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- South African Constitution and Principles of Sustainable Development
- Municipal Systems Act 2000 (Act No. 32 of 2000)
- Municipal Integrated Development Planning Regulations, 2001
- Local Government Gazette No 22605 of 2001
- The Development Facilitation Act 1995
- Procedure to amend the Umjindi Spatial Development Framework

UMJINDI SPATIAL DEVELOPMENT FRAMEWORK

2009

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PART 1

INTRODUCTION

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1. BACKGROUND

1.1 Introduction

The Umjindi Spatial Development Framework 2008 forms an integral part of the Umjindi IDP. The dynamic nature of the Umjindi environment and the different levels of land use management within Umjindi require the continuous revision and refinement thereof.

The aim of the Spatial Development Framework is to give direction to development and take into account the need for and compatibility of land uses. The purpose of the Spatial Development Framework as a land use management tool is to plan, direct and control development but it does not provide land use rights. The Spatial Development Framework forms part of the existing land use management process of the municipality and provides the necessary policies at local level in order to ensure the application of the development principles of sustainability, integration, equality, efficiency and fair and good governance in order to create quality of living, investors confidence and security of tenure.

1.2 Study Objectives

With due regard to the abovementioned the study objectives can be summarized as follows:

- to compile a Spatial Development Framework for the Umjindi Municipality as contemplated in section 26 of the Municipal Systems Act
- to address all the contents of an SDF as required in terms of Government Gazette No. 22605
- to adhere to all the development principles as stipulated in the relevant national legislation and policy documents
- to incorporate strategic provincial and national initiatives which fall within the Umjindi area into the SDF

1.3 Methodology and Process

The planning methodology for this project was underpinned by the following principles:

• SYSTEMS APPROACH TO PROBLEM SOLVING

A systematic approach was followed during the study, starting with the synthesis and analysis of existing elements, followed by the identification and evaluation of alternative courses of action and ending with the refinement of the desired or optimum course of action to be followed.

- **INTEGRATED PLANNING**

Urban development is a diverse process with many elements or aspects, each of which impacts on all the others in many ways. Sensible interventions into the urban dynamics of a complex region such as Umjindi cannot be made by addressing specific elements in isolation, and an integrated, holistic approach is therefore of the utmost importance. Throughout the duration of the project an inter-sectoral approach was followed.

- **CONGRUENCY WITH BROADER POLICIES**

Not only should the SDF strive towards achieving broader policies, such as the principles listed in the DFA, and also be co-ordinated with other policies and plans, which are currently operational in the province, but it should also facilitate the adjustment of local spatial plans and policies.

- **ISSUE-RELATED, PRACTICAL AND ACHIEVABLE PROPOSALS**

Proposals are directly aimed at solving existing problems or taking advantage of existing potentials. Proposals are practical and achievable within the framework of the financial and capacity constraints faced by the relevant authorities and should be linked to strategies/action plans for implementation.

- **ADHERENCE TO ECONOMIC MARKET PRINCIPLES**

The development policies and strategies are based on economic market principles and as such will lead to sustainable development over the long term.

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2. LEGAL FRAMEWORK

The essential elements, which should be included into a local spatial development framework, are guided by a legal framework provided in terms of existing legislation including the Constitution of South Africa, governmental policies including the White Paper on Local Government, and Local Governmental Acts including the Municipal Structures Act and Municipal Systems Act, determining roles and responsibilities of the municipal sphere of government.

2.1 South African Constitution and Principles of Sustainable Development

The supreme law of the country, the Constitution of South Africa, protects human rights and promotes democratic governance. Part of the Constitution is dedicated to define the role and function of government at national, provincial and local level. **Schedule 4** of the Constitution outlines concurrent national and provincial legislative competencies, including the functions of **Regional Planning and Development and Urban and Rural Development**. Aspects such as **education, health, housing, transport and tourism** also mentioned influence spatial planning.

Section 5 determines the functional areas of exclusive provincial legislative competence and specifically includes **Provincial Planning**

Part B of Schedule 4 identifies municipal planning as a local governmental matter. Aspects influencing spatial planning are **local tourism, municipal airports, municipal health services, municipal public transport, water and sanitation services**.

Part B of Schedule 5 does not specifically mention any planning function but identifies the aspects of cemeteries, municipal parks and recreation, public places, municipal roads, traffic and parking, which have an influence on spatial planning.

2.2 Local Government: Municipal Systems Act 2000 (Act No. 32 of 2000)

In terms of Chapter 5 of the Municipal Systems Act each local authority in South Africa is required to compile an Integrated Development Plan for its area of jurisdiction. In Section 26 of the Municipal Systems Act it is furthermore stated that the core components of an Integrated Development Plan are the following :

[a] the **municipal council's vision** for the long term development of the municipality with special emphasis on the municipality's most critical development and internal transformation needs;

[b] an **assessment of the existing level of development** in the municipality, which must include an identification of communities which do not have access to basic municipal services;

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- [c] the **council's development priorities and objectives** for its elected term, including its local economic development aims and its internal transformation needs;
- [d] the **council's development strategies** which must be aligned with any national or provincial sectoral plans and planning requirements binding on the municipality in terms of legislation;
- [e] a **spatial development framework** which must include the provision of basic guidelines for a land use management system for the municipality;
- [f] the **council's operational strategies**;
- [g] applicable **disaster management plans**;
- [h] a **financial plan**, which must include a budget projection for at least the next three years; and
- [i] the **key performance indicators and performance targets** determined.

One of the elements of an Integrated Development Plan listed above [paragraph (e)] is thus the Spatial Development Framework. This document deals with that component of the IDP.

2.3 Local Government: Municipal Integrated Development Planning Regulations, 2001.

The contents of the Spatial Development Framework is stipulated in terms of the Local Government: Municipal Integrated Development Planning Regulations, 2001.

Section 4 determines that:

A spatial development framework reflected in a municipalities integrated development plan must-

- (a) give effect to the principles contained in Chapter 1 of the Development Facilitation Act, 1995 (Act No. 67 of 1995);
- (b) determine spatial priorities;
- (c) set out objectives that reflect the desired spatial form of the municipality; contain strategies and policies regarding the manner in which to achieve the objectives referred to in paragraph c, which strategies and policies must-
 - i. indicate desired patterns of land use within a municipality;
 - ii. address the spatial reconstruction of the municipality;
- (d) provide for decision- making processes relating to the location and nature of development within the municipality
- (e) set out basic guidelines for a land use management system in the municipality
- (f) set out a capital expenditure framework for the municipality
- (g) contain a strategic assessment of the environmental impact of land within the municipality
- (h) identify programmes and projects for the development of land within the municipality

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- (i) be aligned with the spatial development frameworks reflected in the integrated development plans of the neighbouring municipalities; and provide a visual presentation of the desired spatial form of the municipality

Section 35 of the Municipal Systems Act, 2000 (Act 32 of 2000) describes the status of the integrated development plan and spatial development framework as:

An integrated development plan adopted by the Council of a Municipality-

- (a) is the principal strategic planning instrument which guides and informs all planning and development, and all decisions with regard to the planning, management and development, in the municipality;
- (b) binds the municipality in the exercise of its executive authority, except to the extent of any inconsistency between a municipality's integrated development plan and national or provincial legislation, in which case such legislation prevails; and binds all other persons to the extent that those parts of the integrated development plan that impose duties or affect the rights of those persons have been passed as a by-law.

A spatial development framework contained in an integrated development plan prevails over a plan as defined in section 1 of the Physical Planning Act, 1991 (Act 125 of 1991).

Section 36 of the Municipal Systems Act, 2000 (Act 32 of 2000) determines that a municipality must give effect to its integrated development plan and conduct its affairs in a manner which is consistent with its integrated development plan.

2.4 Local Government Gazette No 22605 of 2001

In terms of **Government Gazette No. 22605** dated 24 August 2001, a Spatial Development Framework of an Integrated Development Plan should at least achieve the following objectives :

- (a) to **give effect to the principles of land development** as contained in Chapter 1 of the Development Facilitation Act [Act 67 of 1995];
- (b)] to **set out objectives** that reflect the desired spatial form of the municipality;
- (c) to **contain strategies and policies** regarding the manner in which to achieve the objectives referred to above, which strategies and policies must:
 - (i) indicate **desired patterns of land use** within the municipality;
 - (ii) address the **spatial reconstruction of the municipality**; and
 - (iii) **provide strategic guidance** in respect of the location and nature of development within the municipality
- (d) to set out **basic guidelines for a land use management system** in the municipality;

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- (e) to set out a **capital investment framework** for the municipality's development programmes;
- (f) to contain a **strategic assessment of the environmental impact** of the spatial development framework;
- (g) to **identify programmes and projects** for the development of land within the municipality;
- (h) to be **aligned with the Spatial Development Frameworks** reflected in the Integrated Development Plans of **neighbouring municipalities**; and
- (i) to provide a **visual representation of the desired spatial form** of the municipality, which representation -
 - will indicate where public and private land development and
 - will indicate where **public and private land development** and **infrastructure investment** should take place,
 - will indicate **desired or undesired utilization of space** in a particular area,
 - will **delineate the urban area**,
 - will identify **areas where strategic intervention is required**; and
 - will indicate **areas where priority spending is required**.

2.5 The Development Facilitation Act 1995

The Development Facilitation Act, 1995 (DFA) was introduced to establish extraordinary measures to facilitate and speed up the implementation of land related projects, to provide for nationally uniform procedures for the subdivision and development of land in urban and rural areas so as to promote the speedy provision and development of land for residential, small-scale farming or other needs and uses and to lay down general principles governing land development throughout the country.

The Chapter 1 principles of the DFA are a set of interrelated intentions (desirable directions) to guide land planning and development in South Africa. The principles are necessary to establish a more equitable and developmental planning system for the country and apply to all forms of planning that affect land development including:

- Spatial planning and policy formulation;
- The planning of whole settlements as well as parts or elements of settlements;
- The decisions of all public authorities affecting land development under law, including those of traditional leaders acting under customary law; and
- All legislation, including all land control systems and instruments affecting the development of land.

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These principles are also binding on all future actions of national, provincial and local government and all laws, regulations and by-laws that are passed or changed must conform to these principles.

Five central concerns underpin the Chapter 1 principles:

The need to create new forms and structures for South African settlements to improve their performance;

- The need to work harmoniously with nature;
- The need to speed up the pace of development;
- The need to promote a better planning system; and
- The need to promote security of tenure.

“Integration” is a term of considerable importance in the principles. The following forms of integration are inherent in the term:

- Integration between rural, urban and (by implication) primeval landscapes;
- Integration between elements of spatial structure (e.g. integration between different movement modes; between public transport and social facilities, etc.);
- Integration between land-uses;
- Integration of new development with old (New development should be integrated with historical investments in social, economic and utility infrastructure); and
- Integration of different classes of people

3. NATIONAL AND REGIONAL CONTEXT

3.1 National Context

3.1.1. Millenium Development Goals

The MDGs are eight goals comprising 18 targets that were adopted by the United Nations in 2000 as part of the Millennium Declaration.

These are to **eradicate extreme poverty; to achieve universal primary education;** to promote gender equality and empower women; to reduce child mortality; to improve maternal health; to combat HIV and AIDS, malaria and other diseases; **to ensure environmental sustainability** as well as to develop a global partnership for development. The goal to ensure environmental sustainability directly has a direct impact on the spatial environment and the spatial development

framework needs to prioritise those areas targeted for intervention. The extent of the three targets related to ensure environmental sustainability is set out in Table 2.5.1

TABLE 2.5.1 MILLENNIUM DEVELOPMENT GOAL 7: ENSURE ENVIRONMENTAL SUSTAINABILITY

<i>Target 9:</i> Integrate the principles of sustainable development into country policies and programmes and reverse the loss of environmental resources	<ul style="list-style-type: none"> • Change in land area covered by forest • Land area protected to maintain biological diversity • GDP per unit of energy use • Carbon dioxide emissions (per capita)
<i>Target 10:</i> Halve, by 2015, the proportion of people without sustainable access to safe drinking water	<ul style="list-style-type: none"> • Proportion of the population with sustainable access to an improved water source
<i>Target 11:</i> Have achieved, by 2020, a significant improvement in the lives of at least 100 million slum dwellers	<ul style="list-style-type: none"> • Proportion of the population with access to improved sanitation • Proportion of the population with access to secure tenure

Government environmental policies focus on prioritising people’s needs while safeguarding the country’s natural assets. The range of legislative, policy and institutional developments brings about a new environmental management approach, based on recognition of the contribution that the country’s biological resources in relation to food security, science, the economy, cultural integrity and well-being make.

3.1.2. Accelerated and Shared Growth Initiative for South Africa (AsgiSA)

The South African Government was mandated in 2004 to halve poverty and unemployment by 2014 and this resulted in the establishment of the Accelerated and Shared Growth Initiative for South Africa (AsgiSA).

The South African government has set out 10 economic priorities to meet the Accelerated and Shared Growth Initiative of South Africa's (Asgi-SA) target. In this context, two sectors have been identified for special priority attention:

- **Business process outsourcing (BPO).** BPO refers to the trend of business worldwide, especially in countries where labour is costly, to locate back office activities such as accounts or claims processing or front office activities like call centres in cheaper centres.

- **Tourism.**

A third sector, **biofuels**, is being finalised.

What these industries have in common is that they are labour-intensive, rapidly growing sectors worldwide, suited to South African circumstances, and open to opportunities for Broad-Based Black Economic Empowerment (BBBEE) and small business development.

Further priority sectors include:

- Chemicals
- Metals beneficiation, including the capital goods sector
- Creative industries (crafts, film & TV, content and music)
- Clothing and textiles
- Durable consumer goods
- Wood, pulp and paper (as mentioned in provincial projects)

The following initiatives are embarked upon to create growth:

- A massive investment in infrastructure.
- Targeting economic sectors with good growth potential.
- Developing the skills of South Africans, and harnessing the skills already there.
- Building up small businesses to bridge the gap between the formal and informal economies.
- Beefing up public administration.
- Creating a macroeconomic environment more conducive to economic growth.

Umjindi Spatial Development Framework needs to be conducive to the implementation of the AsgiSA initiative and needs to provide for a network of nodes and zones to which economic development can be directed involving catalyst economic, engineering and social infrastructure programs and projects. The distribution of projects to provincial and local government is done through the national, provincial and municipal infrastructure grant programmes.

3.1.3. Soccer World Cup 2010

Developments within the Umjindi Area will in the run-up to the 2010 WC event will also specifically focus on ensuring a lasting legacy from the games. These projects relate to:

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- Roads and transportation systems within Ehlanzeni.
- Sports facilities
- Tourism in Ehlanzeni and the broader region
- Infrastructure development

3.2 Provincial Strategies

3.2.1. The Mpumalanga Provincial Development Strategy

The Province has identified six priority areas of intervention. These priority areas have been identified primarily based on the social, economic and developmental needs of the Province, namely;

- Economic Development.
- Development Infrastructure.
- Social Development.
- Sustainable Environmental Development.
- Good Governance.
- Human Resource Development

The Umjindi Spatial Development Framework needs to be aligned with the strategies that will enable the fulfilment of the district role in the coordination of development activities that will result in sustainable living and working environments for all while enhancing development opportunities for the district (Ehlanzeni SDF 2005).

3.2.2. The Mpumalanga Provincial Spatial Framework

The Mpumalanga Provincial Spatial Framework is based on the principles and objectives of the NSDP and the aim of government to provide sustainable livelihoods. The following principles were formulated to guide specific decisions regarding the spatial development and arrangement of, within and between settlements and to guide investment and development spending

3.2.2.1. Priority

Investment in new and existing areas for upgrading and redevelopment should focus on localities with greatest economic potential. Highest priority should be given to localities where high levels of economic opportunity, livelihood opportunity and need for development overlap. Lower priority should be given to areas where only high levels of sustainable livelihoods potential and need for development overlap.

3.2.2.2. Balance

The location and development of areas should balance the use of resources for infrastructure development and operation with the carrying capacity of ecosystems; thus ensuring the wise use of natural resources and environmental service areas. Where areas of high priority (high levels of economic and sustainable livelihood potential and need for development) and high environmental sensitivity overlap, the need for special planning and management at the more local scale must be highlighted.

3.2.2.3. Integration

Intensity, diversity and priority of investment should increase, mainly along transport corridors, from localities of concentrations of greatest need for development towards areas of greatest economic potential to facilitate spatial integration particularly of displaced settlements with areas of opportunity and potential.

Settlements should be located and designed in such a way as to facilitate structural and functional integration. For example, there should be transport opportunities in a reasonable walking distance from houses to connect residents to other modes of transport, job opportunities and bigger shops and facilities, as well as smaller shops and parks in close proximity to human settlements to fulfil the immediate local needs of residents. The man-made infrastructure should also be integrated with natural areas, as access to natural areas is very important for human well being.

3.2.2.4. Choice

In localities of low economic and livelihood potential but high levels of need for development, investment should, over and above investment in basic services, focus on the development of people through skills development and access to knowledge of opportunities; thus facilitating choice and ability to move to areas of greater potential. The implication of continued investment in “place” rather than in “people” in these areas of low economic and livelihood potential, is that existing spatial patterns of development, originating in policies of separate development, become more firmly entrenched and spatial restructuring will not occur.

3.2.2.5. Intensity & Diversity

The higher the level of economic potential of an area, the greater the intensity of investment in higher density development forms and in the provision of a greater range and diversity of investment types and supporting services and the greater the mix of income levels and activities should be.

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Settlements should ideally have many neighbourhoods, which offer different types of housing for different income groups to facilitate social interaction between different groups and provide opportunities where the wealthier residents can sponsor the establishment of facilities and events that the entire neighbourhood can benefit from. In this way an integrated sense of ownership of the neighbourhood can be created. Extensive investment in predominantly poor areas would not necessarily facilitate cross-subsidisation and combined sense of ownership in this way.

The type of investment should be broadened in appropriate localities to address the extended and diverse needs of a range of people, including the elderly, people with disabilities, children headed households, single headed households and migrant families.

The location of different types of investment in different regions should facilitate different choices for people at different life stages and with specific needs. For example, housing developments should be combined with other land uses to reduce the creation of dormitory neighbourhoods and address the needs of a range of residents, including woman with children staying at home during the day, the elderly and the youth.

3.2.2.6. Affordability

Differentiated need in terms of income levels must be considered in relation to different investment products. For example, lower cost housing products should be targeted in localities with higher levels of lower income need while more, higher density, higher cost housing products should be targeted in areas of higher income need.

3.2.2.7. Cluster of investment

Human settlements should offer a range of social, economic and recreational opportunities. By clustering many of these opportunities in nodes or along specific development corridors in growth centres will increase accessibility and maximise the economies of scale.

4. COMPOSITION OF REPORT

The Umjindi Spatial Development Framework 2008 consists of the following parts and chapters:

PART 1: INTRODUCTION

Chapter 1 : Introduction

Chapter 2 : Legal Framework

Chapter 3 : National And Regional Context

PART 2: RESOURCE BASE AND DEVELOPMENT PROFILE

Chapter 4: Umjindi Resource Base

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Chapter 5: Umjindi Development Profile

PART 3: DEVELOPMENT IMPLICATIONS

Chapter 6: Development Implications

PART 4: DEVELOPMENT PRIORITIES AND STRATEGIES

Chapter 7: Development Priorities

Chapter 8: Development Strategies

Chapter 9: Strategic Spatial Development Concept

Chapter 10: Strategic Environmental Assessment

PART 5: DEVELOPMENT DIRECTIVES

Chapter 11: Development Directives

PART 6: PROJECTS

Chapter 12: Projects