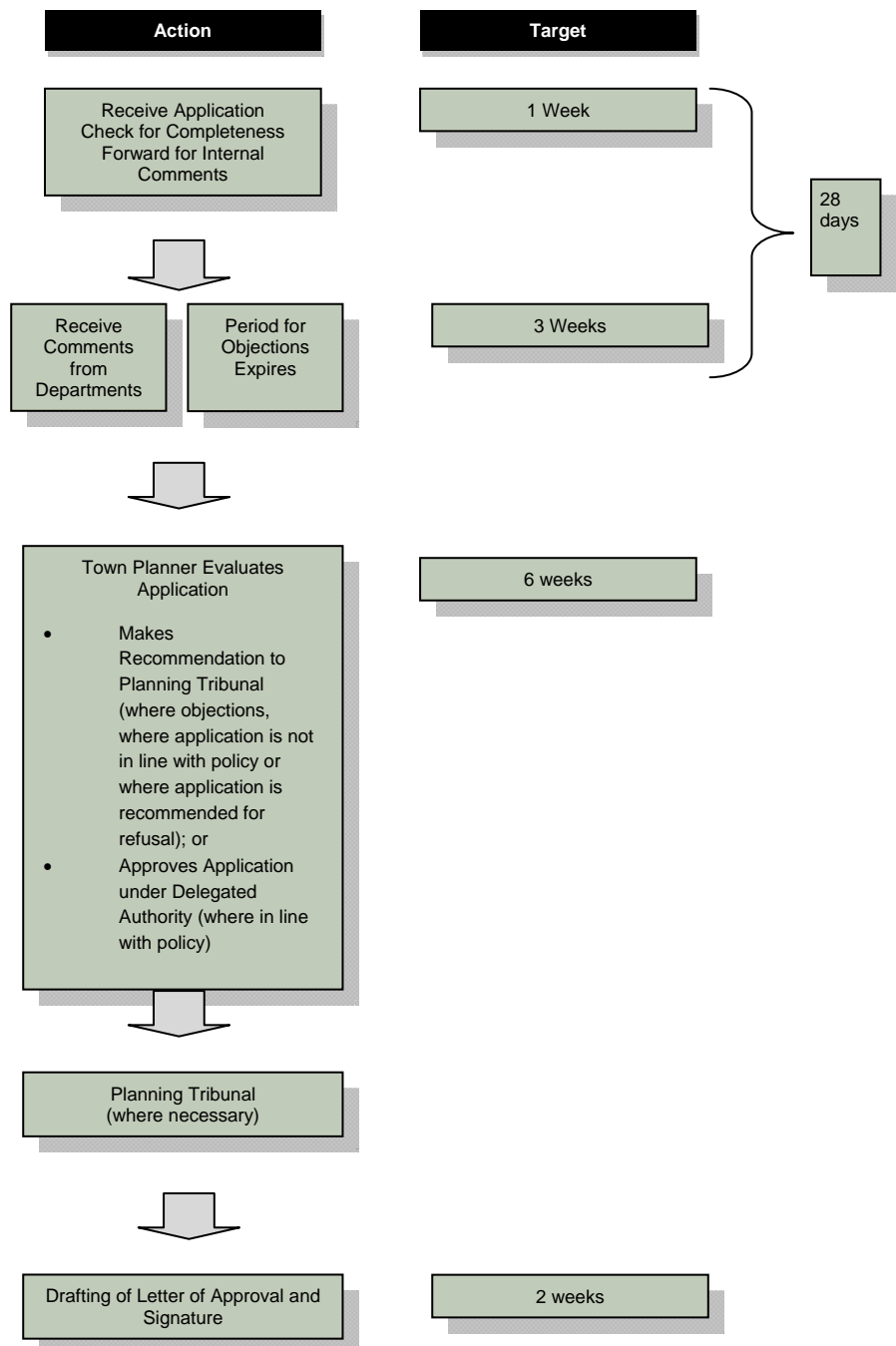
Inbox - Microsoft O... Metsweding Report ... Nokeng Land Use A... Nokeng Land Use A...

11:38 PM

### 3.2.5 Land Use Management Processes

The best way to improve the efficiency of the land use management system is to establish clear targets for each step in the process.

The first target that needs to be achieved is to ensure that all internal comments on an application are received at the same time that the period for objections (in the case of rezoning applications and township applications) expires. During the advertisement and objection period the municipality cannot evaluate an application, but it can ensure that all the internal processes happen at the same time. This means that as soon as the period for objections has expired, then the application is ready for evaluation and finalisation. The diagram opposite sets out an example of a process for rezoning applications. This process may differ for other applications where there are no advertisement processes, but the principle remains the same. This process will also only work if the additional human resource capacity is created in the unit.



The second intervention that is required is that the Municipal Manager provides the Manager of Land Use and Planning (or the Director of Local Economic Development and Planning) with **delegated authority** to approve all applications that are in line with spatial development frameworks and other applicable local land use policies, where no objections have been received. This will ensure that the majority of applications will not require the Municipal Manager's signature but will enable the department itself to finalise applications more efficiently.

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### 3.2.6 Other Interventions

- Current spatial development frameworks need to be carefully scrutinised to ensure that these are aligned with the Metsweding District Spatial Development Framework as well as provincial policy. Aspects such as peri-urban land use management need to be addressed in these frameworks.
- The current three town planning schemes that apply to the Nokeng tsa Taemane municipality must be consolidated into a single town planning scheme.
- Any existing bulk services policies need to be reviewed to determine if contributions paid by developers are relevant and updated, and to ensure that service agreements and service standards are up to standard.
- There is a need to update the website and to ensure that there is sufficient information with regard to land use management processes and policies available on the website.
- Development Control Officers need to be appointed to deal with contraventions of the town planning scheme and building regulations.
- A server should be installed that can be utilised to store central information with regard to spatial information, land use management systems and approvals.
- There is a need for a network printer and a computer that can be utilised for the spatial information system.

### 3.3 SUMMARY OF CRITICAL INTERVENTIONS

- Creating temporary capacity to assist with the eradication of land use application backlogs.
- Filling of vacant positions in order to create permanent capacity.
- Implementation of a Spatial Information Management System.
- Implementation of a Land Use Application Management System.
- Improvement of Land Use Management processes and granting of Delegated Authority to approve land use applications in certain instances to the City Planning Division.
- Land Use Management should focus more prominently on the municipality's website.

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## **4. LAND USE MANAGEMENT STRATEGY – KUNGWINI LOCAL MUNICIPALITY**

### **4.1 INTRODUCTION**

As indicated in Chapter 1, the project team was unable to gain access to the municipality for the purposes of this project. Interviews with external role players (i.e. developers and town planning consultants), however, indicated that there are serious systemic problems in the section dealing with planning and land use management.

The impression created by the external role players is that of a system with no proper land use management process, little control or accountability and extensive delays in the processing and finalisation of land use management applications.

Whereas Nokeng tsa Taemane Local Municipality requires a degree of assistance to improve its land use management processes, it appears that Kungwini Local Municipality requires an intervention of a much larger scale.

### **4.2 PROPOSED INTERVENTIONS: FUNCTIONAL RESTRUCTURING**

Based on information that was gathered, it would appear that a complete functional restructuring of the land use management system in Kungwini Local Municipality is required. However, because the research team was unable to engage with officials from the municipality, an in-depth investigation into current processes, systems and constraints is still required to determine the exact extent of the systemic problems that are present.

Once the analysis has been completed, it will be necessary to establish new processes, work streams and capacity in the unit in order to take planning and land use management forward. This will entail:

- Developing or re-establishing a proper and efficient land use management process in the municipality;
- Laying down clear time-frames and targets for the processing and finalisation of land use management applications;
- The setting up of an electronic land use application record system to clearly capture the applications received and the process the applications followed;
- Providing sufficient resources, both human and technical, to enable officials to deal with land use management efficiently; and
- Implementing a spatial information system that can be utilised as a decision-making support tool.

It is not possible, as was the case with Nokeng tsa Taemane, to identify a few specific interventions that will make a difference in the efficiency of the land use management system. In the case of Kungwini, it appears that a total overhaul is required.

This municipality is an ideal candidate for the Siyenza Manje Programme of the Development Bank of Southern Africa. In terms of this programme, a professional team can be allocated to the municipality for a year and can assist with the auditing of the current system and the design and implementation of a new

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system. If it is not possible to obtain assistance through the Siyenza Manje Programme, then other sources of funding should be identified to implement this intervention.

What is critical for such an intervention, however, is the direct involvement of the Kungwini Municipal Manager. Urban LandMark is not in a position to assist with such interventions in Kungwini if there is no direct request for assistance from the Municipal Manager. The process needs to be initiated internally otherwise lack of buy-in and cooperation will always be a problem.

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# CHAPTER 3: IMPACT OF LAND USE MANAGEMENT CAPACITY ON LAND DEVELOPMENT FOR THE POOR



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**MAKING URBAN LAND MARKETS WORK FOR THE POOR**

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## 1. INTRODUCTION

The central theme of the work done by Urban LandMark is improving the poor's access to land, especially well-located land, in South Africa. The various studies conducted and sponsored by this organisation are all focussed on determining the ways and means of achieving this objective.

One of the issues that impact on the ability of the poor to access strategically situated land is the ability of local government to facilitate the different processes involved in land allocation and development facilitation. These processes include land use management, which is the subject matter of this particular research.

The previous chapters dealt with the state of internal capacity in the planning and land use management departments of the three municipalities, as well as the various strategies that have been proposed to address the capacity and system problems.

From a more strategic perspective, however, the question that emerges regards how the local municipality's ability and capacity (or lack thereof) to manage land use and development in the municipality impacts on the ability of the poor in that municipality to access land and to become part of market related land development processes.

In terms of the White Paper on Local Government, 1998, *"in the future developmental local government must play a central role in representing our communities, protecting our human rights and meeting our basic needs. It must focus its efforts and resources on improving the quality of life of our communities, especially those members and groups within communities that are most often marginalised or excluded, such as women, disabled and very poor."*

One of the developmental outcomes of local government is *"the creation of viable, integrated cities, towns and rural areas"*. According to the White Paper on Local Government, *"the spatial integration of our cities is critical. It will enhance economic efficiency, facilitate the provision of affordable services, reduce the costs households incur through commuting, and enable social development."*

The poor, and the improvement of the conditions in which the poor conduct their daily lives, is the central focus of a developmental local government. In order to begin to address the plight of the poor as far as settlements are concerned, it is important that municipal systems are geared towards pro-poor land management. According to the UN-HABITAT publication, "Pro-Poor Land Management: Integrating slums into city planning approaches", a pro-poor land management system would:

- Make the poor visible, legal citizens of the city;
- Enable the settlements where they live to be included in city planning; and
- Develop standards and procedures for securing tenure, building houses and providing services that the poor find accessible and affordable.

## 2. THE ROLE OF PLANNING AND LAND USE MANAGEMENT

Efficient pro-poor land management and development is not directly a function of land use management as understood in the South African context, but rather of (1) planning and policy and (2) decision-making.

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- **The spatial and land use plans, principles and policies** that form part of local municipalities' spatial development frameworks (which are a core component of a municipality's Integrated Development Plan) are those key policy documents that direct the use and allocation of land in a municipal area. It is the responsibility of these frameworks to address and implement key national policy directives such as sustainability, integration, inclusion and efficiency in the local municipal spatial environment. Hence, the spatial development frameworks should recognize the need to integrate the poor into the mainstream urban fabric and space economy of any municipal area, and to ensure that the poor are located in areas where they have easy access to employment opportunities, transport and social facilities. Too often, however, spatial frameworks are drafted with a focus on the management of private sector investment, without recognising that the spatial development framework also has the responsibility to guide and manage government interventions in the physical environment.
  - **The role of decision-making in pro-poor land management** refers to the ability and political will of any local government administration to implement the necessary spatial interventions, notwithstanding pressures from external sectors with conflicting development agendas, and to take pro-active decisions regarding the future sustainable development of its municipal area. Local governments should therefore take charge of the physical development of their municipal areas, including addressing the spatial needs of the poor, rather than being dictated to and merely responding to the market. In terms of the White Paper on Spatial Planning and Land Use Management, 2001, *"an important conceptual shift is that in the new planning system the primary role of government – and especially local government – in relation to spatial planning, land use management and land development is no longer merely the control of development (although that remains an essential function). The facilitation of appropriate development is an important new responsibility. Two aspects require particular attention: firstly, there is a need to allow for public-private partnerships that are specifically equipped to facilitate land development; and secondly, there is a need to strengthen municipalities' power to negotiate development with the private sector, rather than simply applying a yes-or-no approach to land development"*.

Land Use Management, as understood in the context of the regulatory framework provided by the land use scheme, is an implementation mechanism for the spatial development framework and the decisions taken by local authority. In itself, it does not have an indicative function and does not guide or inform growth and development in the municipal area. The purpose of land use management is to record land use and development rights and restrictions applicable to each property in the municipal area and to ensure that developments do not contravene the rights that have been assigned to them.

Land use management begins to play a role once policy and decision-making have come together to identify interventions and projects, and land use management is utilised to establish an orderly and well-regulated development. Land use management ensures:

- Security of use (through the right recorded in the municipality's land use scheme);
- Security of investment (through regulating all land uses in the development to ensure orderly, harmonious development that does not have any negative impacts);
- Security of tenure (through a proper land allocation system such as township establishment); and
- Value (the rights recorded in the municipality's scheme add value to a property).

It is, therefore, much more desirable to employ proper land use management processes from the outset when dealing with developments for the poor, rather than looking at fast-and-easy alternatives that do not necessarily have the long-term benefits attached to them (e.g. the in-situ upgrading of informal settlements where no formal township establishment process or other land use management process are followed).

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Land use management processes begin to have a potentially **negative** impact on pro-poor land management in the **absence of spatial development frameworks**, or where the spatial development frameworks lack the necessary integrity for enforcement. When land development is not guided by spatial frameworks or policies, the strategic decisions about land use and land development become an integral part of the land use management process itself, which means that decisions are taken on an ad hoc basis as and when land use applications are received. In most cases, the market will then begin to determine the development trends in the municipality, which do not address the needs of the poor. It is in situations such as these that haphazard development patterns begin to emerge and unsustainable, inequitable land practices are established in municipalities.

### **3. INTERNAL CAPACITY AND THE ABILITY TO ADDRESS LAND DEVELOPMENT FOR THE POOR**

The lack of internal capacity or efficient systems in the departments dealing with planning and land use management has the following impact on the ability of the municipality to address development for the poor:

- Firstly, when there is a lack of human resource capacity, the daily pressure of dealing with land use management applications tends to overshadow all the other responsibilities that the planners have, such as spatial planning, strategic thinking, innovation, research and design. The result is that external consultants are appointed to compile spatial development frameworks for the sake of complying with legislative requirements, without the municipality having a fundamental involvement in the formulation of the spatial framework and ensuring that aspects such as access to land for the poor are addressed. Officials often do not have in-depth understanding of these frameworks because they weren't part of the formulation thereof, and hence do not act as advocates for the frameworks or the interventions proposed by the frameworks.
- A lack of knowledge and experience among officials in local government leads to an inability to understand spatial issues and relationships, and the impact of certain development proposals and initiatives on the overall functionality and sustainability of the physical environment. The wrong decisions with regard to land development, or decisions that only favour a certain segment of the market, are often then taken. Often, inexperience and a lack of knowledge also results in the inability to make hard decisions on drastic interventions, which are what spatial restructuring regularly requires.

To ensure that planning departments and the decision-makers begin to make the right recommendations and decisions about efficient and sustainable land development that includes the poor, it is essential that there are enough people who can devote their time to these strategic issues, and that the qualifications of the decision-makers are such that they are able to make informed decisions based on best practice and national policy.

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# CHAPTER 4: IMPLEMENTATION – THE WAY FORWARD



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**MAKING URBAN LAND MARKETS WORK FOR THE POOR**

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# 1. A HOLISTIC APPROACH TO LAND MANAGEMENT

In order to have the capacity and the ability to address pro-poor development in Metsweding, it is necessary that the municipality have a package of land and development management tools in place to address the various components of land development.

The Global Land Tool Network from UN-HABITAT identifies five dimensions to pro-poor land development:

1. Land rights, records and registration;
  2. Land use planning;
  3. Land management, administration and information;
  4. Land law and enforcement; and
  5. Land value capture.
- **Land rights, record and registration** refers to aspects such as the adjudication and approval of land use applications and the up-to-date capturing of land use rights such as zonings and consent-uses.
  - **Land use planning** refers to the spatial development frameworks that indicate where what development should take place in the municipality, how various elements of the physical environment should interact with each other and what development controls should typically apply to certain developments to ensure sustainable and integrated development.
  - **Land management, administration and information** refers to the tools available to manage physical land parcels in the area of jurisdiction. This includes up-to-date cadastral information of all land parcels, information on land ownership etc. This is essentially the spatial information function of the municipality, which can either be a paper record system or ideally, in keeping with global best practices, should form part of a geographic or spatial information system (GIS).
  - **Land law and enforcement** refers to the regulatory and control functions of the municipality as far as land development and land use is concerned. Three aspects are generally applicable here, namely (1) contraventions of the National Building Regulations, (2) contraventions of the land use scheme and (3) land invasions. Many smaller local authorities do not have units that specifically deal with illegal use of land and contraventions of the land use scheme.
  - **Land value capture** refers to up-to-date information on the values of land parcels (as determined by land use rights) and the land taxes resulting from that. Often the valuation roll is not kept up-to-date continuously as and when new land use rights are approved for properties (i.e. in “real-time”), which means that new developments are not always paying the taxes that they should (or not immediately at least). The question also arises whether the land values are reflected correctly (i.e. is the value of land use rights interpreted and quantified correctly and appropriately).

All of these issues have been identified as issues in terms of the capacity assessment that forms part of the first part of this document, and various strategies have been devised to address many of these aspects. It is, however, important for the municipality to understand that the approach to pro-poor land management is a holistic one that should be addressed in its entirety, and not just one of these aspects in isolation.

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## 2. PROGRAMME FOR INTERVENTION

In order to bring about the necessary changes and to begin to implement the proposals and strategies outlined in this document, it is proposed that the following steps be taken:

- The results of the study must be presented to the Metsweding, Nokeng tsa Taemane and Kungwini municipal councils in order to create awareness of the issues and the proposed solutions, and to obtain commitment for action from the decision-makers.
- The Premier of Gauteng and the MEC for Economic Development for Gauteng should be advised of the commitment made and decisions taken by the Council, in order to obtain support and resources from the provincial government.
- As soon as the approval of the respective Municipal Managers has been obtained, the Government Land Audit Information System should be distributed in all three the municipalities as an important decision-making tool. Training sessions should be scheduled to ensure that all officials who will have access to the system are able to utilise it.
- A multi-government, multi-sectoral summit should be held to begin to discuss the issues involved (as identified in this study) as well as the way forward. At this summit, the priority actions should be identified and programmed. However, for the sake of this report, the following key steps are proposed:
  - Auditing the land use management system in Kungwini Local Municipality.
  - Engaging with the Development Bank of Southern Africa to access funds from the Siyenza Manje Programme.
  - Appointing consultants on a short-term contract basis to eradicate all land use application backlogs.
  - Reviewing and revising the spatial development frameworks and IDP's to ensure that peri-urban land development and pro-poor land development is adequately addressed.
  - Aligning Integrated Development Plans and Spatial Development Frameworks with national and provincial policy as well as with each other.
  - Reviewing the municipal operational budgets to address the capacity problems in the planning departments.
  - Launching a professional mentoring and training programme, possibly in conjunction with a tertiary planning school such as the University of Pretoria.