

CONFLICT OVER URBAN LAND USE CHANGE

IN CAPE TOWN

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in the Department of Geogrpahy  
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## CONTENTS

LIST OF TABLES .....	i
LIST OF FIGURES .....	ii
ACKNOWLEDGEMENTS .....	iii
INTRODUCTION .....	1
CHAPTER I	
THEORETICAL BACKGROUND TO LOCATIONAL CONFLICT ANALYSIS .....	9
1.1 Residential Differentiation .....	10
1.2 Externality Effects .....	12
1.3 Land Use Planning and Zoning Practices .....	14
1.4 Urban Management and Politics .....	17
1.5 Interest Groups and the Bargaining Process .....	19
1.6 Geography and Locational Conflict .....	24
CHAPTER II	
LAND USE CHANGE PROCEDURE .....	28
2.1 Planning and Planning Policies .....	28
2.2 The South African Land Use Change Procedure .....	32
2.2.1 Stage 1: Local Authority Procedure .....	37
2.2.2 Stage 2: Provincial Authority Land Use Change Procedure .....	41
2.3 Discussion .....	45
CHAPTER III	
PATTERNS OF POTENTIAL FUTURE CONFLICT .....	48
3.1 Advertised Rezoning Applications .....	49
3.2 Rezoning Applications, Externalities and Potential Conflict ...	55
3.3 Locational Pattern of Rezoning Applications .....	63
CHAPTER IV	
THE NATURE OF LOCATIONAL CONFLICT IN CAPE TOWN .....	70
4.1 Newspaper Conflicts .....	70
4.1.1 Data Sources .....	72
4.1.2 Nature of Local Conflict .....	77
4.2 Council Conflicts .....	86
4.2.1 Data Sources .....	87
4.2.2 Nature of Conflict .....	89
4.2.3 Patterns of Conflict .....	94
CHAPTER V	
CHARACTERISTICS OF LOCATIONAL CONFLICT IN CAPE TOWN .....	99
5.1 Focus of Newspapers and Council Meetings .....	100
5.2 Participants in Conflict .....	107
5.3 Intensity of Conflict .....	111

CHAPTER VI	
CASE STUDIES .....	117
6.1 Introduction .....	117
CHAPTER VII	
SIGNIFICANCE OF LOCATIONAL CONFLICT IN CAPE TOWN .....	139
7.1 Problems associated with the Study .....	139
7.2 Conflict in Cape Town .....	142
7.3 Interest Groups .....	150
7.4 The Role of Newspapers in Conflict .....	153
7.5 Citizen Participation .....	155
REFERENCES .....	159
APPENDICES I & II	

LIST OF TABLES

	Page
2.1 Township Ordinance Schedule .....	34
3.1 Land Use Change Advertisements 1980-1983 .....	50
3.2 Zoned Land Use Areas .....	54
3.3 Proposed Land Use Change in Terms of Expected Externality Effects .....	56
4.1 Newspaper Conflicts .....	75
4.2 Applications for Land Use Change by Local Authority .....	88
4.3 Council Conflicts .....	91
5.1 Conflicts Common to Newspapers and Council Minutes .....	99
5.2 Land Use and Conflicts .....	102
5.3 Conflict Types .....	102
5.4 Conflict Participants .....	108
5.5 Grounds for Involvement in Conflict .....	108
5.6 Conflict Intensity .....	112

LIST OF FIGURES

	Page
1.1 The Cape Town Metropolitan Area .....	5
2.1 Land Use Change Procedure in the Cape Town Municipality .....	36
3.1 Monthly Distribution of Rezoning Advertisements 1980-1983 .....	51
3.2 Rezoning Applications by Land Use .....	53
3.3 Locations of Proposed Land Use Changes .....	61
3.4 Applications for Residential Land Use .....	64
3.5 Applications for Recreational Land Use .....	65
3.6 Applications for Business Land Use .....	67
3.7 Applications for Industrial Land Use .....	68
3.8 Suburbs in the Cape Town Metropolitan Area .....	70
4.1 Categories of Newspaper Conflicts .....	78
4.2 Type and Intensity of Newspaper Conflicts .....	80
4.3 Categories of Council Conflicts .....	95
6.1 Location of Case Studies .....	120

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## INTRODUCTION

Questions regarding residential differentiation, the location of new land use developments and the distribution of scarce urban resources are of great interest to geographers. The apparent uneven distribution of income, of socio-economic status, of public goods and services and of decision making power within the city has been the focus of a variety of urban studies (Harvey, 1973; Pahl, 1975; Johnston, 1979; amongst others). However, limitations in the interpretation of patterns lead to the feeling that social geographical studies lacked relevance and did not attempt to provide meaningful answers to questions of importance in urban life. Realizing that space should be understood as part of the operation of society in general and that it is influenced by social processes which act in a feedback loop on spatial patterns, attention has focused on conflict arising out of spatial inequalities.

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To apply ideas about conflict in a preeminantly spatial context geographers turned to social conflict theories. Basically, writings interpreting social conflict in the city can be grouped into two major approaches. The first approach maintains that conflict in its variety of forms is an inevitable outcome of the capitalist mode of production. Harvey (1971), for instance, interpreted residential differences in the light of classical conflict theories developed by Marx and Engels, which regard conflict as a normal condition of social life in capitalist environments. Essentially classical conflict theories maintain that conflict in society reflects the conflict between economic classes which compete with each other for a share of available resources (Duke, 1976; p18). The solution of conflict situations within society or within the city thus cannot be expected to be effective within the operating system of capitalism. Adherents to this approach claim that a change in the basic social structure of society is needed.

The second major approach to conflict in an urban context is based on a Weberian understanding of conflict. The focus of this approach is the conflict of interests arising from the variety of orientations, aspirations and motivations which people have, and it describes a society "where interest groups collide, collude and cohere in the control of institutions, where privilege and status are negotiated, where, in short, power becomes the crucial variable." (Lambert, Paris, and Blackaby, 1978; p 6). This approach differs from the radical approach in so far as it generally accepts the assumptions of the capitalist economy.

Conflict studies in this context have been a relatively recent development in urban geography and arose out of the understanding that the modern city is experiencing a crisis. This holds true especially in some parts of the world as far as the dichotomy between the ever growing, prosperous suburbs and the increasingly poor, stagnating central city is concerned. Research into the resulting spatial patterns pointed towards "the existence of a powerful allocative mechanism within the city which both created and reinforced traditional disparities and injustices" (Pahl, 1970). Followers of this approach therefore focus on the relationship between individuals and institutions in the competition for scarce resources in the urban environment.

Two major threads of inquiry can be distinguished within this latter 'city management' or 'social gatekeeper' approach. In the one approach research is concentrated on spatial variations in the provision of housing, services and amenities in the city and the problem of allocation of limited resources in response to conflicting demand requirements (Smith, 1979; Knox, 1979). In the other approach the emphasis is placed upon tensions arising out of the impact of various decisions relating to the locationally different types of land use. Locational

conflict is seen as an inherent consequence of competition for land in the city (Clark, 1982; p 166), and has been described as involving "overt public debate over some actual or proposed land use development" (Dear and Long, 1978; p 114).

In examining the provision of land in the economic land market and an important characteristic of the land use allocation and decision making process is that individual utilities are not independent of each other and what may be to the interest of some may be to the detriment of others. Thus land use decisions create 'spill over' effects or externalities which are "unpriced by-products of the production or consumption of goods and services of all kinds" (Knox, 1982; p 167). These effects include externalities arising out of certain land uses as well as land uses created by public activities. Clearly externality effects are dependent on the individual's perception of benefits or costs and lie within the realm of social and cultural values and beliefs. The values and beliefs become important factors, alongside economic considerations, in their capacity as influences on the locational decision making process.

In western capitalist cities the land use decision making process is increasingly mediated through political processes. The 'invisible hand' of the economic land market is strongly influenced by the impact of public voting mechanisms on the decision makers within local government and the power of lobbying interest groups has gained importance. It is this process of interaction between political institutions and individuals in the execution of the land use decision making that is of interest to the geographical study of locational conflict.

The relative power of different interest groups has been shown to be spread unequally amongst the residents in North American and British

cities (Gale, and Moore, eds 1975) but it remains to be tested whether the locational decision making process favours certain interest groups over others merely through the structure and organization of its bureaucracy in the South African city.

This study, therefore, will concentrate on issues of potential conflict over locational decisions and will monitor those locational conflicts which emerge in the form of overt public debates over an actual or proposed land use development. It is hoped that an investigation into locational conflict will provide insight into the bureaucratic and political processes behind the locational decision making process in a South African city.

The major aims of this study are to analyze spatial patterns of land use change, to establish the relationship between land use change and locational conflict and to analyze the nature and patterns of locational conflict in Cape Town.

The Cape Town Metropolitan Area as delimited in Figure 1 has been selected for the study and includes 13 local authorities with a total population of approximately 1 500 000 people (City of Cape Town 1982). People of varying economic, social, ethnic and racial groups living in close proximity to each other (Western, 1981), and a growing economic environment, which has in the past lead to rapid physical expansion of the city and new building developments, necessitate land use changes in the development plan of the city. An extensive local and regional governmental system exists which could slow down or manipulate such growth, as proposed land use changes are subject to land use zoning regulations. Any applications for change must pass through a bureaucratic procedure before they are accepted or rejected. The physical and political bases for controversial land use issues to deve-

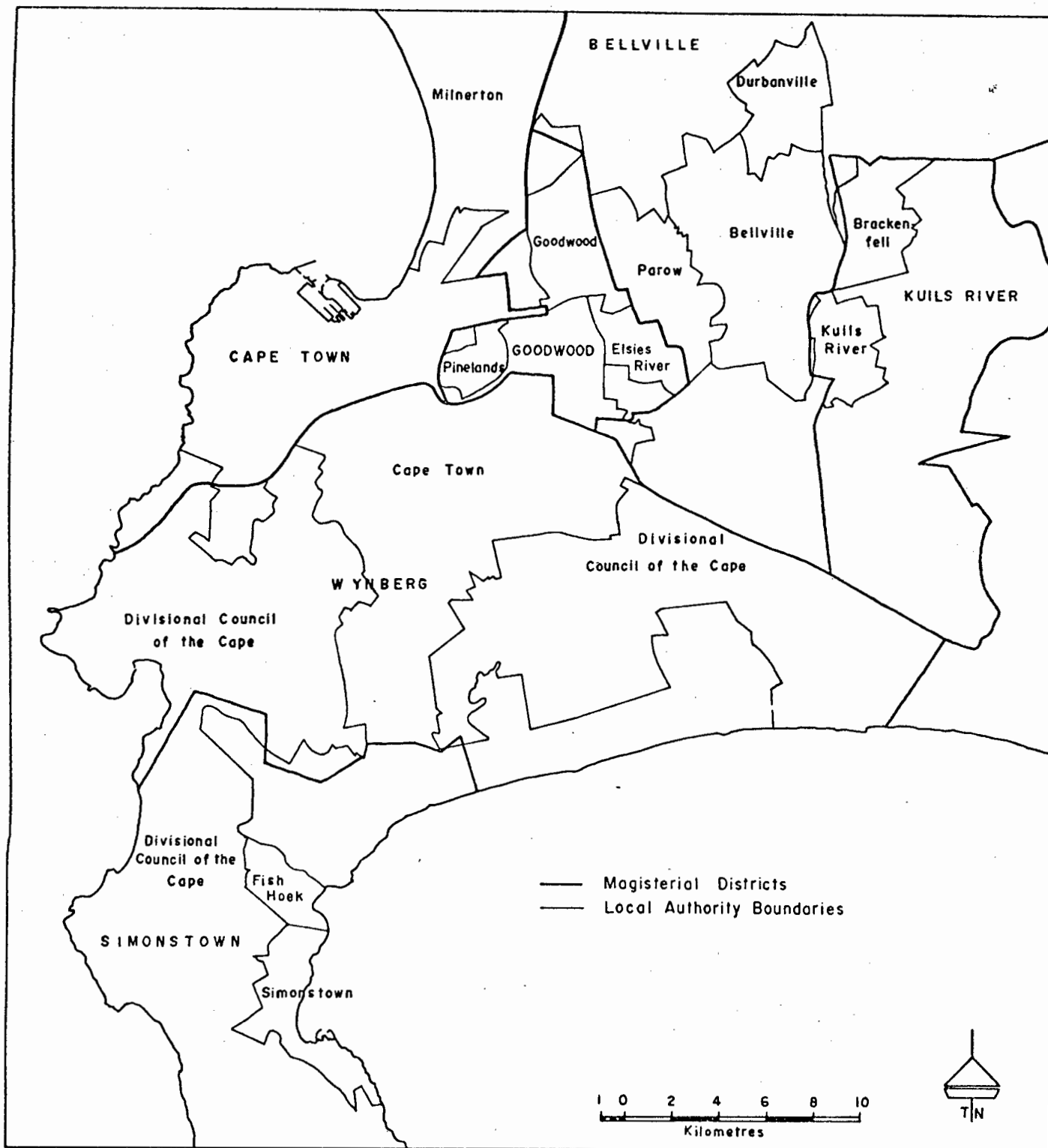


FIGURE I.1 THE CAPE TOWN METROPOLITAN AREA

lop exists therefore in the Cape Town Metropolitan Area and a rich ground for a study of locational conflict is provided.

Chapter 1 then provides an outline of the conceptual framework upon which locational conflict studies are discussed and the major concepts within locational conflict theory are developed and explained. This information provides the background against which local urban conflict can be studied.

To achieve the first aim of the project the channels of land use change are established in order to assess possible roots for the emergence of locational conflict situations. The number, location and type of land use change applications in Cape Town between 1980 and 1983 are determined; problems associated with the land use change procedure are discussed; and the proportion of failures and successes of these applications are identified in Chapter 2.

Chapter 3 then establishes the relationship between land use change and locational conflict. In this context it is necessary to question, firstly, whether an increase in land use change applications leads to an increase in locational conflict and, secondly, why some applications lead to conflict whereas others do not. Therefore, land use change applications that have lead to locational land use issues are investigated and compared with the non contentious applications in order to assess the importance of locational conflict in Cape Town and to establish which variables determine whether land use change proposals develop into a locational conflict issue.

Having isolated locational conflicts, the central aim of the study, to analyze the nature and characteristics of locational conflict in Cape Town is attempted in Chapter 4 and 5. The resulting patterns are

mapped and the data are analyzed. Ongoing locational conflict issues are monitored through detailed content analyses of each daily issue of the local newspapers (Cape Times, Argus) as well as the monthly issues of some municipal and community newspapers (Grassroots, Southern Suburbs Tatler, Milnerton News). Personal interviews with representatives of the city planning division, community groups and other participating parties are used to provide insight into the development of conflict issues and the participants' motives for involvement. The intensity of conflict issues is established on the basis of column inches of newspaper coverage (including letters to the editor, editorials, news reports and community paper reports). This approach, using a surrogate value of conflict intensity, follows the example of Janelle and Millward (1976) and Ley and Mercer (1980). Secondly, the actions of participating interest groups are categorized according to Ley and Mercer's (1980) classifications. Where possible the intensity of the conflict to its final resolution is determined.

Chapter 6 includes a selection of case studies to illustrate the complexities of locational conflict. Typical issues, showing various types, intensities and outcomes as well as different interest groups are presented in detail.

Finally, in Chapter 7, the overall significance and the socio-political implications of locational conflict in Cape Town are considered with the aim of providing suggestions for the prevention of locational conflicts, and should they occur, for the resolution of such conflict issues.

The study hopes to contribute to the field of urban conflict analysis by identifying the significance and nature of locational conflict in the Cape Town Metropolitan Area. By providing insights into the development of locational conflict resulting from land use changes and the

struggles between competing interest groups it is hoped to provide a further perspective on urban problems in one South African city.

## CHAPTER 1

### THEORETICAL BACKGROUND TO LOCATIONAL CONFLICT ANALYSIS

Questions associated with spatial differentiation of land uses within a city environment have for many years been one of the dominant interests of urban social geography (Knox, 1982; p 62). Amongst studies in this field, inquiries into the reasons behind residential differentiation have probably become the most numerous particularly since geographers began to recognize that the physical separation of urban groups and individuals might also reflect social differentiation of the population (Timms, 1975).

It is barely ten years, however, since the theme of conflict over different land uses and the competition between individuals and interest groups for specific tracts of land became of interest to geographers. Conflict studies have developed as a response to the perceived inadequacies of locational analysis which generally regards spatial differentiation as the outcome of market forces and the collective sum of rational decision making by individuals. In the neo-classical economic context conflict is seen "as a function of certain imperfections in the market mechanism" (Cox and Johnston, 1982). It is thought that the market society would be conflict-free if an appropriate institutional framework could be devised which could handle market imperfections, such as, for instance, externality effects, spatial monopoly and immobility. The notion of a spatial equilibrium achieved by market forces excludes the thought of, and a focus of studies on, conflict over use to which land could be put. Recently, however, conflict over urban land uses has become more and more evident and has demanded an alternative explanatory framework to account for its role in the urban environment.

## 1.1 Residential Differentiation

The way in which academics view urban and residential differentiation has changed a great deal over time. The classical ecological approach, as suggested by members of the Chicago School of Human Ecology, for instance Park, Burgess and McKenzie, considered a differential ability to cope with impersonal competition within a market society as the major cause of the segregation of population over city areas (Timms, 1975). Theories of residential differentiation were linked to the notion of economic segregation. Thus in a laissez-faire society residential differentiation was seen as a mirror of the varying ability to pay for land.

In the late 1930s and early 1940s this approach was severely criticised as being too simplistic mainly because it unquestioningly accepted the assumptions carried over from biological concepts. People such as Meyers, Frey and Gettys, argued that urban spatial characteristics could be determined not only by economic variables but by the variety of social and cultural values. Their followers emphasized the importance of human motivation in the process of residential differentiation, i.e. people choose their residential location not only according to their ability to pay but according to family, religious, cultural and political ties. Such concepts as values and aspirations transferred the discussion of residential differentiation into the sphere of human preferences and decision making.

In an attempt to formulate a general theory of residential location Timms (1975, p 97) explains residential location as "the outcome of a decision making process in which the multidimensional preferences of the household are brought into line with the characteristics of the neighbourhood through a complex of evaluative and information seeking

behaviour." He considers the individual's decision on a future residential location as an attempt to minimize the social and physical distance from groups which are admired and associated with and to maximize the distance from groups which are socially unacceptable.

The aspirations and preferences of individuals with respect to their residential environment do not necessarily coincide with their location in the city. The attempt of a household to bring its residential location into congruence with its residential needs and wants may be frustrated by financial constraints, lack of information and the supply of land and residences available. Taking residential areas as an example, it is evident that not only does the economic and social environment play an important role in selecting a particular residence, but that the physical environment in the form of roads, recreational space, and services like sewerage, lighting, libraries, school, etc. are also influential factors. In the majority of cities today the physical environment is affected by land use regulations and town planning politics. Furthermore, the supply of houses may be determined by the willingness of private and public developers to produce accommodation of a particular type.

The end result of the individual decision and the public planning process then is a pattern of residential differentiation according to variables like availability of finance, socio-economic status, stage in life cycle, mobility of households and availability of land. These multi-variate causes produce a complex form of differentiation that is hard to detect and to identify. Residential suburbs seem to be differentiated, firstly, along an ethnic, cultural and social basis and, secondly, according to economic variables within each socially segregated area. Nevertheless, this residential pattern has been observed to show little variation in modern cities of capitalist societies (Bell,

1959; Berry, 1965, McElrath and Barkey, 1964) and is essentially very stable and ordered in its characteristics. The effects of modern city planning have tended to reinforce land use differentiation. But cities are not static entities and activity and land use patterns change. Thus the question may be raised as to what happens if, for instance, this set and ordered pattern of urban land use is disturbed, either by rezoning or by intruding incompatible land uses. Given the economic social and behavioural influences on locational decision making it seems reasonable to assume that individuals as well as groups would be likely to defend the existing environment against any threatened change.

Controversies over locational choice and land use decisions have become more frequent in recent years (Cox, and Johnston, 1982) They have not been confined to residential areas alone and have given human geographers and other social scientists cause to consider the locational decision making and land use process from a conflict point of view. Several approaches can be recognized in the attempt to generate a theoretical framework of ideas and concepts from which to understand the role of conflict in shaping the urban mosaic. In this regard the part played by externalities, by the political land use decision making practices and by the interest groups as they participate in the bargaining process are important components in studying locational conflicts.

## 1.2 Externality Effects

Given the complexity and high level of interaction that characterises the modern city it is not surprising that Harvey (1973; p 51) points out that "The activity of any one element in an urban system may generate certain unpriced and perhaps non-monetary effects upon other elements in

the system." These externality, or spill-over effects may be regarded as unpriced and unwanted, by-products of other people's activities which directly or indirectly have an impact on people's welfare at one time or another (Mishan, 1969). Translated from purely economic into geographic terms this means that locational decisions of private individuals, groups, private and public companies as well as national, regional and local government agencies all contribute to the environmental welfare of the urban individual. Positive externalities in residential areas, are for instance the location of parks or library facilities in close vicinity, or the existence of attractive gardens and well kept houses in a neighbourhood (Cox, 1979). Clearly, positive externalities enhance the quality of an area while negative externality effects contribute towards a decrease in environmental quality. It can, therefore, be expected that those individuals or groups that have a vested interest in a neighbourhood will defend themselves against locational choices that are perceived to create or increase negative externality effects in the immediate vicinity. Locational conflict then results when "the threat of a negative externality fails to evaporate" (Cox and Johnston, 1982; p 4)

Conflict, however, does not only occur when individuals or interest groups try to defend their turf against negative externalities. It also results from attempts of individuals, firms and local authorities to organize the distribution of externality effects to gain indirect or direct welfare and income advantages, and thus appears, too, where positive externality effects refuse to materialise. In this respect governmental authorities seldom remain neutral observers or arbitrators in the locational process. On the contrary, local authorities often aim to attract land uses and activities which will result in an increase in the local tax base or increase employment possibilities (Herr, 1982). Cox and Dear (1975) call this competition between neighbouring local

governments "fiscal mercantilism."

Public interference in the locational market situation has been justified by the inability of the market mechanism to allocate resources efficiently when externalities are present. Harvey (1973), however, mistrusts this argument and Herr (1982) maintains that local authorities are essentially self-interested units which perceive their responsibility as that of maximizing taxes, maximizing services and managing growth so as to make available employment opportunities for their residents. Thus competition for positive externality effects occurs not only between individual households and business enterprises but also between local authorities. The question arises as to how government institutions affect the locational and urban land development process.

### 1.3 Land Use Planning and Zoning Practices

The urban land development process is the process by which urban land is created and shifted from one use to another (Woodruff, 1974). At first, this process was essentially regulated by market forces in which cost and efficiency considerations were paramount and buyers and sellers competed against each other to produce land values. Since the end of the 19th century, however, governments in the industrializing cities of Germany, Britain and the United States of America began to restrict housing densities especially in the housing estates of workers, and industrial standards of bulk, light and air availability were set. By 1917 the first comprehensive land use plans were drawn up in New York City (Gallion and Eisner, 1980).

Land use regulations were aimed at improving hiring and working conditions in the cities but were not intended to curb urbanisation or

industrialization. Indeed, the existence of market forces in the land development process was never really challenged and planning " ... was born a hybrid creature, dedicated on the one hand to humanistic reform, but charged on the other with the management of urban land and services according to the imperatives of the particular mode of production." (Knox and Cullen, 1981; p 84). Planning also rests upon the theory that regulations of land use will secure to the community numerous benefits (Gallion and Eisner, 1980), such as high land use and property values which municipalities attempt to protect and enhance. As a result planning has aided suburbanization and urban sprawl which have benefited the upper income groups and have legitimized central city office growth and redevelopment projects which has either removed lower income residents from the central cities or forced them to countercommute from dilapidated central city areas to suburban industries (Smith, 1980).

Modern planning practice seems to preserve the socio-political order and the economic status quo and land use zoning is an important instrument in this context. Soja, (1975; p 34) defines zoning as "a system of laws regulating and restricting the use of land in particular areas." Such a land use allocation system identifies individual tracts or zones as having a preferred planning purpose. Local governments often use zoning practices to keep unwanted developments and land uses out of their areas and to attract those which are perceived to create positive externalities, as for instance enhance property values and increase the utility and the tax base of the area.

In the UK and South Africa zoning is extensively used in the production of structure plans. Structure plans indicate the general lines along which the development of the relevant area should proceed. They represent broad policies for land use, traffic management, the improvement of

the environment and other relevant issues (Johnston, 1981). Individual tracts are zoned according to their position in the structure plan and in Britain and South Africa all subsequent planning and development applications are judged against the detailed features of the structure plans. In US cities, however, development is permitted if it accords with the zoning scheme in force rather than being subject to detailed case-by-case control procedure. Other than qualifying the land use, an application does not have to show the precise location of a development. Such an erf and is therefore not constrained, as is the case in countries in which the schemes are based on the British town planning system.

Originally, zoning ordinances were not intended to provide particular advantage for any specific group in society. However, as zoning ordinances became more and more specific with respect to the type of land use permitted in certain areas, a distinct bias has become apparent. Subdivisions of residential land use, for instance, into either multifamily, high density or single-family, low density residential areas, to name but a few categories, has tended to facilitate the emergence and the continuing existence of socially homogeneous neighbourhoods. Since the amount of land or the size of property that can be consumed is related to income, large and minimum lot zoning have had the effect of increasing housing prices and thus producing a discriminatory effect against low income groups. The effect of exclusionary zoning in general is then, to create attractiveness differentials between neighbourhoods. These in turn tend to bring in a certain part of the population and keeps others out. Zoning practices, not surprisingly, are therefore a major focus of conflict between individuals, groups and local authorities in urban areas. Johnston (1976) found that this conflict reaches into the political spheres as well, expressing itself as differentials of decision-making power and differences in voting

support. Thus, for instance, it seems that middle and higher income households vote in favour of parties which advocate a free enterprise system guaranteeing the right of the individual to increase personal wealth, i.e. in the form of increasing property values.

#### 1.4 Urban Management and Politics

The increasing emergence of interest in urban politics and the conflicts between urban power and interest groups has raised questions about who decides on the best location of different land uses and therefore on the distribution of externality effects and thus on the indirect distribution of income and welfare within the city, and the related query as to who are the participants involved.

Conventional frameworks based on neo-classical economic theories, are of little use in explaining power relations in the city and thus social welfare and urban conflict approaches have been developed. Radical approaches to power relationships in the city lean heavily on Marxist analyses and base conflict in urban context on class conflict in society (Taylor and Hadfield, 1982, Castells, 1978). Although the injection of this alternative Marxist viewpoint into geographical conflict studies has supplied valuable interpretations of the urban conflict situation, criticisms of the existence of class relations within the urban context have increased. Pahl (1969) and Haddon (1970), for instance, argue against the idea of specific class formation, such as 'housing classes' as postulated by Rex and Moore (1967) and Bell and Newby (1976). In fact Pahl (1975); p 273) holds that different groups benefit at different times in different parts of the same city and that, therefore, common city or nationwide situations of deprivation rarely occur. This excludes the possible development of urban social movement which in turn could lead to radical changes in the nature of the urban society.

Another approach open to studies of urban conflict is one which investigates the power structures in the city and within the local authorities. Studies of this nature have gained insights from social theories of Weber (1968) and Dahrendorf (1976). Both see urban conflict arising out of a mismatch of interests between social groups. These conflicts are usually resolved through bargaining processes. Within this line of thought authors such as Pahl (1975) and Williams (1978) have concentrated on the relationships and key actions within government institutions that take part in the land development process. This approach, usually termed 'managerialism' or 'social gatekeepers' approach, suggests that the key to understanding uneven distribution of externalities and differences in access to urban resources lies in the activities, policies and ideologies of the managers of the urban system (Knox, 1982). The group of managers include city planners, public officials, estate agents, developers, landed and finance capital providers such as land owners, banks and building societies. It is maintained that they determine, on a day to day basis, the distribution of urban resources such as land, educational facilities, housing, transport etc., and thus influence the distributional pattern of externality effects and therefore influence, indirectly or directly, the welfare and the quality of life of the urban population.

The managerialist viewpoint, is by no means an accepted theory or even an agreed perspective (Williams, 1978) and further attempts have been made to approach confrontations over locational issues through a behavioural framework involving threat and stress situations between various interest groups (Wolpert, 1970). Indeed, the studies in interest group relations and the power bargaining process within the city have increased in recent years at a rate comparable with the recognition of the importance of negotiations and conflict between governments, planners, business and public interest groups.

## 1.5 Interest Groups and the Bargaining Process

The bargaining process is transferred from economic bargaining in a market society onto a political plane because goods and services, i.e. urban resources, are provided through the political and bureaucratic process by state institutions and local authorities. Bargaining for power in the allocation process will therefore occur through political parties (at national level) and pressure and interest groups at the local level.

Muir and Paddison (1981; p 119) define an interest group as "a group of people who have the same privately oriented wants and who orientate their action in order to achieve benefits for themselves." They include, for instance, local amenity groups and residents associations which often exist on a semi-permanent basis and which are born out of a specific challenge to their amenity. They exist for as long as there is a prospect of conflict being resolved in their favour. Often, they form what Dahrendorf (1976; p 189) calls 'quasi-groups', which are aggregates or portions of the community who have no recognizable structure but whose members have certain interests or models of behaviour in common. Although such quasi-groups might have similar or even identical latent interests, they do not necessarily see themselves as explicit members of any group.

In contrast to 'quasi-groups' Dahrendorf sees real interest groups as groups which possess a structure, are organized, who have a programme or a goal and a personnel of members. To have any hope of achieving their aims and to influence the allocation of urban resources, the public has to organize, for as Moodie and Studdert-Kennedy (1970) argue only organized pressure groups can mobilise forces needed to win in the political bargaining process. This type of interest group is the real agent of

conflict as their interests lie in the field of power and domination, e.g. business associations such as chambers of commerce, trading associations, environmentalist associations etc. Elliot and McCrone (1981) recognize a related type of interest group which exists in all Western economic systems and distinguishes itself by its possession of technical skills and expertise. It consists of those whose 'capacity for income' rests on their knowledge and on their specialized education. Academics, town planners and architects, can be counted amongst this stratum which is neither 'bourgeois' nor 'proletarian' and which strives for economic influence, political expression and cultural dominance.

These different interest groups compete for relative power positions within a politically and bureaucratically organized allocative system. They are in conflict with one another because resources are scarce and some get better treatments than others (Rex, 1981).

If interest groups play such an important part in the local political bargaining process, it surely is important to know who forms such interest groups and what part of the population participates in the bargaining process. Although any part of the population can be threatened by negative externality effects or might see the need to fight for amenities, it seems to be the middle and upper middle class people who form interest and pressure groups or who become active members of residents associations. Pickvance (1977) explains this fact by arguing that participation is a leisure time activity which competes with other social obligations. The more time free from work, the more time available for protest activities.

Participation also implies a willingness to interact with people of divergent viewpoints in pursuit of a goal. To do this it helps to have confidence in one's power and the belief in a positive outcome. A

modern capitalist city tends to be run by mainly middle and upper class officials (Muir and Paddison, 1981). It seems obvious that members of these classes will find easier access to policy makers and thus have the possibility of influencing them. They argue that the effectiveness of a pressure group will be conditioned by the quantitative and qualitative nature of its political resources and by the efficiency with which these resources are mobilized and deployed. Access to policy-makers and government officials as information sources and as points of contact to apply lobbying powers is very important in this context.

Barnekov and Rich (1977) maintain that the business community in particular possesses great lobbying powers as money is spent on election campaigns to help get local officials elected. Furthermore, it has been observed that public officials who sit in organized business committees inform businessmen of the priorities and aims of the city administration and thus provide a vital information link.

Clearly interest groups can and do bargain in the city and the bargaining process seems to be strongly biased towards land use issues and locational controversies. Usually two main camps exist with the planners and city officials on the one side and the general public on the other. In the bargaining process, Dear and Long (1978) suggest five possible strategies for the general public or individuals: exit, voice, resignation, illegal action and formal participation.

Exit is the course of action taken by those who decide to leave the present location for one they feel more nearly satisfies their needs. This type of action almost immediately leads to an improvement in the environment of such a household. The disadvantage is, however, that such action does not necessarily suggest dissatisfaction to officials, especially if others move in to take their place. Homeownership is an

important variable in this decision process to relocate to another area. Cox (1983) argues that renters are much more likely to express an intention to move than are owners for whom higher cost barriers may be involved. Exit as an action of disagreement with neighbourhood environment is also hindered by the ability to find other accommodation, the breaking of social ties and leaving peer-groups.

In selecting the second option for action, the voice option, the resident or household tries to change the unsatisfactory conditions by articulating his interests. Voice thus implies that the resident stays in the area to fight the problems by causing possible embarrassment to the city administration and/or subsequent loss of votes for local officials. The voice option usually takes the form of writing letters to the local newspapers and to the local political representative, of collecting signatures for a petition, or organizing resident interest groups to present a united front. Any groups formed are usually temporary and need success for continued support. The voice action tends to be slow in effect and even if successful there may be a lag before decisions are implemented.

The third strategy open to residents is resignation. This is an inexpensive solution and it consumes neither time nor effort. However, resignation does not necessarily imply indifference on the part of the residents. Individuals and groups having no social contact with the middle and upper class city management find it difficult to gain information about the purpose of the local administrative decisions or to lobby for changes. Thus "it is not surprising that those communities whose voice is regularly ignored or overwhelmed should learn resignation." (Dear and Long, 1978; p 119). Another difficulty associated with a strategy of resignation is the 'free riding' problem, as described by Olson (1971). If the voicing of opposing views is likely to

be successful, the individual may see no need to join the action as benefits will be received anyway. On the other hand, if failure of the action by interest groups is expected the individual may believe that his contribution would not make a difference and that it is reasonable to keep out of the action and not to be associated with the losing party. The resigned group, nevertheless, may still play a significant role in urban conflict since its acquiescence can be interpreted by the officials as agreement with the local pressure group action.

The fourth alternative is illegal action, which may take the form of illegal demonstrations, personal violence, violation of property rights, e.g. squatting and sit-ins. Actions of this kind are designed to draw the attention of both the general public and the government towards the grievances in question. Usually, this strategy does not generate mass support as most people are reluctant to break the law. However, if the general opinion is such that no other way is seen to be open illegal action might focus the public's attention on the hopelessness of the community's situation and thus increase support and bargaining power.

Yet another option for a community involved in locational conflict is formal participation through the official bureaucratic process. This implies, for instance, taking part in the planning process through the medium of citizen participation programmes which may be offered by local planning authorities. Another way might be to formally object to land use changes as they are advertised through official channels before the decision making process is complete. A community strategy of formal participation is strongly favoured by decision making powers as the process of participation is both instituted and controlled by them. In fact, Smith (1980) argues that programmes of citizen participation and advocacy planning are designed to stress the supposedly democratic character of consulting processes, but in reality they provide a means

of placating pressure groups and conning them into accepting proposed policies and land use developments.

## 1.6 Geography and Locational Conflict

The theoretical background to locational conflict analysis shows clearly that studies from a wide field of subjects and disciplines coupled with different approaches have contributed to attempts to explain conflict over the location of land uses, new developments and services. Various attempts have been made by geographers to formulate an all-embracing theoretical framework for locational conflict. Janelle and Millward (1976), for example, attempted to recognize interdependencies and conceptual linkages by studying the geographic pattern formed by the aggregate of all locational conflicts within a city over a specific period of time. A relatively useful general model of the relationships between locational conflict responses and the environmental process that stimulated them was developed but has the limitation of assuming a unimodel city and the domination of market forces in the locational process. To ignore the influential role of official bodies and of political bargaining processes in an explanation of the relationship between development stimulus and conflict response appears to be unduly restrictive.

Cox and Reynolds (1974) felt that an approach to locational conflict considering the political system and inputs and outputs within local allocative mechanisms would yield more information about the underlying mechanisms of locational conflict. They admit, however, that their conceptual framework still remains a broad outline which needs to be tested through subsequent research. Johnston (1976) investigated the behaviour of voters and how they, through participation in the political

process, influence their environment. Again, the relevance of this approach to locational conflict remains to a large degree untested and research is needed to establish whether the voting processes and spatial effects are relevant to the final power structure within the city.

The behavioural approach has led to further investigations and case studies about the reasons for involvement of particular interest groups in conflicts over the environment. In 1970 Wolpert reasoned that stress factors and threats were important in stimulating responses from individuals and interest groups. He negated the importance of economic rationality in behavioural decision making and argued that people's goals were multidimensional. However, Cox (1982 and 1983) queried whether homeownership, an economic variable, is very important in a resident's decision as to whether to become actively involved in neighbourhood conflict groups or not. Cox argues on the basis of research results that seeing one's home as an investment that is threatened and needs to be protected is not directly related to neighbourhood activism. He maintains that time of residence in a certain area and the formation of social ties are more important in this context.

Besides studies into the behaviour of interest groups and activists, research which aims at investigating the role of institutions and government agencies in locational conflicts has formed a major group of geographic studies. Saunders (1980), Kirby (1983) and Guy (1980) to name but a few have criticised urban officials for acting on the basis of self-interest and aiming to maintain the socio-political status quo. Saunders (1980) and McCarthy (1981) in particular question liberal interpretations of locational conflict and argue that urban structural issues cannot be neglected in an attempt to understand the processes and mechanisms which lead to urban conflict. McCarthy's work (1981; p 107) offers an alternative interpretation of neighbourhood activism which is

rooted in a class analysis of the urban question. The problem of defining a distinct class structure within the urban context, where many interest groups fight against each other for their own benefit, has been picked up by various authors. The structural approach provides a very important and meaningful alternative framework for understanding locational conflict but its ultimate reasoning leads towards a structural political and social change which cannot easily be implemented.

The last type of approach to the analysis of locational conflict seems to be demonstrated by case studies as undertaken by Mercer and Ley (1980). They attempt a multidimensional approach to conflict arising out of land use change and the analysis of conflicts in terms of the neighbourhoods in which they (the conflicts) took place, the characteristics of participating groups, their grounds for involvement in a conflict and the outcome of the conflicts. This seems to be a useful approach in areas where few studies have been done within a locational conflict context. However, Ley and Mercer do not consider the particular bureaucratic and planning structure of the area in their analysis. It seems important to know more about the bureaucratic procedures which enable or restrict land use change and to ascertain whether these procedures produce a political bias which prejudices certain sectors of the population.

As far as the author is aware, no research into locational conflict has been undertaken in the Republic of South Africa. Most studies of locational conflict have been carried out in the cities of the United States, Britain and Canada. Although in a certain respect South African urban structures can be seen to be similar to those of other western capitalist states, the organisation of local political systems differs a great deal from that in American cities. The South African planning system has been based on the British example but details of implementa-

tion are not the same in the two countries. Therefore, in the hope of making a contribution to the general body of conflict research, this study of locational conflict in Cape Town has been structured to include a survey of the particular bureaucratic processes through which land use change is implemented.

## CHAPTER II

### LAND USE CHANGE PROCEDURE

#### 2.1 Planning and Planning Policies

Land use planning essentially seeks to fashion a balanced and integrated set of proposals for the future use of land in the urban area (Chopin, 1965; p 349). This is generally achieved by introducing planning objectives and policies which are meant to guide and control public and private decisions in the use and development of urban land. Urban land use, however, is not static and to facilitate the process of orderly land use change and also to control new developments within a city, a bureaucratic planning procedure has evolved designed to enable public participation and democratic decision making.

Land use policies are often decided after lengthy consideration by civic and national planning bodies. Discussions involve the decision whether to practice urban containment and thus stabilize urban development at a certain level or whether to promulgate urban non-containment and thus allow development to proceed in an undetermined, uncontrolled manner. If the urban environment is to be controlled the question of whether to promote homogeneity or heterogeneity is debated as well as questions of transport, accommodation and land use incompatibilities. Depending upon the answers to these questions public land use policies are formulated and announced and land use master plans or town planning schemes are drawn up. These master plans are then used as standards against which development proposals are compared. In this planning process of producing master plans and land use schemes, urban land is

created and set aside for a particular land use through the zoning practice.

Planning, however, cannot claim to stand apart from society as a totally objective and technical discipline concerned only with the question of physical land use, but as Goldsmith (1980, p 28) explains, it has to give credit to the social and economic components of the human environment. Gans (1972, p 5) agrees with this viewpoint. He maintains that the physical environment is relevant to the behaviour, the life style and the quality of life of people only in so far as this environment affects the social system and culture of the people involved. Even when the planners' concerns are relevant to people, they are too often framed in terms that meet their professional goals, but exclude the concerns of their clients (Gans, 1972; p 2).

What is needed in the planning process then is an interface between the general public and the official planning bodies to ensure that the interests of the public are considered and catered for. The obvious means of public participation is through election of officers to local governments. Most city governments function mainly on the basis that elected representatives are politically accountable to the electorate. The notion of the political accountability of the representatives through free and frequent elections ensures, theoretically, that the politicians govern in the interest of the electorate rather than in some sectional or self interest (Goldsmith, 1980; p 18). Thus, although the process of land use planning itself is usually left to professionals such as planners, architects and environmental health inspectors, elected officials provide a check to the planning system.

To exercise the necessary judgement as to whether their interests regarding the use to which urban land is put are represented or not, ideally the electorate should be, firstly, politically well educated and, secondly, regularly informed about land use developments which could affect them or be of general interest to the welfare of the community. These prerequisites are, however, more often than not unfulfilled. After electing their representative to the local government, most members of the public leave it to the official to carry out the process of political decision making without further interest in this process. Only if planning decisions have an immediate and direct effect on them personally, is it possible that they will become actively involved.

The second way of participation that is open to the public occurs whenever land use rezoning is proposed. In order that the public are kept aware of any changes the proposals are advertised by the local authorities and an opportunity to object to proposed land use developments is provided. "Advertisement, however, tends to occur usually at a relatively advanced stage in the rezoning process and as the general public is frequently ill informed at that stage objections may sound naive and not very constructive especially in the eyes of the planners and officials who have already discussed the proposals. "

Furthermore, compared to the public, planners, being at the heart of the land use decision making process, are able to use their position to control the outflow of information or, as has been observed in Britain (Goldsmith, 1980; p 149) to hide behind their mask of technical competence to impose solutions on unwitting and unwilling local residents. Thus, planners and local authorities have largely been able to control both the form and content of public participation programmes, mainly because of their information in the planning process and the

timing of it.

A reason for the institution of specific planning and rezoning procedures besides trying to encourage some public participation, has been the intention to prevent any single official or any group of public servants from assuming too much authority. Thus, in many countries, as in South Africa, planning functions are split. Structural planning and preparation of planning policies being the responsibility of higher tier Government while the planning of detailed land use schemes as well as their administration is left largely to the local authorities. To ensure a certain measure of control over the development proposals in local areas their implementation is subject to the approval of the higher tier government.

Another argument for developing a hierarchical bureaucratic procedure is an attempt to prevent any form of bribery of government officials. Local authorities acting in their planning capacity may be aware of land use plans that will only be implemented years ahead. The land use zoning associated with such development plans provides important information for developers who, with this knowledge, can speculate and buy land at low prices before the planned rezoning and sell at higher prices after the rezoning has been approved. Large profits which frequently accrue from new developments could provide a temptation which some elected members and planning officials have, in the past, found hard to resist (Goldsmith, 1980 p 131).

Thus the important question of development gains and losses enters into the development context. Who should benefit from the changes in land use, particularly when such changes imply higher values for the land in its new use: should the benefit accrue to the individual land or site owner, or should an enhancement or betterment levy be imposed by the

local authority? Should land owners be compensated if land values depreciate because of restrictions imposed or for the loss of profits that might arise from developments undertaken? All these questions have to be answered and decided upon and it seems to be in the interests of all that no single official is responsible for these decisions.

Most individuals, groups and local authorities intend to secure the best bargain for themselves as far as land use developments are concerned. They interpret town planning schemes usually as ones which "regulate locational choices to the advantage of the local turf" with the overall goal in mind "to attract those activities - residents businesses, and lands uses - that will enhance the utility", (Cox, 1979; p 9) convenience and the general welfare of the group and to keep out those activities and land uses that detract from the general welfare and convenience of the local area.

## 2.2 The South African Land Use Change Procedure

As in other countries, South African town planning schemes are not static but are continually changed and amended. Thus, whenever someone wishes to change a land use zoning in order to develop a piece of land for a certain purpose, an application has to be made for an 'amendment' or a 'departure' from the general town planning scheme. A 'departure' from the town planning scheme usually constitutes a non-permanent or semi-permanent land use change, for example the use of a premise as a restaurant or nursery school, whereas 'amendments' are of a permanent nature such as, for instance, the rezoning of an erf from single residential to general business purposes.

Besides applying for an amendment or a departure from the town planning scheme one can request the local authority to remove certain restrictions related to the piece of land, a property, or an erf. Such restrictions could, for instance, be title conditions which state that a plot may not be subdivided, or in terms of which not more than one third of the area of an erf may be built upon, or alternatively restrictions could lay down conditions which prescribe a specific use category.

As in many other South African cities the town planning scheme covering the Cape Town municipal area has not been adopted in one whole but in various stages since the city planning authorities were first instructed, in 1953, by the Cape Provincial Administration to prepare a scheme (Areas and dates of adoption are shown in Table 2).

Table 2.

TOWNSHIP ORDINANCE SCHEDULE

<u>Number and Year of Ordinance</u>	<u>Short Title</u>
33 of 1934	Townships Ordinance, 1934
12 of 1938	Townships Amendment Ordinance, 1938
6 of 1941	Townships Amendment Ordinance, 1941
30 of 1948	Townships Amendment Ordinance, 1948
11 of 1949	Townships Amendment Ordinance, 1949
9 of 1950	Townships Amendment Ordinance, 1950
16 of 1953	Townships Amendment Ordinance, 1953
17 of 1954	Townships Amendment Ordinance, 1954
17 of 1955	Townships Amendment Ordinance, 1955
10 of 1958	Townships Amendment Ordinance, 1958
19 of 1959	Townships Amendment Ordinance, 1959
12 of 1962	Townships Amendment Ordinance, 1962
5 of 1964	Townships Amendment Ordinance, 1964
26 of 1964	Townships Further Amendment Ordinance, 1964
20 of 1966	Townships Amendment Ordinance, 1966
10 of 1967	Townships Amendment Ordinance, 1967
28 of 1968	Townships Amendment Ordinance, 1968
25 of 1969	Townships Amendment Ordinance, 1969
13 of 1970	Townships Amendment Ordinance, 1970
3 of 1972	Townships Amendment Ordinance, 1972
18 of 1972	Townships Second Amendment Ordinance, 1972
17 of 1973	Townships Amendment Ordinance, 1973
12 of 1974	Townships Amendment Ordinance, 1974
12 of 1975	Townships Amendment Ordinance, 1975
9 of 1976	Townships Amendment Ordinance, 1976
6 of 1977	Townships Amendment Ordinance, 1977
25 of 1980	Townships Amendment Ordinance, 1980
18 of 1981	Townships Amendment Ordinance, 1981
14 of 1983	Townships Amendment Ordinance, 1983
22 of 1983	Townships Second Amendment Ordinance, 1983

(Source: Province of the Cape of Good Hope Official Gazette,  
No 4299, 23rd December, 1983)

The Township ordinance of the Cape Provincial Administration, which prescribes, amongst others, the aims and objectives for the town planning scheme regarding the greater Cape Town area, follows the general approach outlined above, for in the preamble it reads,

"Every town planning scheme shall have for its general purpose a coordinated and harmonious development of the area of the local authority to which it relates (including where necessary the reconstruction of any part thereof which has already been subdivided and built upon) in such a way as will most effectively tend to promote health, safety, order, amenity, convenience, and general welfare as well as efficiency and economy in the process of such development."

(Provincial Administration of the Cape, 1934)

Terms such as 'order', 'amenity', 'convenience', and 'general welfare' are both subjective and value laden. What constitutes an amenity or is of convenience to one individual, one group of people, or a certain local authority might very well not be perceived to be to the advantage of other individuals or groups. Although the major aim of a town planning scheme is to control change, it is immediately evident that by guarding against what are defined as unfavourable, utility detracting developments, either from outside the local jurisdictional area or from within the local area, the potential for conflict arises. However, the aim is not to pit one individual, group or local authority against another. In order to reduce confrontation and to allow opposing parties to put their cases forward a bureaucratic procedure has been evolved to handle proposed land use changes.

The procedure followed in most metropolitan areas comprises (Figure 2.1) two major stages; firstly, on application for the land use change

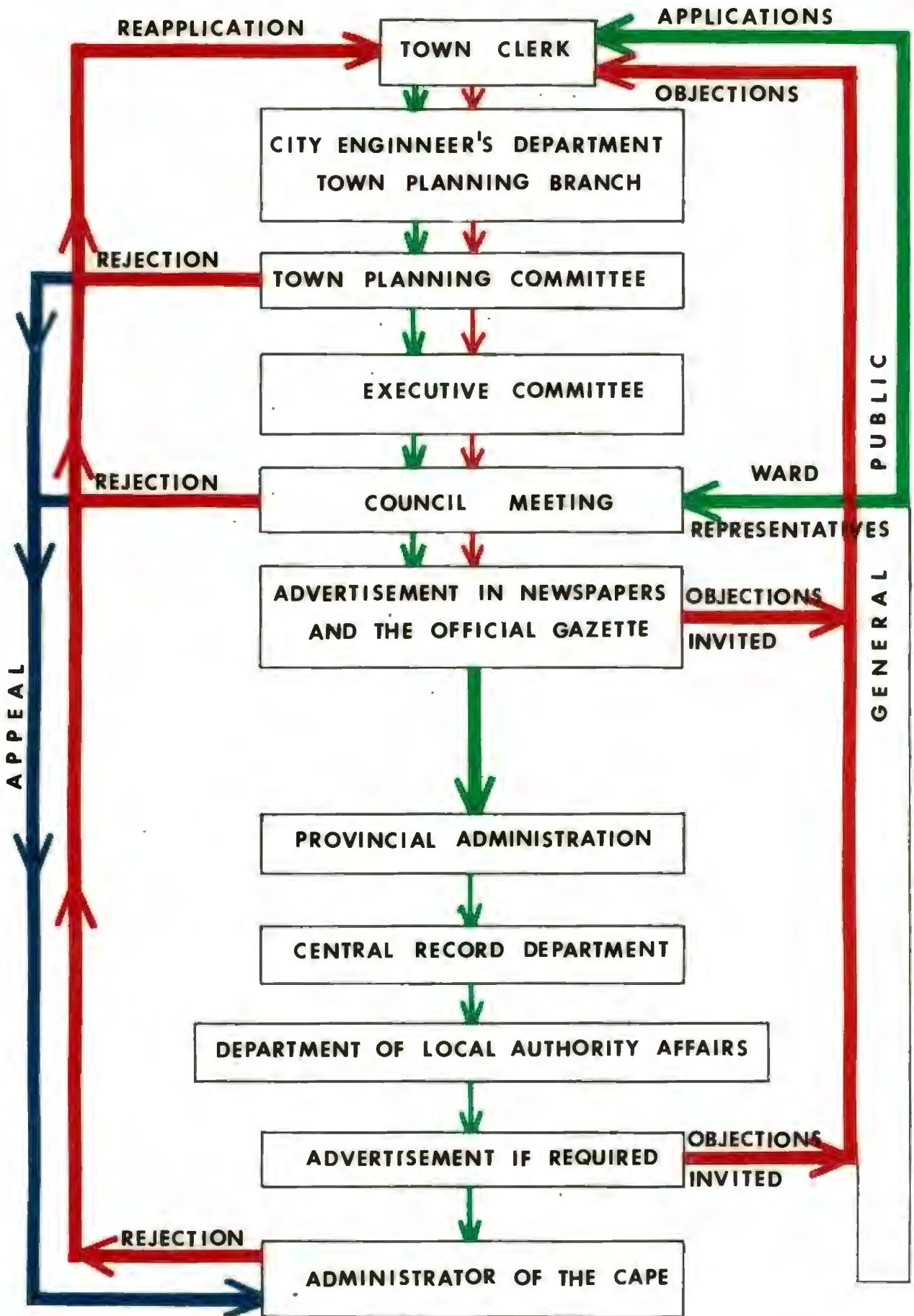


FIGURE 2.1 LAND USE CHANGE PROCEDURE IN CAPE TOWN

being made to and considered by the local authority and secondly, submission of the application to the Provincial authority. The application is first filed with the head of the local authority, the town clerk in the case of a municipality and his equivalent in any other local authority, such as, for instance, the Divisional Council of the Cape. An appropriate administration fee must be included with the application and if the application is successful at the local level the second stage will follow automatically, i.e. the application is referred by the local authority to the Provincial Administration or relevant national authorities for their consideration of the proposed change.

In the municipality of Cape Town, given that a development which will involve a land use change is proposed, written applications have to be filed with the Town Clerk on formal preprinted application forms together with a fee of R50.00. Previously, when applications for zoning change were done by letter, not all the relevant facts and figures were necessarily supplied by the applicants. Therefore, preprinted application forms available from the Cape Town City Town Planning Branch since 1971 are used (Appendix I).

### 2.2.1 Stage 1: Local Authority Procedure

From the Town Clerk's office the first stage of the two-stage process is set in motion. The first step occurs when the form is forwarded to the relevant department. In Cape Town most proposed changes including, for instance, zoning changes from residential land use to a business or industrial land use, are handled by the Town Planning Department. However, the Amenities and Health Department handles all land use changes which involve such services as old age homes, hospitals, playgrounds, public open spaces

and sports facilities. Applications for road developments, closures of roads and the building of bridges are examined by the Utilities and Works Department. There is at this stage hardly any possibility that the general public might have knowledge of the proposed land use change and therefore objections or comments by the public are usually not forwarded at this stage. In exceptional cases the City Engineer might enquire from neighbouring residents or residents' associations in the area what they think about the proposed change.

In step two of the application procedure the City Engineer instructs the relevant department to prepare a report on the proposed land use change. In such a report the case of the applicant is stated and arguments for and against the proposed development are detailed. On the basis of this report the City Engineer then decides whether or not the motivation is acceptable and whether the proposed land use change will be to the general benefit of the public and so improve the existing town planning scheme. The City Engineer then submits a detailed report justifying his recommendations to a Standing Committee of the City Council. In Cape Town there exist as many Standing Committees as there are major departments in the municipality. Their names correspond to the department to which they are attached (e.g. Amenity and Health Committee, Town Planning Committee, etc.) and each consists of eight members who are usually members of the City Council (of whom there are 34 in Cape Town, two for each ward). One of their tasks is to consider the City Engineer's recommendations and either accept or reject the proposed change. At this point, the third step in the procedure is completed and the first official decision is made. The applicant is informed of a negative decision, but if the decision is positive the next step in

the bureaucratic procedure is automatically initiated.

If the proposals are rejected some changes have to be made to the plan, as they cannot be resubmitted to the Town Clerk in the original form. To change the proposals themselves may involve a great deal of effort and to have plans for a development redrawn by professional persons is costly in both monetary and temporal terms. Furthermore, a new application requires that the administration fee is payable again. These factors together constitute a relatively strong barrier to forcing land use change, especially among less affluent people. However, if the applicant feels that the decision was unjust or that his zoning case has been handled or judged incorrectly he is free to appeal to the Administrator of the Cape. This is done by sending the proposal together with a letter stating the reasons for the appeal, to the Provincial Administration of the Cape. The appeal is then examined by the Department for Local Authority Issues and an independent decision is taken which may or may not reverse that of the local authority.

Successful applications move on to the fourth step in the rezoning procedure and are forwarded to the Executive Committee, which in Cape Town consists of five members of the Council. The Executive Committee discusses the subject matter and weighs the advantages against the disadvantages of the proposed rezoning. If necessary, visits to the locality of the proposed development are undertaken. It must be stressed at this point, that the Executive Committee might disagree with either the City Engineer's or with the Standing Committee's recommendations or with both. Whatever the decision, the land use change will then be presented, together with the appropriate recommendations and supporting

material, at the following full Council meeting.

In step five of the application procedure the development is debated during a scheduled Council meeting. At this stage in particular overt conflict occurs, particularly when lobbying interests represented by the Council members (who may include members of the Executive Committee) clash with those of the Standing Committees or with the professional and town planning based recommendations of the City Engineer. This may lead to lively discussions in the Council chamber. In fact, if the case is regarded as a highly contentious one, the Executive Committee might ask for a preliminary discussion of the proposal in an extraordinary closed Council meeting. Most applications, however, are discussed in open, scheduled Council meetings, which in the Cape Town municipality occur towards the end of each month. After discussion of the application and amendments, the second official decision is taken. The Council members vote whether to adopt, reject, or refer the case back to the Standing and Executive Committees for further consideration.

If the decision is negative, the applicant is informed and at this stage he is again free to appeal to the Provincial authorities. If the application is referred back to the Standing or Executive Committees, the full application procedure with some change in plans must again be followed, causing inconvenience, as well as possible financial loss to the applicant. If the decision is positive and the Council approves the zoning change, the case is automatically referred to the national authorities i.e. the Provincial Administration, and the second major stage of a rezoning application will be set in motion.

## 2.2.2 Stage 2: Provincial Authority Land Use Change Procedure

At this point the general public becomes officially involved through an advertisement of the proposed change. A proposed departure from the town planning scheme is not usually advertised, instead notices are generally posted at the site so that the owners of the plots surrounding the proposed development have the opportunity to voice objections. Herein lies a possible basis for a conflict situation developing. In cases where areas have been zoned for a certain purpose, e.g. business use, but not yet fully developed, a drastic change in the quality of life in the general area, e.g. change in traffic flows, noise and pollution levels, as well as shopping patterns and the market value of the surrounding properties, may be perceived to arise from a minor change in, or a single departure from, the town planning scheme. In such a case, although only the immediate neighbours of the development are notified, it may be brought to the attention of the whole local community, especially if the externalities associated with the land use change are perceived to be negative. If an amendment to the town planning scheme is proposed it has to be advertised in both the Official Gazette and the local newspapers.

The official advertisements invite the public to lodge, in writing with the Town Clerk, any objections to the proposed land use change on or before a set date (normally 14 days after the last appearance in the Official Gazette). Full reasons for the objections have to be supplied and the objections go through the same procedure as the original rezoning application, i.e. to the City Engineer's department and the appropriate sub-section, the relevant Standing Committee, the Executive Committee, and finally to the Council who, in a scheduled meeting, reconsider the original

land use application in the light of objections lodged and the recommendations of the preceding bodies.

If the objections are regarded as valid by Council, the zoning change application might be rejected outright and any reapplication will have to include new plans which take the objections to the project into account. Alternatively, the applicant might be notified about special conditions with which he has to comply if developing the land as planned. These conditions are decided upon by the City Engineer's Department and are ratified by the Council. If on the other hand Council votes not to uphold the objections, the case will be returned to the Provincial Administration for their further consideration and for possible readvertisement.

In the office of the Provincial Administration the zoning application is filed at the Central Record Department. The official of the department which handles local authority affairs and deals with rezonings and changes in the town planning schemes is notified. The official then examines the case and if no objections are lodged and no problems over the development are envisaged the official, as a delegate of the Administrator, can approve the rezoning without referring the application to any other department. In the Cape Provincial Administration considerations of applications of this kind, i.e. simple rezoning cases, take between one and six weeks.

However, if the zoning case is more complicated, the official dealing with the proposed development might refer the application to the Provincial Planners who, in turn, are free to consult any state department that might be of help. The planners then offer recommendations and the official of the Local Authority Department

compiles a report which is referred to the Executive Council of the Provincial Administration. The Executive Council consists of four members of whom each has a special portfolio. The member responsible for local authority affairs will consider the case and if he deems it necessary, will open the case for discussion at the Executive Council meeting during which the Administrator is present.

Most rezoning for business use, and for major shopping centres in particular, are handled by the Executive Council because major land use changes in this category, such as hypermarkets, for instance, have in the past led to widespread public objection and conflict. The government department for Community Development is consulted in zoning changes involving industrial land uses or new townships. Although the Provincial Administration does not have to agree with the recommendations made by the department of Community Development, they usually concur with the decisions. Minor transport developments, such as closures of roads, building of small road segments and parking areas are handled locally through the Provincial Administration. Intermediate and major road developments are processed by the Provincial Roads Engineer who may involve the national Department of Transport in Pretoria.

Cases which have generated publicity and have become major controversial issues have to be decided on by the full Executive Council. If the Administrator thinks that all parties involved should be heard, he can call a tribunal in which representatives of all interest groups can state their case directly to the officials. After the tribunal the decision on the zoning change is taken by the Administrator and the Executive Council in camera.

After approval the Administrator will authorise the appropriate

change in the official town planning scheme for the relevant local area. Furthermore, the Administrator or his official delegate may decide whether or not to prescribe an enhancement levy, and if so, how much the levy would be. An enhancement levy is a betterment fee which has to be paid by the owner of any property that has increased in value because of rezoning and amounts to 50% of the increase in the value of the property. As explained in the notes to the official application form, the cession of any land needed by the municipal council may be required in lieu of the enhancement levy or part thereof.

If the Administrator rejects a rezoning application, that has been approved by the local authorities, it must be resubmitted to the local authority in a changed form setting the whole motion in process again. Cases like these can take several months or even years to be finally approved or rejected. In instances where either the national or the local body is not satisfied with the others' decision the issues can be raised during a Liaison Committee meeting, which in the Cape Provincial Administration takes place twice a year. During such a meeting contentious applications are discussed again but usually decisions are not reversed, unless further information has become available. In some complicated zoning changes, which have generated many objections, the proposal may be deferred for some time, after which the application is reintroduced at the local level or the decision is appealed against via the Liaison Committee.

## Discussion

In general, rather than promoting change and ordered development, the bureaucratic process of handling land use change applications seems to inhibit change, be designed to preserve the status quo and to reduce the initiative of the public to take an active interest in the built environment as well as their political environment.

Firstly, the time involved in having a proposed development approved is very considerable. In the Cape Town municipality, for instance, an uncomplicated, unopposed zoning change usually takes at least three but more often four to six months. This includes the time the application spends at the local authority, the period necessary to advertise the development to invite objections, as well as the few days or weeks the application spends at the Provincial Administration. However, rezoning cases that build up into contentious issues, which require plans to be redrawn or resubmitted and which may be discussed at great length by various concerned parties, can take up to a few years to reach a final stage of decision. Furthermore, the time the applicant spends writing letters to the official bodies, consulting planners and architects as well as local and Provincial authorities is considerable. In addition, developers of large projects find that delays in the rezoning approval lead to financial losses where there are time limits on granting of loans. Other applicants may find the fees charged by architects and surveyors for drawing and redrawing of plans for a small scale development, together with application and enhancement fees, too costly to make the project worth while. In addition, neither the applicant nor any objector are kept informed of developments and the stage their inputs have reached.

Although local authorities are free to advertise proposed amendments to

the town planning scheme in the Official Gazette and the local newspapers without the approval of the Provincial Administration, it has become customary to ask for an 'in principal' approval of the proposed change before advertising it to the general public. In addition the Official Gazette is not usually read by the general public and neither do people commonly read the official and legal notices, of which proposed amendments are a part. Secondly, advertisements appearing in the local newspapers are small and printed in inconspicuous lettering which tends to make them 'disappear' between much bolder headlines and announcements. Few people are therefore aware of most proposed developments. As a result objections are frequently raised too late, only when builders begin to change the neighbourhood, and not in the period for voicing objections and before the proposals have been approved. As a result the public may become frustrated and feel that they have not been consulted and that major changes in the neighbourhood are instituted without their knowledge or approval.

All these factors act as a psychological deterrent for the potential applicant and/or objector. One of the objectives of a town planning scheme may be to ensure ordered and controlled development, but a time, effort and money consuming bureaucratic procedure contributes little to the willingness of those members of the general public who wish to change the land use zoning of their erf or plan to alter the exterior of their properties, to notify the authorities of their plans. It is not surprising, therefore, that private individuals decide to 'take a chance' over a development, especially in the case of minor alterations to private properties, and risk fines and demolition. Thus, for example in cases of simple additions to houses, walls may be built too close to property boundaries, or the opening of branch shops may be done without permission and may come to the knowledge of the local authority only much later, or after objections to the changes have been voiced.

If the local authority is then forced to step in and order the demolition of an already erected construction or the closure of an established business, because the development contravenes the existing town planning scheme, conflicts are certain to arise.

Neither is it surprising that the number of potential objectors is reduced, because in many instances people directly affected feel that their voice will not make any difference to the outcome of the decision. Planners seem to have discouraged public participation in the past by making planning an art, "plied by a profession dedicated to a set of narrowly architectural goals and to land-use and design programmes for realizing them. As a result city planning has not paid much attention to people's goals, effective means or urgent problems of the cities." (Gans, 1972; p ix).

Gallion and Eisner (1980) submit that instead of complaining about the uninformed input of the general public into the planning process, planners should ask why people's ideas about their environment are so limited. The general public needs encouragement not only to view their own particular problems, but to consider those of the whole city and all its inhabitants.

It seems, when change is planned in South African cities, public involvement is strictly controlled. By channeling all objections through a single bureaucratic procedure the possibility of conflict is reduced but public participation is hindered. Although the public on the one hand is encouraged to show more interest in communal politics and increase their efforts to improve the environment, community discussions and direct interaction between developers, the public and official authorities seems to be generally discouraged by the very process aimed to help.

## CHAPTER III

### PATTERNS OF ADVERTISEMENTS OF PROPOSED LAND USE CHANGES

#### AS POSSIBLE FUTURE CONFLICT LOCATIONS

Proposals to change a land use within a city imply a disagreement with existing land use categories as set up by the city planning authority, and therefore reflect the minimum prerequisite for an overt locational conflict. The greater the change involved the more far reaching the effects, the less the likelihood that the conflict will be contained by the bureaucratic channels through which the applications have to pass. Ideally, to study the relationship between locational conflict and the processes of land use change, all applications submitted to the City Engineer require analysing. However, records are incomplete, interaction between individuals and the local authority as well as discussion are kept to a minimum at this stage, and despite the fee, a proportion of these applications appear to be 'fliers' that are not followed up when rejected out of hand by the City Engineer. Thus, only officially advertised applications were used as data for this part of the analysis.

However, the land use change procedure outlined in the previous chapter is formulated in such a manner as to incorporate all persons likely to be affected by a proposed change. This is done by advertising the proposed land use change in the Official Gazette and by inviting the general public to voice any objections to the proposal. The public is therefore made aware of a change which they may perceive to affect the quality of life in their neighbourhood, and thus a chance arises for direct intervention in the procedure by those people likely to be affected by the changes. Accessibility of all facts concerning a rezoning application and the involvement of the general public after the

proposal has been advertised, make this stage in the rezoning process an ideal phase to monitor potential locational conflicts. Analysis of the number and location of the advertised land use changes can be used to provide an indication of the parts of the study area where potential conflicts might occur.

The period 1980-1984 was selected for analysis with the aim of including a sufficiently large number of advertised land use changes to provide a wide spread of different types of applications and a range of different responses. Furthermore, in a timespan of four years even highly contentious issues could be expected to have been resolved one way or another, while still remaining fairly fresh in the memory of the protagonists and relatively easily traced in the local newspapers.

### 3.1 Advertised Rezoning

Between January 1980 and December 1983, a total of 1314 rezonings were advertised in the Official Gazettes of the Province of the Cape of Good Hope ranging from 11 in January 1980 to an all time high of 56 in September 1983 (Figure 3.1). A steady increase in the rezoning proposals is evident, for the total number doubled (223 to 428) over the period and the annual monthly averages rose from 17 in 1980 through 24 and 25 in 1981 and 1982 respectively, to 32,8 in 1983, the most marked upswing dating from June to October 1983. Clearly, therefore, either the potential for conflict has increased over time, or the success of earlier conflicts has paved the way for others, dissatisfied with similar land uses, to bring about change relatively quickly and easily.

Four major land use categories are involved in land use change applications. Residential land is used or set aside only for dwellings,

Table 3.1

LAND USE CHANGE ADVERTISEMENTS, 1980 - 1983

	1983	1982	1981	1980	Total	Percentage
<u>Public and Semi-Public Rezoning Advertisements</u>						
Industrial to P & SP		3	1		4	
Business to P & SP		1		2	3	
Residential to P & SP	13	10	9		32	
P & SP to P & SP	33	24	26	15	98	
Total	46	38	36	17	137	10,43%
<u>Residential Rezoning Advertisements</u>						
Industrial to Residential		3	1		4	
Business to Residential	19	16	23	4	62	
High Density to Low Density Residential	3	6	6	4	19	
Residential to Residential	92	110	126	127	455	
P & SP to Residential	49	21	25	13	108	
Low Density to High Density Residential	101	42	25	17	185	
Total	264	198	208	165	833	63,39%
<u>Business Rezoning Advertisements</u>						
Industrial to Business	2	8	3		13	
Business to Business	39	36	30	19	124	
Residential to Business	42	26	11	9	88	
P & SP to Business	18	7	3	5	33	
Total	101	77	47	33	258	19,64%
<u>Industrial Rezoning Advertisements</u>						
Industrial to Industrial	9	18	23	3	53	
Business to Industrial	1	1	1	1	4	
Residential to Industrial		3	3		6	
P & SP to Industrial	7	8	4	4	23	
Total	17	30	31	8	86	6,54%
Grand Total	428	343	320	223	1,314	100,00%

KEY

Public and Semi-Public - P & SP

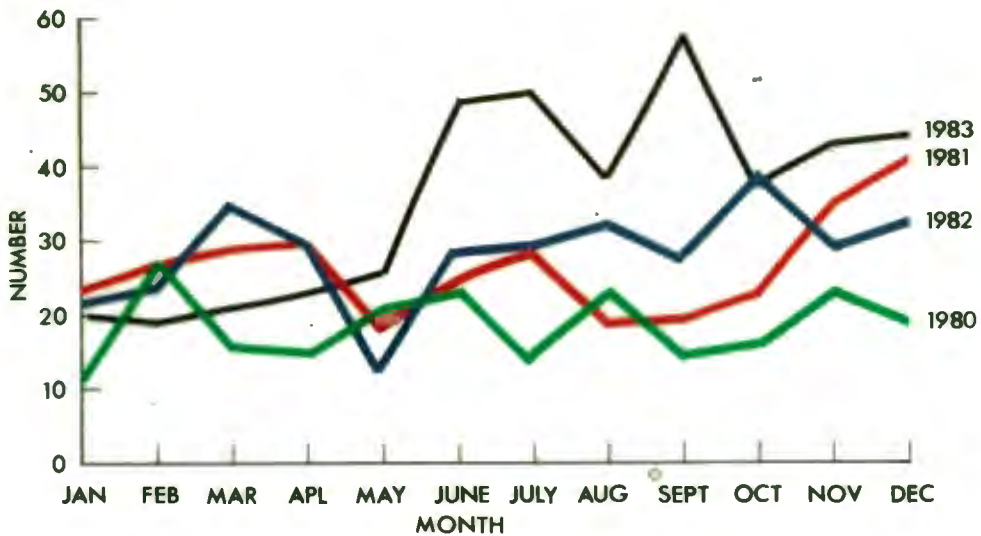


FIGURE 3.1 MONTHLY DISTRIBUTION OF REZONING ADVERTISEMENTS  
1980 - 1983

whether they are grouped, single or multi-family. In the greater Cape Town area 55% of all rezoning advertisements proposed a change to or within the category of residential land use and the proportion remained almost constant over time ranging from 57,7% in 1982 to 61,7% in 1983 with a high of 74% in 1980 (Figure 3.2). The large proportion is to be expected because residential land uses occupy the largest share of zoned land (40% in Cape Town). Studies of American cities of approximately the same size confirm this (40% in cities bigger than 250 000 [Table 3.2]). Although it can therefore be assumed that there are more erven zoned for residential land use than any other, and that the steadily increasing urban population (City of Cape Town, TMS Report 1983) in the Cape Town area constantly demands development of new residential townships, the fact that there are almost twice as many changes proposed for residential land use as could be expected, suggests a potential for conflict to arise over residential land use.

The municipal zoning categories of business and commercial land use (City of Cape Town Town Planning Scheme, 1981) were regarded as a single category in this study (business land use) as the differences between these two types of land use are essentially technical. Hotels and other commercial forms of accommodation were therefore included amongst the business uses. Cape Town has a far lower proportion of commercially zoned land (1,48%, TMS Report 1984) than equally sized cities in the United States (4,26%) and only double that of comparative socialist cities (0,7%; Table 3.2). As the city has to increase its economic and commercial base in the face of constantly growing population, the greater Cape Town area has experienced a steady increase in the proportion of business rezoning ranging from 14,8% in 1980 to 23,6% in 1983. The discrepancy between land already zoned for business use and the amount of rezoning applications in this category suggest a certain amount of stress that could develop into overt conflict.

Industrial land use developments in comparison show a pattern of irregular fluctuations in the proportion of advertisements (3,5% in 1980, 9,7% in 1981, and 4% in 1983; Figure 3.2), rather than showing a steady increase in number during the time period. Cape Town has 5,7% of its land zoned for industrial land use and compares closely with American cities of equal size (8,5%; Table 3.2). Together with a relatively low proportion of land use change proposed within this category, this seems to suggest that no major conflict could be expected in this area.

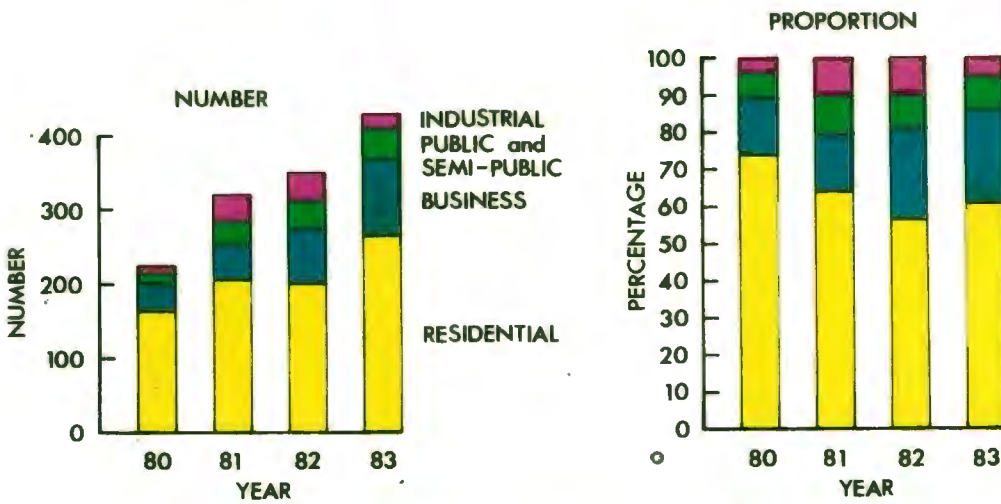


FIGURE 3.2 REZONING APPLICATIONS BY LAND USE

Public and semi-public open land use forms the widest category comprising public open spaces, private open spaces, show and exhibition areas, recreational areas such as playgrounds and sportsfields as well as educational and insitutional land uses. Cape Town allocates approximately 35% of its zoned land to these types of use. This is double the proportion of public and semi-public land in comparable American cities (18,2%; Table 3.2), and seems to reflect an awareness of the need for open spaces, park lands and recreational areas. The steady increase of proposals to change land to recreational uses , which ranged from 7,6% in 1980 to 11,1% in 1982 (Figure 3.2) suggests, however, that the land set aside for public and semi-public use is not sufficient or the zoned areas are in the wrong places. If that is the case, one can expect some locational conflict within this land category especially as sportsfields and playgrounds do not necessarily imply an improvement for all residents in the area. In Cape Town, for example,

Table 3.2

ZONED LAND USE AREAS

1984

% Zoned Area

Cape Town

Residential .....	39,99%
Business .....	1,48%
Industry .....	5,69%
Government .....	5,46%
Private Open .....	10,23%
Public Open .....	26,27%
Roads .....	0,87%
Unzoned .....	8,15%

(Cape Town City Council. TMS 1984)

1953

% Developed Area

American Cities (> 250 000)

Residential .....	39,97%
Business .....	4,26%
Industry .....	8,46%
Railroad .....	4,38%
Public and Semi-public .....	9,59%
Parks and Playgrounds .....	8,59%
Roads .....	24,75%
Vacant Areas .....	20,37%

(Source: Bartholomew, 1955)

1979

Socialist City

Warsaw

	A	B
Residential .....	22,5	7,2
Agriculture .....	11,2	25,2
Forest .....	8,8	2,0
Water .....	4,3	0,0
Mining .....	0,0	0,0
Transport .....	12,3	0,0
Other .....	5,8	0,7

A = Socialized land

B = Private land

(Source: French & Hamilton, 1979)

proposals for a new golfcourse or park in the immediate vicinity of densely settled residential areas of the coloured population group may cause resentment and conflict, because it means a reduction in limited space desperately needed for further residential development.

Advertisements of street rezonings or closures in a particular area are incorporated with the land use category with which they are associated. The approach follows the example of the Cape Town Town Planning Scheme, which generally defines transport land uses as only those regarding highways, and major thoroughfares. This explains the low proportion of land zoned for street purposes in Cape Town (0,87%) as compared to American cities with 24,8% (Table 3.2). Furthermore, major highways and thoroughfares in South African cities fall under the shared authority of the national and provincial governments who are responsible not only for payment of the initial installation of the streets but also for their further upkeep, whereas minor streets are the responsibility of the local authorities.

### 3.2 Rezoning, Externalities and Potential Conflict

Gross figures for major land use categories may hide important features on the nature of proposed change, which may have implications for conflict studies. The four broad land use categories therefore require some sort of subdivision to reflect the details of the proposed change in terms of possible expected externality effects on the quality of life experienced by neighbouring residents (Table 3.3).

The concept of quality of life can be extended to all land uses and is related to perceived utility, convenience and amenity the individual

Table 3.3

Proposed Land Use Change in Terms of Expected Externality Effects

	Cases	
	Number Total	Proportion Total %
<u>Public and Semi-Public Rezonings</u>		
Decreasing negative externalities		
From Industrial	4	2,9
From Business	3	2,2
From Residential	32	23,4
	<hr/>	<hr/>
	39	28,5
Similar negative externalities - land use category unchanged	98	71,5
	<hr/>	<hr/>
	137	100,0
<hr/>		
<u>Residential Rezonings</u>		
Decreasing negative Externalities		
From Industrial	4	0,5
From Business	62	7,4
From High Density Residential	19	2,3
	<hr/>	<hr/>
	85	10,2
Similar negative Externalities - land use category unchanged	455	54,6
Increasing negative externalities		
From Public and Semi-Public Open Space	108	13,0
From Low Density Residential	185	22,2
	<hr/>	<hr/>
	293	35,2
	<hr/>	<hr/>
	833	100,0
<hr/>		
<u>Business Rezonings</u>		
Decreasing negative Externalities		
From Industrial	13	5,0
Similar negative Externalities - land use category unchanged	124	48,1
Increasing negative Externalities		
From Public and Semi-Public Open Spaces	33	12,8
From Residential	88	34,1
	<hr/>	<hr/>
	121	46,9
	<hr/>	<hr/>
	258	100,0
<hr/>		

Industrial Rezoning

Decreasing negative Externalities	-	-	-
Similar negative Externalities - land use category unchanged	53		61,6
Increasing negative Externalities			
From Public and Semi-Public			
Open Space	23	26,7	
From Residential	6	7,0	
From Business	4	4,7	
	<hr/>	<hr/>	
	33		38,4
	<hr/>		<hr/>
	86		100,0

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expects to find by locating in a certain area. Any individual, when deciding on a location for a home or business property, takes into account the quality of the area. Once settled in a place he attempts at least to maintain the existing utility the site provides, if not to increase it. Thus an individual can be expected to monitor the neighbourhood and may come into conflict with developments which are perceived to create negative externalities for him and his property.

Residential quality refers to the desirability of the residential environment and depends on individual preferences (Cox, 1979; p 17). Near a residential area, for instance, the proposed development of a noxious industry, if it were allowed by the town planning scheme, would be expected to produce negative externalities of noise, pollution and an influx of employees. In the same manner a business development, such as a supermarket would create increased traffic in the neighbourhood and probably increased noise and pollution in the immediate vicinity of the development. On the other hand, a shopping development, a few blocks away from a residential erf, may be perceived as a positive externality because it would increase the convenience and amenity of the residents without posing immediate disutilities. Other positive externalities would be created by locating parks that enhance the tranquility and probably the property and amenity values of the area as well. Even a rezoning of high to low density residential land use would be expected to decrease negative externality effects by easing traffic flow in the area, having more open space in the form of gardens and parks and so improve the quality of life of the residents in the area. In contrast, children's playgrounds and sports stadia, although providing an amenity, may be perceived as having strong negative externalities for local residents.

On this basis, therefore, it is possible to subdivide land use proposals

in relation to the expected externality effects such developments would bestow on the majority of individuals in the immediate neighbourhood. Each of the four major groups has thus been divided into three groups of changes. Firstly, changes which are assumed to result in decreasing negative externalities, those which do not result in any positive or negative externality effect and those likely to increase negative externality effects. It is assumed that with an increase in perceived negative externalities the potential for conflict between the resident groups with vested interests and the protagonists of the development would tend to increase. Thus, the larger the expected negative externality effects, the greater the possibility of controversy and conflict (Table 3.1).

The areas of perceived increasing negative externalities are especially interesting as they form foci for possible locational conflict.

Over a third of all residential advertisements fall into this group. The large number of rezonings from low to high density residential land is particularly interesting as it can be seen as a direct response to the increasing demand for residential areas coupled with a lack of capital for homeownership. Townhouse and group housing developments, which have dramatically increased in recent years, are the result of slowly changing attitudes of planners as to what could be a possible solution to the present housing shortage. Furthermore, the acceptance of smaller plots and less private residential space reflect not only a change in lifestyle but also a reduced ability of the general public to afford large plots and residences. As these high density developments become more common, public objection is expected to increase. On the other hand, rezoning proposals to change public and semi-public land uses into residential use is likely to arouse resentment of higher income residents because these uses (especially parks and open areas) are perceived to be amenities and enhance their quality of life.

Rezoning from residential and public and semi-public open space to business land uses are likely to be perceived to have strong negative externality effects and therefore constitute the group in which most locational conflict can be expected. A very high proportion, almost 47% of all business rezonings, fall in this category. A trend of invasion of business uses into areas set aside for residential and recreational development is clearly evident among advertised land use changes proposed in Cape Town. The potential for conflict in such cases is great because often the proposed business developments are of a large scale, such as for instance new hypermarkets, supermarkets and mixed shopping centres. These developments increase the negative externalities for residents in the immediate neighbourhood considerably and therefore cause discontent and lead to conflict. Resentment is created too, if open farmland, parks and other open spaces are zoned for business uses. Despite the convenience of local shopping centres, as the general public becomes more aware of the need for nature conservation and the conservation of 'green lungs' in the heart of cities, they are more likely to oppose such proposals.

Industrial rezonings, too, show a high percentage amongst perceived negative externalities (almost 40%). Besides the fact that industrial developments frequently are directly associated with negative externalities, e.g. mines and quarries, their impact on the broader environment can be expected to be much greater as the scale of the proposed development increases. Thus, new developments of whole industrial townships often cut right through former rural areas and may affect a number of different residential areas indirectly through increased air pollution, noise and traffic flows.

The second group of proposed changes are seen to reflect technical adjustment of land use zoning details that would be unlikely to have

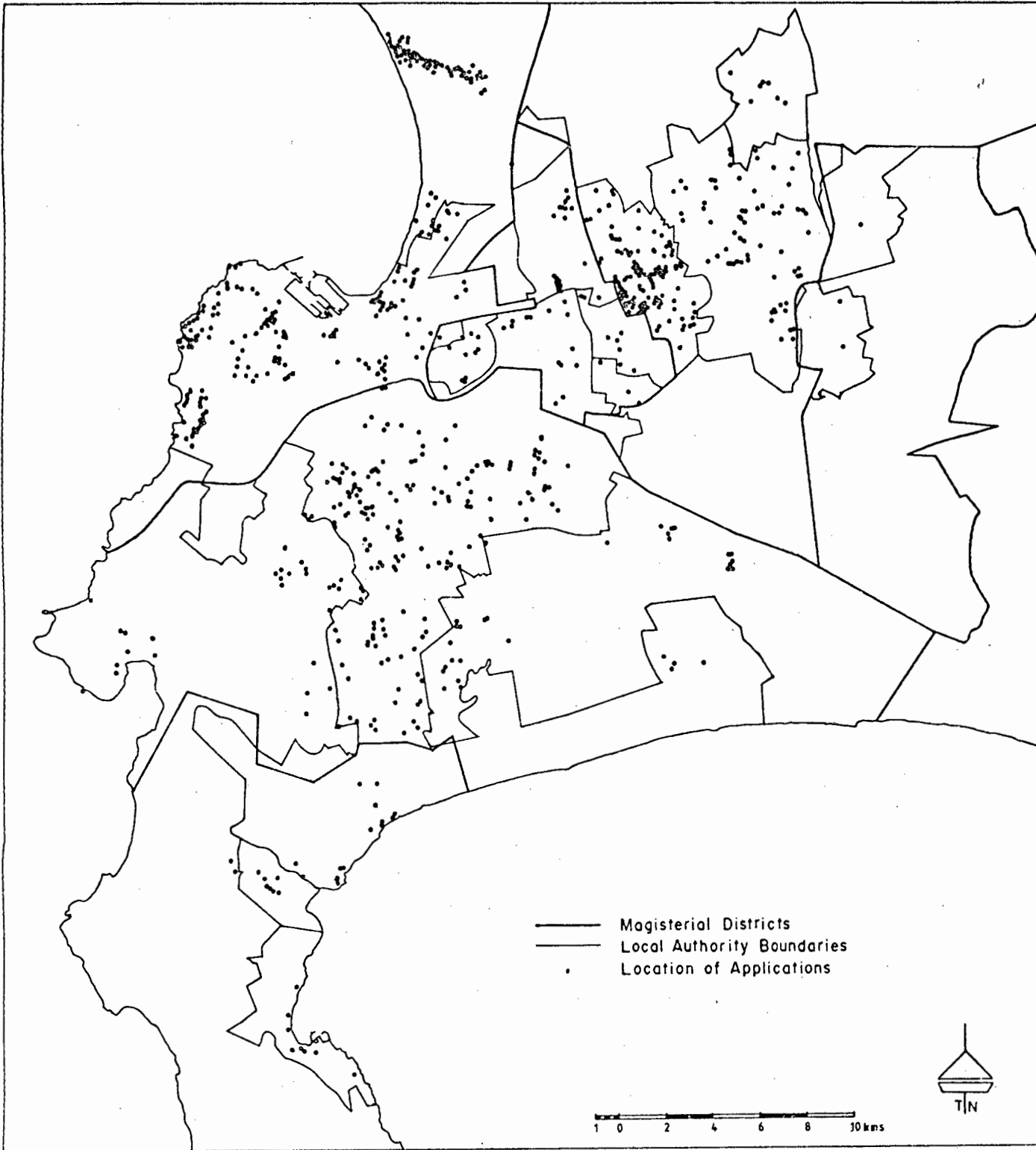


FIGURE 3.3 LOCATION OF PROPOSED LAND USE CHANGES

either negative or positive externalities. Amongst residential rezoning advertisements, for example, over half propose a within category rezoning, and in the business category these make up almost 50%. In the industrial and public and semi-public categories approximately two thirds of all advertisements are of this potentially neutral type.

The third group of rezoning applications propose a change resulting in a decrease of negative externalities. Again this group would not be expected to give rise to much objection by the public. Amongst residential rezonings a high proportion within this group can be attributed to land use changes from the business sector. This would include, for example, derelict hotels, old cinemas and shops due for demolition and replacement usually by some form of multi-family residential use. Over a quarter of rezonings to public and semi-public land use fall within this category. Erven zoned for residential, industrial and business uses may lead to proposed changes to parks and institutional uses such as schools and churches. Generally residents would not object to the development of a school or a church in their neighbourhood because this would possibly mean a shorter journey to school for their children and an improvement in needed religious facilities.

Changes in land use, therefore, may result in a change in externality effects. These, in turn, affect the residential environment and the quality of life of certain sectors of the public. If the externalities are perceived to be positive, little or no conflict is expected to result from the proposed change. If the externalities are negative, however, conflict may arise as residents defend their neighbourhood against these. Externality effects tend to be more or less spatially concentrated and the pattern of rezoning applications will be useful in determining areas of possible conflict.

### 3.3 Locational Pattern of Rezoning Applications

The next stage in the analysis of the rezoning advertisements was to plot the location of the sites of proposed changes (Figure 3.3). Unfortunately, some advertisements did not include details of precise position of the proposed change as neither erf number, street, nor suburb were given. Still others referred only to an erf number. Tracing individual erf numbers in the valuation lists of each of the thirteen municipalities proved to be too time consuming and costly to be worthwhile. As a result a total of 851 (64,7% of the advertisements recorded) have been mapped to illustrate the position of proposed change. Four maps showing land use category and externality effect provide the evidence necessary to establish whether differences in pattern exhibited by each group or by a clustering of negative externalities could be recognised (Figures 3.4 to 3.7).

Each of these figures do show a scatter of points but suggest some clustering. Therefore, the degree of clustering was determined for each dot distribution using nearest neighbour analysis. The technique was applied so that any pattern in the location of individual points in relation to others would be recognised, taking into account the overall density of points in the area (Davies, 1974; p 32). The boundary of the area analysed includes all areas open to development and excludes mountainous areas, nature reserves, lake and ocean surfaces. In general the distributions are in fact random, i.e. for the case of residential change  $R_n = 0,63$ , public and semi-public open spaces  $R_n = 0,68$  and business  $R_n = 0,35$ , which probably reflects the containment of this land use to industrial areas. As such, developments planned to intensify industrial land use within the appropriate zone are not expected to stir up much opposition. An expansion of industrial areas outwards into residential or open land, however, could result in strong

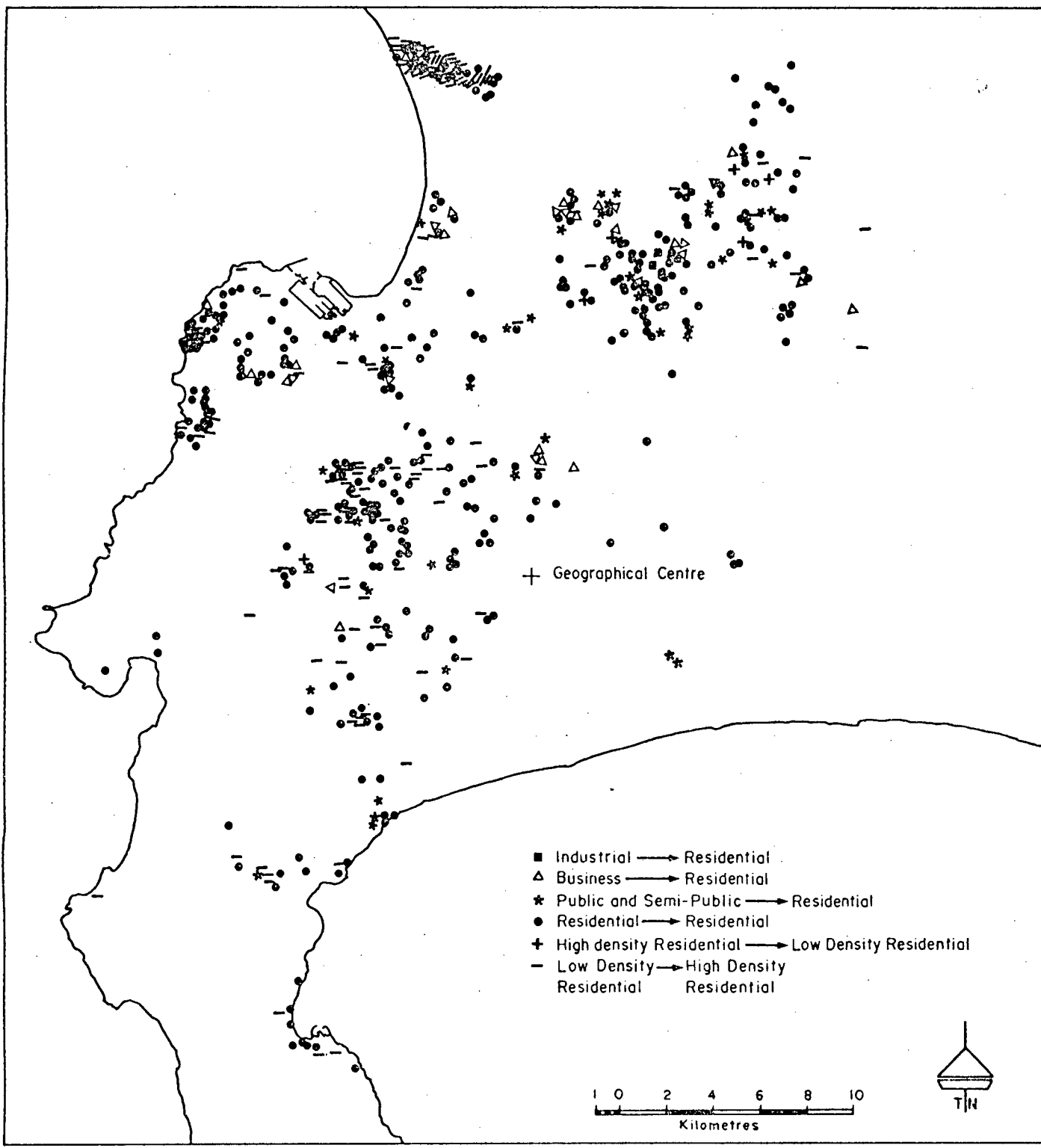


FIGURE 3.4 APPLICATIONS FOR RESIDENTIAL LAND USE

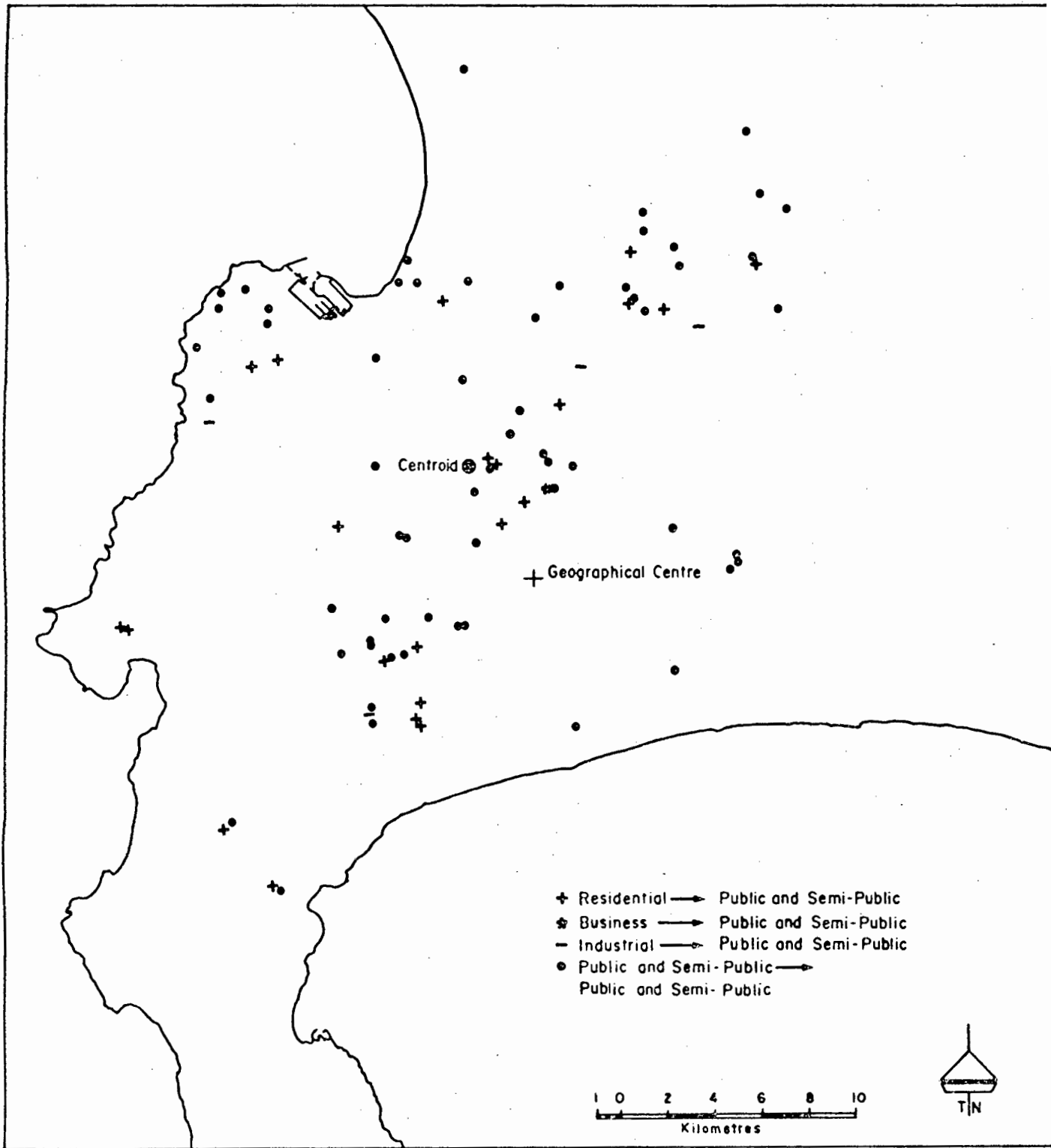


FIGURE 3.5 APPLICATIONS FOR PUBLIC AND SEMI-PUBLIC OPEN LAND USE

negative reactions from the surrounding residential population.

The nearest neighbour analysis, therefore, suggests that there is no major focus of activity in the greater Cape Town area unlike, for instance, in a similar study in Vancouver, where Mercer and Ley (1980; p 95) noted commercial concentration in the down town area, industrial clustering along two rivers in the area and three major clusters of residential land use. In Cape Town centroids of the Cape Town point distribution have been plotted in order to establish whether any directional component in the proposed changes could be recognized. In no case is the mean centre of the point pattern more than 10 km away from the geographical centre of the maps (Figure 3.4 to 3.7). However, the fact that the centroids are situated to the north of the geographic centre, reflects the present trend of growth of the city. The northerly bias was definitely influenced by the prominent fact of the CBD of Cape Town and the rapidly growing centres of Parow and Bellville.

Interesting patterns emerge if the breakdown on the basis of negative externalities is considered. ~~for~~ a few local concentrations can be detected. In the case of the advertisements of residential rezoning a grouping of low to high density rezoning is obvious (Figure 3.4). Almost 40% of all rezonings in this subcategory have occurred in Table View and this area must be kept in mind as an area of potential locational conflict. Similarly, along the foot of the Table Mountain chain in Newlands, Rondebosch and Claremont (Figure 3.8), there is a small concentration of residential rezoning likely to lead to conflict especially as these are high status, white residential areas.

Amongst business rezoning advertisements (Figure 3.6), those denoting a change from residential to business land use reflect the arterial route between Claremont and Landsdown. This indicates a definite invasion of

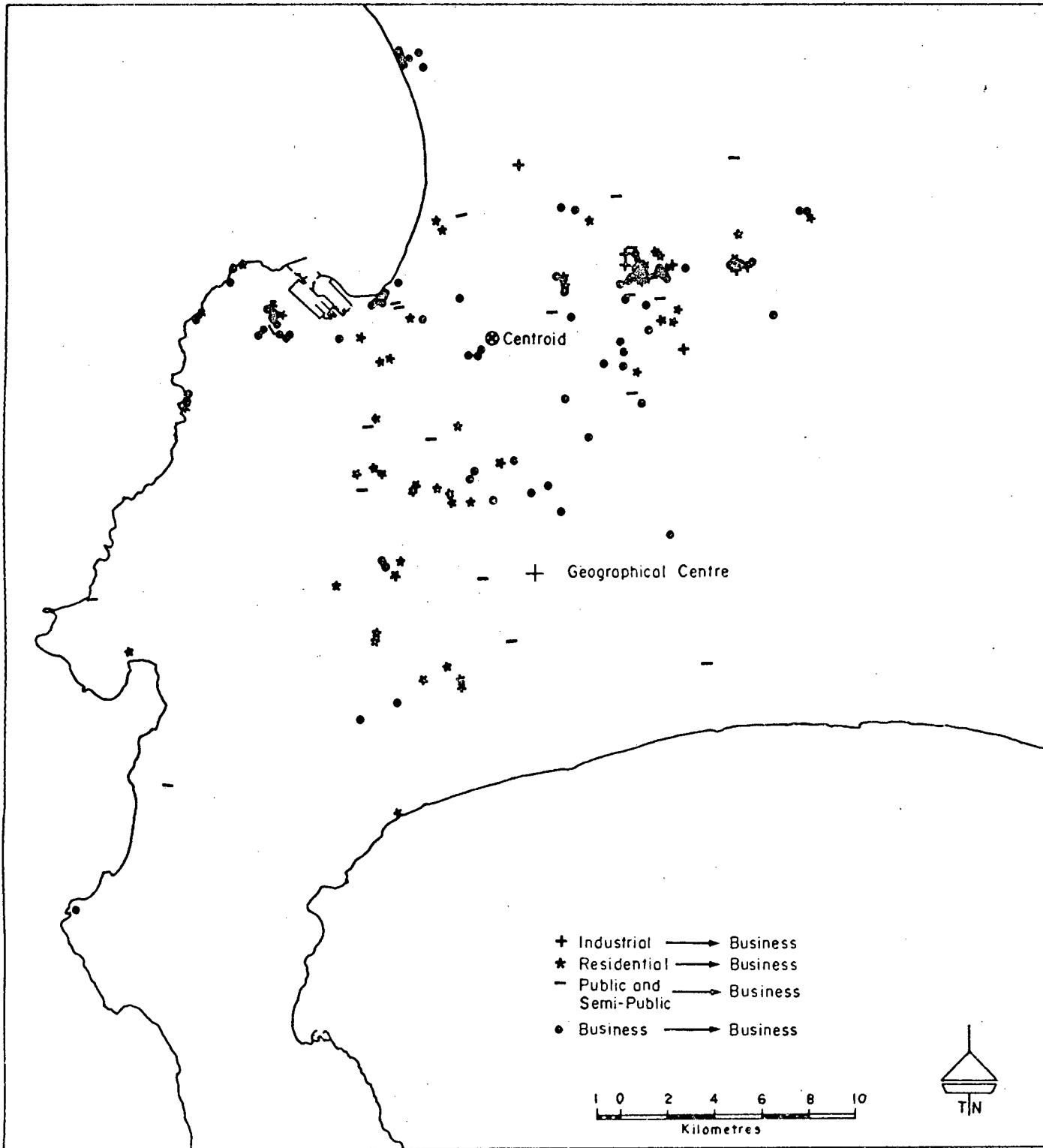


FIGURE 3.6 APPLICATIONS FOR BUSINESS LAND USE

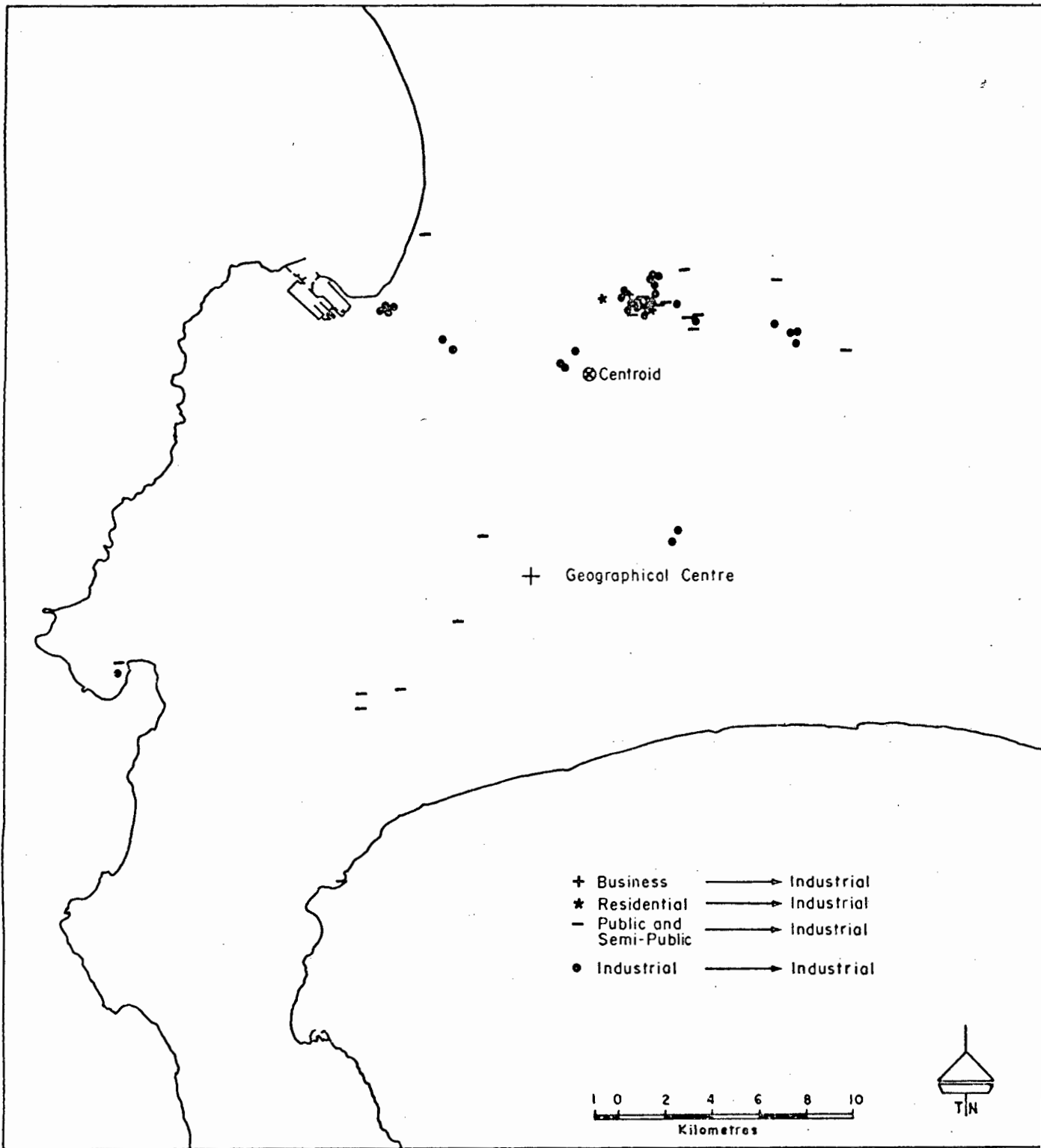


FIGURE 3.7 APPLICATIONS FOR INDUSTRIAL LAND USE

business land into residential areas. The same trend can be observed a little further south in the Grassy Park and Diep River Areas (Figure 3.8), where distinct agglomerations of proposed business uses are evident. Such changes have a relatively high possibility of generating locational conflict as negative externalities can be expected to be associated with these business developments.

The distribution of proposed recreational land (Figure 3.4) uses shows the least tendency to agglomeration. The location of sites requiring land use change with respect to a greening plan, advocated by the Cape Town City Council in 1982 (City Engineer's Department, 1982), can be traced along a north-east/south-west diagonal extending from Elsie's River through to Rylands to the lake areas around Diep River and Retreat (Figure 3.8). These areas lack environmental beauty and any improvement would probably be invited by residents, as far as it doesn't take away needed residential land. A set of five applications proposing a change from public open land to industrial land use (Figure 3.7) in Grassy Park and Retreat as well as one in Hout Bay (Figure 3.8), are examples of industrial developments outside major industrial areas. These are expected to produce large negative externalities and as such seem to suggest a high probability of creating locational conflict.

The analysis of the locations of proposed land use changes and the location of changes causing increased negative externalities in general show a relatively even spread of proposed development over the whole study area. However, when the locational patterns of advertised change in each land use category are considered separately and perceived externality effects that can be expected are considered, then areas of potential locational conflict can be recognized in Cape Town. Not every proposed land use change, however, results in conflict and it remains to be seen which land use changes and which areas are more likely than others to produce conflict.

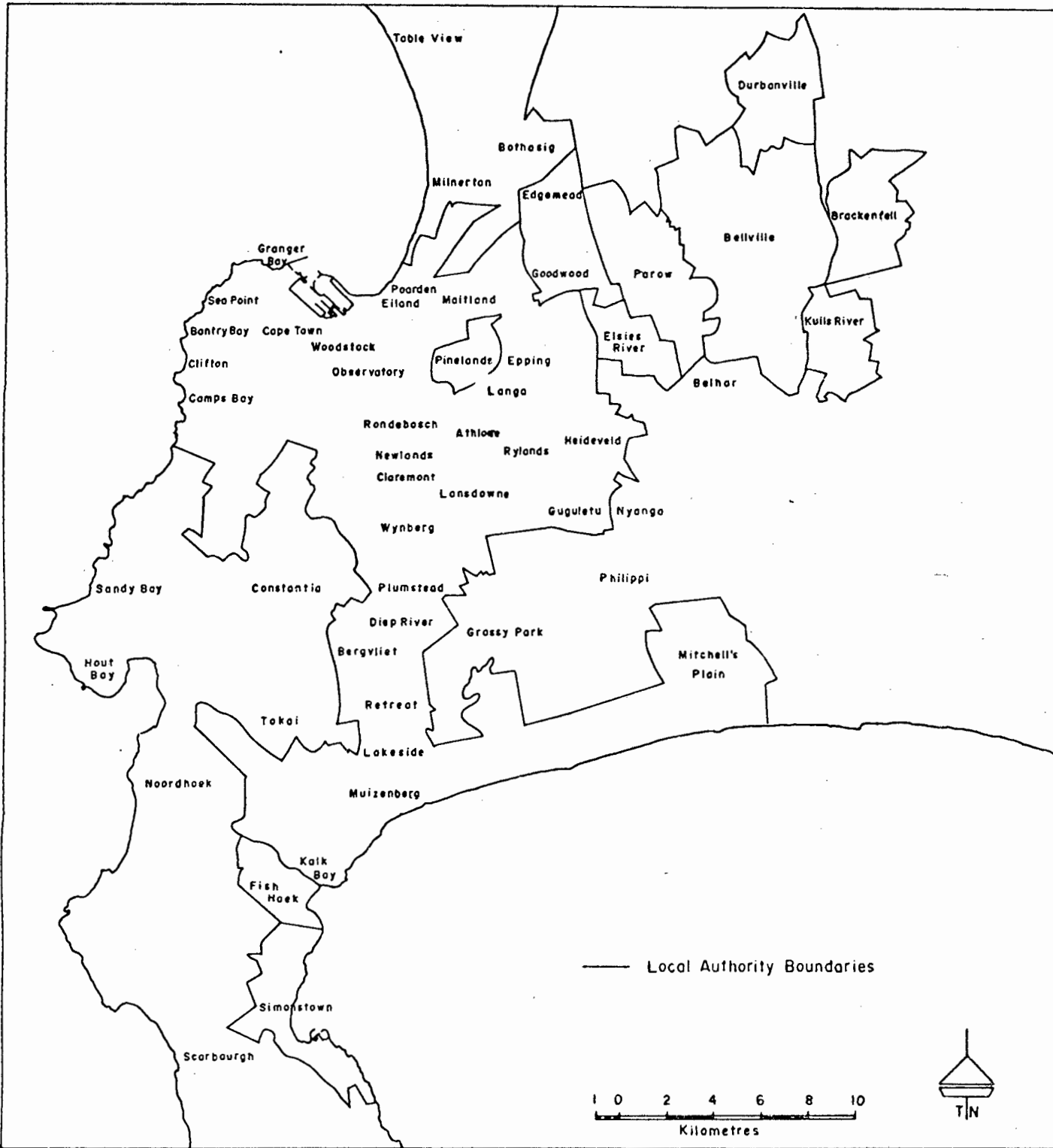


FIGURE 3.8 SUBURBS IN THE METROPOLITAN AREA

## CHAPTER IV

### THE NATURE OF LOCATIONAL CONFLICT IN CAPE TOWN

In this thesis conflict has been defined as "overt public debate over some actual or proposed land use development" (Dear and Long, 1978; p 114). Evidence of such public debate can be found firstly, in the media, especially local newspapers, and secondly, in the minutes of council meetings of those municipalities which handle a specific land use change. Those two sources have been used to carry out an analysis of the nature of locational conflict in the greater Cape Town area.

#### 4.1 Newspaper Conflicts

A principal problem in the study of locational conflict, according to Janelle and Millward (1976; p 106), "is the identification of a meaningful surrogate value for conflict intensity." To solve this problem, they suggested the use of the extent of newspaper coverage devoted to each conflict issue. Newspapers are one of the most important media for spreading news and commenting on happenings within a region. They are readily available both to the researcher and to the general public. By featuring and commenting on issues newspapers keep a large sector of the population informed about local matters. Through the awareness that newspapers foster they encourage the public to air their opinion on controversial issues. Coverage of debatable points is generally immediate (especially if likely to boost sales) and takes the form of articles. Such articles may reflect the viewpoint of a reporter about an issue or may report on the history, location, interest groups and chronological events of a controversial issue. Secondly, in

letters to the editor, personal viewpoints of individual readers are printed and debate is fostered. Thirdly, editorials in which the editor comments on controversial issues and which publicise the viewpoint of the newspaper give a further indication of the perceived importance of the issue. Newspapers are, therefore, a useful tool in monitoring conflict.

#### 4.1.1 Data Sources

In the greater Cape Town area three daily newspapers are distributed: 'The Cape Times' and 'Die Burger', both morning editions and 'The Argus' which has afternoon and evening editions. Of these, 'Die Burger' is written in Afrikaans and can be expected to be read mainly by those whose home language is Afrikaans, i.e. 64% of the Cape Town population (Republic of South Africa, Department of Statistics, 1970), whereas 'The Argus' and 'The Cape Times' are English papers. In order to establish the extent to which locational conflicts featured in each of the three newspapers a sample survey showed that 'Die Burger' reported on a particular conflict issue only once, whereas the same issue appeared 17 times in 'The Argus' and eight times in 'The Cape Times' over the same period. Furthermore, no new issues were raised first, nor were any additional or different conflicts discussed, in 'Die Burger'. This paper also reported on fewer conflicts than did the other daily papers. It seemed, therefore, reasonable to assume that a content analysis of English daily papers would ensure full coverage of ongoing debates. Both English newspapers were used in the analysis of conflicts over land use changes and the location of new developments because some issues are not duplicated and because the newspapers show slightly different emphasis in their reporting on conflict issues. Thus, for instance, 'The Argus'

concentrates more on issues which have a national component or interest group, while 'The Cape Times' seems to cover local issues in greater depth.

Besides the daily newspapers four weekly editions are published in the Cape Town region. 'The Weekend Argus', which is the weekend edition of 'The Argus' and covers the same type of material as the daily editions was included in the analysis. 'The Sunday Times' which is published by SA Associated Newspapers, as is 'The Cape Times', has no local coverage but deals with national news and was therefore not included in the study. The remaining two papers 'The Cape Herald' printed and distributed by 'The Argus' and a Burger edited and distributed by Nasionale Pers, are directed mainly at the coloured population. On perusing the contents of these editions, it was found that matters that were raised concerned the general housing shortage and the need for additional services or were items on political debates associated with Group Area Legislation. Conflicts relating to specific locational issues did not appear even when one may have expected to find them discussed, as they were topical and had achieved some prominence in the dailies.

To gain information about locational disputes which may have given rise to debates at the local level only, neighbourhood newspapers, such as 'The Southern Suburbs Tatler' and the 'Milnerton Mail', were also included in the survey. These neighbourhood newspapers covered important conflict issues in their area in some detail; presented various points of view and also named people involved in locational disputes, whereas the city-wide daily and weekly newspapers concentrated on the most contentious issues. Although it would have been desirable to include neighbourhood

newspapers of all the different population and socio-economic status groups in the study area, the only community newspaper representing poorer sections of the population, 'Grassroots', showed concern on national and city wide political issues and failed to mention specific locational issues.

Thus, five newspapers provided the source material for the conflict analysis: 'The Argus' and its weekend edition 'The Weekend Argus', 'The Cape Times', the 'Southern Suburbs Tatler' and the 'Milnerton Mail'. No difference was made between the method of analysis for weekly or daily papers. All editions of these newspapers over the period January 1980 to December 1983 inclusive were perused. The same four year period the analysis of advertisements covered was used to provide a perspective on land use change and its relationship to locational conflict. Four years proved to be a sufficiently long period to include a variety of issues that give rise to conflict in their entirety and to monitor the final outcomes.

In order for an item to be selected for analysis the following two criteria were used. 1) The ~~conflict~~ had to include a locational component which could be mapped in a limited area, along a line or at a point and 2) conflicting interests among two or more parties (individuals or groups; private or public) had to be evident. City wide ~~conflict~~ which could not be related to specific locations were therefore eliminated for the purpose of this study. Every time a locational ~~conflict~~ appeared in any of the papers (as either article, letter or editorial) the following features were noted: number of column inches, number of columns, number of items, heading size and number of pictures. Column inches were selected as the primary indicator of conflict intensity as this index had

Table 4.1

NEWSPAPER CONFLICTS

Issue	Type	NoA	NoC	Coll	NoP	HS	AH	O
<u>Conflicts:</u>								
Noordhoek Kaolin Mine	N	124	304	1288,5	10	116,4	0,9	d
Groote Schuur	H	81	270	1023,5	33	92,4	1,1	c
Granger Bay	R	54	196	730,5	22	51	0,9	d
Sandy Bay Development	R	68	171	697	12	61,4	0,9	s
Middle Campus	P	53	136	651	15	38,7	0,7	b
District Six	D	59	216	587	3	43,7	0,7	c
Fernwood	H	63	166	549	6	63,1	1,0	c
<u>Controversies:</u>								
<u>Major</u>								
Khayalitsha	H	40	122	441	15	37,8	0,9	b
Goodwood Hypermarket	B	45	108	436,5	11	46,3	1,0	d
D6 Technikon	D	40	116	430	7	30,4	0,8	b
Milnerton Island	H	34	112	403,5	16	19,8	0,6	b
Constantia Col. Area	H	42	37	375,5	3	39,9	1,0	s
Constantia Hypermarket	B	30	78	337	2	29,5	1,0	c
Greenmarket Square	P	20	66	252	10	21,3	1,1	c
Hout Bay Rd Widening	T	17	50	217	8	12,9	0,8	b
Constantia Lab Cottages	H	17	43	175	1	17,5	1,0	c
Cape Sun Hotel	B	4	53	116,5	11	9,3	0,8	b
Hout Bay Dunes	P	9	44	104,8	11	8,8	1,0	b
Harfield Village	H	3	21	98	4	4	1,0	b
Schotsche Kloof	P	7	20	71	2	6,6	0,9	d
Kalk Bay Porto Ceruo	H	7	15	61,5	0	5,0	0,7	b
Newlands Vineyard	B	9	15	57,5	0	6,2	0,7	b
Mayors Garden	B	6	14	57	0	4,7	0,8	b
Loreto Convent	P	6	23	56	5	4,9	0,8	b
Kenilworth Zoo	R	6	15	53	1	4,2	0,7	b
<u>Minor</u>								
Bishopscourt Subdivision	P	6	14	48	0	5,7	1,0	s
SABC District Six	D	5	13	48	0	3,0	0,6	s
Ottery Hypermarket	B	5	11	46,5	2	6,1	1,21	b
Muizenberg Pavilion	S	6	16	44	3	4,4	0,7	b
Observatory Groote Schuur	S	3	9	41	1	3,8	1,3	b
Noordhoek Housing	H	3	7	40,5	0	2,8	0,9	b
Camps Bay Clearing	N	3	11	40	2	3,2	1,1	b
Kalk Bay Smokery	N	4	12	38	0	3,7	0,9	u
Camps Bay Rotunda	B	4	17	35	2	3,7	0,9	b
Athlone Stadium	R	2	10	32	1	1,1	0,6	d
Diep River Grand Bazaar	B	4	9	31	0	2,6	0,9	b
Athlone Business Area	B	2	5	31	0	2,1	1,1	u
Woodstock Pine Road	T	4	12	27,5	1	3,2	0,8	u
Kirstenbosch Freeway	T	2	6	26	0	1,7	0,9	d
Buitengracht Freeway	T	2	12	25,5	1	2	1,0	b

Table 4.1 (contd)

NEWSPAPER CONFLICTS

Issue	Type	NoA	NoC	Coll	NoP	HS	AH	O
<u>Controversies</u>								
<u>Minor (Contd)</u>								
Clifton Hotel	B	2	8	24	0	2,4	1,2	d
Durbanville Farm	B	2	8	24	0	2,4	1,2	d
Boyes Drive Muizenberg	T	3	7	21	0	2,3	0,8	d
Pinelands Cycle Path	T	4	4	20	1	1,8	0,4	u
Greenpoint Liquor Store	B	2	5	20	1	1,9	1,0	d
Chapmans Peak Hotel	B	3	6	19	0	2,3	0,8	d
Kenridge Lights	S	2	3	19	0	0,8	0,4	b
Maiden's Cove	R	3	6	18,5	0	2,4	0,8	b
Rondebosch Common	R	1	3	17	0	0,8	0,8	s
Southfield Sewerage	N	1	2	16	0	1	1	u
Sea Point Monastery	P	1	8	13,5	1	1,2	1,2	s
Bantry Bay Wooden Deck	N	2	5	13	0	1,5	0,8	b
Green Point Sewerage	N	1	3	13	1	0,8	0,8	b
Scarborough Road Widening	T	2	3	12	0	0,9	0,5	b
Long St Road Dev.	T	1	5	11	0	0,8	0,8	d
Mouille Point Playground	R	1	6	10,5	0	2	2	s
Rondebosch Main Road	T	1	3	10,5	0	0,7	0,7	d
Gardens Dust	N	1	6	10	1	0,7	0,7	b
Rondebosch Pig	B	2	9	9,5	2	1,8	0,9	s
Loader Street	H	2	6	9,5	1	1,5	0,8	u
Bantry Bay Private Road	T	1	2	9	0	0,9	0,9	d
Lotus River Access	T	1	2	8	0	1,2	1,2	u
Kenilworth Railcrossing	T	1	1	8	0	0,7	0,7	b
Wynberg Business Area	B	1	1	8	0	0,7	0,7	u
Athlone Golf Course	R	1	3	7,5	0	1,2	1,2	b
Rondebosch Riverside	B	1	3	7,5	0	0,8	0,8	b
Kalk Bay Road Widening	T	1	3	7,5	0	0,7	0,7	b
Sea Point Trim Park	R	1	2	7	0	0,6	0,6	b
Phillipi Road Closure	T	1	1	7	0	0,7	0,7	b
Liesbeek Cycle Path	T	1	1	6,5	0	0,8	0,8	b
Sea Point Pavillion	S	1	2	6	0	0,6	0,6	s
Oranjezicht Road Plan	T	1	2	5	0	0,7	0,7	d
Noordhoek Brickfield	T	1	1	4,5	0	0,8	0,8	b
Bothasig Shopping Centre	B	1	2	4	0	0,6	0,6	s
Muizenberg Flats	H	1	2	4	0	1,0	1,0	s
Rondebosch Town Hall	S	1	2	4	0	0,6	0,6	d
Plumstead Supermarket	B	1	1	3	0	0,4	0,4	b

KEY

NoA Number of Articles  
 NoC Number of Columns  
 Coll Column Inches  
 NoP Number of Pictures  
 HS Heading Size  
 AH Average Heading Size

O Outcome: u unknown  
 d delayed  
 c compromise  
 s stopped  
 b built  
 u unknown

S Service Needs  
 B Commercial  
 T Traffic  
 R Open Space  
 H Housing  
 N Nuisance  
 P Preservation  
 D Redevelopment

been used successfully by both Janelle and Millward and by Mercer and Ley in studying locational conflict. Use of the number of columns alone could be misleading as an item might occupy fifteen column inches in a single column and another only three column inches over five columns. Clearly more could be said about the issue in the long columns than in the short ones. A simple count of the number of times an item appeared would not necessarily indicate the extent of the debate. Heading size is an indicator of the newspaper's intention to attract its readers' attention to a certain issue. Usually more important and contentious issues are reported under larger headings. However, as a major conflict issue might involve coverage on a wide scale, including letters to the editor, editorials, minor comments and major articles, the smaller items with less conspicuous or no headings tend to make average heading size a poor measure of conflict size. The number of pictures printed with conflict items also reflects, to a certain degree, the importance of the issue, but one has to keep in mind, that some locations have greater photographic potential than others. All of the above mentioned measures of the importance and size of a conflict issue were used but column inches were concentrated on.

#### **4.1.2 Nature of Local Conflict**

In the newspaper analysis 77 different locational conflicts were identified. In order to group the occurring conflicts into intensity or size of conflict categories the details of the coverage were tabulated (Table 4.1). The extent of newspaper coverage ranged from 1288,5 column inches to three column inches for a conflict that was only mentioned once. This wide spread

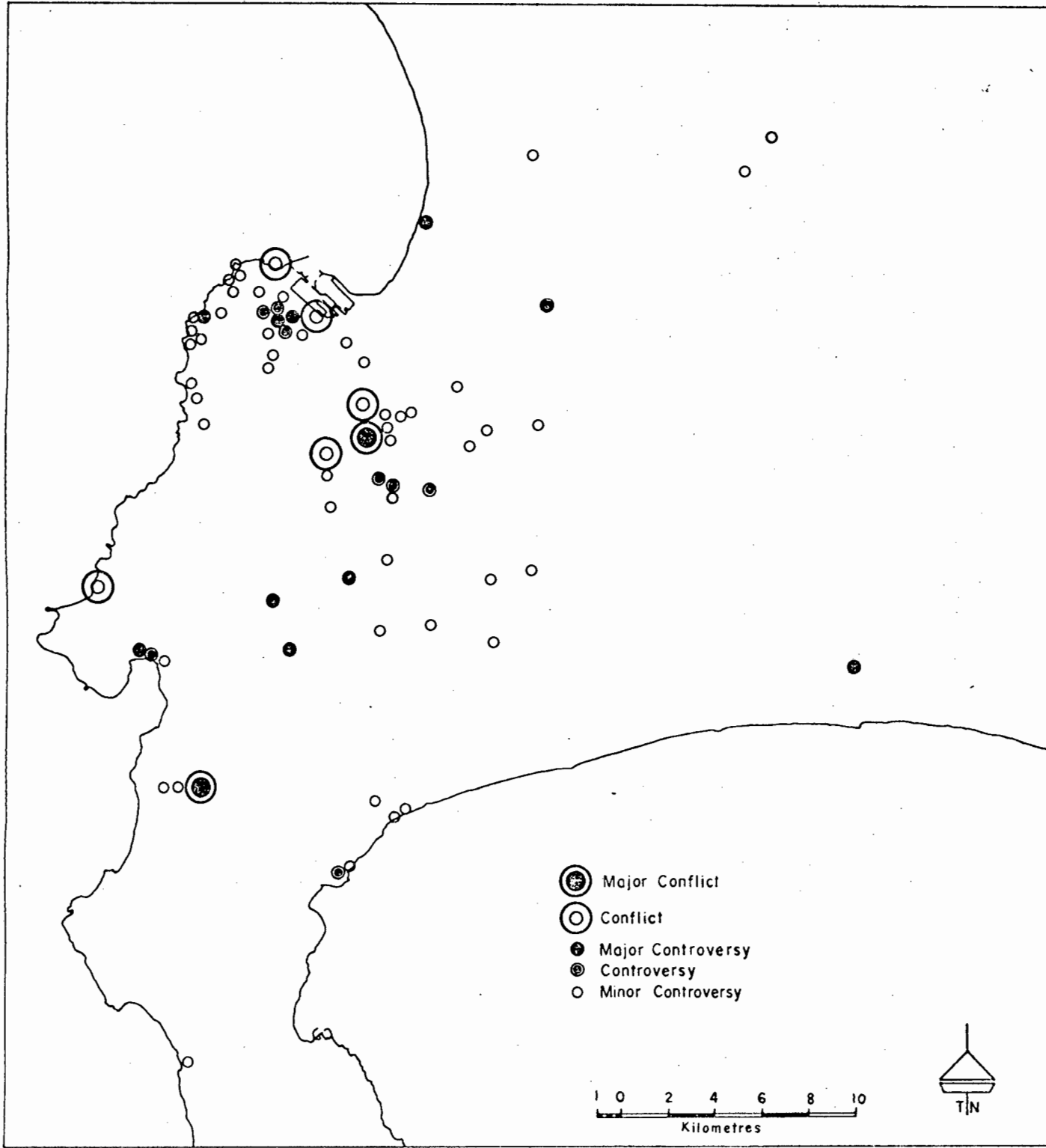


FIGURE 4.1 CATEGORIES OF NEWSPAPER CONFLICTS

suggests marked differences in the degree of overt public debate and implies that conflicts of greatly varying importance occur.

Comparisons of items raised in newspapers and the number of applications for rezoning showed a low degree of correspondence. For example, areas such as Table View, Parow and Bellville (Figure 3.8) in which there were a large number of applications for rezoning and also a considerable amount of land use change that was expected to result in an increase in negative externalities, did not give rise to any newspaper conflicts or controversies during the study period (Figure 4.1). The same occurred for the suburbs of Athlone, Landsdowne and Paarden Eiland (Figure 3.8). Other areas, such as Camps Bay, Diep River, Oranjezicht, Rylands and Plumstead (Figure 3.8) did incur single cases of conflicts but the number of conflicts that occurred is disproportionately low in comparison with the occurrence of rezoning applications.

Ranking the news space devoted to conflicts showed distinct breaks which suggest different degrees of intensity in the conflicts. Two major groups of clashes over land use changes emerged. Firstly, what have been termed Conflicts and secondly, the Controversies. The number of column inches, columns and the number of items clearly show that the newspaper coverage of true conflicts is wide and comprehensive. These conflicts generated more than 550 column inches each. They covered land use changes that have caused fights between various interest groups and have gone much further than just verbal disagreement. Beside the Fernwood issue (Case Study 3), most conflicts have become city wide issues and have involved many different interest groups.

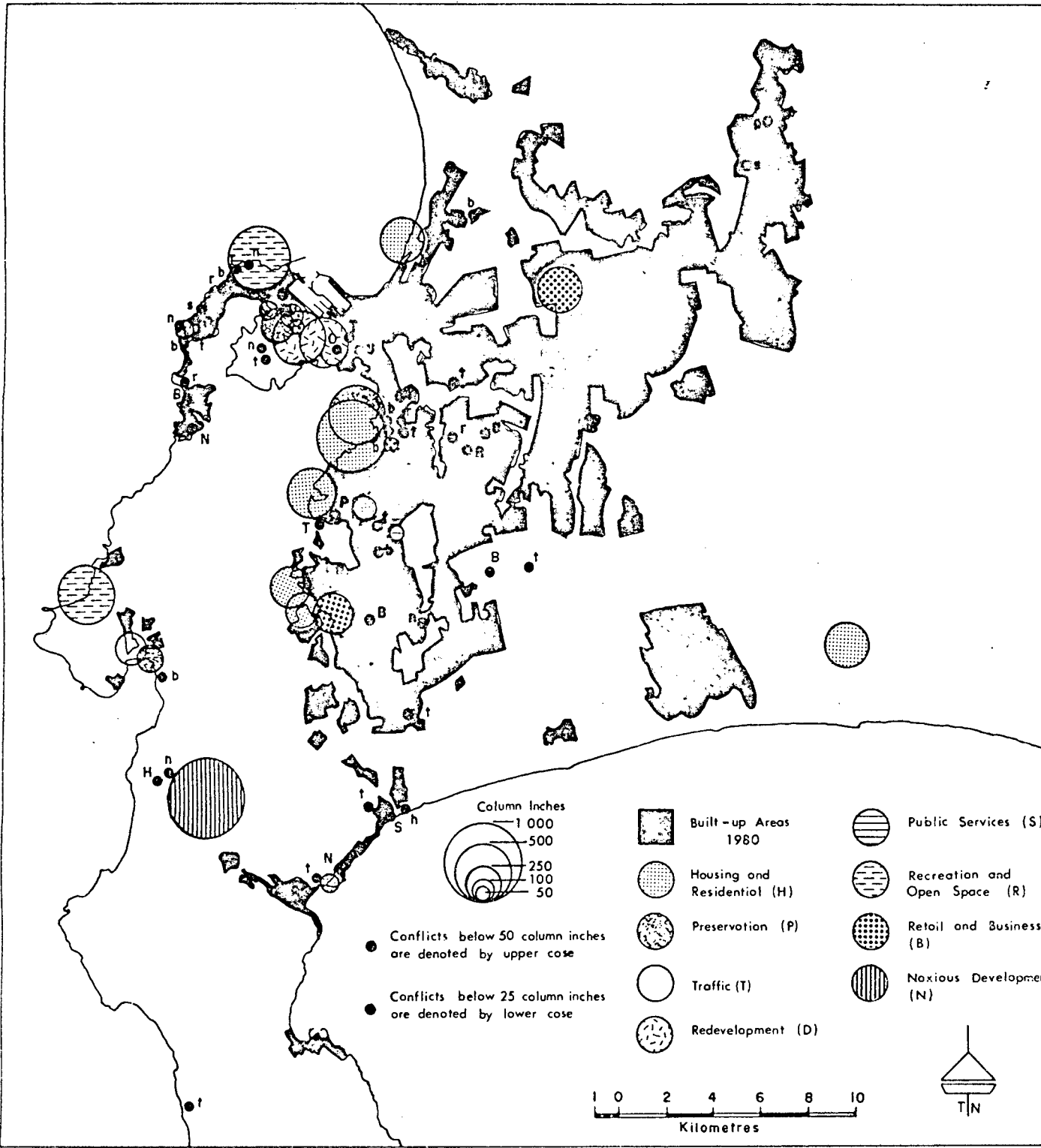


FIGURE 4.2 TYPE AND INTENSITY OF NEWSPAPER CONFLICTS

Among the conflicts two 'Major Conflicts' can be clearly identified as they both generated more than one thousand column inches of debate - over three hundred more than the next most contentious issue. The greatest newspaper coverage was devoted to conflict over proposed sites for Kaolin mines in the Noordhoek Valley (CS 1), a relatively undeveloped area in beautiful surroundings. Except for minor breaks, for three years newspaper coverage kept the issue in the minds of the public. (Figure 4.2)

Not much less of an emotive issue was the second 'Major Conflict' which focussed on planned housing for ministers on Groote Schuur Estate in Rondebosch. Groote Schuur Estate, now including one of the residences of the South African Prime Minister, was donated by Cecil Rhodes to a trust which was to ensure the upkeep of the area as an inheritance for the future generations of South Africans. Public access to the tranquil park like estate was presumed. To ensure security of the Prime Minister, however, the estate was, and still is, protected by high fencing and police patrols. In March 1981 the proposed building of ministerial residences was claimed to be likely to destroy the environment which the public should be able to enjoy even further. Furthermore, the modern architectural design of the proposed houses was said to be incompatible with the Cape Dutch style of the Prime Minister's residence. These grievances generated much debate between opposing groups.

Both Major Conflicts were taken up at the highest national levels and national government departments, environmental interest groups, party politicians, local government representatives and many individuals in the public eye were involved. Both cases were used to further party political interests by members of

parliament. Coverage of these two Major Conflicts by the local newspapers was extensive. Inevitably, the items did not appear in every edition and interruptions ranged from one to five weeks reflecting at times a stalemate between conflicting interest groups. Both cases, however, had periods over which items about the issue appeared daily and ensured that the public was constantly aware of the conflict. Attention of the readers was captured largely by photos in the Groote Schuur case - the estate has several beautiful historic buildings and very scenic landscaped gardens - and by big headings in the case of the Noordhoek Valley which has limited photogenic appeal.

In the case of Groote Schuur a court injunction was served to stop building of the already partially constructed residences. A compromise was reached after negotiations had carried on over a year. Finally only three ministerial residences were completed within the Groote Schuur Estate, and the rest were constructed elsewhere. The Noordhoek Valley area has become part of a protected nature area. The three proposed mining sites, however, have been excluded from this reserve and mining, although temporarily stopped, is still possible. These successful outcomes occurred after petitions were handed in, investigations were undertaken and injunctions and court orders were served.

The remaining five 'Conflicts', did not generate as much debate but are nevertheless clearly distinguishable from the Controversies on the basis of a larger number of articles. The land use changes included proposed housing, recreational, educational and business developments. Three of them proposed a within category land use change and suggested that limited debate could be expected. However, the newspapers made Cape Town residents aware that

their interests were at stake and that the proposed changes could be expected to affect a large proportion of the public. As a result, four out of five conflict issues were fought mainly over the impending destruction of the environment. Debate centred around changes which were perceived to affect the natural beauty and tranquility of the areas concerned.

Interestingly, conflicts are spatially concentrated (Figure 4.1) in suburbs like Sea Point, the CBD, Rondebosch, Newlands and Claremont (Figure 3.8). Land Values in these areas are amongst the highest in the city (Rideout, 1982) and the socio-economic status of the majority of residents is high. Access to information and government officials amongst residents of these areas is good and their perceived chances of success in opposing an unwanted development are thus high. The Middle Campus (CS 2), Sandy Bay, and Fernwood (CS 3) proposed developments are located in high socio-economic status areas and the analysis of the articles showed that the environmental lobbies fighting against them included academics, professionals, and high government officials amongst residents of these areas. Their perceived chances of success in opposing an unwanted development are thus high.

The second group of issues identified in newspapers were Controversies over land use change which have resulted in verbal or written arguments and dispute but have stopped short of becoming major struggles between interest groups. These issues were not opposed by a city wide population but rather by those suburb and neighbourhood interest groups most directly affected by the proposed development. In addition local government officials and a smaller portion of the general public became involved in the

Controversies. The largest Controversy occupied 441 column inches and the smallest three column inches. A clear break is thus distinguishable between Conflicts and Controversies on the basis of coverage. Other than this, no clear and absolute pattern could be established on the basis of column inches. All further groupings, therefore, are more or less arbitrary and fall essentially into a gradation pattern. Controversies should be seen as a continuum of issues with decreasing importance and coverage.

Four out of nine Major Controversies in the newspapers (Table 4.1) were caused by opposition to proposed housing developments. Two of these are being built but two of the developers have been refused permission to change the land use and the developments have been temporarily stopped. Two Controversies that arose because of planned hypermarket developments are also included. One development has been temporarily stopped - the Goodwood Hypermarket and Disneyland development (CS 4). The second hypermarket, planned for the Constantia Valley area, has been drastically reduced in size to conform to the ideas of relatively powerful, high socio-economic status interest groups. It is presently being built in the adapted form. Of the nine Major Controversies, therefore, only two developments have not been directly affected by opposition groups.

Slightly less controversial issues are those in which newspaper coverage ranged from six items producing 53 column inches to eleven items of 116,5 column inches. The clearest difference in newspaper approach to these controversial issues as opposed to the 'Major Controversies' is the marked decrease in total heading size. Obviously, the issues were not seen to be of great

interest to the general public and the newspapers were not so intent on gaining the attention of large sectors of the public.

Amongst the more controversial issues was a five star hotel development, called Cape Sun Hotel. This issue caused a public outcry and CBD opposition not so much because of the rezoning of the area to include a 21 storey tower block or because of the change in business land use category. Both these had been passed almost ten years before the actual development of the site began. It was the traffic problems arising out of the extensive detours and closures of busy streets in central Cape Town, which generated opposition. Owners of shops, to which access became almost impossible and who felt they would lose financially because of the problem of access, complained to the Cape Town municipality. Other opponents queried the motives of the city traffic department who allowed the closure of one of the major through routes in Cape Town, for two years. As in the above case, land use controversies, the scale of the outcry and the conflict focussing on the access rather than being generated by the location of the development, may have been a reflection of latent dissatisfaction over locational issues and disagreement with high handed action in the CBD. Conflict over locational issues may emerge in different forms, flare up and be silenced or deflected to re-emerge at a later date.

The bulk of conflicts that appeared in newspapers over the study period can only be classed as Minor Controversies as the debate occupied less than 50 column inches. In fact 48% of these Minor Controversies appeared only once in a newspaper. Such appearances were not necessarily articles but included letters to the editor or brief comments in the community newspapers. Where

articles appeared the editors generally made use of smaller headlines and few were illustrated. The opposition generated by these cases was generally local and relatively small. All the unknown outcomes were in this category which reflects the fact that the newspapers did not deem it necessary to follow up these issues and to advise the public of the outcome.

Generally Controversies showed a much smaller success rate in changing or halting a development for 50% of all the proposed land use changes were accepted and implemented without change. Only 14% of the proposed developments in the group were stopped and 4% lead to compromises. From this one can deduce that newspaper coverage does help to keep issues in mind, thus maintaining interest and possibly generating opposition. More coverage seems to increase the chances of stopping what are perceived to be land use changes and developments unsatisfactory to the public. Similar issues that are given less coverage seem to have a lower success rate for opposition groups.

#### 4.2 Council Conflicts

Other than the newspapers, council meetings are an appropriate place to monitor overt debate over locational issues, because all proposed land use changes must be accepted by the relevant city council acting as a body. When the applications have been passed by the City Engineer's Department and have been received and commented on by the various committees, they may be formally debated for the first time during a council meeting. Although members of the public can only attend such meetings as silent observers, they may be indirectly involved through their elected ward representatives, who may put forward a case for or

against those items that come up for discussion and the outcome of the debate. In particular controversial cases the debate is transcribed and additional material is included, such as letters of objection, comments by the City Engineer and Town Planning Committee on these objections and photocopies of a sketch plan of the area where the land use change is proposed. The minutes, therefore, provide a source of information which is especially valuable in those cases which generate extensive debate. In this instance, the surrogate value for conflict intensity is the number of times the proposal reappears, after the initial first discussion and advertisement, in a city council meeting and thus in the council minutes. Each reappearance reflects the fact that debate has been generated by objections to a proposal or alternatively, objections filed by private and public groups and individuals have led to disagreement. Thus, the more often a proposal for land use change is recorded in the minutes, the more frequently the item has been voted against and presumably the stronger the disagreement with the proposed change.

#### 4.2.1 Data Sources

Only the Cape Town City Council minutes (1980-1983 inclusive) were used to provide an estimate of the extent to which there is any debate over proposed land use changes. Cape Town is the largest of the thirteen municipalities in the greater Cape Town area. All major land uses are represented in the extensive town planning scheme (City of Cape Town, 1981) and during the study period by far the largest proportion (47 percent; Table 4.2) of all proposed land use changes occurred in the Cape Town municipality.

Table 4.2

APPLICATIONS FOR LAND USE CHANGE BY LOCAL AUTHORITY

LOCAL AREA	Number of Applications				Total
	Land Use		Type		
	Res	Bus	Public	Indus	
Bellville	56	12	6	5	79
Brackenfell	1	0	0	0	1
Cape Town	259	74	52	13	398
Divisional Council	47	14	10	5	76
Durbanville	11	0	0	0	11
Elsies River	9	5	0	0	14
Fish Hoek	6	0	2	0	8
Goodwood	16	6	1	0	23
Kuils River	2	0	0	1	3
Milnerton	72	9	2	1	84
Parow	62	33	12	26	133
Pinelands	5	3	1	1	10
Simonstown	11	0	0	0	11
TOTAL	557	156	86	52	851

As has been explained in a previous chapter, once a rezoning proposal has been passed at a council meeting, it is advertised in the official Gazette of the Cape of Good Hope. Intensive research showed that of the 442 rezonings advertised for changes in the Cape Town municipality, only 286 cases (65%) could be found in the minutes of meetings held in the study period. A reason for this could be the fact that 'removals of restrictions', i.e. departures from the town planning scheme involving minor changes, would have been dealt with directly by the department concerned and not been carried forward to council meetings. In addition, closure of roads and of public and semi-public spaces, and declarations of areas as public streets are not regarded as a change in the town planning scheme. These land use changes appear under different code numbers and could therefore not easily be identified in the council minutes. The newspaper analysis, however, showed that cases of closures of roads can and do lead to public debate and therefore could have been expected to do the same on the council.

#### 4.2.2 Nature of Conflict

The analysis was, perforce, based on 286 cases identified in the Cape Town council minutes which showed that 90,6% of all land use change proposals were accepted. Of the rezoning applications only 5.2% were rejected by the council and the remaining 4.2% were still under consideration at the end of the study period. Rezoning cases that do advance to the council stage, therefore, have a very high probability of acceptance. The reason for this could be the fact that all applications are first vetted and may even be rejected by the City Engineer during the first stage of the application process. Thus some contentious applications are

already weeded out before the council and the general public see them.

Nevertheless, no firm decision either way was taken when 53 of the 286 rezoning proposals (18,5%) appeared at the council meetings for the first time. These proposals generated objections that could not be resolved during the council meeting. For each of these 53 cases at least one written objection was filed. The objections came - either from within the local authority hierarchy, or from outside bodies. One can assume that each of these 53 cases generated some debate during at least one council meeting. The more controversial cases are sent back to the relevant subcommittees for reconsideration and one appeared at as many as eight additional council meetings (Table 4.3).

Three groups of conflicts on the basis of the number of reappearances in the council minutes could be recognised (Table 4.3). However, 75.5% were only Minor Conflicts because they were discussed only once more at council after the initial debate in response to objections. At this second meeting 81.1% of these cases were rejected and the planned development approved. Much more debate was generated by those cases which made between two and five reappearances at council meetings. Clearly the cases in this category had the potential to become Major Conflicts. The Granger Bay development and Goodwood Showground development (CS 4) were debated at five additional council meetings after the first appearance and both also appeared as high order conflicts in terms of newspaper coverage. Interestingly, both issues involved business developments as part of the proposed change. In Granger Bay a yacht harbour is planned but the proposed shore development includes hotels and shopping arcades. Part of the Goodwood

Table 4.3

LIST OF COUNCIL CONFLICTS

<u>Major Conflicts</u>	<u>Reappearances</u>	<u>Type</u>
Mayor's Garden Site	8	B
Fernwood	7	H
<u>Conflicts</u>		
Granger Bay	5	R
Goodwood Showgrounds	5	B
UCT Middle Campus	4	P
Clifton Beach Footpath	2	H
Grand Bazaar Diep River	3	B
Wynberg Business Area	3	B
Rondebosch Shopping Centre	3	B
Vineyard Hotel	2	B
Greenmarket Square	2	P
Bishopscourt Subdivision	2	P
Vanguard Drive	2	T
<u>Minor Conflicts</u>		
Plumstead Supermarket	1	B
Constantia Hypermarket	1	B
Landsdown Road Claremont	1	B
Lily St Extension Retreat	1	T
Beach Road Sea Point	1	B
Rylands Business Area	1	B
Bantry Bay Flats	1	H
Technikon District Six	1	D
Hely Hutchinson Flats Camps Bay	1	H
Rondebosch Model Railway	1	P
Chelmsford Road Vredehoek	1	H
Princess Vlei Road	1	R
Oranjezicht Nature Reserve	1	R
Paarden Eiland Parking Area	1	T
Closure of Nymann St	1	T
Dreyersdal Road Bergvliet	1	H
Beach Road Mouille Point	1	B
District Six	1	D
Turfhall Road Landsdown	1	B
Porto Cervo, Kalk Bay	1	H
Benton Street Maitland	1	T
Jan Smuts Drive, Maitland	1	T
St Mary Road, Muizenberg	1	T
Torquay Avenue, Claremont	1	S
Hein Road, Athlone Ind	1	N
Waterkant Street, Cape Town	1	B
Belvedere Road, Claremont	1	S
Closure Repulse Road, Rylands	1	T
Clairwood Road, Newlands	1	E

Table 4.3 (contd.)

LIST OF COUNCIL CONFLICTS

<u>Minor Conflicts</u> (contd)	<u>Appearances</u>	<u>Type</u>
Boyes Drive, St James	1	H
Park Road, Wynberg	1	B
Sunningdale Kenilworth Sub.	1	P
Prince George Drive	1	B
Homestead Avenue Bergvliet	1	H
Collingwood Road, Observatory	1	B
Justin Road, Brooklyn	1	R
Malton Road, Wynberg	1	B

KEY

B Commercial  
T Traffic  
R Open Space  
H Housing  
N Nuisance  
P Preservation  
D Redevelopment  
S Service Needs  
E Education

development is a hypermarket which generated strong objections from residents and traders in the area. Furthermore, both cases involved large capital sums to execute the planned developments where large areas of urban land are involved in the one case and expensive breakwater constructions in the other. The proposed Granger Bay development ultimately involved the national government as ministers were lobbied for support. In addition environmentalist interest groups, business interests and members of the City Council became involved on one side or the other. The Goodwood development is very interesting because the two different local governments whose areas of jurisdiction extended to the immediate neighbourhood of the proposed development were at loggerheads - the one to have the hyper market built in their area and the other to stop it. The newspaper gave more coverage to business and environmental interest groups whereas the struggle between the local authorities was more evident from the Cape Town council minutes.

The study period was dominated by two Major Conflicts at Council in which the pros and cons were both debated at more than five different meetings (Table 4.3). The case histories, however, vary considerably as the one conflict involved a high density, high class residential development at the foot of Table Mountain, whereas the other focused round the proposed office development in the CBD, directly behind the old Cape Town City Hall. The residential development (Fernwood, CS 3) was debated in open council meetings while the business development on the Mayor's Garden Site (CS 5) was first debated in closed council meetings. At those early meetings the attitudes within the city administration to the lease of the site to the developer and the location of the office building in general were tested. Thus, whereas the

residential development proposal was highly publicized by the media from the time of its proposal, the business development was discussed behind closed doors and only reached the general public in the final stages of consideration, when open council meetings were held.

#### 4.2.3 Patterns of Conflict

The general pattern of cases that gave rise to debate at council level is illustrated in Figure 4.3. The central city area and its immediate environment form an area of denser occurrence of conflict issues. In recent years the inner city has undergone a certain amount of redevelopment and although many of the proposed land use changes were within category changes, objections to the destruction of historical buildings and older quarters have led to locational conflict.

Another spatial grouping of conflicts occurred in the Rylands area (CS 8), a suburb of relatively high socio-economic status zoned for Asiatic residence and in which a town centre and a minor business node have developed in recent years. As the amount of land available for purchase by Indians is very limited in Cape Town, the intrusion of business uses into a residential area has resulted in strong opposition from the local residents. The extension of a major thoroughfare, Vanguard Drive, to connect areas like Rylands with other business nodes and to the national road grid in the north and the south west generated opposition as well. Smaller roads were closed so that access to Vanguard Drive can now only be achieved along a few service roads. This angered industrial and commercial enterprises, who felt that the access to their premises by potential customers was reduced.

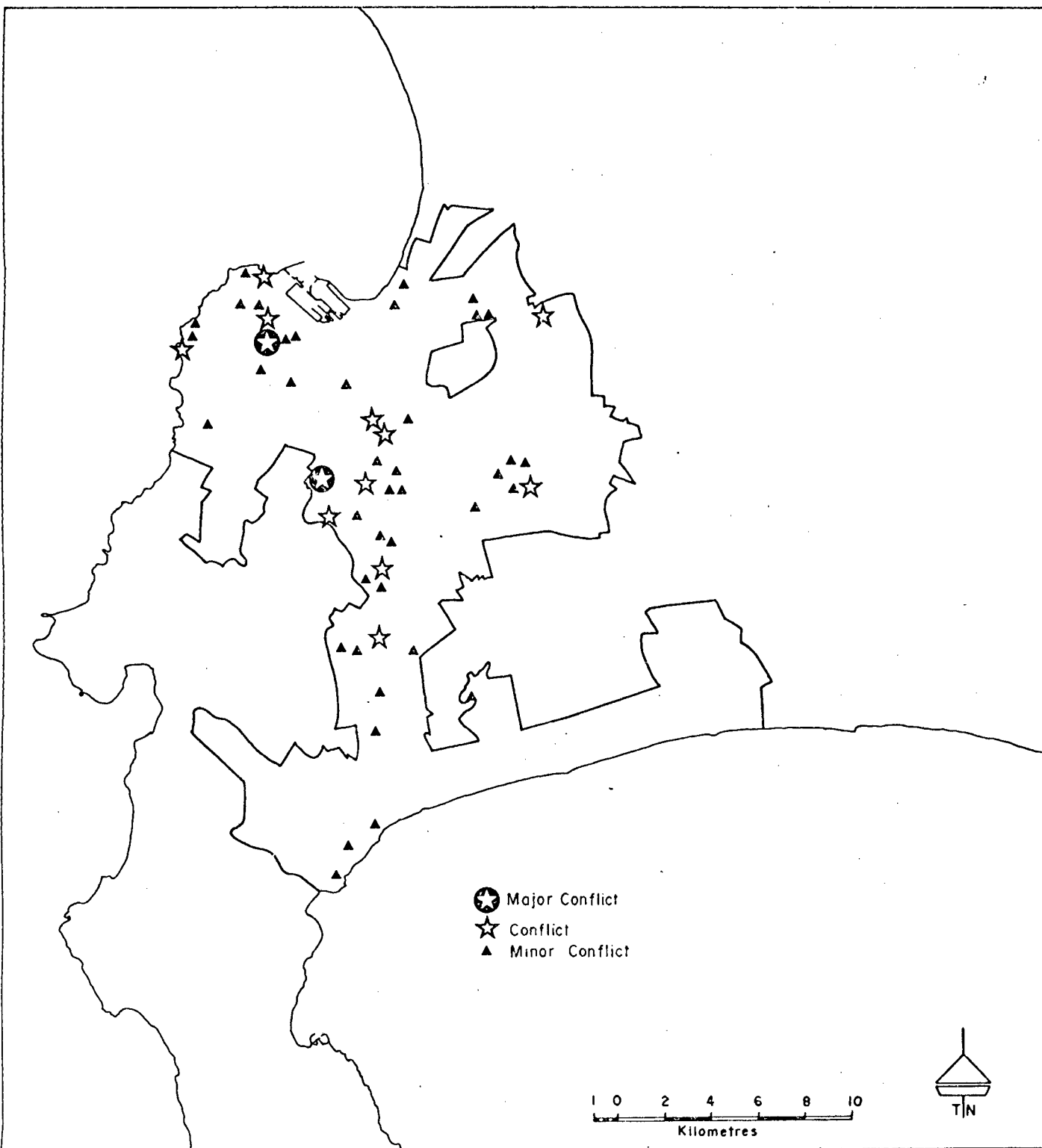


FIGURE 4.3 CATEGORIES OF COUNCIL CONFLICTS

Conflict concentrated along the western and southern coastlines at Sea Point, Green Point and Camps Bay and in Muizenberg and Kalk Bay (Figure 4.3) respectively are interesting in that they indicated that the public wish to maintain free access and space to enjoy the coastal scenery of Cape Town rather than have the natural beauty disturbed by the development of rows of hotels or beach boulevard highways.

Developments planned for the lower slopes of Table Mountain also tended to give rise to debate at council level. Residents of high socio-economic status suburbs of Rondebosch, Newlands, Claremont, Constantia and Bishopscourt (Figure 3.8) sent in objections to the local authorities because the changes were perceived as intrusions in, or possible disturbance of, the strictly preserved tranquility of expensive residential areas. Educational facilities, such as an additional University Campus in Rondebosch (CS 2), business and retail developments like a hypermarket in Constantia, or new high density housing, as for example, Fernwood (CS 3), all came under attack. Permission to subdivide very extensive private residential plots in Bishopscourt angered the neighbourhood and local ward representatives were often contacted by residents or involved themselves in the debate over these locational conflict issues.

Not only did the residential population try to preserve the status quo, established businesses aimed at keeping other, often larger, enterprises off their turf. The extension of the Wynberg business area is a case in point. New supermarkets in Plumstead and Diep River (Figure 3.8) led to strong objections by both the business and the residential community although on different grounds. Whereas households affected by the new developments

objected to possible future traffic congestion, reduced property values and increased noise and influx of people into the area, the smaller businessmen and traders' associations made clear, through their letters of objection, that no new large shopping centres were needed in the area and that public demand did not warrant the proposed developments.

The majority (81,1%) of locational issues debated in council resulted in the adoption of the proposed development and a win for its advocates. In only 18,6% of all council conflict issues did the opponents to the development achieve total or at least partial success. Either they succeeded in stopping the development (11,3%) or they were effective so far as to achieve a compromise (3,8%). In the remaining 3.8% of the conflicts the development was delayed. One wonders whether a delay in a planned development can be counted as a victory by opponents to the location of the development. Often a delay seems to be a tactic to calm down opposition and when the development is no longer newsworthy the land use change reappears on the Council agenda and may be passed with minimal opposition.

It seems, therefore, that debates at the city council meetings do not affect the outcome of a conflict over land use change to a large degree. The City Engineer and his department, by reviewing each application and recommending adoption or rejection, as far as both the rezoning itself and any objections to the rezoning and development are concerned, seems to have a great effect on the outcome of any debate and the final decision taken at Council. The actual effective debate over the development issues occurs between the City Engineer and the Town Planning and Executive Committee, both of whom have access to all the facts

concerned. The council meeting is, in the majority of cases only used as the medium to confirm recommendations made by the City Engineer or the sub committees. Ward representatives making up the council are usually only aware of those facts which are supplied by the City Engineer and the committees through the council meeting agenda. To have detailed knowledge about a development proposal and the area in which it is to occur, a ward representative has to be either very aware of local conditions himself or rely on good information through neighbourhood groups and households.

The analysis showed that 81% of all conflicts mentioned in the local newspapers fall within the Cape Town municipal area. This seems to justify the fact that minutes of the Cape Town City Council were chosen as second data base from all thirteen municipalities. A comparison between conflicts identified from these two data bases now seems to be the next logical step in determining the characteristics of development conflict in Cape Town.

CHAPTER V

CHARACTERISTICS OF LOCATIONAL CONFLICT IN CAPE TOWN

So far the analysis of locational conflict has identified 77 items from the newspaper content analysis and 53 items were brought up and discussed during more than one meeting of the Cape Town Council. Yet only 18 of the conflicts over land use change debated at some length in the Council meeting appeared as conflicts in local newspapers (Table 5.1).

Table 5.1

CONFLICTS COMMON TO NEWSPAPERS AND COUNCIL MINUTES

	<u>Newspapers</u>		<u>Council</u>		<u>Common</u>	
	No	%	No	%	No	%
Business	17	22,1%	20	37,7%	9	50,0%
Transportation	16	20,8%	8	15,1%	1	5,6%
Recreation	9	11,7%	5	9,4%	1	5,6%
Housing	11	14,3%	9	17,0%	2	11,1%
Encroachment and Nuisance	8	10,4%	1	1,9%	0	0,0%
Preservation	8	10,4%	4	7,5%	3	16,6%
Redevelopment	3	3,9%	2	3,8%	2	11,1%
Services	5	6,4%	2	3,8%	0	0,0%
Education	0	0,0%	2	3,8%	0	0,0%
Total	77	100,0%	53	100,0%	18	100,0%

This means that 66% of all items debated in council meetings over four years were not picked up by the local press and could therefore only have been publicised to a very limited degree. Seeing that Cape Town is only one of thirteen municipalities in the greater Cape Town area, many more land use change applications might have been debated at length at local council meetings, without making the newspapers. Although municipal councils are clearly a significant forum for conflicts over locational issues, not all items that appear in the papers are debated at any length in Council. In fact, only 23% of the items raised by papers reappeared more than once in Council minutes. This difference suggests a dissimilarity in focus between a conflict that is regarded as newsworthy by the newspapers and what is worthy of lengthy debate at Council.

#### 5.1 Focus of Newspapers and Council Meetings

The question that has to be asked first in this respect is whether a particular type of land use change generates conflicts that appear in newspapers rather than in the Council minutes and visa versa (Table 5.2). This does seem to be the case because there is a very low level of correlation ( $p = 0,2$  which is not significant) between land use categories associated with conflict in the newspapers to the categories causing debates in council meetings. In particular, land use changes within or to transportation use. i.e. streets, bridges, etc., generate almost double the number of conflicts at council level than appear in the newspapers, a feature possibly associated with the local provincial, and national implications of transportation changes. Changes within or to industrial land use, too, are seldom referred to in newspapers whereas they are the third most common issues causing a conflict at Cape Town Council meetings.

Here again the importance of the industrial component in municipal finance may lead to more careful monitoring of these uses at council level. In contrast to industrial and transportation land use changes, those affecting residential uses and public service uses are more frequently covered by newspapers. Those land use changes are likely to affect a large sector of the population and papers would tend to stress items of interest to readers. Rezoning items associated with business land use rank high on the priority list of both newspapers and council. However, only the large scale business land use changes lead to conflicts which appear in both papers and Council simultaneously. It seems that for an item to be raised in newspapers, and also produce debates in Council, the scale of the proposed operation plays an important role and many smaller business developments do not feature as conflicts at all levels and may not be raised at all even though they may have significant externality effects.

A problem associated with looking at the category into which proposed land use changes fall is that one gets no idea of the extent of the change. In order to establish why people perceive a development to be unsatisfactory, the issues over which the conflict is fought should be taken into account. Looking at conflicts in terms of the dominant (i.e. primary) controversial issue raised (Table 5.3) provides a surrogate value for the negative externalities that people perceive are likely to occur from a proposed land use change. In certain conflicts the dominant issue of controversy is clear cut and easily distinguishable, especially if the time span is not long enough to change the focal point of the conflict. Major conflicts, however, which may carry on for years, sometimes reflect changes in attitudes to the proposal or additional controversial issues may be introduced at different stages of the conflict. In such cases it is therefore relatively difficult to determine precisely which is the dominant conflict

Table 5.2

LAND USE AND CONFLICT

<u>Proposed Land Use</u>	<u>NEWSPAPERS</u> %	<u>CONFLICTS IN</u> <u>COUNCIL</u> %	<u>OVERALL</u> %
Business	27,3	22,7	28,5
Transportation	22,1	39,6	22,4
Recreation	10,4	9,4	10,7
Residential	24,6	9,4	24,2
Public Services/Education	11,7	3,8	9,8
Industrial	3,9	15,1	4,4
	<u>100,0</u>	<u>100.0</u>	<u>100,0</u>

Table 5.3

CONFLICT TYPES

<u>Type</u>	<u>DOMINANT</u> <u>NEWSPAPERS</u> %	<u>CONTROVERSIAL</u> <u>COUNCIL</u> %	<u>ISSUES IN</u> <u>OVERALL</u> %
Commercial	22,1	37,7	25,1
Traffic	20,8	15,1	20,5
Open Space	11,7	9,4	11,6
Housing	14,3	17,0	16,1
Nuisance	10,4	1,9	8,1
Preservation	10,4	7,5	8,1
Redevelopment	3,9	3,8	2,6
Service Needs	6,4	3,8	6,2
Education	0	3,8	1,7
	<u>100,0</u>	<u>100,0</u>	<u>100,0</u>

issue. However, despite the inevitable subjectivity such a classification involves, it is possible to determine types of conflict by issue and comparison with related studies elsewhere. Although the criteria which Jannelle and Millward (1976) applied in defining various conflict types have been used here, slightly different terms label the categories so as to prevent confusion with the land use categories discussed above.

A moderate correlation (of  $r = 0,64$ , 99% significance) exists between the type of issue raised in the papers and at Council. Commercial issues are raised when opposing business developments threaten a residential or public open area, as for instance large regional shopping centres, e.g. Goodwood hypermarket (CS 4) and Constantia hypermarket; business area expansion, e.g. in the Wynberg, Athlone and Rylands (CS 8) areas; office developments such as the Woolworth/Truworth building on the Mayor's Garden site (CS 5), and hotel developments, e.g. The Cape Sun Hotel in central Cape Town.

Commercially based issues often reflect the incompatible requirements of providing expanding residential areas with retail facilities while maintaining perceived quiet residential environments. Issues such as need for more housing balanced against provision of more business and retail facilities are often raised as secondary issues by householders and shopowners respectively. However, whereas business people and developers use commercial issues more frequently to appeal to the local government and plead their case through city administration officials, residents raise commercial issues in defence of their interests through the media, both local and city wide.

Traffic based issues are raised for instance, over road widenings, road closures, the building of road over rail bridges, and provision of cycle paths. These conflict issues are raised throughout the metropolitan

area but are especially prevalent regarding the development of highways and extensive thoroughfares, such as Vanguard Drive, the Kirstenbosch Freeway and the Buitengracht Freeway. In these instances, as the implications are likely to involve large numbers of people, the traffic component is raised in the newspapers but as transportation is administered by both local and provincial government, traffic issues are also raised when debated in Council. Besides appearing as dominant issues in a conflict, arguments against perceived traffic increases and hazards are frequently named as secondary issues and points of objection.

Conflicts over the issue of open space is generated when public beaches are threatened by rezoning and private hotel developments, as for instance in the Sandy Bay case. Open space issues also arise if existing parklands, sportsfields, golf courses and playgrounds are threatened by, for instance, residential developments. Because residential developments so often threaten open spaces, issues of housing versus open space tend to be raised simultaneously in many conflicts. Sometimes, as in the case of the Granger Bay Yacht Harbour development, it is the manner in which the open space is to be used rather than the rezoning itself that creates opposition.

Housing issues dominate in the higher income suburban areas, where proposed high density residential developments threaten to destroy the low density character of the area. Cases such as the Fernwood Development in Newlands (CS 3), the Milnerton Island development, and the housing for labourers in Constantia fall into this category. In one instance the housing issue had a different focus. About 50 km to the south east of the Cape Town CBD the development of a housing estate, designed to solve the urgent housing need for the black population of Cape Town, gave rise to opposition but the issues raised did not focus

on the housing itself, but on the issue of guaranteeing the provision of basic public services and amenity facilities associated with a housing development that were not likely to be supplied in the near future. Housing issues are often raised together with traffic issues, preservation issues and fears of encroachment of incompatible land uses as secondary objections.

Noxious encroachment and environmental nuisances refer to polluting industries and using land for gravel pits, sewerage plants, open cast mines and factory buildings. Such issues usually stress the incompatibility of such land uses with surrounding residential or open land. Opposition to development likely to cause environmental nuisance is headed by environmental lobbies such as was the case in the fight against the Noordhoek Kaolin Mine and the Kalk Bay Smokery.

Issues concerning encroachment only tend to be used by newspapers. Often the rezoning had been achieved years before the development occurred and therefore was not a matter for debate at Council level. Once the development became imminent the encroachment issue would be picked up especially where industrial developments could be viewed as encroaching upon open agricultural and recreational land.

Preservation issues are primarily concerned with the continued existence of areas and buildings judged to have historical, architectural or sentimental value. The demolition of Victorian facades on Greenmarket Square and the destruction of a Malay Quarter are cases in which preservation appeared as the theme underlying the conflicts in both the newspapers and the Council minutes. The most controversial issue in which a preservation issue was stressed concerned a garden environment close to the University of Cape Town which had been established by Cecil Rhodes and was used by the University for tennis courts. The

extension of the University into the garden area generated much opposition (CS 2) in which preservation was one of the main issues raised.

Redevelopment issues are raised in conflicts being fought over the demolition and/or structural change of buildings that may be obsolete and are usually located in older central city areas. For instance, housing or warehousing may be replaced by office, retail and high density residential developments. In particular newspapers tend to highlight conflicts about redevelopment as for example those which arose from the destruction of a mosque and a catholic church in the cleared area of District Six, immediately adjacent to the Cape Town CBD, and from the conversion of the area for office, educational and townhouse development. Redevelopment implies that older buildings have to be demolished to make space for new ones and therefore preservation issues are often used in conjunction with redevelopment issues.

Issues concerning the need for and development of public services such as lighting were most frequently raised in coloured and black residential areas and are largely confined to local community newspapers. However, the extension of a general hospital, Groote Schuur, which could be expected to benefit a large portion of the community in general, became a conflict because residential erven were bought up and rezoned for the development. In this case city newspapers covered the development extensively with eye-catching photographic material.

Conflicts which stress educational issues are relatively rare in Cape Town. Opposition to expanding educational facilities is voiced in the higher income residential suburbs, but generally the issues focus on additional schools, creches and university facilities as sources of noise, congestion and potential disturbance rather than as welcome

improvements in educational possibilities.

Overall, conflict over commercial traffic and housing issues generated almost two thirds of the identified locational conflicts in the Cape Town area. In particular the invasion of business land uses into residential land and open spaces has been a major area of discontent. It is pertinent, therefore, to ask who objects to the location of new developments and on the basis of available evidence to establish who initiated the conflict and why others became involved.

## 5.2 Participants of Conflicts

Any individual who wishes to use a parcel of land in a manner incompatible with the land use designated in the official town planning scheme has the option of having the official land use category changed by participating in the local political procedure of land use change. If the proposed use is regarded as beneficial to the town planning scheme or a group or an individual, the local decision makers promote the change and play an advocacy role should any conflict arise. If, however, the proposed development is perceived to have negative externalities for a neighbourhood suburb or municipality and is not rejected out of hand by the officials, argument between opponents of the development and the developer and any supporting group is likely to arise. In these cases the council plays a key role in channelling the conflict.

Municipal employees, such as the City Engineer or elected members of various council committees can be regarded as initiators of conflict over land use change. They, however, tend not to approach newspapers in their fight but work through official channels and if necessary debate

Table 5.4

CONFLICT PARTICIPANTS

<u>PRO</u>	<u>%</u>	<u>CON</u>	<u>PARTICIPANTS</u>	<u>PRO</u>	<u>%</u>	<u>CON</u>
3,7		35,8	Households	1,8		24,4
2,7		14,5	Neighbourhood Groups	1,8		6,4
45,0		10,9	Civic Organisations	40,4		23,1
13,8		0	Land Developers	7,0		0
12,8		3,6	Other Entrepreneurs	10,5		14,1
18,3		18,8	Elected Officials	33,2		11,5
3,7		16,4	Associations	5,3		20,5
<u>100,0</u>		<u>100,0</u>		<u>100,0</u>		<u>100,0</u>

Table 5.5

GROUNDS FOR INITIAL INVOLVEMENT IN CONFLICT

<u>Newspapers</u>			<u>Grounds for Involvement</u>	<u>Council</u>		
<u>PRO</u>	<u>%</u>	<u>CON</u>		<u>PRO</u>	<u>%</u>	<u>CON</u>
15,7		17,3	<u>Economic Factors</u>	20,0		23,7
12,5		18,2	Cost of change	14,3		9,1
		45,5	Impact on property values	0		59,1
87,5		36,3	Other economic factors	85,7		3,8
60,8		48,8	<u>Social Factors</u>	68,6		60,2
67,7		6,5	Need for improved services	33,3		5,4
6,5		33,8	Compatibility with neighbourhood	25,0		46,4
3,2		30,6	Impact on traffic	25,0		35,7
0		14,5	Safety	8,3		3,6
22,6		8,1	Availability of housing	4,2		7,1
0		6,5	Other social factors	4,2		1,8
19,6		29,1	<u>Aesthetic Factors</u>	8,6		9,7
50,0		62,2	Visual attractiveness	66,7		66,7
50,0		37,8	Other aesthetic factors	33,3		33,3
0		0,9	<u>Procedural Factors</u>	0		5,4
3,9		3,9	<u>Miscellaneous Factors</u>	2,8		1,0

the issue at council meetings or directly with the developers. In this manner local government officials have the power to deal directly with the controlling body and thus stop or at least delay a proposed land use change or development. On the basis of the analysis of newspaper reports, and also of the city council minutes (Table 5.4) it is evident that civic organizations and elected officials overwhelmingly support new developments and land use change in the city. However, individual elected officials and to a lesser extent civic organizations are prepared to come out against a proposed change in the newspapers or to speak against it in the council meetings. In these instances it is possible that they act as spokesmen for ratepayers in the ward they represent in Council.

Existing residents' associations, and environmental societies, on the other hand, do not have direct power to prevent a land use change. As a result locational conflicts are generally initiated by small neighbourhood groups and individuals who may contact the local newspapers to write about the unwanted land use change and/or lodge an official objection to advertised land use changes with the relevant municipality. In contrast to existing residents and ratepayers associations neighbourhood groups tend to organize specifically in defence of their environment against specific detrimental and invading land uses. When the potential threat to the neighbourhood is averted they often disintegrate until the next issue in the area arises.

Although most opposition to a development proposal comes from households in both newspapers and council minutes, they form by far the most important lobby in the newspapers. From the point of view of the householder an appeal to the newspaper is aimed at spreading knowledge of the proposed changes. As long as the editor sees it as an issue that is of general interest to the general public the item will appear

in the newspaper and the householder has achieved the aim of possibly increasing the number of people concerned about an impending development. Interestingly, land developers and other entrepreneurs both tend to support new developments in the newspaper even when competitors are responsible for proposing the change. However, at council level entrepreneurs are prepared to voice their opposition.

The grounds for initial involvement in a conflict are not always easy to establish because motives often are not explicitly stated and there is the possibility of deliberate misinterpretation or sympathetic rationalization of motives being given by those involved. However, a broad group of social factors (Table 5.5), in particular the need for improved services, compatibility or non-compatibility with the environment and impact on traffic are stressed as justification and motivation for involvement in a locational conflict. Amongst those advocating a new development, the need for new services is most commonly stressed and frequent reference is made to 'fulfilling public requirements' and 'catering for public wants'. Residents in whose area the proposed development is to be located usually do not deny the need for the proposed development but argue that the precise location of it is incompatible with the immediate environment and therefore the development should be located elsewhere. Newspapers tend to justify their involvement by stressing the impact on traffic especially as traffic situations involve a wide variety of people and may lead to increased readership. At Council level the impact on traffic is often given as a reason for initiating a conflict over the location of possible developments. It is the responsibility of local governments to ensure safe and undisturbed transport networks and furthermore, traffic implications of developments are often available to local government officials and thus one would expect this aspect to be a motive at Council level.

Amongst economic grounds for involvement, impact on property values is by far the main reason why people are against a development. Clearly the appeal to vested interests is regarded as a means of gaining support from those in the immediate vicinity of the change. In addition, a variety of other economic factors are cited as the justification for a land use change - a feature which highlights the reciprocal relationship between land use and land value.

Aesthetic reasons for involvement are most often stressed by newspapers, but interestingly both those for and those against a development often use the same grounds of visual attractiveness or non-attractiveness of the proposed development. It seems that in this case the saying holds true, beauty lies in the eyes of the beholder - or in the eyes of the one who can make the most profit out of a development.

### 5.3 Intensity of Conflict

The intensity of conflict varied from verbal disagreement to court action (Table 5.6). Any issues over the proposed location of a particular land use raised in the newspaper or at Council by definition can be regarded as having generated verbal disagreement. This takes the form of discussion and debates between the conflicting groups or appears as letters to the Council or newspaper in which objections are given. The majority of cases do not proceed to any higher level of conflict intensity and the issue is resolved by official action of one sort or another.

Petition by individuals who may or may not have been supported by neighbourhood groups or ratepayers' associations is the most common action chosen after verbal disagreement. Petitions often help to

support and pull newly organized groups together but are just as often instigated by existing organizations. The next level in the scale of conflict intensity occurs through group organization. At this stage new associations, either loose or long lasting are founded and their activities are motivated by the particular issue being fought.

Table 5.6

CONFLICT INTENSITY

	<u>Percent of Cases</u>
Verbal disagreement .....	100,0%
Petition .....	16,2%
Group Organization .....	8,1%
Brief presented .....	7,2%
Appeal to government .....	5,4%
Demonstration .....	0%
Injunction served .....	3,6%
Court action .....	3,6%

Briefs are usually presented in cases where the appeals against the proposed development have become drawn out or in cases where work on the proposed development is started in advance anticipating a permission. Appeals to the government at national or provincial level occur less frequently and are usually made when developers and objectors are not satisfied with the decisions taken by local government officials. In some cases it occurred then that appeals were upheld by national and provincial government officials and a decision was taken against the local authority.

No demonstrations associated with locational conflict occurred in the Cape Town area during the study period. However, some stands where the signing of petitions was being advertised came close to being demonstrations as posters were hung around the stands and numbers of people gathered to support the cause.

Only in conflicts of very large magnitude were injunctions served and/or court action taken. These means are clearly the last resort for any party opposing the location of a new development. Once a court order has been issued, further negotiations are generally not possible. However, on the Groote Schuur issue the court case ended in a compromise being achieved between the two parties.

To sum up, it is evident that in conflict over land use change proposals, different issues were taken up and different approaches are followed by local newspapers and Council. Nevertheless, common features in terms of focus, participants and conflict intensity can be recognised. The analysis of various conflicts in Cape Town has shown, however, that each conflict has its own particular characteristics and only by looking at a selection of conflicts in greater detail can one appreciate the complexities of locational conflict.

## CHAPTER VI

### CASE STUDIES

#### 6.1 Introduction

The case studies are selected from all Newspaper and Council conflicts according to characteristics in which they stood out from the rest or as typical examples of certain types of conflict. Care has been taken to select cases which show a wide range of participant groups and different dominant issues over which conflict arose. Various intensities of conflict are illustrated and case histories of clashes between various levels of government or between prominent interest groups have been included. By way of contrast a simple land use change (CS 9) has been added to show that a rezoning can proceed through all bureaucratic levels without generating opposition from officials or the general public, (Figure 6.1).

#### Case Study No 1: Proposed Noordhoek Kaolin Mines

- |   |                     |   |
|---|---------------------|---|
| 1 | Applicant:          | Serina Ltd  |
| 2 | Application:        | September 1979  |
| 3 | Initiator:          | Divisional Council of the Cape  |
| 4 | Date of Initiation: | End of 1980   |
| 5 | Local authority:    | Divisional Council of the Cape  |
| 6 | Rezoning:           | Open space to business and mining   |
| 7 | Conflict:           | a) Primary issue: Encroachment of noxious land uses into open land.<br>b) Secondary issues (objections raised): Increase in |

heavy vehicle traffic; visual attractiveness of the area will be disturbed; escalation in mining activities could attract secondary industries; noise, dust in high wind zone; health hazard: problem of waste dumps and sterility of kaolin dust.

c) Forum: newspapers - first appearance during the study period 22 November 1980, form - major articles over half of the page, big headings, letters, editorials, photographs, sketches and additional material from a planning seminar and environmental resource management products.

8 Participants: National government departments; Divisional Council of the Cape; Cape Town City Council; Progressive Federal Party; Coordinating Council of Nature Conservation in the Cape (CCNC); Fairest Cape Association; District Civic Association; Noordhoek Ratepayers Association; Noordhoek Conservationists; Residents of Noordhoek, Fish Hoek, Kommetje, Sun Valley, Muizenberg; Continental China Ltd Pty holders of Serina Ltd.

9 Intensity: Verbal disagreements, petitions, group organizing, briefs presented, appeal to government.

10 Background: There are five known Kaolin deposits in the Noordhoek Valley on Chaplin Estate, Good Hope and Imhoff's gift which are not mined as yet and the Serina Hare and Brakkloof deposits which have established mines. At Brakkloof there is a processing plant. The deposits are regarded as valuable because they promise high yields (above 50%) and the Kaolin mined is of very high quality. Life expectancy of the mines is approximately 50 years.

11 History: Serina Ltd asked for mining concessions in September 1979. The Divisional Council of the Cape initiated an environmental impact study by the CCNC at the end of 1980. The impact study showed that the impact on the environment will be mainly negative and Serina Ltd replied that the impact study was incorrect (July 1981). The CCNC stood by its report and spelled out the effect of Kaolin mining to the public. The Kommetjie Council allowed Serina Ltd to draw water from their system for mining operations. In February 1982 the Progressive Federal Party organised a new drive against the mining proposals in the form of a petition. In the same months three government ministers visited the Noordhoek Valley. The petition signed by 6839 people was sent to the Minister of the Interior in April 1982. In July 1982 the Divisional Council rejected the applications for mining and the personal interest of a Government minister in the area was revealed. Personal attacks against party members were frequent. In October 1983 the Minister of Constitutional Development and Planning proclaimed the boundaries of a nature area which stretches from Cape Point to Table Mountain, but excluded the Kaolin deposits.

12 Outcome: Part of the Noordhoek Valley has become a nature area in which development is prohibited. However, the three proposed new mining areas are not included and the Kaolin may be exploited with special permission by the Minister of Constitutional Development and Planning.

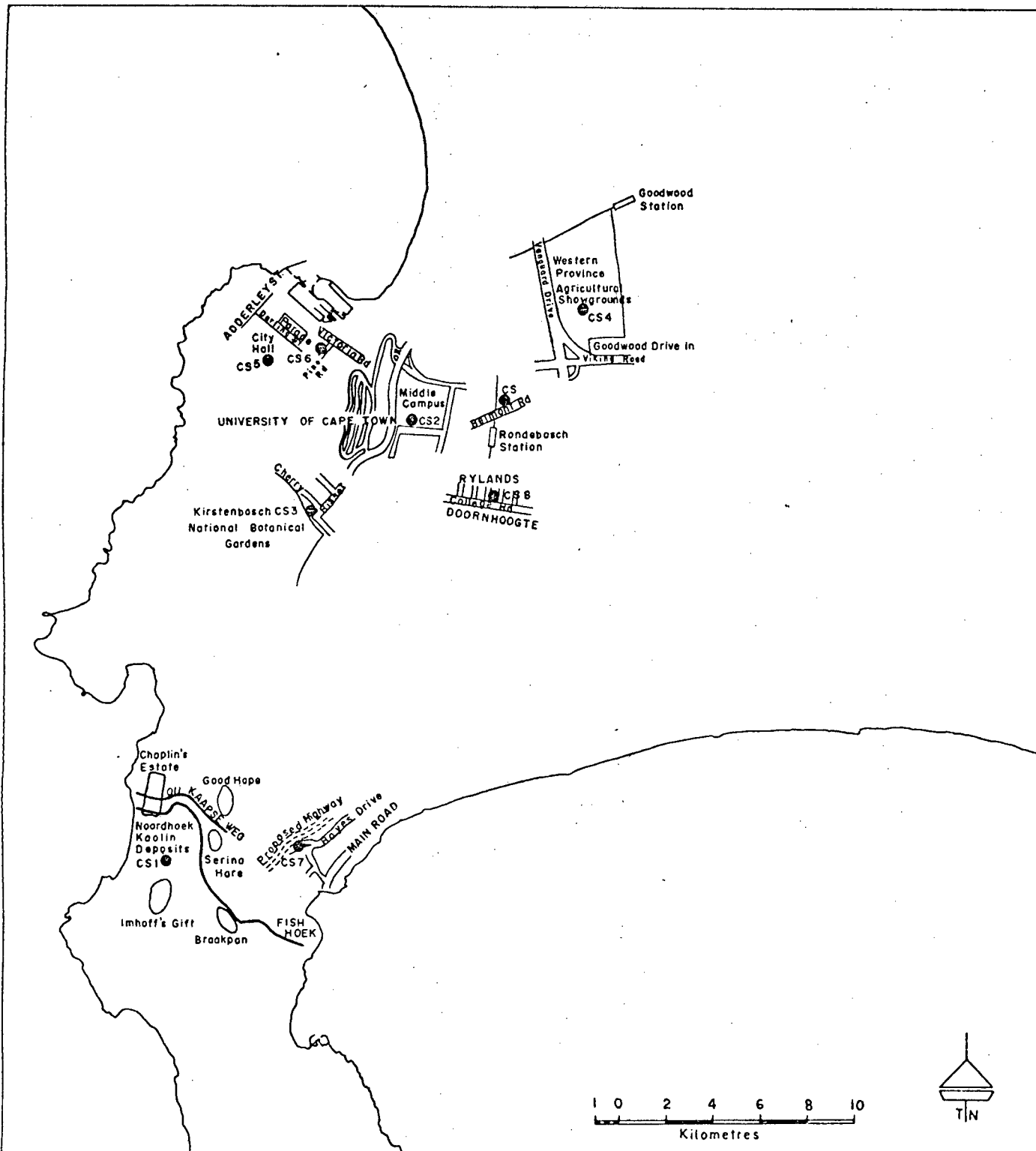


FIGURE 6.1 LOCATION OF CASE STUDIES

Case Study No 2: University of Cape Town Middle Campus

- 1 Applicant: University of Cape Town
- 2 Application: Mid 1977
- 3 Initiator: Stanley Road residents and Mr Chris Iveson
- 4 Date of Initiation: 4 August 1981
- 5 Local Authority: City of Cape Town
- 6 Rezoning: Land was already zoned educational; only rezoning of a part of Stanley Rd, bordering the proposed development, from single dwelling residential to private open space (Place of Instruction).
- 7 Conflict: a) Primary issue: Preservation of the national environment and established gardens.  
b) Secondary issues: Stanley Road is too narrow to carry increased traffic load; disturbance of privacy and quietness of the residential area; falling property values; traffic and safety hazard because of the steepness of Stanley Road; destruction of old trees and exotic vegetation in a parklike garden established by Mr Cecil Rhodes; no demand for new buildings; demolition of UCT tennis courts.  
c) Forum: newspapers - first appearances in 1976, first appearance in the study period 8th April 1981. Form - major articles with many pictures and illustrations of the proposed development and the present site, major headings, letters to the editor, editorials; UCT news edition; Council meetings - 4 reappearances, lengthy debates.
- 8 Participants: National Monuments Council; Cape Town City Council; University of Cape Town, Council and Planning Unit;

Cape Institute of Architects; Cape Town, Rondebosch and Stanley Road residents; Mr Brian Bamford, Member of Parliament.

- 9 Intensity: Verbal disagreement; petition; group organizing; briefs presented; appeal to government.
- 10 Background: The planning of Middle Campus started with the UCT Planning Unit's feasibility study No 1 (1971), continued with the Planning Study in Report No 2 (1974) and concluded with the Design Study in Report No 3 (1976). The proposal includes three academic buildings for Education, Architecture and the Graduate School of Business Studies together with an elaborate road system, parking lots, terraces and open spaces.
- 11 History: University of Cape Town Middle Campus plans were made public in 1976 when models and extensive plans were drawn up and discussed by the University Planning Committee. The University consulted the National Monuments Council, the Cape Provincial Institute of Architects and Rhodes Trustees who all applauded the scheme. In April 1981 the first step, the Education building, was approved. In August 1981 objections to the development appeared in newspapers and Mr Brian Bamford said that the public should show concern over the development. Rondebosch residents asked for an inquiry into the development plan. In September 1981 Mr Brian Bamford declared the plan to be 'excellent' and of 'stunning vision' and the UCT principal too lauded the project. Residents questioned the need for new buildings and the need to fell trees. A petition drive was organised by Chris Iveson who prepared an information pamphlet of the history of the

Woolsack garden area, as the site is called. Discussions and talks between UCT and residents associations; application by Chris Iveson to declare the area a monument. Cape Town City Council approved the rezoning of Stanley road on 25 February 1982. Throughout the year articles and letters by residents appear in the newspapers. In January 1983 Chris Iveson requests the UCT Council to discuss the residents objections and his alternative plan. The Council discusses the matter in August 1983 and decides to go ahead with the proposed developments.

- 12 Outcome: The first building is being constructed at the time of writing. A strip of garden has been declared a national monument and will be preserved; compromises on trees and planting of new bushes has been achieved; the development plan has not been changed.

Case Study No 3: High Density Housing Development in Fernwood/Newlands

- 1 Applicant: Messrs Roberts, Laser and Associates Incorp  
2 Application: June 1981  
3 Initiator: Councillor Rabinovitz and Fernwood residents  
4 Date of Initiation: 27 August 1981  
5 Local Authority: City of Cape Town  
6 Rezoning: General Residential Use already approved in 1966 by the Administrator of the Cape.  
7 Conflict: a) Primary issue: development of high density housing estate.  
b) Secondary issues: long distance visual impact; change of the open space character of a particular

area of Table Mountain, creating a possible precedent for high density developments on the slopes of Table Mountain; damage to natural vegetation; visibility of the development from Kirstenbosch Botanical Gardens; Increased pressures on environment by pollution from the development; intrusion into the woodland belt.

c) Forum: newspapers - first appearance 27 August 1981, Form - articles, few pictures, many letters, editorials Council meetings: seven reappearances at Council meetings, major debates and several special meetings during the period 11 November 1981 to 21 July 1982.

8 Participants: National Monuments Council; National Botanical Gardens; Department of Forestry and Environmental Conservation; Provincial Administration; City of Cape Town; Newlands Heights Development represented by Messrs Roberts, Laser and Associates; residents of Upper Fernwood, Bishopscourt; individual councillors of CTCC.

9 Intensity: Verbal disagreement, petitions, briefs presented, appeal to government.

10 Background Erf 104323, a portion of Fernwood Estate, Newlands, known previously as Woodlands Heights and more recently as Newlands Heights, adjoins Kirstenbosch National Botanical Gardens and was originally set aside for an Old Age Home by the Administrator, when the area fell under the jurisdiction of the Cape Divisional Council. On 24 November 1966, the Administrator authorised the zoning of the property to General Residential Use with a height limit of two

storeys. In 1971, the area was incorporated into the Cape Town Municipal Area. A freeway link was proposed but following a controversy was rejected by the Administrator. However, he instructed the Council to prevent development along the route of the proposed freeway link and to proceed with the acquisition of affected properties. This has been done.

- 11 History: In June 1981 a proposed development plan for a high density housing scheme known as Newlands Heights was submitted by Messrs Roberts, Laser and Associates Incorporated, Architects. Development proposals were well within what is permitted in terms of the Town Planning Scheme. Following a public outcry, started by an article in which a Cape Town city councillor outlined his opposition to the plan, and a petition drive initiated by a Fernwood resident, the Town Planning Committee requested the developers, on 11 November 1981, to furnish the Council with an environmental impact study. The environmental impact report showed that the development would have an unsatisfactory long distance visual impact, and would involve the removal of indigenous flora, of which only a limited amount remains. The developers argued that the development would be screened; that the slope had been cleared of indigenous vegetation previously and that the development was within the bulk and coverage restrictions allowed. Despite maintaining that public opposition was unfounded, the developers agreed to undertake extensive landscaping. Letters of opposition and a petition handed in by Fernwood residents suggested an alternative site. Erf 242, the lower

slopes in Kirstenbosch. After lengthy discussions and negotiations the developers agreed to exchange the original site, erf 104323 for erf 242 if the rezoning would be handled speedily by the Council. The decision to develop on erf 242, along the Liesbeek River, angered neighbouring residents. Erf 242 belonged to the Cape Provincial Administration and was set aside for the development of a school which was not needed at the moment. Kirstenbosch residents then suggested another site, erf 212 in Bishopscourt along the Liesbeek River. This site was zoned public open space and was set aside for public usage and a change in zoning needed reasonable consensus. This was not forthcoming. On 23 June 1982 the Cape Town Town Planning Committee decided on the Liesbeek site and the City Council concurred with this decision. The final decision taken by the Provincial Executive Committee on 21 July 1982, went against the recommendations of the Cape Town City Council and decided on the erf 242, the school site in lower Kirstenbosch; the justification being that this erf was marked for development and that the closing of the public open space, erf 212, could lead to legal and financial implications for the city council and the taxpayer.

Outcome: Since the end of the study period residents neighbouring the school site, erf 242, have instigated Supreme Court Action and have won. The result is that the development of high density housing will take part of the originally proposed site 104323. Plans for the first stage of development have been approved and at the time of writing the construction was imminent.

Case Study No 4: Goodwood Showground Development and Hypermarket

- 1 Applicant: Western Province Agricultural Society
- 2 Application: 26 August 1980
- 3 Initiator: City Engineer of the City of Cape Town
- 4 Date of Initiation: 8 February 1980
- 5 Local Authority: City of Cape Town
- 6 Rezoning: Private Open Space (Show and Exhibition) to General Business Use.
- 7 Conflict: a) Primary issue: No need for additional business zoning.  
b) Secondary issues (Objections raised): Impact on existing businesses in the neighbouring areas, prejudice to already zoned but unused business land, congestion, delays and safety hazards in the traffic network, showground is needed as open space.  
c) Forum: newspapers - first appearance 8 February 1980: Form - mainly short articles but some large headings, editorials, sketches and some pictures; council minutes - 5 reappearances, major discussions.
- 8 Participants: Against: Department of Community Development, Provincial Administration, Division Council of the Cape, Cape Town City, Cape Metro Planning committees, Municipalities of Pinelands, Milnerton, Goodwood, Parow, Institute of South African Architects, Athlone and District Management Committee, Cape Town and Goodwood Chambers of Commerce, Western Cape Traders Association, Tygerberg Chamber of Commerce and Industrial Association, Athlone Business and Professional Association, Captour, Maitland Municipal Voters Association, Thornton Ratepayers Association,

Pro - Kaapstadse Afrikaanse Sakekamer, Western Province Agricultural Society.

- 9 Intensity: Verbal disagreement (including many official letters of objection to the Council); briefs presented, appeal to government.
- 10 Background: The Cape Showgrounds have been used for exhibitions and fairs and are owned by the Western Province Agricultural Society.
- 11 History: The application for rezoning was lodged by the attorneys Heyns, Strauss and Visagie on behalf of the Western Province Agricultural Society and an unnamed group of South African companies on the 26 August 1980. The City Engineer recommended rejection of the rezoning in his report to the Town Planning Committee on the 24 April 1981. In reaction to the City Engineer's report, consultants for the applicant met with the TP committee to discuss the objections on the 27 May 1981. The TP committee decided not to support the City Engineer's recommendation and to recommend to Council that the application be approved. On 16 June 1981, the Executive Committee decided to ask for the views of surrounding local authorities and other interested parties on the application. Except for two bodies all parties objected to the development (see CS 7). The applicants hereafter claimed that the Council acted against the principles of free enterprise by protecting existing businesses from competition. The City Engineer stressed that it is the task of the local authority to ensure that influences disruptive of the existing commercial development and other components of the delicately

balanced urban land use and socio-economic system are minimized. Towards the end of 1981 the Agricultural Society gave the Council an ultimatum to come to some decision on the application. On 10 December 1981 the Town Planning Committee reversed its decision and rejected the application; which was followed by a rejection of the application by the Council on 21 December 1981. On the same date the applicants appealed to the Administrator who advertised for objections on the 6 February 1982. Again official objections were filed.

- 12 Outcome On the 2 February 1983, the Provincial Administration overruled the decision of the Cape Town City Council and approved the development condition that a solution, acceptable to the CTCC and the Provincial Roads Department, be found to the expected traffic problems. A further provision is that the rate of retail development should not outpace that of the leisure centre.

#### Case Study No 5: Mayor's Garden Site - Office Development

- 1 Applicant: City of Cape Town
- 2 Application: End 1981
- 3 Initiator: Simon van der Stel Foundation
- 4 Date of Initiation: 18 March 1982
- 5 Local Authority: City of Cape Town
- 6 Rezoning: Municipal Purpose to General Business Use
- 7 Conflict: a) Primary issue: preservation of an open space and of the historic last portion of Old Caledon Square.

- b) Secondary issues: protection of surrounding business area; providing a park and garden on the site; city profiteering for leasing of site; high rise buildings detract from the beauty of the City Hall; demolition of public toilets on the site; destruction of trees; effect on the views of Table Mountain; generation of traffic.
- c) Forum: newspapers - first appearance February 1982; very little coverage in only six minor articles under headings of medium size and no pictures. Council minutes - 8 reappearances, closed council meetings, intense debates.
- 8 Participants: Cape Town City Council, Planning Committee, Executive Committee, Simon van der Stel Foundation, Woolworth/Truworth Company, Cape Provincial Institute of Architects, three residents from Rondebosch, Thornton and Cape Town respectively.
- 9 Intensity: Verbal disagreement.
- 10 Background: The Mayor's Garden Site was converted from a pleasant park to a recruiting and recreational centre for servicemen during the Second World War. After the war, due to a shortage of staff accommodation, various council offices were accommodated in the temporary buildings and certain brick and concrete structures were erected on the site. The site has not been used as public open space for more than 40 years but belongs to the City of Cape Town.
- 11 History: The City of Cape Town initiated rezoning procedures for the Mayor's Garden site at the end of 1981 with the intention of leasing the site to Woolworth/Truworth who wanted to build their corporate

headquarters there. In 1981 Woolworth/Truworth lodged informal inquiries with the City Council about the availability of the Drill Hall site for a new head office building. A strong lobby developed for the preservation of the Drill Hall which was erected in 1884. Woolworth/Truworth informed the Executive Committee that they would not be interested in the site if demolition of the Drill Hall were to become a public issue. They needed a vacant site. The city wanted to attract modern offices into the older part of the CBD near the city hall. On 14 January 1982 Woolworth/Truworth approached the Executive Committee with an offer of 1.3 million Rands rent for a 65 year lease of the site. The Executive Committee agreed to the period but not the rent. On 4 February 1982 Woolworth/Truworth offered 2 million Rands but stipulated that building had to start within six months. A Special Executive Committee meeting at which no agreement could be reached was held on 16 February 1982. The alternative site of Mayor's Garden was suggested to Council at its meeting on 25 February 1982 and it was agreed to advertise the intention to lease the Mayor's Garden site (Erf 4941, Cape Town) to Messrs Woolworths Truworths Ltd; to consider any counter offer, and to request the Administrator to rezone the site from Municipal Purposes to General Business Use, Sub-Zone B5. All decisions subject to certain conditions. Following certain amendments to the proposed conditions, Council resolved on 15 March 1982 to readvertise the leasing of the site. On 29 April 1982 Council resolved that the Final Statement

be amended by the inclusion in Schedule B of certain revised conditions. This proposal was advertised, with a closing date for objections of 28 May '982. In the interim a number of objections were received in response to earlier advertisements but the City Engineer recommended in his report on the 21 May 1982 that objections should not be upheld on the basis that the objectors had not acquainted themselves with the details of the proposed special conditions applicable to the rezoning. Council adopted the recommendations of the City Engineer in a meeting on 26 September 1982 and decided to ask for the Administrator's consent.

- 12 Outcome: The Administrator approved the rezoning and the building was under construction at the time of writing.

Case Study No 6: Woodstock Pine Road Parking Area

- 1 Applicant: This case would not be identified in the Cape  
2 Application: Town Council minutes. Therefore the applicant  
and date of application are unknown.  
3 Initiator: Residents and Argus Newspaper  
4 Date of Initiation: January 1983  
5 Local Authority: City of Cape Town  
6 Rezoning: unknown  
7 Conflict a) Primary issue: Threat to housing  
b) Secondary issue (objections raised): Short distance  
from hospitals and work; people too old to move;  
length of residence in area; Lack of alternativ  
accommodation, Group Areas.

c) Forum: newspaper - first appearance 27 January 1983, four small articles of two columns each, medium heading size, one picture; council - did not appear during the study period.

8 Participants: Department of Community Development, Salt River, Woodstock - Walmer Estate Residents' Association, Pine Road residents.

9 Intensity: Verbal disagreement

10 Background: In January 1983 an article was published by the Argus which stated that more than a hundred people living in Pine Road, Woodstock have been asked to move to make way for a proposed parking lot.

11 History: Residents expressed their fears of eviction and unwillingness to move. On 2 February 1983 the Salt River-Woodstock-Walmer Estate Ratepayers' Association condemned the harrassment and intimidation of Pine Road residents who apparently were threatened with eviction by officials of the Department of Community Development. The Department of Community Development held that the houses should not be demolished unless it was economocially unfeasible to renovate them and has told the City Council in March that no one will be expected to leave their homes if there is no suitable alternative accommodation available.

12 Outcome Pending.

Case Study No 7: Kalk Bay Porto Cervo Development

- 1 Applicant: Porto Cervo Construction Project Management (Pty) Ltd
- 2 Application: 6 October 1982
- 3 Initiator: Various households
- 4 Date of Initiation: December 1982
- 5 Local Authority: City of Cape Town
- 6 Rezoning: Single Residential to General Residential
- 7 Conflict: a) Primary Issue: High density housing  
b) Secondary Issues (objections raised): The Kalk Bay village charm will be wrecked - incompatibility with neighbourhood; mountain will be out of view; a public passage between Godfrey and Clairvaux Road will be cut off; noise pollution; the development is too large.  
c) Forum: newspaper - first article 5 November 1982, seven articles and letters, two pictures and limited heading size council - one reappearance and small debate.
- 8 Participants: City of Cape Town; Developer; Kalk Bay Ratepayers' Association; Residents of Kalk Bay, St James and Cape Town.
- 9 Intensity: Verbal disagreement, petition with 334 signatures.
- 10 Background: Kalk Bay is a small village between the sea and the Table Mountain chain to the Southeast of Cape Town. It is one of the few operational fishing harbours on False Bay and fisherfolk form an integral part of the community.
- 11 History: On 6 October 1982 Porto Cervo Construction applied to have three erven in Kalk Bay rezoned from Single Residential to General Residential use in order to

build a mediterranean type, stepped, high density housing development on the mountain slopes above the town. The City Engineer (6 October 1982) and the Town Planning Committee (13 October 1982) recommended acceptance of the plan and the Executive Committee followed suite on 4 November 1982. On 30 November 1982 Council agreed to apply to the Administrator for the rezoning and advertised the development. The City Engineer's report was also referred to the Utilities and Works Committee and the Cape Town Environmental Advisory Board, who adopted the recommendations on 1 November 1982 and 14 November 1982 respectively. The proposed rezoning was advertised and seven letters of objection from individual households plus one from the Kalk Bay Ratepayers' and Residents' Association were received. A petition was submitted by a Kalk Bay resident on 24 November 1982. Mr John Wiley, MP, drew the attention of the Council to the fact that the development might interfere with plans for a major by-pass road. Another resident mentioned that he had attempted to buy part of the area in which the development was proposed, but his application was rejected on the grounds that the area was earmarked for a road development. In response to these objections the City Engineer asked the applicant (17 January 1983) to provide more detailed plans and a model of the development. The applicant submitted a slightly revised plan on 4 February 1983 and the City Engineer again recommended the development to the Town Planning Committee on 5 April 1983. The Town Planning Committee and the Executive Committee concurred

on 11 April 1983 and Council approved the rezoning and development on 28 April 1983.

12 Outcome: The development is being completed at the present time.

Case Study No 8: Rylands Business Area

- 1 Applicant: SJP Investment (Pty) Ltd
- 2 Application: 6 March 1975
- 3 Initiator: City Engineer
- 4 Date of Initiation: 6 March 1975
- 5 Local Authority: City of Cape Town
- 6 Rezoning: Single Residential to General Business
- 7 Conflict: a) Primary issue: No need for additional business zoning.  
b) Secondary issues (objections raised): The area is residential and there is a shortage of housing in the Indian community; houses were built at great expense; other business sites are standing empty; type of activity proposed should only be allowed in an industrial area; traffic increase; noise.  
c) Forum: newspaper - no item; council - one reappearance during the study period, but ongoing debate since 1975, extensive debate between the Town Planning Committee and the City Engineer.
- 8 Participants: City of Cape Town; Regional Representative of the Department of Community Development; Rylands Estate Management Committee; Residents of Rylands.
- 9 Intensity: Verbal disagreement.
- 10 Background: Rylands Estate is one of two areas in Cape Town set aside for the Indian population. It is relatively

- densely populated and residences are always in demand.
- 11 History: On 18 December 1975 Council considered an application made on behalf of SJP Investments (Pty) Ltd for the rezoning of an area in College Road, Rylands Estate to increase the size of a workshop and to produce a 'flow line' servicing system. The City Engineer did not recommend a 'spot' zoning but considered the creation of a small commercial node in the area. The proposal was advertised and various letters of objection were received. In a report on 14 August 1979 the City Engineer, on the grounds of these objections changed his original recommendation and suggested the council reject the rezoning. The Town Planning Committee on 21 May 1980 considered the report together with a letter from the Rylands Estate Management Committee who approved the rezonings, and asked the City Engineer to reconsider and submit a report on the necessary amendments to the Town Planning Scheme. This report, dated 2 December 1980, stated the City Engineer recommended that only three erven and not a whole area might be rezoned. This was adopted by the Executive Committee on 19 May 1981 and by Council on 26 May 1981.
- 12 Outcome: No general commercial area was allowed in Rylands, but three private erven were rezoned from Single Residential to General Business use.

Case Study No 9: Tannery Park Development in Rondebosch

- 1 Applicant: Seardel Investment (Pty) Ltd  
2 Application: 6 August 1981

- 3 Initiator: no conflict
- 4 Date of Initiation: not applicable
- 5 Local Authority: City of Cape Town
- 6 Rezoning: General Residential to General Business
- 7 Conflict: No conflict arose; the development was mentioned favourably in two newspapers with a picture in each and was approved at the first appearance in Council.
- 8 Participants: City of Cape Town, Divaris Estate on behalf of Seardel Investment (Pty) Ltd.
- 9 Intensity: Verbal agreement.
- 10 Background: The Mossops Tannery had been a source of pollution but also a source of employment in the area and was closed only shortly before demolition.
- 11 History: The application for rezoning of the site from General Residential to General Business use was handed in by Divaris Estate on 6 August 1981. The development plan proposed a three storey office development comprising 7000 square metres of office accommodation. The offices are arranged around a central garden and on-site parking will be provided. On 2 September 1981 the City Engineer recommended the rezoning and developemnt and the Town Planning and Executive Committees recommended accordingly on 9 September 1981 and on 22 September 1981 respectively. On 30 July 1982 the development was approved by Council.
- 12 Outcome: Demolition of the old Mossops Tannery was started in June 1983 and in September 1984 the main buildings had been completed except for the interiors.

## CHAPTER VII

### SIGNIFICANCE AND SOCIO-POLITICAL IMPLICATIONS OF LOCATIONAL CONFLICT IN CAPE TOWN

The previous chapter provided some insight into the detailed characteristics and development of locational conflict in Cape Town. A relationship between the number of applications for a land use change and resulting conflicts was assumed and could be confirmed in most instances. Different types of conflicts in which various participants were involved have been shown to have varying outcomes and results. From this basis of an analysis of specific conflict issues it is now possible to draw conclusions about conflict in Cape Town.

#### 7.1 Problems Associated with the Study

A few difficulties have been experienced in this study. These were, however, rather of a technical than of a conceptual nature and concerned mostly the collection and the type of initial data used and the way of classifying them in a meaningful way. As the analysis of each conflict became more detailed, the likelihood of missing data and information from incomplete newsreporting increased. Where the conflict extended to include council meetings, the use of minutes of the City of Cape Town council meetings proved very useful in counteracting this problem as the course of a debate was carefully noted and dates of the appearances of the issue in various official bodies were mentioned. Furthermore, letters of objection which are required to state exact reasons for the objection, are often included as appendices to the minutes, therefore in these instances it was relatively easy to determine grievances against proposed developments and participating individuals or groups. On the

other hand newspapers tend to state grievances and objections only in very general terms and they were then difficult to classify. This problem relating to getting detailed information, however, could only be solved in those conflict cases which appeared in both newspapers and Cape Town council minutes. The great majority of cases were only known and identified through the press and the quality of the information was directly dependent on the factual quality of the reporting.

As was also the case in the Mercer and Ley study, which was replicated as far as possible, technical coding and classification problems were encountered in this research mainly during the newspaper content analysis. Mercer and Ley (1980) see this problem not as a result of their specific study, but as a difficulty inherent in any structural research technique which imposes a fixed set of categories upon events which are not only complex but also in flux. Although the author is inclined to agree with this statement, the compound percentage system used by Mercer and Ley in compiling their tables concerning conflict type, proposed land use, participation, intensity and grounds for involvement seem to be somewhat misleading. In this study an attempt has been made to avoid this problem by using a slightly different method in expressing each of these variables. All categories for each variable were added and each category was then expressed as a percentage of the whole. As far as possible double counting was excluded. Furthermore, the term 'initiator' is used in a slightly different sense to that of Mercer and Ley. They interpret developers as the initiators of conflict on the grounds that these propose a development and apply for a land use rezoning. Thus, by definition, every rezoning application is a conflict. Given that in the Cape Town context conflict has been defined as overt public debate, the application has been taken to represent the population from which conflict over the location of a particular type of land use could arise. Thus, the term 'initiator' is used in this

study to refer to an individual or a body who first officially objects to a proposed rezoning.

Further difficulties were encountered in the classification of conflicts according to their type. The dominant (primary) controversial issue around which the controversy focussed was used as the basis for defining the type of conflict. In certain conflicts the dominant controversial issue was clearcut and could be easily identified and classified. In major conflicts, which carried on for years, changes in attitudes and the introduction of additional controversial issues made it relatively difficult to classify such conflicts into a single type. Inevitably, a measure of subjectivity is involved in the classification procedure. Although the criteria which Janelle and Millward (1976) used to classify conflicts have been applied in this study, slightly different terms are employed to label categories so as to prevent confusion with the official names of the land use categories. In this respect it may be mentioned that educational conflicts were very rare in Cape Town, probably because school issues are not decided by private committees comprised primarily of parents as in the United States, but are largely determined by provincial government.

Despite the problems outlined above, some useful conclusions could be reached with respect to locational conflict in Cape Town. In general it can be said that land use change and development occurred in all parts of the built-up area during the study period. And although conflict over land use changes and proposed developments was found relatively frequently in older established residential areas, conflicts also occurred in relatively undeveloped parts of the Cape Town metropolitan region. The study has shown that newspaper coverage is an important means in spreading news about proposed land use changes and developments and the papers are responsible for generating debate as a

result of greater public awareness. In contrast, the bureaucratic land use change procedure aimed at increasing public awareness and bringing about orderly change did not seem to facilitate the dissemination of information regarding the location of proposed developments nor did it encourage the general public to become directly involved to any great extent in the debate.

## 7.2 Conflict in Cape Town

The dominant feature of locational conflict in South Africa is the involvement of a specific bureaucratic land use change procedure that is set in motion as soon as an application for a land use change is submitted. The aim of this procedure is "to ensure coordinated and harmonious development in order to promote the health, safety, order, amenity, convenience and general welfare of the public and to promote efficiency and economy in the process of such development" (Province of the Cape of Good Hope, 1934). The township ordinance does not explicitly state that this procedure aims at encouraging public participation. Nevertheless, as it aims to act as an interface between the planning process and the public, some degree of participation is possible and expected. The general public may voice its opposition either through their representatives within the local authorities or by sending official letters of objection to the local authority after a particular land use change has been advertised.

The questions that need to be discussed at this point are whether any major problems arise out of such procedure, secondly, whether the possibilities for public participation are sufficient and are used and thirdly, whether specific sectors of the public are favoured by it.

The main area of discontent regarding the land use change procedure in Cape Town seems to be the lack of communication and an information flow between the local authorities and the general public. This, despite the fact that communication is one main reason for the existence of the procedure. Possible causes are firstly, the advertisement of rezoning applications appears in the Official Gazette of the Cape of Good Hope and on the back pages of local newspapers. This is unsatisfactory on five counts. Although newspapers are read by many people (Argus: average daily sale - 106,476, average weekend sale - 119 027; Cape Times: average daily sale - 68 080, average weekend sale - 85 016, for the period January to June 1984) the pages on which local authority announcements are published are not likely to be read regularly by residents. In any event the layout and the small print make perusal difficult, thus discouraging the majority of potential readers. The Official Gazette, too, seems to be ineffective in informing private individuals about land use changes as the Gazette is not readily available to private individuals and is generally subscribed to by officials, institutions and firms. Its contents are very technical, the material is of little general interest and the format, which is difficult to read, again discourages potential readers.

Alternatively, informing residential or business communities about an impending land use change by means of official letters sent out by the municipality is seldom used, possibly because of the cost and time involved in doing so coupled with the expectation of a poor response. Notices posted on the perimeter of land about to be rezoned or developed are only used if the area affected by a proposed change falls within a built-up zone. Such notices are usually very small and therefore only likely to be seen by pedestrians. As a result, information about a proposed land use change, rather than being volunteered by the local authority before the development, seems to reach many households by

accident when they encounter the actual physical changes, i.e. demolition of buildings, clearing of sites, etc. At that stage it is usually too late to object to the land use change as the time period open for objections may have expired, or, as is often the case, the rezoning of the site is approved long before the development starts (Cape Sun Hotel) and thus few legal grounds for objection are left open to those who are not happy with the way the land use is being changed.

If a civic minded individual has read an advertised land use change, either in the Gazette or in the newspapers, and decides to follow up the case and find out more about it, he is faced with many obstacles and no clear cut rule as to where to find better information. The first place he can approach for information is the Town Planning Branch within the City. There he will be told exactly where the development is to take place, but not much else. The officials serving at the public counter in the Town Planning Branch are seldom informed about details of a development, such as for instance the height of buildings, density, floor area, etc. Neither will the individual be able to see evaluations and environmental impact reports which might have been compiled about the development. The only way to follow up a particular land use change is by reading the appropriate council minutes in which the case was noted. This presents further problems as there is no comprehensive referencing system of the minutes to aid quick identification of a specific rezoning case.

Newspapers may come to the aid of the public in following up details of a case. Reporters may be notified about an impending land use change, not by the officials of the local administration of the Town Planning Branch, but by councillors who might feel that the public should know or should be warned about a certain change; or because they want to voice their opposition to the development in public (Fernwood CS 3). Unfor-

tunately, actions such as these are not necessarily altruistic and may be related to furthering political aims of councillors who wish to attract votes in the next local election. Sometimes, individuals notify reporters and express their discontent over development projects, as was the case in the Woodstock Pine Road issue (CS 6) and the newspapers are then the major source of information for local residents and become actively involved in locational conflict.

The whole issue of lack of information and lack of communication between the public and the local authorities creates a spirit of suspicion on the part of the public who cannot be sure when and where the next development will be sprung on them. It also creates an uninformed public whose objections can be easily countered and/or disregarded by the City Engineer and the Town Planning Committee on the grounds of being naive. Council minutes show an awareness of the problem, for in at least one instance the City Engineer justified a request for a more detailed plan and a model of a proposed development in order "to counter objections raised" (City of Cape Town, City Engineer's Report, 1983 p 6). Not only do the local authorities complain about the uninformed public. Developers, too, disregard objections by Ratepayers' Associations, for example, because they argue that objections have been based on wrong information and may even go so far as to accuse Associations of misleading the general public (Grand Bazaar Development, Diep River).

Given the difficulty of finding out specifics of a pending developments, misinformation and lack of detail is not surprising and one queries the extent to which planning really serves the general public. With a bureaucratic procedure that ostensibly aims at bringing about orderly change yet makes minimal use of advertisements which themselves may reach the public too late, and which also allows rezonings to take place years before the actual development, one can expect discontent on the

part of the public and conflict to arise. What begins as the unimagina-  
tive use of information channels on the part of the local authority  
develops into accusations of purposefully leaving the public in the  
dark.

Despite these apparent shortcomings of the bureaucratic rezoning proce-  
dure one cannot entirely blame either the local authorities or develo-  
pers for the lack of fruitful communication. Public apathy, as far as  
local politics and decision making are concerned, is a further reason  
for the lack of knowledge about land use change development in the city.  
In Cape Town as elsewhere, "although people seem keen on the idea of  
'having a say', they do not seem so keen on getting up and saying it"  
(Knox, 1982; p 209). This unwillingness to participate was shown in a  
meeting organized by the local Ratepayers' Association to discuss a  
proposed high density housing development in what had been private open  
space in a highly visible area in Milnerton. Only 40 of the over 2000  
Milnerton ratepayers attended the meeting!

However, it is not only the lack of information experienced in the  
relationship between the public and local authorities that causes con-  
flict. Even with official bodies to whom information is available one  
can expect opposition and conflict to arise over the location of pro-  
posed developments to occur, not only between different local  
authorities, but between higher and lower tier government and within  
local authorities themselves.

Within local authorities the City Engineer frequently disagrees with  
decisions taken by the Town Planning or Executive Committees or visa  
versa (CS 4, CS 5, CS 7). This kind of internal debate, however, seems  
to be relatively constructive and has several uses. Firstly, it pre-  
vents the City Engineer, one single person who usually represents

professional and planning views, from making final decisions on land use changes. It also allows various viewpoints to be heard and may reflect the interest groups represented by the Town Planning and Executive Committees. A problem in this respect seems to be that the same interest groups that tend to be favoured are also represented by the committees. Such committees are comprised mainly of professional and self-employed members of the public who in turn will represent the interests of this particular socio-economic section of the public, a phenomenon experienced in many western capitalist cities (Pahl, 1975; Rex, 1981). Knox (1982) and Williams (1978) have studied the decision making process within American and British cities and have found similar groups of 'city managers' determining the distribution of amenities and services.

However, conflict does not only occur between different groups within the local government but also between local authorities (Herr, 1982; Cox and Dear, 1975). In the Cape Town metropolitan area locational conflicts arise between local authorities all of whom aim to keep unwanted developments as far away from their area of jurisdiction as possible, or alternatively, who want to attract developments they regard as beneficial and which other authorities may see as occurring at their expense. In the Goodwood Showground case (CS 4) the Goodwood municipality was prepared to allow the rezoning if the development took place within the local taxable area, while the adjacent local authorities condemned the development as producing too much competition for their respective business areas.

In cases where a proposed land use change lies within an area controlled by a certain local authority but the actual sites or erven concerned belong to, or fall under, the jurisdiction of the national government, there is much cause for conflict. This is the case in the UCT Middle

Campus Development in Rondebosch (CS 2). The site is administered by the Rhodes Trust which ensures its development according to the will of Cecil John Rhodes. The City of Cape Town has no control over proposed developments on this site other than to ensure the observation of building regulations. Nevertheless, the City is faced with traffic problems that might arise and it has to respond to complaints of Cape Town residents.

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Concerning the relationship between higher and lower tier government, the Administrator of the Cape Province seldom reverses a decision made by a local authority where minor land use changes are involved. However, the reverse seems to occur frequently in major controversial rezoning issues. The Goodwood Showground Issue (CS 4) is a very good example of this. The Cape Town City Council decided, after lengthy debates and discussions, not to permit the rezoning. This decision was taken even though the Town Planning Branch of the Cape Town Municipality was attacked by private business interests for allegedly acting contrary to the principle of free enterprise by protecting existing businesses from competition. Although many associations, other municipalities and residents supported the decision of the Cape Town Council to reject the application, the Administrator overruled the decision and approved the development subject to minor conditions. Such action undermines the status and authority of the local governments and is bound to create conflict and destroy goodwill between the provincial and the local authorities.

The preceding discussion illustrates that the bureaucratic procedure is a framework within which conflict can be directed and manipulated. Such conflict may arise at various levels of authority and between public bodies as well as between individuals and the authorities. The question which now arises is to ask what has been and is being done to overcome the shortcomings created by the bureaucratic land use change



### 7.3 Interest Groups

Three types of interest groups, which have been identified in other conflict studies, participate in locational conflict in Cape Town. Quasi-interest groups, which are semi-permanent groups (Muir and Pattison, 1980) in the form of residents' associations who are born out of a specific challenge to their environment. The residents in the immediate neighbourhood of the proposed Fernwood development (CS 3) and the UCT Middle Campus development in Rondebosch (CS 2) are examples of such associations. In the Middle Campus issue residents came together to discuss the wider roads and threatened influx of traffic into the quiet suburban streets as well as the destruction of the park-like University grounds. Once this particular conflict issue was resolved the groups dissolved. As relatively unorganised forces of public opinion, such quasi-groups obtain victories through the sheer weight of reaction on issues which generate widespread commitment and this was, in fact, the case in Cape Town.

Interest groups made up of professionals and academics who distinguish themselves by their professional and technical expertise (Elliot and McCrone, 1981) and whose 'capacity for income' rests on their knowledge and specialized education, too, appeared regularly in the conflicts in Cape Town. Mercer and Ley (1980) observed an increasing political involvement of professionals in local amenity issues in Vancouver. They identified a group called TEAM (The Electors Action Movement) which advocated a more open and responsive government, greater attention to the environment and a more humane livable city. Almost 60% of TEAM leadership was made of professionals or semi-professionals and 20% were businessmen (Mercer and Ley, 1980; p 93). In Cape Town issues which involved preservation of the environment, be it the natural or the built environment in the form of historical buildings, invariably generated

participation of professionals either in their capacity as individuals or as members of professional associations. Thus, for instance, the Cape Provincial Institute of Architects was involved in the Middle Campus (CS 2) debate and environmental groups such as the Simon van der Stel Foundation, Fairest Cape Association and the Coordinating Council of Nature Conservation in the Cape all appeared in a variety of local conflicts over locational issues that could be construed as having some environmental impact. Professionals and quasi-interest groups often combine to form what Dahrendorf (1976) and Moodie and Studdert-Kennedy (1970) call 'real interest groups' which are able to provide generalship and organize forces of opinion in order to achieve their aims in protecting the natural environment or the residential quality in their area, e.g. Noordhoek Kaolin Mines (CS 1).

Organized interest groups such as registered ratepayers' and residents' associations, business and traders' associations and official bodies of environmental and nature conservation appear separately or in combination in almost every identified conflict in Cape Town. They organize and inform sectors of the general public and are able to propagate their ideas to enlist the support of the general public. Business and traders' associations, made up of white collar businessmen and shop owners, form strong pressure groups in locational conflict in Cape Town. In this regard they form an initial link between business interests and the local authorities as many of the public officials sit in organized business committees or ~~are themselves~~ members of business and traders' associations. They are able to inform businessmen of the priorities and aims of the local authorities and ensure a good communication base between them.

Ratepayers, businessmen and environmentally interested professionals usually form part of the middle and upper middle class of society.

Pickvance (1977) found middle and upper middle class homeowners made up the greater proportion of residents' and ratepayers' associations. Members of these sectors of society seem to have more leisure time, willingness to interact and confidence in their own power to bring about a positive outcome of a conflict. One only has to examine the locational pattern of conflicts in Cape Town to find support for this characteristic of high socio-economic status individuals or groups participating in locational conflict in Cape Town.

Almost invariably residents in high socio-economic status areas showed much concern about intruding business or high-density residential developments that threatened to disrupt the tranquility of, and negatively affect property values in, the low-density expensive residential areas. A majority of Bishopscourt residents, for example, one of the suburbs in Cape Town with the highest ratable values (Rideout, 1980) and which still has very large individual plots and a minimum lot size of 2000 m<sup>2</sup> rejected the proposal to cancel minimum lot size regulations with reasons not unlike those offered by local authorities in Chicago, who defended exclusionary zoning practices (Brooks, 1970). They feared high-density developments, a fall in property values and an influx of 'undesirable elements'. Their concern to establish standards that ensure the development of an orderly, safe, aesthetically attractive and highly valued local community extends to involvement in conflict.

In contrast other medium and less high socio-economic status areas, such as Table View, Parow and Bellville record virtually no conflict despite a large number of rezoning applications and a considerable proportion of proposed land use changes to high-density residential, business and industrial land use, respectively. These suburbs all lie to the North and North East of Central Cape Town and thus lie along the major growth axis of the Metropolitan area. It cannot be assumed that the

relatively low level of conflict is solely a reflection of socio-economic status. Occurrence or non-occurrence of conflict might also be explained by expectations of continued development, land use change and building in the minds of local residents, who perceive their area as a development zone. Another explanation for the low level of locational conflict in these areas might also be associated with the rapidity of growth in the area. In some parts residents have not lived in their neighbourhoods long enough to get well acquainted with other residents and form interest groups. This situation, however, has been changing during the study period and an escalating amount of organizing and political interest has evolved. The increasing number of townhouse and high-density developments in Table View, for example, seem to have developed slowly into perceived threats and, during the time of writing, residents have begun to object to rezoning land for group and high-density residential use. Whether these objections achieve results and/or develop into full scale conflicts remains to be seen.

#### 7.4 The Role of Newspapers in Conflict

Outcomes and results of conflicts monitored during the study period, no matter what economic status area or which groups became involved, show that all major conflicts that appeared in the newspapers and generated extensive debate lead to the proposed developments being either stopped or delayed or lead to some fairly extensive change in the proposed plans. The papers were able to stimulate city wide interest or solicited involvement of conservationist and environmentalist groups with large appeal and membership, e.g. Noordhoek Kaolin Mines (CS 1), Granger Bay Harbour development, Sandy Bay development and District Six redevelopment, or strengthen the opposition of influential residents' associations, e.g. Groote Schuur, Middle Campus development (CS 2) and

Fernwood development (CS 3). However, the other major conflict which was identified from the Cape Town Council minutes, the Mayor's Garden development (CS 5) was kept out of the public eye and the issue was first discussed at closed Council meetings. Newspapers were not able to make the general public aware of the proposed development. Remaining as it did within the city administration the argument was never whether or not to develop but where to develop and what rent to charge for the lease of the ground.

Comparing the major conflicts and their coverage in the newspapers clearly shows that the media and especially local newspapers play an important role in informing the public about proposed developments. Furthermore, papers are able to take part in the debate and give a voice to opposition groups, thus generating further debate and leading to the successful resolution of the conflict. Such debate through the media should not be viewed as negative, because it fulfills an important role of informing the public. In fact, instead of merely advertising proposed land use changes and developments on back pages in small, inconspicuous notices, the authorities could perhaps advertise proposed changes in a less technical format and include simple descriptions of the proposed changes, listed alphabetically by area. In this way a resident could quickly and easily scan the proposed developments and inform himself about changes which concern his neighbourhood. Another possibility could be weekly press meetings in which reporters, as representatives of the public, could be informed about proposed changes so that they are able to communicate these changes to the general public in a meaningful manner. In this way, it would be hoped the public would feel better informed and, with more details available, it would be hoped that objections would be regarded by local officials as more reasonable and constructive.

## 7.5 Citizen Participation

Efforts to involve the public in the planning process are not really new and in the United States the idea of 'citizen participation' can be traced back to the early 1960's. Unfortunately, citizen participation, at least as attempted in American cities, seems to have had only limited success. Reasons for this are found to lie in the unwillingness of the general public to air their views (Rubin, 1967), in the disproportionately high percentage of participation by middle and upper middle class members in comparison to other groups of society (Cox, 1976) and in the attitude of planners who have been less than wholehearted in their commitment to the citizen participation exercise (Batley, 1972). This negative attitude of planners seems to be prevalent in British cities as well, where the participation process is regarded as a way of educating the public into the planner's way of thinking rather than visa versa (Knox, 1982). In Cape Town there is no mechanism for transferring power from the government and the bureaucracy to the people via citizen participation over locational issues. The attitude of planners has been very like that of their earlier American and British counterparts. Rather than inquiring honestly about the opinions of the general public concerning proposed development, the approach appears to be one of paternalism in which officials inform the public about what they are doing and expect to carry the public along with their decision. It is, therefore, not surprising that locational issues are only advertised at a relatively advanced stage of the decision making process.

Some efforts to involve the more disadvantaged groups of society in the planning process have been to employ tactics such as advocacy planning, bureaucratic guerillas and urban social movements. Advocacy planning, in particular, is meant to enable the disadvantaged groups to communi-

cate with officials, who do not seem to speak the same language, by means of advocates, i.e. experts who either are retained by individual groups to argue for them or clientless professionals who activate a group because they feel that an important community issue is not being properly dealt with (Kasperson and Breitbart, 1974). In the Cape Town situation advocacy planning has been attempted to a limited degree, more particularly in the fields of service provision and the provision of affordable housing for the poorer sectors of society, rather than over locational issues.

The limited success of citizen participation programmes has led some individuals to believe that they might be able to fight the system from within, as part of the bureaucratic process. However, it seems that it is difficult to work effectively within the system especially when the system, as defender of the status quo, is the problem itself. In South Africa the situation is particularly unfavourable and it seems almost impossible for bureaucratic guerrillas to operate in local authorities. Although the Coloured, Asiatic and Black population groups make up 54%, 1,2% and 12,5% respectively of the total Cape Town population for example, they enjoy no direct representation on the councils of local authorities. The lack of representation in local government is part of a much wider social and political problem. Officially representation is supposed to be assured through management committees. However, these are seldom recognized nor are their members trusted by the people they are supposed to represent because a connection between them and the White Government is assumed. Many see formal organization and larger urban movements as the only way out of dilemmas such as this. Castells (1977) for example, regards organization as crucial to the success of urban social movements, although he does not consider it sufficient in itself. He sees the need for urban social movements to be based on a broad alliance between

the middle classes and the proletariat. Supporters of this argument have found encouragement in a series of group mobilizations to improve living and neighbourhood quality especially on the European continent.

In Cape Town, rather than the management committees, locally created civic organizations seem to be regarded as the bodies with whom to lodge complaints or to ask for assistance in matters concerning residential quality. These organizations try to fight for lower rents, service provision, and location of amenities in the neighbourhoods and their efforts are documented regularly in community newspapers. Although most of such issues did not qualify for this study under the strict definition of locational conflict used here, they are, nevertheless, of great importance with respect to residential characteristics and quality of life. The issues also have important spatial impacts. As a member of the white community, unfortunately it appears to be almost impossible to carry out meaningful research into the nature of grievances and characteristics of interest groups within other population groups, yet there is a great need for a study of locational conflict in a slightly broader context to be undertaken by coloured or black researchers who have direct access and the trust of their own communities.

This research represents an attempt to analyse conflict over urban land use changes which have resulted mainly from inequalities in the distribution of land uses and the negative externalities associated with the location of particular developments. The procedure of land use change in Cape Town has been studied in order to gain insight into the allocative mechanisms and bargaining processes associated with competition between individuals, groups and institutions over locational issues. It has become clear that the land use change procedure is essentially geared to Whites rather than all racial groups. Even the strictly locational issues picked up by newspapers tended to involve Whites and

White areas. In contrast to this, issues in local community papers commented on residential quality and quality of life on a much broader basis, reflecting basic inequalities rather than locational details. Although the analysis of interest groups and individuals participating in conflict over urban land use change has revealed major trends, this area, in particular, requires further detailed research especially as far as the non-white population of Cape Town is concerned. It is hoped, therefore, that this study will provide a basis for more intensive and analytical research in the field of locational conflict analysis in South Africa.

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APPLICATION FORM

INFORMATION TO BE SUPPLIED BY APPLICANT FOR REZONING

1. Are you the owner of the properties concerned? \_\_\_\_\_

2. If not, for whom do you act? \_\_\_\_\_

(Written consent of owner to be furnished)

3. Give the following details of the property to be rezoned:

3.1 Erf Numbers \_\_\_\_\_

3.2 Area \_\_\_\_\_

3.3 Abutting Streets \_\_\_\_\_

4. State the following:-

4.1 Existing zoning \_\_\_\_\_

4.2 Proposed zoning \_\_\_\_\_

4.3 Surrounding zoning of the property \_\_\_\_\_

5. Give the following information regarding the nearest area with a similar zone to your proposed rezoning:-

5.1 Distance from your properties \_\_\_\_\_

5.2 The total area of the zone \_\_\_\_\_

5.3 The extent to which the zone has been developed to date

5.4 The average or estimated average rate of development or redevelopment over the past two to three years

6. Attach a sketch showing the existing land uses surrounding your property.

7. List the factors giving rise to the need for the rezoning

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. Will the rezoning increase the population which could be accommodated on your properties compared with the population which could be accommodated in terms of your present zone.

(Answer Yes or No) \_\_\_\_\_

9. If yes, describe the effect of the increased population on the existing provisions for:

9.1 Playgrounds \_\_\_\_\_

9.2 Parks \_\_\_\_\_

9.3 Schools \_\_\_\_\_

10. Will the rezoning generate additional vehicular traffic compared with the present zoning

(Answer Yes or No) \_\_\_\_\_

11. If yes, what would be the effect of such additional traffic on the existing and future road system and on the surrounding area in general.

\_\_\_\_\_  
\_\_\_\_\_

12. If the rezoning application is accepted, what type of development do you envisage for the site. (Sketches as well as a written description may accompany these forms).

13. Describe how your type of development is related to existing surrounding development.

\_\_\_\_\_  
\_\_\_\_\_

14. Give the reason why the site to which the application relates is considered to be the most suitable in the area concerned for the zoning applied for.

\_\_\_\_\_  
\_\_\_\_\_

15. Give the reasons why you consider your application to be to the benefit of the Town Planning Scheme as a whole.

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16. What special conditions do you suggest should be adopted for incorporation into the Town Planning Scheme to make your proposed zoning compatible with surrounding development or zoning.

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17. When do you envisage starting such development? (Give time period to be applied after the date of the Administrator's final decision on your application).

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18. The prescribed fee of R50, made payable to the City Treasurer must be enclosed with this form, or alternatively, a copy of your receipt for payment of this amount must be attached before this application may be considered.

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Signature of applicant

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Signature of owner/owners

NOTES.

1. This application form together with any additional relevant information which you may consider to be necessary should be forwarded to the Town Clerk, City Hall, Cape Town.
2. In the case of applications for the rezoning to Grouped Dwelling Residential Use of property situated in a Single Dwelling Residential Use Zone, outline plans must be submitted indicating the feasibility of the proposed development relative to the topography of the property concerned, adjoining properties and proposed location on the site of the Dwelling Units and any Private Areas, together with the internal road layout, if any, and conceptual landscaping of any non-residential areas.
3. The Administrator may not lawfully amend the Scheme unless he is satisfied that such amendment is based on sound town planning grounds and is to the advantage of the Scheme generally and not merely to the advantage of an individual. Your application must accordingly be fully motivated on sound town planning grounds.
4. Section 35 ter of the Townships Ordinance requires that the owner of any property which is increased in value because of rezoning shall pay to the Council an enhancement levy (betterment) of 50% of the increase in value. The cession of any land needed by the Council may be required in lieu of the enhancement levy or part thereof. The Town Clerk will communicate with you further in this connection if the rezoning of the property is recommended by the Council.

P.N 773/1983

23 December 1983

The following draft ordinance is hereby published for general information.

## DRAFT ORDINANCE

To regulate land use planning and to provide for matters incidental thereto.

**B**E IT ORDAINED by the Provincial Council of the Province of the Cape of Good Hope as follows:—

### INTRODUCTORY

1. This Ordinance is divided as follows:

Division of Ordinance.

- CHAPTER I *Structure Plans*  
(sections 3 to 6)
- CHAPTER II *Zoning Schemes*  
(sections 7 to 21)
- CHAPTER III *Subdivision of Land*  
(sections 22 to 32)
- CHAPTER IV *Planning Advisory Board*  
(sections 33 to 35)
- CHAPTER V *General Provisions*  
(sections 36 to 49)

2. In this Ordinance, unless the context otherwise indicates—

Definitions.

(i) "advertise", in relation to a matter under this Ordinance, means to serve a notice on every owner of land who in the opinion of the director or a town clerk or secretary has an interest in the matter and whose address he knows or can obtain and, if the director or the said town clerk or secretary, as the case may be, so decides, to publish in the press a notice—

(a) specifying the place where and the hours during which particulars of the matter will be available for inspection, and

(b) stating that objections may be lodged with a person specified in the notice before a date likewise specified, being not less than 14 days after the date on which the notice is so served or is so published,

and "advertisement" has a corresponding meaning; (i)

(ii) "advisory board" means the Planning Advisory Board established under section 33 (1); (ii)

(iii) "council" means the council of a municipality or a division; (ix)

(iv) "departure" means an altered land use restriction in terms of section 15 (1) or a condition imposed under any provision of this Ordinance or a land use granted temporarily in terms of section 15; (iv)

(v) "director" means the Director of Local Government; (v)

(vi) "division", has the meaning assigned thereto in the Divisional Councils Ordinance, 1976 (Ordinance 18 of 1976); (iii)

(vii) "joint committee", means a committee established under section 3 (1) (a); (viii)

(viii) "land" means land with or without improvements; (ix)

- (ix) "land unit" means a portion of land registered or capable of being registered in a deeds registry; (x)
- (x) "land use restriction" means a restriction, in terms of a zoning, on the improvement of land; (xi)
- (xi) "local authority" means a municipality or a division; (xviii)
- (xii) "municipality" has the meaning assigned thereto in the Municipal Ordinance, 1974 (Ordinance 20 of 1974); (xiv)
- (xiii) "owner", in relation to land, means the person in whose name that land is registered in a deeds registry and any successor in title or legal representative of such a person; (vi)
- (xiv) "public place" means any land in respect of which the ownership as such vests in a local authority in terms of section 28 of this Ordinance or in terms of the Townships Ordinance, 1934 (Ordinance 33 of 1934); (xvi)
- (xv) "public street" means any land in respect of which the ownership as such vests in a local authority in terms of section 28 of this Ordinance or in terms of the Townships Ordinance, 1934 (Ordinance 33 of 1934); (xvii)
- (xvi) "publish in the press", in relation to a notice, means—
- (a) to publish the notice in accordance with the provisions of sections 109 and 110 of the Republic of South Africa Constitution Act, 1961 (Act 32 of 1961), in such newspaper or newspapers as the director or town clerk or secretary who shall or may so publish, may from time to time determine;
  - (b) as soon as practicable thereafter to post at the office of the local authority concerned a copy of the notice so published, and
  - (c) to keep such copy so posted for a period of not less than 21 days from the date on which it was so posted; (xiii)
- (xvii) "register", when used as a noun, means documents held by a local authority in connection with all departures concerned; (xx)
- (xviii) "regulation" means a regulation made under this Ordinance; (xxi)
- (xix) "rezoning" means the alteration of a zoning scheme under section 14 (4) or 16 in order to effect a change of zoning in relation to particular land; (xii)
- (xx) "scheme regulations" means regulations—
- (a) made by the Administrator in terms of section 8, or
  - (b) made under section 60 of the Townships Ordinance, 1934 (Ordinance 33 of 1934), in relation to a town planning scheme referred to in section 7 of this Ordinance and which constitute a part of such scheme; (xxiii)
- (xxi) "secretary" has the meaning assigned thereto in the Divisional Councils Ordinance, 1976 (Ordinance 18 of 1976); (xxii)
- (xxii) "structure plan" means a policy plan contemplated in section 4; (xxx)
- (xxiii) "subdivide", in relation to land, means to subdivide the land whether by—
- (a) survey;
  - (b) the erection of buildings or structures;
  - (c) the allocation, with a view to the separate registration of land units or the erection of buildings or structures, of undivided portions thereof by the sale of granting of options or shares, or
  - (d) the preparation thereof for such subdivision; (xv)
- (xxiv) "town clerk" has the meaning assigned thereto in the Municipal Ordinance, 1974 (Ordinance 20 of 1974); (xxix)

(xxv) "use right", in relation to land, means the right to utilise that land in accordance with the provisions of an applicable zoning scheme; (vii)

(xxvi) "zone", when used as a noun, means land set apart by a zoning scheme for a particular zoning, irrespective of whether it comprises one or more land units or part of a land unit; (xxiv)

(xxvii) "zone", when used as a verb in relation to land, means to set apart the land for a particular zoning; (xv)

(xxviii) "zoning", when used as a noun, means any category of directions in connection with the utilisation of land and the land use restrictions applicable in respect of the said category of directions, as determined by a zoning scheme; (xxvi)

(xxix) "zoning map" means a map or maps showing zones and land units referred to in section 12 (3), and (xxvii)

(xxx) "zoning scheme" means a scheme consisting of scheme regulations and a register, with or without a zoning map. (xxviii)

## CHAPTER 1: STRUCTURE PLANS

### 3. (1) The Administrator may—

Joint committees.

(a) establish, with a view to the preparation of a structure plan in respect of the land situated in the areas of jurisdiction of two or more local authorities or such part thereof as may be determined by the Administrator, a committee to be known as a joint committee, the members of which shall be appointed by the councils of the local authorities concerned on such basis and conditions as the Administrator may determine;

(b) determine the defrayal of the expenditure in respect of the functions of a joint committee;

(c) confer on a joint committee, with or without any restriction, any powers that the said local authorities may exercise, including the power to appoint, dismiss and remunerate employees and to impose other conditions of service, and

(d) abolish a joint committee on such basis and conditions as he may determine.

(2) A Town-planning Committee appointed under section 34 of the Townships Ordinance, 1934 (Ordinance 33 of 1934), and existing immediately prior to the commencement of this Ordinance, shall be deemed to be a joint committee established and appointed under subsection (1) (a) of this section.

### 4. (1) A local authority—

Preparation of structure plans.

(a) may with the consent and shall on the direction of the Administrator prepare and submit to the Administrator for his approval a policy plan, to be known as a structure plan, in respect of the land situated in its area of jurisdiction or such part thereof as may be determined by the Administrator;

(b) may with the consent and shall on the direction of the Administrator prepare in co-operation with one or more other local authorities and submit to the Administrator for his approval a policy plan, to be known as a structure plan, in respect of the land situated in their respective areas of jurisdiction or such parts thereof as may be determined by the Administrator.

(2) A joint committee may with the consent and shall on the direction of the Administrator prepare and submit to the Administrator for his approval a policy plan, to be known as a structure plan, in respect of the land for which it has been established.

(3) The director may with the consent of the Administrator prepare and submit to the Administrator for his approval a policy plan, to be known as a structure plan, in respect of any area in the Province of the Cape of Good Hope.

(4) The consent and direction referred to in subsection (1), (2) or (3) shall be subject to such conditions as the Administrator may determine as to the manner in which the structure plan concerned is to be prepared, including conditions as to inspection and representations by inhabitants of the area of jurisdiction of any local authority concerned and by other interested parties in the preparation of the structure plan.

(5) A structure plan shall from the date on which it is submitted to the Administrator in terms of subsection (1), (2) or (3) be available for inspection and the lodging of objections or the making of representations to the inhabitants of the area of jurisdiction of any local authority concerned and to other interested parties at the office of such a local authority.

(6) The Administrator shall, after considering objections lodged or representations made in terms of subsection (5), approve or reject a structure plan submitted to him in terms of subsection (1), (2) or (3) and notify a local authority or joint committee concerned accordingly.

(7) A structure plan so approved may at any time, on application to or on the direction of the Administrator, be amended or withdrawn, with the approval of the Administrator, by a local authority or joint committee concerned or the director, in such manner as may be determined by the Administrator and subject to inhabitants of the area of jurisdiction of any local authority concerned and other interested parties being afforded an opportunity of lodging objections or making representations and without any obligation to pay compensation to any person.

(8) A structure plan shall, unless the Administrator directs otherwise, be reviewed by a local authority or joint committee concerned or the director at least once every 10 years, in such manner as may be determined by the Administrator and subject to inhabitants of the area of jurisdiction of any local authority concerned and other interested parties being afforded an opportunity of lodging objections or making representations and shall, as so reviewed, be submitted to the Administrator for his approval.

(9) In the preparation, amendment, withdrawal or reviewing of a structure plan in terms of this section regard shall be had to the preservation of the natural and developed environment and steps taken in this connection shall be specified.

(10) (a) (i) Where a council deems it advisable by virtue of the provisions of section 5, its town clerk or secretary, as the case may be, may, subject to the provisions of paragraph (c) of this subsection, prepare and submit to the council for its approval a policy plan, to be known as a structure plan, in respect of the land situated in the area of jurisdiction of its local authority or part thereof.

(ii) The approval referred to in subparagraph (i) shall be subject to such conditions as the council may determine as to the manner in which such a structure plan is to be prepared, including conditions as to inspection and representations by inhabitants of the area of jurisdiction of the local authority concerned and by other interested parties in the preparation of the said structure plan.

(b) The provisions of subsections (5), (6), (7), (8) and (9) shall apply *mutatis mutandis* in relation to such a structure plan as if a reference in those subsections to the Administrator were a reference to the council concerned.

(c) No such structure plan shall be inconsistent with a structure plan contemplated in subsection (1), (2) or (3) or contain an authorisation contemplated in section 5 (2).

(11) No structure plan which is in any way inconsistent with a guide plan approved under section 6A (10) of the Physical Planning Act, 1967 (Act 88 of 1967), or with a plan approved under section 6A (13) of that Act, shall be approved under this section.

5. (1) The general purpose of a structure plan shall, without conferring or taking away any right in respect of land, be to lay down guidelines for the future spatial development of the area to which it relates (including urban renewal and urban design) in such a way as will most effectively promote the order of the area as well as the general welfare of the community concerned.

General purpose of structure plan.

(2) A structure plan may authorise rezoning by a council. ✓

6. Where land situated in the area of jurisdiction of one particular local authority is incorporated in the area of jurisdiction of another local authority, any structure plan applicable to that land shall, subject to the provisions of this Chapter, remain in force.

Continuation of structure plan.

## CHAPTER II: ZONING SCHEMES

7. Any town-planning scheme in terms of the Townships Ordinance, 1934 (Ordinance 33 of 1934), which in the opinion of the Administrator is in force immediately prior to the commencement of this Ordinance, shall be deemed to be a zoning scheme which is in force in terms of this Chapter.

Existing town-planning schemes.

8. The Administrator shall with effect from the date of commencement of this Ordinance make scheme regulations as contemplated in section 9 in respect of all land situated in the Province of the Cape of Good Hope to which the provisions of section 7 do not apply.

Scheme regulations made by Administrator.

9. (1) Control over use rights in the various zones shall be the object of scheme regulations, which may authorise the granting of departures and subdivisions by a council.

Scheme regulations.

(2) Scheme regulations may be amended or replaced by the Administrator by notice in the *Provincial Gazette* after the proposed amendment or replacement has, if deemed necessary by the director, been made known in such manner as the director may think fit.

10. Any local authority may and shall on the direction of the Administrator prepare a zoning map in respect of land situated in its area of jurisdiction or such part thereof as may be determined by the Administrator.

Preparation of zoning map.

11. The general purpose of a zoning scheme shall be to provide for control over use rights and over the utilisation of land in the area of jurisdiction of a local authority.

General purpose of zoning scheme.

12. (1) From the date of commencement of this Ordinance a local authority shall keep and maintain a register.

Register.

(2) The register shall form part of the zoning scheme of the local authority concerned.

(3) Where a zoning map has been prepared in respect of land, any land unit in respect of which departures are contained in the register concerned shall be shown in such manner as to be distinguishable.

13. The provisions of any other ordinance, in so far as they relate to the determination of the boundaries and widths of and to the erection of structures within a specified distance of the boundaries or centre lines of roads, shall form part of a zoning scheme except in so far as such a scheme—

Certain provisions form part of zoning scheme.

(a) provides for a road a width greater than that determined by or in terms of such other ordinance, or

(b) requires structures to be at a distance from the boundary or centre line of a road greater than that determined by or in terms of such other ordinance.

14. (1) With effect from the date of commencement of this Ordinance all land referred to in section 8 shall be deemed to have a zoning in accordance with the utilisation thereof, as determined by the council concerned.

Use rights.

(2) After the expiry of a period of 20 years after the said commencement, land to which the provisions of section 7 apply and which is not utilised in accordance with the zoning thereof shall be deemed to have a zoning in accordance with the utilisation thereof, as determined by the council concerned, and any applicable zoning map existing at the said expiry shall lapse; provided that the Administrator may, on the application of the owner concerned and if in his opinion special circumstances exist which justify it, extend that period in relation to the land concerned by such period as he may determine.

(3) If, when zoning takes place as referred to in subsection (1), (2), (4) (d) or (5) of this section or section 16 (2) (b), any utilisation of land is not in accordance with any use right as determined in terms of the zoning, the use right as determin-

ed by the zoning, or a departure, as the council concerned may determine, shall be deemed to exist.

(4) (a) Notwithstanding the provisions of subsection (1) or (2) either the Administrator or, if authorised thereto by the provisions of a structure plan, a council may substitute for a zoning scheme one in terms of which land is not zoned in accordance with the utilisation thereof.

(b) Use rights originating by virtue of the provisions of paragraph (a), which at the expiry of a period of five years after so originating have not been exercised, shall lapse at such expiry and thereupon the council concerned shall amend the zoning map concerned accordingly.

(c) Before substitution of a zoning scheme under paragraph (a), the provisions of section 17 shall apply *mutatis mutandis* in relation to any zoning in terms of the proposed replacement zoning scheme which differs from an existing zoning.

(d) Subject to the provisions of section 7 or subsection (2) of this section, land in respect of which the zoning has lapsed in terms of paragraph (b) of this subsection, shall be deemed to have a zoning in accordance with the utilisation thereof as determined by the council concerned.

(5) Subject to the provisions of section 7 or subsection (2), (4) (a) or (4) (b) of this section, any use right shall lapse if not exercised for an uninterrupted period of two years and the land concerned shall be deemed to have a zoning in accordance with the utilisation thereof as determined by the council concerned.

(6) Where the utilisation of land—

(a) at the commencement of this Ordinance does not comply with the zoning of the land concerned by virtue of the provisions of section 7;

(b) at the inclusion of the land concerned in a replacement scheme under subsection (4) does not comply with the zoning of that land in terms of the said subsection (4), or

(c) at the granting of a rezoning in terms of section 16 does not comply with the zoning of the land concerned in terms of that section,

such utilisation shall be deemed not to constitute an offence within the meaning of section 46.

(7) Notwithstanding the provisions of section 16 (2) (b) and of subsections (1), (2), (4) (d) and (5) of this section, land being unlawfully utilised shall be deemed to have no use right until such time as a use right in accordance with the lawful utilisation of the land concerned is granted thereto by the council concerned.

(8) Notwithstanding the provisions of this section but subject to any rezoning concerned, no right granted to erect one dwelling-house on a land unit shall lapse.

15. (1) An owner of land may apply in writing to the town clerk or secretary concerned, as the case may be—

Applications for departure.

(a) for a departure from the land use restrictions applicable to a particular zone in terms of the scheme regulations concerned, or

(b) to utilise land on a temporary basis for a purpose for which no provision has been made in the said regulations in respect of a particular zone.

(2) The said town clerk or secretary shall—

(a) obtain the relevant comment of any person who in his opinion has an interest in the application;

(b) where his council may act under subsection (3), deal with the application, subject to the provisions of that subsection, in accordance with the scheme regulations concerned, and

(c) where the Administrator may act under subsection (3), obtain the relevant

comment of the council of the said town clerk or secretary and furnish the director with a copy thereof and with any documents required by the director.

(3) Failing observance of the provisions of subsection (2) within a period prescribed by regulation, action shall be taken in accordance with the regulations.

(4) Either the Administrator or, if authorised thereto by the scheme regulations concerned, a council may grant or refuse an application referred to in subsection (1).

(5) The director shall, in relation to an application in respect of which the Administrator may act under subsection (4)—

(a) obtain such comment as in his opinion is still required, and

(b) notify the applicant and the local authority concerned of the Administrator's decision thereon.

(6) A departure in respect of which the application has been granted under this section shall lapse if not exercised within two years or within such further period as either the Administrator or, if authorised thereto by the scheme regulations concerned, the council concerned may on the application of the owner concerned determine, after the date on which the application was granted.

(7) Where a departure has lapsed in terms of subsection (6), the council concerned may amend the register and zoning map concerned accordingly.

16. (1) Either the Administrator or, if authorised thereto by the provisions of a structure plan, a council may grant or refuse an application for the rezoning of land.

Rezoning on application of owner of land.

(2) (a) A rezoning in respect of which the application has been granted by virtue of the provisions of subsection (1) shall lapse—

(i) if any relevant building is not completed within a period of two years after the date on which the application for rezoning was granted or the land concerned is not within the said period utilised as permitted in terms of the zoning granted by the said rezoning, or

(ii) where it has been so granted for the purposes of section 22, if the application for subdivision concerned is not made in terms of section 24 within a period of two years after the date on which the application for rezoning was granted,

unless either the Administrator or, if authorised thereto by the provisions of the structure plan concerned, the council extends the said period of two years.

(b) Subject to the provisions of section 7, 14 (2), 14 (4) (a) or 14 (4) (b), land in respect of which a zoning has lapsed in terms of subsection (2) of this section shall be deemed to have a zoning in accordance with the utilisation thereof as determined by the council concerned.

(3) Where an application for rezoning is granted under subsection (1) or a rezoning has lapsed in terms of subsection (2), the local authority concerned shall as soon as practicable amend the zoning map concerned and, where applicable, a register in its possession accordingly.

17. (1) An owner of land may apply in writing to the town clerk or secretary concerned, as the case may be, for a rezoning of the land under section 16.

Applications for rezoning.

(2) The said town clerk or secretary shall—

(a) cause such application to be advertised;

(b) where objections against the said application are received, submit them to the said owner for his comment;

(c) obtain the relevant comment of any person who in his opinion has an interest in the application;

(d) where his council may act under section 16 (1)—

(i) submit the application and all relevant documents to his council, and

(ii) notify the applicant of the council's decision, and

(e) where the Administrator may act under section 16 (1), obtain the relevant comment of the council of the said town clerk or secretary and furnish the director with a copy thereof and with any documents required by the director.

(3) Failing observance of the provisions of subsection (2) within a period prescribed by regulation, action shall be taken in accordance with the regulations.

(4) The director shall, in relation to an application in respect of which the Administrator may act under section 16 (1)—

(a) obtain such comment and information as in his opinion are still required;

(b) cause the application to be advertised if in his opinion this is necessary, and

(c) notify the applicant and the local authority concerned of the Administrator's decision thereanent.

18. (1) A rezoning of land may, on the initiative of the Administrator or a council, be granted under section 16 (1) by either the Administrator or, if authorised thereto by the provisions of a structure plan, that council in respect of land situated in its area of jurisdiction, irrespective of whether or not a local authority is the owner of the land.

Rezoning on initiative of the Administrator or a council.

(2) The provisions of sections 16 and 17 shall, in so far as they can be applied, apply *mutatis mutandis* in relation to such a rezoning; provided that where the local authority concerned is not the owner of the land concerned, the owner shall where practicable be notified of the proposed rezoning and be afforded an opportunity of commenting; provided further that the provisions of section 16 (2) shall not apply to land which is rezoned in terms of subsection (1) of this section with a view to the acquisition thereof by the council concerned.

19. (1) An owner of land who consequent on the rezoning thereof on the initiative of the Administrator or a council sustains financial loss may claim compensation therefor from the local authority concerned; provided that such compensation shall not be payable prior to the stage when such loss is sustained.

Compensation.

(2) The said local authority shall pay to the said owner such amount of compensation as the said owner and local authority may agree to.

(3) Where an owner is entitled to claim compensation under subsection (1) of this section and also under another law, he shall not be entitled to receive compensation under both.

(4) If an agreement contemplated in subsection (2) is not concluded within 90 days after a claim for compensation has been lodged with the local authority by virtue of the provisions of subsection (1), any question as to whether the owner concerned sustains financial loss referred to in subsection (1) and regarding the amount of compensation referred to in subsection (2) shall be determined by arbitration.

(5) The provisions of this section shall not preclude a council from acquiring land rezoned on the initiative of the Administrator or the council, provided if no agreement is concluded between the owner of the land and the council concerning the amount payable in relation to such acquisition, that amount is at the request of the said owner or council determined by arbitration.

(6) Where at the commencement of this Ordinance effect has not been given to the provisions of section 35ter (1) (b) or 57 (4) of the Townships Ordinance, 1934 (Ordinance 33 of 1934), in relation to compensation due by a local authority or the acquisition of land by a local authority respectively, such matter shall for the purposes of section 48 (2) of this Ordinance be deemed not to have been disposed of.

20. When any provision of a zoning scheme is in conflict with another ordinance or by-laws or regulations made thereunder, the said provision shall, subject to the provisions of section 13, prevail.

Conflict of laws.

21. Where land situated in the area of jurisdiction of one particular local authority is incorporated in the area of jurisdiction of another local authority, any zoning

Continuation of zoning scheme.

scheme applicable to that land shall, subject to the provisions of this Chapter, remain in force.

### CHAPTER III: SUBDIVISION OF LAND

22. (1) No application for subdivision involving a change of zoning shall be considered in terms of this Chapter, unless and until the land concerned has been zoned for purposes of subdivision in terms of Chapter II.

Zoning to precede subdivision.

(2) After the granting of an application for subdivision under section 25 in respect of land zoned for purposes of subdivision, the subdivision shall be deemed to form part of the zoning scheme concerned as if it were a zoning scheme applicable under section 14 (4) (a); provided that the provisions of section 14 (4) (c) shall not apply in this instance.

(3) Where a subdivision is in terms of subsection (2) of this section deemed to form part of a zoning scheme or the granting of an application for subdivision is in terms of section 27 deemed to have lapsed, the council concerned shall as soon as practicable amend the zoning map concerned and, where applicable, a register in its possession accordingly.

23. Subject to the provisions of section 22 of this Ordinance and of any law, no person shall from the commencement of this Ordinance subdivide any land except with the approval of either the Administrator or, if authorised thereto by scheme regulations, a council in accordance with an application granted under section 25 or otherwise than in accordance with the provisions of this Ordinance, unless the Administrator exempts such subdivision from the provisions of this Chapter.

Subdivision of land.

24. (1) An owner of land who desires to obtain the authority of the Administrator or a council in terms of section 25 for the subdivision of land, shall apply therefor in writing to the director or the town clerk or secretary, as the case may be.

Application for subdivision of land.

(2) The director shall, in relation to an application made to him in terms of subsection (1) —

(a) obtain the relevant comment of the local authority concerned and of any person who in his opinion has an interest in the application or may assist in the consideration thereof, and

(b) cause the application to be advertised if in his opinion any person is adversely affected thereby.

(3) A town clerk or secretary shall, in relation to an application made to him in terms of subsection (1) —

(a) obtain the relevant comment of any person who in his opinion has an interest in the application or may assist in the consideration thereof, and

(b) cause the application to be advertised if in his opinion any person is adversely affected thereby.

25. (1) After consideration of an application referred to in section 24 and all objections and representations pertaining thereto, either the Administrator or the council concerned, as the case may be, may grant or refuse it.

Granting or refusal of application.

(2) The director shall notify the applicant, the local authority concerned, the Surveyor-General concerned and any person referred to in section 24 (2) (a) of an application so granted by the Administrator and shall furnish them with a copy of the conditions imposed by the Administrator under section 29.

(3) The town clerk or secretary shall notify the applicant, the Surveyor-General concerned and any person referred to in section 24 (3) (a) of an application so granted by his council and shall furnish them with a copy of the conditions imposed by the said council under section 29.

(4) Failing observance of the provisions of section 24 (3) or if the council fails to take a decision as contemplated by subsection (1) of this section within a period prescribed by regulation, action shall be taken in accordance with the regulations.

26. If an application is granted under section 25, the owner of the land concerned shall submit a general plan or diagram, as indicated by the Surveyor-General concerned, to that Surveyor-General for his approval.

Approval of general plan or diagram.

27. (1) If a Surveyor-General has so approved a general plan or diagram, the owner concerned shall, within a period of five years after the application has been granted under section 25 or within such longer period as the Administrator or the council concerned, as the case may be, may determine, furnish the registrar of deeds concerned with such documents and information as he may require, comply with the requirements of the said registrar in connection with the cancellation of existing conditions of title, provide services in accordance with a condition imposed under section 29 (1) (c) (ii) in respect of the subdivision and obtain the registration of at least one land unit.

Registration.

(2) Where an owner has failed to comply with the provisions of subsection (1) in relation to a subdivision or a part thereof, the granting of the application under section 25 and the diagram or general plan concerned shall be deemed to have lapsed in relation to the said subdivision or part thereof at the expiry of the period contemplated in subsection (1).

28. The ownership of all public streets and public places over or on land in respect of which an application for subdivision has been granted under section 25 shall, after the registration of at least one land unit concerned, vest in the local authority in whose area of jurisdiction that land is situated, without compensation by the local authority concerned if the provision of the said public streets and public places is based on the normal need therefor arising from the said subdivision or is in accordance with a policy determined by the Administrator from time to time, regard being had to such need.

Ownership, on subdivision, of public streets and public places.

29. (1) Either the Administrator or the council concerned in terms of directions determined by the Administrator, as the case may be, may impose conditions as to the granting of an application for subdivision in terms of section 24 (1)—

Imposition of conditions.

(a) in relation to any particular land unit in the subdivision or generally to more than one such land unit;

(b) in relation to the compulsory establishment by the applicant for subdivision of a home owners' association;

(c) in relation to—

(i) the administration of the subdivision contemplated after the granting of the application for subdivision, and

(ii) the prerequisites for the registration of land units and the provision of services in connection therewith, and

(d) having regard to—

(i) the community needs and public expenditure which in his or its opinion may arise from such subdivision and the public expenditure incurred in the past which in his or its opinion facilitates the subdivision, and

(ii) the various rates and levies paid in the past or to be paid in the future by the owner of land,

in relation to the granting of land or moneys for the purposes of the State, the provincial administration or a local authority.

(2) A home owners' association coming into being by virtue of the provisions of subsection (1) (b) of this section—

(a) shall be a body corporate;

(b) shall have a constitution which—

(i) has as its object the control over and the maintenance of buildings, services and amenities arising from the subdivision concerned;

(ii) provides for the implementation of the provisions of paragraph (c) of this subsection, and

(iii) has been approved by the local authority concerned; and

(c) shall have as its members the owners of land units arising from the subdivision concerned, who shall be jointly liable for expenditure incurred in connection with the association.

(3) A home owners' association which came into being by virtue of a condition imposed under the Townships Ordinance, 1934 (Ordinance 33 of 1934), and which exists at the commencement of this Ordinance, shall be deemed to be a home owners' association which came into being by virtue of the provisions of subsection (1) (b) of this section.

(4) (a) Moneys received by a municipality by virtue of the provisions of subsection (1) (d) of this section or the proceeds of the sale of land which is granted to a municipality by virtue of those provisions shall, unless the Administrator directs otherwise, be paid by the municipality into its revolving fund or consolidated capital development and loans fund within the meaning of the Municipal Ordinance, 1974 (Ordinance 20 of 1974).

(b) Moneys received by a division by virtue of the provisions of subsection (1) (d) or the proceeds of the sale of land which is granted to a division by virtue of those provisions shall be paid into a trust account and utilised for the benefit of the community concerned.

(5) When land in respect of which an application for subdivision has been granted under section 25 and which is situated in the area of jurisdiction of a division is incorporated in the area of jurisdiction of a municipality, any moneys referred to in subsection (4) (b) of this section, together with interest accrued in respect thereof but less any amount utilised in terms of that subsection, shall be paid over to the municipality concerned which shall dispose thereof in terms of subsection (4) (a) of this section.

30. (1) Either the Administrator or a council, as the case may be, may, after an application has been granted under section 25 and after consideration of objections received in consequence of an advertisement in terms of subsection (2) of this section and after consultation with the owner of the land concerned and, in the case of the Administrator, with the local authority concerned, in relation to land units not yet registered by virtue of the granting of that application—

Administrator or council may waive or amend conditions in relation to subdivision or amend or cancel plan of subdivision.

(a) waive or amend any condition imposed under section 29 (1);

(b) impose additional conditions of the kind contemplated in section 29 (1), which additional conditions shall be deemed to have been imposed in terms of that section, and

(c) amend or cancel or partially cancel the plan of the subdivision concerned, including a diagram or general plan, provided any public street or public place concerned is closed in terms of the Municipal Ordinance, 1974 (Ordinance 20 of 1974), or the Divisional Councils Ordinance, 1976 (Ordinance 18 of 1976).

(2) The director, where the Administrator may act under subsection (1), or the town clerk or secretary, where a council may so act, as the case may be, shall, if he is of the opinion that the waiver or amendment of conditions or the imposition of additional conditions or the amendment or cancellation of a plan of subdivision under subsection (1) adversely affects the interest that any person has in land, advertise the proposed waiver or amendment of conditions or imposition of additional conditions or amendment or cancellation of a plan of subdivision.

(3) The provisions of subsections (1) and (2) shall *mutatis mutandis* apply to general plans in existence at the commencement of this Ordinance.

31. (1) Before registration by virtue of a subdivision in respect of which an application has been granted under section 25 is effected by the registrar of deeds concerned, the transferor shall furnish proof to that registrar that any condition on which the application for subdivision concerned was granted, has been complied with.

Transfer of land in terms of subdivision.

(2) Where land is granted by virtue of the provisions of section 29 (1) (d), all transfer costs shall be paid by the transferee.

32. (1) If the plan of a subdivision, including a diagram of general plan, is in terms of section 27 deemed to have lapsed wholly or in part or is cancelled wholly or in part under section 30, the ownership of the public streets and public places concerned which are shown thereon shall revert to the owner of the land concerned, subject to any exceptions made by either the Administrator or the council concerned, as the case may be.

Reversion of certain places and land.

(2) (a) If the plan of a subdivision, including a diagram or general plan, is in terms of section 27 deemed to have lapsed wholly or in part or is cancelled wholly or in part under section 30, the land shown thereon which has by virtue of section 29 (1) (d) been granted for the purposes of the State, the provincial administration or a local authority, shall be transferred to the owner of the land, subject to any exceptions made by either the Administrator or the council concerned, as the case may be.

(b) All transfer costs and incidental costs in relation to such transfer shall be paid by the said owner.

#### CHAPTER IV: PLANNING ADVISORY BOARD

33. (1) The Administrator may establish a board to be known as the Planning Advisory Board.

Establishment of Planning Advisory Board.

(2) The advisory board shall consist of such number of members, not exceeding seven, as the Administrator may from time to time determine.

(3) The members of the advisory board shall be appointed by the Administrator from persons who in his opinion have knowledge and experience of matters connected with the application of this Ordinance.

(4) The Administrator shall appoint every member of the advisory board on such conditions, including conditions as to the payment of remuneration and allowances, as the Administrator may determine at the time of the member's appointment; provided that a person who is in the full-time service of the State shall not be appointed a member of the advisory board.

(5) The Administrator shall designate a member of the advisory board as the chairman thereof and another member as the vice-chairman thereof.

(6) When the chairman of the advisory board is absent or is unable to perform his functions, the vice-chairman shall act in his stead and when the vice-chairman so acts, he may exercise or perform any power or duty of the chairman.

(7) (a) Every second year after the establishment of the advisory board, such members thereof as may be designated by the Administrator (except the chairman, who shall hold office as such for four years) shall vacate office as members of the advisory board and the Administrator shall, subject to the provisions of subsection (3), appoint new members in their place.

(b) No member of the advisory board shall hold office for an uninterrupted period of longer than four years.

(8) Subject to the provisions of subsection (7), a member of the advisory board shall vacate his office if he is absent from two consecutive meetings of the advisory board without leave of the advisory board or if the Administrator at any time terminates his term of office as a member if in the opinion of the Administrator there are sound reasons for doing so.

(9) The Administrator may designate a member of the advisory board as acting chairman to exercise and perform the powers and duties of the chairman when the chairman is unable to do so.

(10) When another member of the advisory board is for some reason or other absent or unable to discharge the duties of his office, the Administrator may, subject to the provisions of subsection (3), appoint another suitable person to act in the place of that member during his absence or as long as he is unable to discharge the duties of his office.

(11) (a) The meetings of the advisory board shall be held at such times and places as the chairman may determine.

(b) If the chairman or the vice-chairman for some reason or other fails to attend a meeting of the advisory board, the members who are present thereat shall elect one of their number to preside at that meeting.

(c) The person presiding at a meeting of the advisory board shall determine the procedure at such a meeting.

(d) The quorum for a meeting of the advisory board shall be the majority of the members of the advisory board as at the date of that meeting.

(e) The decision of a majority of the members of the advisory board present at a meeting thereof shall constitute the resolution of the advisory board and in the event of an equality of votes the person presiding at the meeting shall, in addition to his deliberative vote, have a casting vote.

(12) A member of the advisory board shall not be present at or take part in the discussion of or voting on a matter before the advisory board in which he has directly or indirectly a pecuniary or other interest.

(13) With effect from the date of commencement of this Ordinance a reference in any law to the Townships Board constituted by section 2 of the Townships Ordinance, 1934 (Ordinance 33 of 1934), shall be deemed to be a reference to the advisory board.

34. The Administrator—

(a) may refer a matter submitted to him for his decision thereanent in terms of this Ordinance;

(b) shall refer a structure plan or reviewed structure plan submitted to him for his approval in terms of section 4;

(c) shall not approve any application submitted to him for his decision in terms of Chapter II or III and in relation whereto any objection has been received unless he first refers the matter, and

(d) shall not dismiss any appeal noted with him in terms of this ordinance unless he first refers the matter

to the advisory board.

Functions of Administrator in relation to advisory board.

35. (1) The advisory board—

(a) shall furnish the Administrator with a recommendation on a matter referred to the advisory board in terms of section 34;

(b) may at its discretion furnish the Administrator with a recommendation on any matter affecting the application of this Ordinance, and

(c) may, if it requires additional information which it considers necessary in order to carry into effect paragraph (a) or (b), apply to the Administrator therefor.

(2) No member or alternate member of the advisory board shall disclose the contents of a recommendation of the advisory board before the Administrator's decision thereanent has been made known.

Functions of advisory board.

CHAPTER V: GENERAL PROVISIONS

36. (1) Any application under Chapter II or III shall be refused solely on the basis of a lack of desirability of the contemplated utilization of land concerned or on the basis of its effect on existing rights concerned (except any alleged right to protection against trade competition).

Basis of refusal of applications and particulars applicable at granting thereof.

(2) In considering particulars affecting the granting of any application under Chapter II or III, regard shall be had to only the safety and welfare of the members of the community concerned, the preservation of the natural and developed environment concerned or the effect of the application on existing rights concerned.

37. For the purposes of section 123 (2) of the Municipal Ordinance, 1974 (Ordinance 20 of 1974), or section 122 (2) of the Divisional Councils Ordinance, 1976 (Ordinance 18 of 1976), "municipal purposes", as defined in section 2 of the said Municipal Ordinance, 1974, or "divisional purposes", as defined in section 2 of

Construction of "municipal purposes" and "divisional purposes".

the said Divisional Councils Ordinance, 1976, shall be deemed to include purposes of a zoning scheme.

38. The director may from time to time determine the form of any application to be made to him or to a town clerk or secretary in terms of this Ordinance.

Form of application.

39. Every local authority shall comply and enforce compliance with—

(a) the provisions of this Ordinance or, in so far as they may apply in terms of this Ordinance, the Townships Ordinance, 1934 (Ordinance 33 of 1934);

(b) the provisions incorporated in a zoning scheme in terms of this Ordinance or in a binding town planning scheme in terms of the Townships Ordinance, 1934, or

(c) conditions imposed in respect of subdivisions in terms of this Ordinance or in respect of townships, subdivided estates, minor subdivisions or any land comprised therein in terms of the Townships Ordinance, 1934,

Compliance with provisions of zoning scheme and of conditions of subdivision.

and for that purpose a local authority shall ensure that it does not approve plans for or otherwise authorise the erection or alteration of any building or structure or of a part of a building or structure, or approve or authorise or permit the utilisation of any building, structure or land or of a part of a building, structure or land, if such erection or alteration or such utilisation would be in contravention of such a provision or condition or if such erection or alteration or such utilisation would in the opinion of the local authority facilitate the utilisation of a building in a manner which is in contravention of the provisions of the zoning scheme.

40. (1) If a local authority in the opinion of the Administrator fails to perform or to exercise satisfactorily its duties or powers in terms of section 39, the Administrator may, after notice to such local authority, withdraw any approval or authorisation granted by the local authority, perform the said duties, exercise the said powers and recover from such local authority any amount spent by him in this connection or instruct the local authority as to the steps to be taken by it in order to ensure compliance with section 39, and such instruction shall in law override any decision of the council of the said local authority.

Rectification of contraventions.

(2) (a) If a building or any part thereof was erected in contravention of paragraph (a), (b) or (c) of section 39, whichever may have applied at the time of such erection, the local authority shall serve an instruction (hereinafter referred to as the instruction) on the owner to rectify such contravention or, at the option of the said council, to demolish such building or such part thereof as may be specified in the instruction, before a date similarly specified, being not more than six months after the date of the instruction.

(b) If the said owner fails to comply with the instruction, the local authority shall, subject to the provisions of paragraph (c), take all such steps as may be necessary to rectify such contravention or to cause the said building or the said part, as the case may be, to be demolished.

(c) If the owner disputes the existence and the nature and the extent of the contravention to which the instruction relates, he shall on or before the date referred to in paragraph (a) submit to the director a written statement setting out the grounds and reasons on and for which he disputes the existence and nature and extent of the said contravention.

(d) The Administrator shall thereupon, having regard to all the facts, reconsider the state of affairs and make a final decision.

(3) Any amount spent by a local authority in terms of subsection (2) and any amount recovered from it by the Administrator in terms of subsection (1) shall be recoverable by that local authority from the owner.

(4) (a) The Administrator may suspend compliance with the provisions of the instruction on condition that the owner pays to the local authority a contravention levy in an amount determined by the Administrator and set forth in a notice served by him on the said owner.

(b) Such a contravention levy shall become due and payable—

- (i) in one capitalised sum on or before such date, or
- (ii) periodically at such intervals

as the Administrator may determine and may be calculated with retrospective effect from the date on which the erection of the building or part thereof concerned commenced.

(c) The Administrator may, when he deems it necessary, cancel the payment of a contravention levy as contemplated in paragraph (b) (ii) or amend such a contravention levy.

(5) (a) The owner of a building or part thereof on the date when the instruction is served shall be liable for the payment of the contravention levy.

(b) Prior to the transfer of the land concerned the contravention levy shall be capitalised.

(c) In capitalising a contravention levy a departure or a rezoning or a departure and a rezoning which may be necessary in order to grant a use right in accordance with the utilisation of the land concerned shall be deemed to exist according as the council concerned may determine.

41. Any person authorised thereto by the Administrator or director or a council may enter upon any land in order to—

Right of entry.

(a) do anything which the Administrator or the director or such a council, as the case may be, is permitted or required to do in terms of this Ordinance, or

(b) make an inquiry, an investigation or a survey in connection with the exercise or performance of his or its powers or duties by the Administrator or the director or such a council, as the case may be, in terms of this Ordinance.

42. When the Administrator or a council grants approval, authorisation or exemption or upholds an appeal under this Ordinance, he may, subject to the provisions of section 29, do so subject to such conditions as he may think fit.

Administrator or council may impose conditions.

43. Where any person required by the director or a town clerk or secretary in terms of this Ordinance to furnish the director or the said town clerk or secretary with any comment or other information, does not furnish the required comment or information within a period of 60 days of the date on which he was so required, he shall be deemed to have had no comment or other information to furnish.

Furnishing of comment and information.

44. (1) (a) An applicant in respect of an application to a council in terms of this Ordinance, and a person who has objected to the granting of such application in terms of this Ordinance, may appeal to the Administrator, in such manner and within such period as may be prescribed by regulation, against the refusal or granting or conditional granting of such application.

Appeal to Administrator.

(b) A person aggrieved by a decision of a council in terms of section 14 (1), (2), (3), (4) (d), (5) or (7) may appeal to the Administrator in such manner and within such period as may be prescribed by regulation, against such decision.

(c) A person aggrieved by a decision of a council in the application of section 18 may similarly appeal to the Administrator against such decision.

(2) The Administrator may in his discretion dismiss an appeal contemplated in subsection (1) (a), (b) or (c) or uphold it wholly or in part or make a decision in relation to subsection (1) (b) or (c) which the council concerned could have made.

(3) For the purposes of this Ordinance—

(a) an application referred to in subsection (1) (a) shall be deemed to have been granted or conditionally granted or refused by the council concerned in accordance with action taken by the Administrator under the provisions of subsection (2);

(b) a decision referred to in subsection (1) (b) or (c) shall be deemed to be a decision of the council concerned in accordance with action taken by the Administrator under the provisions of subsection (2), and

(c) a decision made by the Administrator under the provisions of subsection (2) shall be deemed to have been made by the council concerned.

45. Where anything which in accordance with the provisions of this Ordinance is required to be done or performed on or before a specified day or at a specified time or during a specified period, has not been so done or performed, the Administrator may, if he is satisfied that such thing cannot be so done or performed or that the failure was due to an error or oversight, authorise such thing to be done or performed on or before some other day or at some other time or during some other period specified by him, and anything so done or performed shall be of full force and effect and shall be deemed to have been lawfully done or performed in accordance with the provisions of this Ordinance.

Rectification of errors.

46. (1) A person who—

Offences and penalties.

(a) contravenes or fails to comply with a provision of section 23, 33 (12) or 35 (2);

(b) threatens, resists, hinders or obstructs, or uses foul, insulting or abusive language towards a person in the exercise of a power under section 41 or refuses or fails to answer to the best of his ability a question put to him in terms of the said section;

(c) contravenes or fails to comply with a provision of a zoning scheme in so far as it applies to—

(i) The utilisation of land or a building, or

(ii) the erection or alteration of a building,

shall be guilty of an offence and on conviction liable to a fine not exceeding R10 000 or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment.

(2) A person convicted of an offence under this Ordinance who after such conviction continues with the conduct in respect of which he was so convicted, shall be guilty of a continuing offence and on conviction liable to a fine not exceeding R50 in respect of each day on which he so continues or continued therewith.

47. (1) Subject to the provisions of section 8, the Administrator may make regulations relating to matters which shall or may be prescribed by regulation in terms of this Ordinance and, generally, relating to all matters which he deems necessary or expedient to prescribe in order to achieve the purposes of this Ordinance.

Regulations.

(2) Different regulations may be so made in respect of different local authorities or categories of local authorities.

(3) A regulation made under subsection (1) may prescribe a penalty not exceeding a fine of R2 000 or imprisonment for a period of one year for a contravention thereof or failure to comply therewith.

48. (1) The ordinances referred to in the Schedule are hereby repealed.

Repeal of ordinances.

(2) A matter in connection with which prior to the commencement of this Ordinance action is taken in terms of an ordinance repealed by subsection (1) and which at such commencement has not been disposed of, shall from the said commencement be disposed of in terms of an ordinance so repealed or this Ordinance, as may be determined by the Administrator.

49. This Ordinance shall be called the Land Use Planning Ordinance, 1984, and shall come into operation on a date fixed by the Administrator by proclamation in the *Provincial Gazette*.

Short title and date of commencement.