

# The Impact of Introducing Planning Intervention to a Rural Area in Transition: The Case of Nsimbini – Golokodo Rural Functional Area Plan and Draft Scheme

Ndumiso Zondo

SACPLAN Registration – Professional Planner

eThekwini Municipality

Email: [Ndumiso.Zondo@durban.gov.za](mailto:Ndumiso.Zondo@durban.gov.za)

## **Abstract<sup>1</sup>**

*This paper explores the impact of introducing planning interventions in semi-rural areas, under traditional leadership with indigenous land allocation. It focuses on a case study of the Nsimbini-Golokodo area identified as a priority for Rural Functional Area Plan and Draft Scheme, intended to guide rural planning within eThekwini Municipality. The case study will assist in drawing experiences, challenges and lesson learnt that can contribute to towards appropriate planning practices for rural areas. The study area is located at the outskirts of Durban, in the Southern region of the eThekwini Municipality. The study area was identified as a primary rural investment node in the Adams/Folweni Local Area Plan (2013). It is characterised with uncoordinated development and settlement which are not formalized (with no cadastral survey); on-going growth and densification of the area leading to challenges, such as provision of infrastructure and services, environmental pressures and poor linkages to commercial and economic opportunities. The existing services are not appropriate to deal with the current densities of 30 dwelling units per hectare. The land is predominantly under traditional leadership, which indigenous land allocation is practiced by iNduna. There is currently no conventional land use scheme in traditional areas, which poses as a challenge to the Municipality in meeting the target of having wall-to-wall schemes in the entire municipal jurisdiction. Whilst, the Municipality is introducing planning interventions for the area, indigenous knowledge and protocol needs to be observed. Urban sprawl continues as more citizens choose to settle in the outskirts of the City. The approach of the study will be to undertake a legislative framework, situational analysis, develop a spatial conceptual framework and settlement plan and draft land use scheme. The challenges and lessons learnt whilst undertaking the project have been discussed in detail in this paper.*

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## **1. Introduction**

The paper explores the impact of introducing planning interventions in a semi-rural areas, under traditional leadership with indigenous land allocation will impact on the Sustainable Management of the City; by briefly looking at the case study of the Nsimbini-Golokodo Functional Area Plan (FAP) and Draft Scheme. The case study will assist in drawing experiences, challenges and lesson learnt that can contribute to towards appropriate planning for rural areas. The study area is characterised by dense peri-urban settlements as identified in the Adams/ Folweni LAP areas within the South Metropolitan Planning Region. The majority of land in the study area is owned by Ingonyama Trust with a small percentage of land owned by eThekweni Municipality, Provincial Housing Department and private individuals. The study area is predominantly residential. A Local Area Plan for Adams/Folweni (2013) was conducted and one of the outcome was the identification of Nsimbini-Golokodo area as one of the key node within the study area. There is a concentration of various local level activities in the area and dense settlements around the node which has led to an urgent need for planning intervention.

In addition there is a general lack of integration of facilities and services in the area with community members having to travel long distances for employment, commercial and social needs. This situation has been further exacerbated by disintegrated planning and lack of a local economic strategy for the area. Poor linkages make it difficult and expensive for the community to access surrounding commercial and economic opportunities, including travelling to places of work. This paper therefore looks at the Policy and Legislative Framework, Findings and Analysis, Lessons Learnt, Challenges and Limitations and Conclusion.

## **2. Policy and Legislative Framework**

Planning in South Africa operates within a legal framework, which strives to ensure that Municipalities deliver their developmentally-oriented planning objectives in terms of Section 152 and 153 of the Constitution. A balance is required to be struck between the various and often competing social, economic and environmental interests, and public and private interests, situated between and at national, provincial, regional and local level. All development is expected to be sustainable.

## **2.1 Policy Frameworks**

It's important that policies are considered when planning so as to align with the global, national, provincial and local vision and objectives. eThekweni Municipality is bordered by other Municipalities, which fall within KZN. There are also global policies such as the Sustainable Development Goals, Agenda 21 and Paris Agreement which as a City needs to align in order to be globally competitive. The National Development Plan is a strategic policy document with a 2030 vision, which has influenced the Kwa-Zulu Natal (KZN) Provincial Growth and Development Strategy/Plan. Another important policy framework is the eThekweni Municipality Integrated Development Plan (IDP) and Spatial Development Framework (SDF) which is a spatial translation of the IDP that directs development and guides investment. The Municipal strategic plans are required to align to all the legislation and policy framework.

## **2.2 Legislative Framework**

Municipal planning is assigned to Municipalities in terms of section 156 of the Republic of South Africa read with Part B of Schedule 4, therefore eThekweni is responsible in terms of preparing spatial and land use plans within the eThekweni Municipal Area (EMA). The introduction of the Spatial Planning and Land Use Management (SPLUMA, 2013) formulated by Department of Rural Development and Land Reform which aim at creating a uniform and coherent national spatial planning and land use management system. SPLUMA provides to name a few planning standards and norms, basic content of the Municipal Spatial Development Framework and preparations of schemes. SPLUMA further encourages low levels plans like Local Area Plan (LAP), Functional Area Plan (FAP) or precinct plans to assist in development of local areas.

The National Environmental Management Act, No. 107 of 1998 specifies a list of land use changes that require an environmental authorization in addition to any planning approval. In eThekweni Municipality there is an overlay of DMOSS which identifies environmental sensitive and valuable open spaces within the EMA. In formulation of plans there is other legislation which focuses on Water, Biodiversity, Air Quality, Heritage and Wastes are taken into consideration.

The planning in rural areas includes agricultural land, there is a potential dilemma as the Minister of Agriculture, via the Subdivision of Agricultural Land Act, 1970 may dictate land use or prevent the Municipality from carrying out its constitutional mandate of preparing wall-to-wall scheme. Therefore consent is required from the Minister to give notice that a Scheme relating to agricultural land has been prepared for or submitted by a Municipality and approval thereof.

In planning in traditional areas like the study area, it's important to acknowledge the Ingonyama Trust Board (ITB), which administers the affairs of the trust and land. There is also the Traditional Leadership and Governance Framework Act, 2003 which recognizes communities and the establishment of the Traditional Council and Leadership (i.e. iNkosi and IziNduna). Within eThekweni Municipality there are Traditional Leadership Forum which constitutes of Amakhosi. Amakhosi are now part of the Council of the Municipality, which means they have a voice with regards to service delivery for their communities. There are other legislation that are considered in preparation of spatial plans and frameworks, such Transport and Human Settlements.

### 3. Findings and Analysis

#### 3.1 Situational Analysis

##### 3.1.1 Demographic Profile

The population within the Nsimbini/Golokodo area is spread across 559.91ha of land. According to the recently released Eskom Household data of 2015, the population can be estimated at approximately 7942 people or 2378 households. The annual growth rate, as per the Census data, was 1.08% between 2001 and 2011. Assuming the growth rate remains the same for the next ten years, it can be estimated that in 2021 the population would grow to be in the region of 8843. The study area can be characterized as having a very youthful population. This implies the need for various facilities and the need to focus on specific priority areas e.g. educational facilities, economic opportunities and possibly youth development programmes.

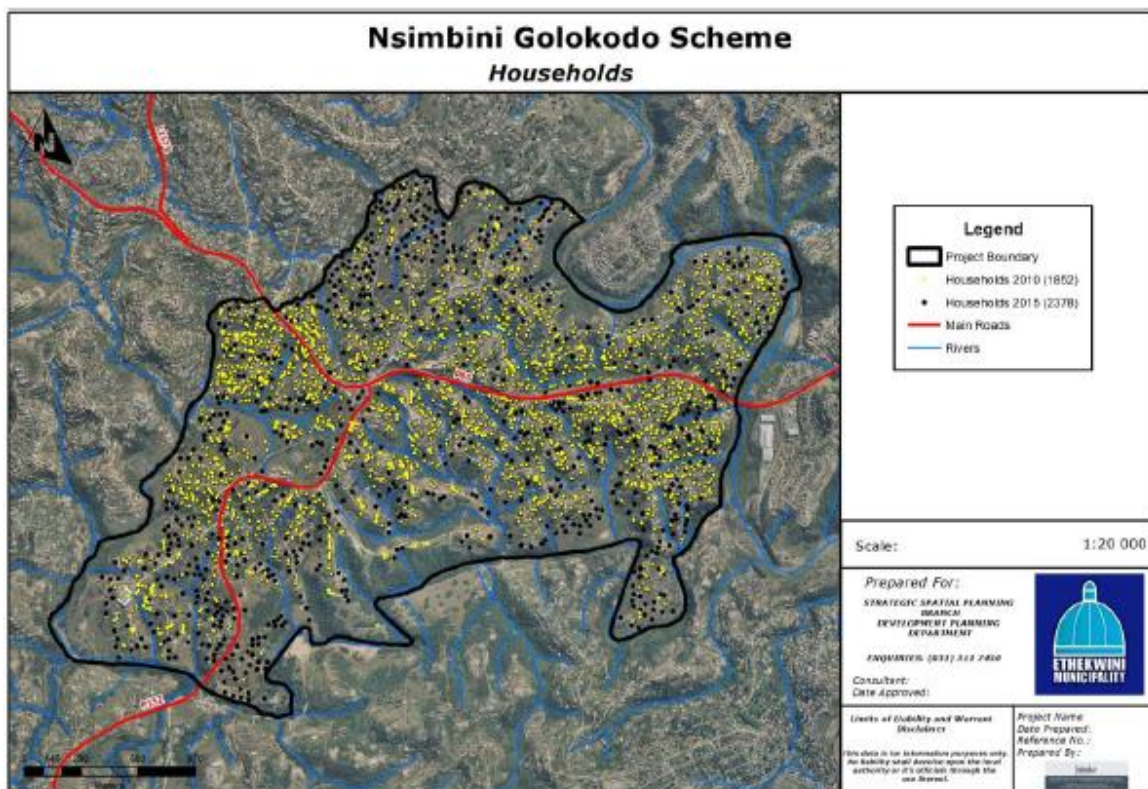
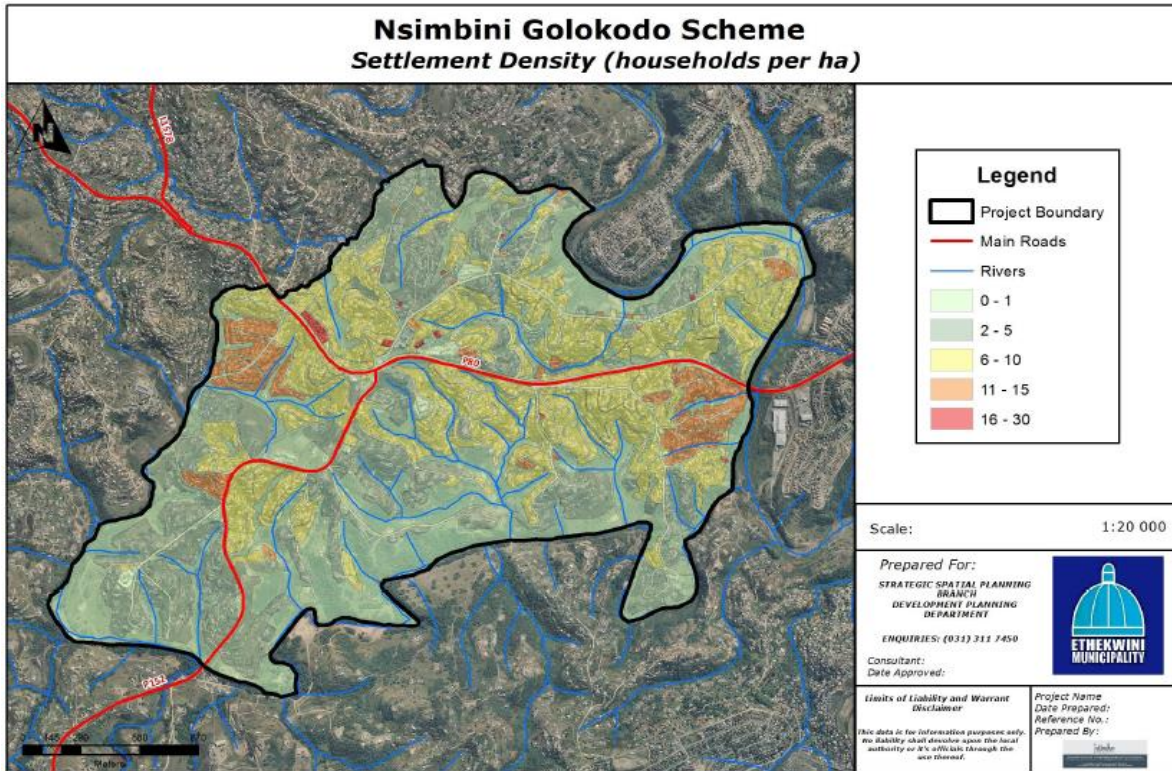


Figure 1: Households

##### 3.1.2 Settlement and Population Density

The study area measures at a relatively high settlement density, in terms of rural standards. However, the relatively large nature of the sites, the haphazard nature of the distribution of

households in space and the steep topography in certain areas constrains densification. The settlement density within the study area ranges between 1-30 households per hectare. The low-density areas which ranges between 2-5 households per hectare can be translated into average site sizes of between 2000m<sup>2</sup>-5000m<sup>2</sup>. These areas are located furthest away from major transportation routes and in certain areas, it borders onto steep areas. Areas



with higher densities range between 6-10 households per hectare. This translates into average site size of between 1000m<sup>2</sup> to 1666m<sup>2</sup>. These areas are generally located closer to the major transportation routes. There are only a few pockets of high-density.

**Figure 2: Settlement Density**

### 3.1.3 Environmental Analysis

The study area falls within the coastal climate zone with a mean annual rainfall range of 820mm to 1,423mm. The mean annual temperature of the area ranges between 22.0oC and 18.5oC. Thus, the climatic condition for the area is moderate as it is not too hot in summer and not too cold either in winter making it a conducive place for dwelling. The rainfall pattern and distribution is also favorable for most crops. The study area is characterized by

hilly terrain characterized by several undulating hills. The hilly nature of the site results in steep slopes and deep valleys though the top parts of the hills are gentle sloping.

The topography also influenced the settlement pattern in the study area. Since it is generally rugged and hilly, most communities strategically aligned to the flatter areas along the top of ridges and plateau-like terrain. Valley systems and flood plains have been avoided probably from experience of the harshness of such environments but most probably because intuitively, modern-day human settlements are often created along corridors of services and facilities. There are households within the study area that fall within the slope area ranging from 1:3 and steeper areas, which has implications for the delivery of service infrastructure.

The entire area is graded as having high agricultural potential. This implies that the land can produce a good yield when put to agricultural use as evidenced in the subsistence farming activities undertaken within the valley systems. Agricultural activities in the form of subsistence farming are currently being undertaken within the valley systems and along the banks of the two rivers but mostly on the southern section of the site. There are some sensitive sites and areas within the study area. These include flood risk areas which it would be assumed are located along the Mbokodweni River. This river system is also associated with wetlands some of which are suitable habitats or habitat types for animal species. Some households in the study area are located within environmental sensitive zones.

It is important that prior to the planning of specific developments, development specific assessments should be undertaken in order to determine the impacts of the development on these hydrologically sensitive areas.

- Development within the high priority biodiversity management zones (DMOSS) should be limited to eco-friendly activities.
- The area is agriculturally productive but with limited commercial opportunities due to the high settlement densities. However, small scale high productivity agricultural technologies could be explored.

### **3.2 Conceptual Framework/ Land Use Framework and Settlement Plan**

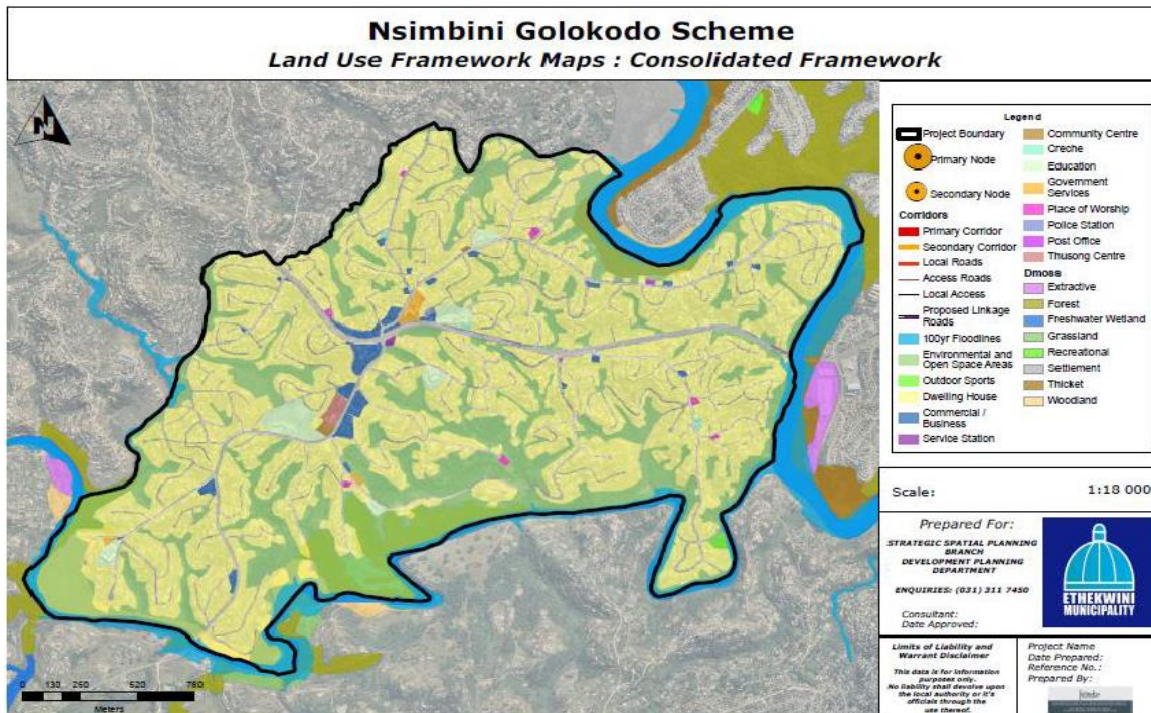
The Land Use Framework is a land use management instrument that bridges the gap between strategic planning (Spatial Development Framework, Local Area Plans and Functional Area Plan) and statutory planning (Land Use Scheme) by serving as a linkage between these planning and land use management instruments. It translates the strategic documents into a more detailed set of broad land use areas, before the formulation of the more detailed zones and clauses for the Scheme commences.

The Land Use Framework is made up of the following:

- Development of vision, which is linked to the South Spatial Development Plan (2014/15)
- Movement Framework; identifying Primary (M35), Secondary (P152), local and access roads and proposed linkages
- Nodal Framework; Primary node at intersection of M35 and local service nodes
- Environmental Framework; identifying spatial distribution of environmental areas, focused on the conserving the core biodiversity areas and 1:100 year flood line
- Residential Framework; acknowledging existing settlement pattern, densities (high densities along M35 and north of study area and lower density along southern boundary)
- Commercial Framework; identifying commercial/business and retail uses, opportunities for SMMEs and service industry and food gardens and small-scale agriculture opportunities should be promoted
- Public Facilities Framework; community facilities are critical structural elements in settlement making



- Infrastructure Framework; Waterborne and Sanitation infrastructure to accommodate growth and densification.



**Figure 3: Land Use Framework**

The layout/settlement plan also aims to respond effectively to the status quo, currently prevailing on site through applicable land development solutions. As such, it considers and proposes the following:

- Areas where there are existing dwelling units and where the settlement pattern already exists. The creation of sites considered the existing physical conditions of the study area and the existing pattern of development. The existing rights that households have to the pieces of land they occupy have thus been recognised. The intention was to, as far as possible, create sub-divisions that are aligned with the existing household boundaries.
- Areas that are undevelopable, such as steep areas, environmentally sensitive areas etc. These areas form part of the open space system.

- Areas where suggestions have been made for future land use purposes, such as in the primary node. These suggestion also takes note of proposals set out on the Nsimbini/ Golokodo Functional Area Plan.

Settlement plans are prepared to ensure that going forward the allocation and spatial organisation of land uses is done in a way that will result in efficient and sustainable development. These settlement plans provide an opportunity to take the scheme to a greater level of detail. They can be used to assign zones to the sites within the study area, as per the approved settlement plan. The settlement plan may have vacant sites that have been earmarked for future expansion of the settlement.

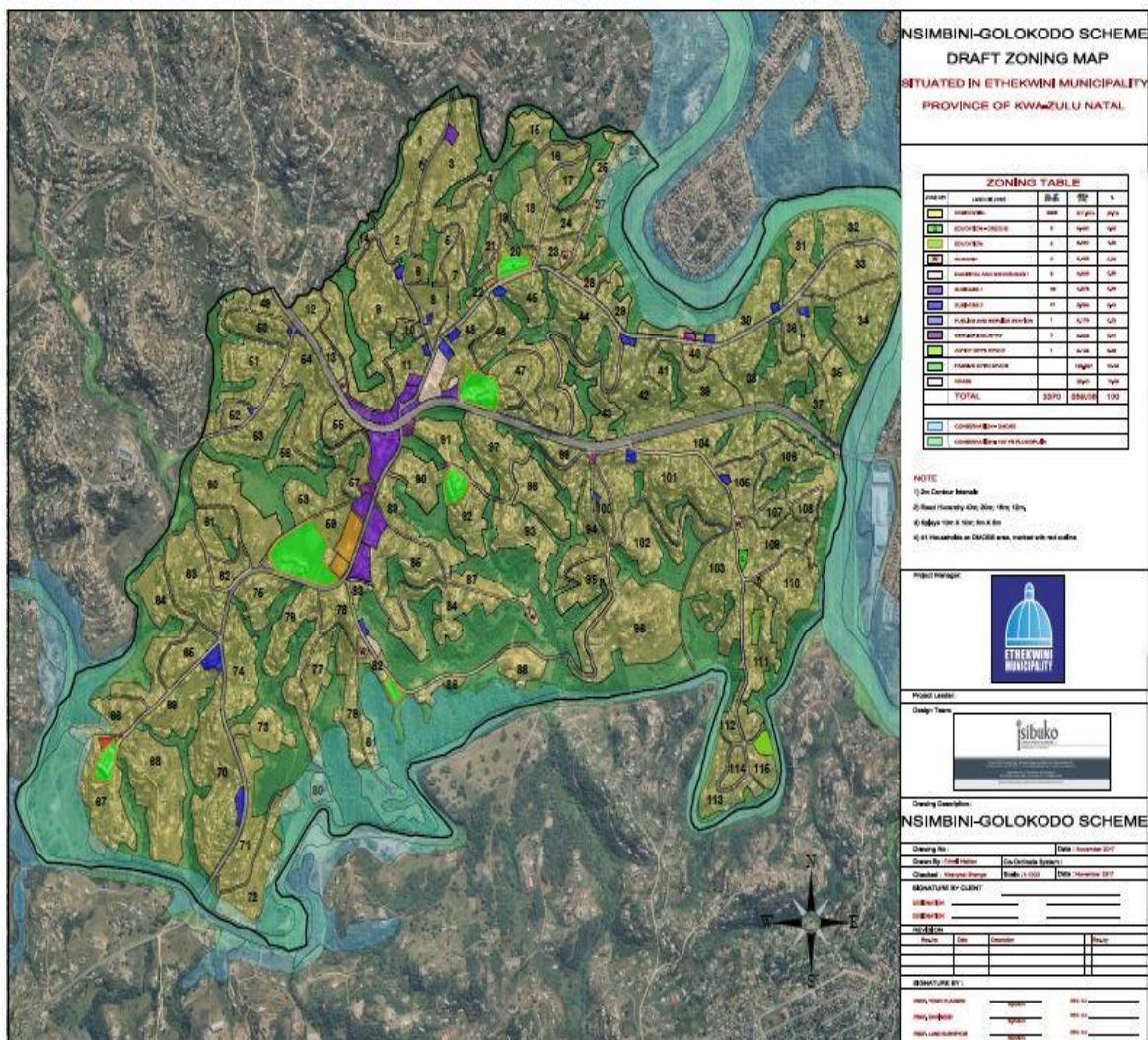
The Land Use Scheme will play a pivotal role in managing land use in such areas and ensuring sustainable settlement growth within spatial planning dictates and in line with the development vision of the area. In essence, the settlement plan will indicate spaces where different land uses may be located and areas where settlement should not be permitted. It must also provide land use allocation guidelines, and serve as a tool to guide and manage development in the areas.

### **3.3 Draft Scheme**

The Spatial Planning Land Use Management Act, Act No. 16 of 2013 (SPLUMA) requires municipalities to adopt wall-to-wall schemes by 2018. Therefore the Municipality is working towards introducing land use scheme throughout the eThekweni Municipal Area (EMA). The approach to the development of the Draft Land Use Scheme was mainly influenced by what was existing on the ground, as in how land is being used currently. The Draft Land Use Scheme took in consideration the following:

- Environmentally sensitive area: The land use scheme should facilitate sustainable development, prohibit or limit development in areas considered undevelopable due to environmental sensitivity and buffer delineated around streams and wetlands. An environmental overlay is included to accommodate the scheme.
- Existing Settlement: Existing settlement pattern and land use.

- ITB land: The lease agreements granted by ITB for non-residential uses.



**Figure 4: Land Use Scheme Map**

#### 4. Lesson Learnt/ Research Contribution

The new trend of people moving back to the outskirts has caused a constraint in to rural areas, where the density level increases. Therefore the nature and character of the area has changed drastically and losing the rural nature in the process whilst administered by the Traditional Council. The increase in density has caused pressure to the existing infrastructure and services. The study area is considered to be rural, therefore the Bulk Infrastructure is limited as there is no flushing toilet and water pressure is low. Whilst the study falls within the Urban Development Line/ Urban Edge within the Spatial Development Framework 2017/18, it is located on the outskirts of the Durban.

- Spatial plans and Draft Schemes needs to be put in place to ensure that development occurs in an co-ordinate manner and curb further urban sprawl which are outside the Urban Development Line
- The involvement of the Traditional Council at the initial stages is imperative to ensure that there is a buy-in. Creating relationship and trust with the Traditional Council is key as there is a preconception from *iNkosi* and *iziNduna* that the Municipality what's to take away the land.
- The Traditional leaders, elders and community at large of the study area have indigenous knowledge and understanding of the area and their needs. The Traditional leaders do understand the importance of conserving environmentally sensitive areas.
- The manner and approach in which the preparation spatial plans and land use schemes within their jurisdiction must not be imposing, but wanting learn, assist and working together.
- There is still confusion or lack of understanding of the planning, therefore more engagements and workshops needs to take place in order to enhance the leaders and community as a whole.
- The community to an extent understand the objective of the of the spatial plan and land use framework.
- The Municipality can't afford to neglect rural areas under traditional leadership as more people are settling in these areas. The development of the areas is not monitored by the Municipality and is not coordinated.
- Whilst, in planning it's understood that there is no cadastral in the study area, however, the people living on the ground do know their site boundary when they were allocated by *yiNduna*. When a person is allocated, any structure like a tree, stone or wall is used to define the boundary, together with the neighbours.

## 5. Challenges and Limitations

The study area in terms of its development does not follow any 'spatial planning logic' as we know as planners. However, there is logic to the people that reside in the area, as during the allocation of a person there is communication between the Nduna and the person

acquiring the land. But, due to the rapid urbanization of the area, the system has broken down. The traditional leadership has lost some control in terms of the allocation and further sub-division of land allocated to a person. Therefore, without any form of control or management from the Municipality as resulted development occurring haphazardly. Therefore, the biggest challenge at hand is the lack of system or management tool that can control the development taking place within the area.

Some of the challenges faced are as follows:

- Receiving buy-in from the Traditional Council, as there is believe that the Municipality wants to take over their power.
- With the lack of control and management of these areas, this contributes to the financial demand to install Bulk Water and Sanitation pipes. Some of the houses might be allocated on top of existing or proposed pipes. The area is built-up, which means the installation of pipes would have to follow the direction of the built form that exist.
- Some of the buildings are built to close to the road reserve, which can cause disruption or cracks to the houses when roads are being upgraded.
- Others have direct access of the main roads, which affects the flow of traffic and can cause accidents
- Due to the limited provision of services and infrastructure, it has led some protest from the local communities.
- At this point in time, there is minimum to none submission of development applications and building plans to the Municipality.
- The challenge for planning projects under traditional areas is to marry the two governance system, i.e. the development planning and approval of land use from the Municipality versus the indigenous land allocation from *IziNduna*.
- Some of the people are located on 1:100 flood plain and environmental sensitive areas which can be a risk or disaster if there were to be heavy rains.

The limitations to the project was the timelines were limiting, therefore there was not enough in-depth engagement and consultation with the Traditional leaders, Ward

Councilors and the community at large. This is especially with the Traditional Council, to come to a proper agreement (Memorandum of Agreement) with the leaders as to how the Municipality can work together with the traditional leader. There needs to be more emphasis on the awareness and training on how spatial planning and land use management and the implementation of the projects that can benefit the community. Perhaps, there is still needs to be more research of the factors that are pushing people to leave on the outskirts, as this paper only focused on the introduction of the planning intervention.

## **6. Conclusion**

In conclusion in order to work towards appropriate planning practices in the rural areas, we need to understand and embrace the space in which we plan to ensure inclusiveness with the City. As Municipality it is our obligation that we plan for the entire jurisdiction as per Constitution. This questions if our current policies and by-laws support or respond areas in transition from rural to semi-rural. If this is neglected, it could led to untransformed land use management systems that can't deal with the growing peri-urban areas, financial constraints as sprawl continues and the need to infrastructure and services increases, which could left to crime such as cable theft. Neglecting such areas will lead to the adhoc expansion and defeat the utopian of sustainable, resilient and inclusive city.

It is important there is an intergovernmental relation between eThekweni Municipality and Traditional Leaders together with Ingonyama Trust Board, where a Memorandum of Agreement (MoA) is developed as to how both parties can work together in improving the lives of the community. A synergy needs to be created with both parties and agree on process or system that can followed with the management of development within traditional areas. Some of *Amakhosi* now sit in eThekweni Municipality Council, which is a step in the right direction in traditional leaders playing a role in service delivery.

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