

INTEGRATING PLANNING AND  
ENVIRONMENTAL LEGISLATION WITHIN  
MUNICIPAL PLANNING IN SOUTH AFRICA: A  
CASE STUDY IN DURBAN ETHEKWINI  
METROPOLITAN MUNICIPALITY.

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**Integrating Planning and Environmental Legislation within Municipal Planning in  
South Africa: A Case Study in Durban eThekweni Metropolitan Municipality**

By

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Department  
at the Durban University of Technology

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## **ABSTRACT**

In the context of municipal planning in South Africa, planning legislation and environmental legislation, along with statutory procedures, run parallel to each other and are not integrated. The research study focused on achieving a more efficient development application process by means of the integration of environmental legislation, planning legislation and procedures in municipal planning. Disjointed development application procedures and policies in municipal planning delay the development application approval process, thereby delaying development, and this has a ripple effect on the economy.

The research problem focuses on the misalignment of environmental and planning legislation within municipal planning, at a development planning level. The research problem is set in the context of large-scale urbanisation, linked with the associated economic, social and environmental challenges. The study argues that in order to address these challenges a sustainable development approach needs to be adopted. The concept of integration is central to the sustainable development approach. Greater integration will facilitate the development application and approval process via the elimination of silo mentality, which will assist in achieving the goal of sustainable development. The concept of integration in sustainable development and the manner in which the United Kingdom, the Netherlands and New Zealand have integrated their planning and environmental systems to achieve the goal of sustainable development, are examined and compared to the approach taken in South Africa.

The study identifies strategies towards the formulation of an outline for integrated environmental and planning policies and development application procedures in municipal planning in South Africa. The case study of eThekweni Metropolitan Municipality is used as it is the largest municipality in KwaZulu Natal. eThekweni Metropolitan Municipality has a

number of large-scale catalytic projects that are development-driven, yet encompass environmental, planning, and economic challenges appropriate for the research study. The Point Waterfront Development and the Yellowwood Park Housing Development were the two projects selected in the eThekweni Metropolitan Municipality for in-depth analysis.

The methodology for the study is a qualitative approach with the use of case study research, a precedent study, and a legal history analysis. The data collection involved three phases: questionnaires, interviews and a focus group discussion undertaken with the professionals involved in these projects. The key challenges identified which hinder the development application process and reinforce the silo mentality in municipal departments were inadequate public participation processes and public awareness; conflicting policies and internal processes; and lack of political will.

The research further recommends a basis for integrated policy formulation in municipal planning in South Africa. An outcomes-based thinking approach was used by the focus group discussion to identify possible underlying causes of the identified challenges. The identification of underlying causes enabled the development of strategies towards the formulation of a framework for greater integration. The key strategies identified were a single computer aided system for the entire municipality using standard operating procedures; multi-disciplinary decision-making bodies; improved internal and external communication; enhanced in-house training and community awareness; review of current policies and bylaws to include integration, and recognition of the practitioners, developers and politicians who promote sustainable development.

## DECLARATION OF ORIGINALITY

I declare that this full research dissertation is my own work. It is being submitted for the master's in-Built Environment for the Faculty of Engineering and the Built Environment, Department of Town and Regional Planning, at the Durban University of Technology, South Africa. It has not been submitted before for any other degree or examination at any other University.

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Nadia Shaik Ahroon Ally

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Dr G. Mosvoto : Supervisor

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## LIST OF ABBREVIATIONS AND ACRONYMS

AMAFA:	KwaZulu Provincial Heritage Resource Authority
CBD:	Central business district
CSDP:	Central Spatial Development Plan
DCM:	Deputy City Manager
DDM:	District Development Model
DFA:	Development Facilitation Act
DMOSS:	Durban Metropolitan Open Space System
DNSS:	Dutch National Spatial Strategy 'Space for Development'
DPDC:	Durban Point Development Company
EIA:	Environmental Impact Assessment
EIS:	Environmental Impact Statement
EU:	European Union
GIS:	Geographic Information System
IDP:	Integrated development plan
IPP:	Individual performance programme
JAC:	Joint Advisory Committee
LTDP:	Long Term Development Plan
LUM:	Land Use Management Department
LUMA:	Land use management assistant
LUS:	Land use management scheme
MILE:	Municipal Institute of learning
MPT:	Municipal Planning Tribunal
MSC:	Mediterranean Shipping Company
NEMA	National Environmental Management Act (Act 107 of 1998)
PDA:	Planning and Development Act (Act 6 of 2008)

PWDP:	Point Waterfront Development Project
RMA:	Resource Management Act (Act 69 of 1991), New Zealand
ROD:	Record of decision (environmental approval)
ROM:	Dutch abbreviation for spatial planning and environment
RSA	Republic of South Africa
RTPI:	Royal Town Planning Institute
SDF:	Spatial Development Framework
SDG:	Sustainable Development Goal
SEA:	Strategic Environmental Assessment
SPLUMA:	Spatial Planning and Land Use Management Act (Act 16 of 2013)
SWOT:	Strengths, weaknesses, opportunities and threats
TCI:	This common inheritance: Britain's environmental strategy
TCPA:	Town and Country Planning Act of 1990 (United Kingdom)

## **TERMINOLOGY**

Applicant:	Built environment professional who submits a development proposal to the Municipality
The bylaw:	eThekwini Metropolitan Municipality: Planning and Land Use Management Bylaw, 2016 (municipal notice 114 of 2017)
Council:	eThekwini Metropolitan Municipality

## **CHAPTER 1: INTRODUCTION AND BACKGROUND TO THE RESEARCH**

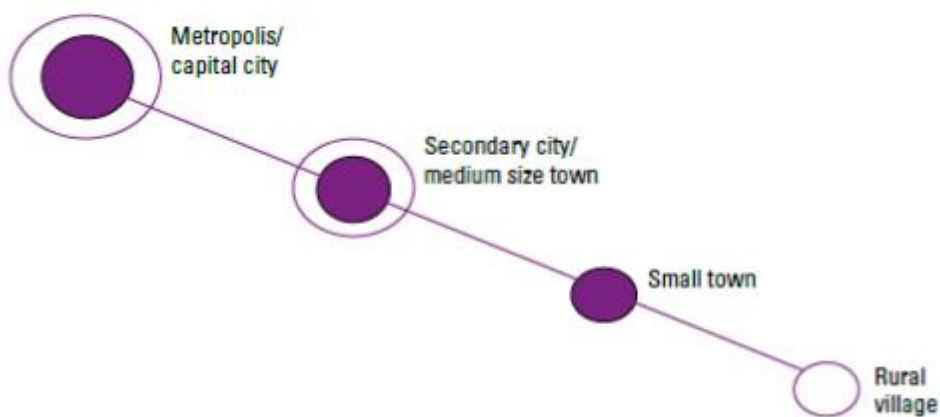
### **1.1. Background and Context**

This research is set within the context of rapid urbanisation linked with associated political, social, environmental, planning, and economic challenges. Rapid urbanisation, together with climate change, puts cities under a wide range of different forms of pressure. The consequences of this are to be seen in the degradation of the city's environmental assets such as rare ecosystems, rivers, forests and wetlands, which in turn affects the welfare of citizens and the overall holistic prospects of the city (White 2016: 1-2). It is essential that future developments consider the integration of environmental, planning, and economic challenges so that a sustainable, resilient and prosperous city can be promoted.

The research study argues that a more efficient and effective development application process within municipal planning can be accomplished by the integration of planning and environmental legislation as well as procedures within municipal planning. Disjointed development application procedures and policies within municipal planning delay the development application approval process, thereby delaying development, and this has a ripple effect on the economy.

Many believe that it is unrealistic to achieve economic growth while also ensuring environmental protection (Hibbard, Freestone and Sager 2013: 18-20). In order to achieve a resilient city together with sustainable growth, it is crucial that these aspects are integrated and that a balance between them is achieved. The study identifies strategies towards the formulation of an outline for integrated environmental legislation, planning policies and development application procedures within municipal planning.

The research is conducted in eThekweni Metropolitan Municipality, South Africa. The figure below shows the rural -urban continuum and has been adapted from the UN, 2006. It identifies the significance of a metropolis as opposed to a secondary city or smaller town, from a spatial perspective. Larger cities and metropolitan areas have higher volumes of development applications and are more vulnerable to the effects of climate change, particularly given the high rate of urbanisation. As such eThekweni Metropolitan Municipality made for an interesting case study, as it encompasses all of the above.



*Source: Adapted from United Nations, 2006, cited in Ndabeni, L. 2013. An analysis of rural-urban linkages and their implications for policies that sustain development in a space continuum. A research paper as input into the preparation of the IJDF.*

(Ndabeni 2013: 19)

### **Figure 1. Spatial context of a metropolis**

Durban is located on the east coast of Africa, in KwaZulu Natal, South Africa. The main municipality for the metropolitan area is eThekweni Metropolitan Municipality. Durban, which falls within eThekweni Metropolitan Municipality, is a harbour city. which creates additional dynamics because Durban harbour is the largest container port and the busiest general cargo port in Africa. The harbour is in close proximity to Durban's central business district (CBD), and it plays a major role in the South African economy (Businessstech 2015). As a harbour/coastal city, there are many environmental aspects to be considered, such as the



rising of the sea level and the associated effects of global warming and climate change. These issues inevitably affect development planning in coastal cities and need to be strategically addressed.

## **1.2 The research problem**

There is an absence of incorporation and cooperation between planning and environmental legislation as well as the statutory adjudication procedures in municipal planning in South Africa. In this country, planning and environmental legislation, along with statutory procedures, run parallel to each other and are not integrated. Both sets of legislation stipulate the aim of integration and strive towards sustainable development, yet in practice they operate in silos. Different policies are institutionally implemented in separate departments and at different levels. This causes problems at various stages of the development application process. Decision making related to development applications is complicated as it involves various role players with different backgrounds and ideals. These role players include political members as well as professionals within various professions. Crucial to the development planning application decision-making process is the understanding that planning extends beyond technical abilities, into the social, economic, and environmental spheres. Planners need to make strategic as well as development decisions to merge the goals of social wellbeing, economic growth, and environmental safety (Fainstein and Campbell 2012: 21-22). The aims, roles, responsibilities, and mind-sets of practitioners within different disciplines tend to conflict with each other. Planners are in most cases pro-development and they push to ensure economic sustainability. Environmentalists have well measured legislation aimed at environmental protection. Politicians are focused on votes and funding for their voting campaigns, so their goals are more often aligned with the companies or developers that fund their campaigns.

South Africa's historical background shows planning law being used to reinforce the segregationist image of the apartheid government. The segregation era is part of South African liberal mythology (Maylam 1995: 20-22). Planning laws were used for racial separation on land, to avert and redirect urbanisation of black South Africans (Berrisford 2011: 248). There was not much consideration given to environmental concerns. The term planning was connected to an illicit past which did not embrace democratic and sustainable development. Two parallel sets of legislation were developed: these were executed by people from different vocations and adjudicated within separate domains of government (Berrisford 2011: 250-252).

The context in which planners, environmentalists and developers operate in South Africa is sensitive. This is due to the historical background which has been manifested and which has impacted upon the attitudes of individuals today, as well as on the physical landscape and rapid urbanisation. The associated social and economic challenges that occur from these manifestations are also impacted upon by a globalised world attempting to counteract the challenges associated with climate change during what is known as the 4<sup>th</sup> Industrial Revolution.

### **1.3 The purpose of the study**

The purpose of the study is to determine how planning and environmental legislation as well as development application procedures can be integrated at a municipal level. There is a necessity to reform the way planning and environmental legislation is conceptualised and executed, in order to create better integration thereby facilitating the development approval process, to achieve the goal of sustainable development. This study differs from previous studies as the case studies focus on the development application process, as such development planning at a municipal level and not restricted to spatial planning.

#### **1.4 Aim of the study**

The aim of the study is to investigate the ways in which, and degree to which, planning and environmental legislation can be integrated and adjudicated in relation to development planning at a municipal level in South Africa, using eThekweni Metropolitan Municipality in KwaZulu Natal South Africa as a case study.

#### **1.5 Objectives of the study**

The objectives of the study are as follows:

- To identify the links between environmental and planning legislation within municipal planning.
- To identify the links in the processes and procedures in development planning and environmental planning within eThekweni Metropolitan Municipality.
- To identify the reasons for development application delays, relating specifically to the planning and environmental interface.
- To identify the challenges in achieving integrated policy and procedures within municipal planning.
- To make recommendations for creating a basis for integrated municipal policy formulation.

#### **1.6 Main research question**

The main research question is: How can environmental and planning legislation as well as development application procedures be integrated in municipal planning in South Africa?

### **1.6.1 Research sub-questions**

Following the main research question, research sub-questions have been identified as follows:

- Are there direct or perceived contradictions that exist between environmental and planning legislation at national, provincial, or municipal level?
- What is the municipal perception versus public perception on the development application process?
- What are the main reasons for delays in development applications within eThekweni Metropolitan Municipality?
- What are the challenges to achieving greater integration?
- What are the key strategies towards achieving integrated policy formulation?

### **1.7 Introduction to the key concepts and themes of the research**

The key concepts directly related to the research problem are alignment and integration, planning legislation, environmental legislation and municipal planning. The key concepts that are related to the case study are Harbour City, Sense of Place and Amenity. The paragraphs below briefly define and explain these concepts in relation to the research study.

#### **1.7.1 Alignment and Integration**

The problem of misalignment between the spheres of government dates back to the establishment of the Union of South Africa. In 1994, the proclamation of the Constitution of South Africa resulted in the institution of three distinct spheres of government. However instead of improving the situation, scholarly works argue that the absence of integration became predominant (Schoeman 2015: 42-43). Integration represents the holistic view of social welfare, economic progress, and ecological fortification, which is essential for

sustainable development (Jabareen 2006: 179-180). The terms alignment and integration can be used interchangeably. Schoeman argues that alignment and integration are inclusive of economic, social and environmental preservation and also include community participation and engagement (Schoeman 2015: 45-47).

### **1.7.2 Planning legislation**

Planning is setting the course for decisive forthcoming action (Davidoff 2016: 428-429). The planning process in a country is governed by legislation and policies known broadly as planning legislation. The Cambridge Advanced Learners Dictionary 2017 defines legislation as a law, or rules made by government and endorsed by parliament. Legislation is also described as statutory law or the act of making laws. Law is defined as rules made by a government that are used to order the way in which a society behaves. The terms are similar to each other and can be used interchangeably. Policies are taken from legislation; they are usually government documents that outline what government plans to accomplish for society. They outline the process and procedures. Policies and legislation are imperative for civilisation as they explain how a person should act in society (Fischer 2003). Planning legislation are the laws at national, provincial, and municipal level that inform the way planning should occur within the country within different domains of government. The Spatial Planning and Land Use Management Act (Act 16 of 2013) (SPLUMA) (South Africa 2013) is the relevant planning national legislation in South Africa.

### **1.7.3 Environmental planning**

The National Environmental Management Act (Act 107 of 1998) (NEMA) (South Africa 1998) defines the environment as the surroundings within which humans exist. The NEMA is the relevant environmental legislation in South Africa. The built environment comprises developments within towns, cities and regions as well as socio-economic and institutional

milieus that allow people to live harmoniously (Robinson 2014b: 264-265). Environmental law incorporates waste management and pollution control, land-use and development planning as well as resource conservation (Glazewski 2005: 205-206).

#### **1.7.4 Development planning at municipal level**

There are three levels of planning in South Africa. These are national, provincial, and municipal levels. Municipal planning is the most comprehensive level of planning. A Constitutional Court judgment June 2010 stated that municipal planning is not defined in the Constitution of RSA. At municipal level, planning includes zoning control, the regulation of land use and the formation of spatial development plans. Municipal planning dictates how land within the municipal border may be developed (Zakhour *et al.* 2018: 48-50). Municipal planning includes spatial development frameworks or municipal master plans which outline land use zoning, environmentally sensitive land and potential corridors and nodes of economic development. These guiding plans assist in development control within land use planning (Abrantes *et al.* 2016: 122-124).

#### **1.7.5 Development**

Local level planning defines development and its local spatial dynamics (Savini 2013: 1594 - 1595). Development is a broad concept that includes the construction of buildings, human development, economic development, and social development and also encompasses engineering and mining. In this regard the concept of development means progression (Njoh 2006: 112-113).

#### **1.7.6 Harbour cities**

The concept “harbour city” is relevant to this research, as Durban is a port or harbour city. The growth of Durban has been defined by its harbour. Harbour cities have gone through

dramatic changes over time due to changes in harbour-related activities. The most significant change has been the global standardisation of containerisation. This has resulted in the redesign of harbours to those that accommodate containers and those that do not. Durban has remained a significant container port and is therefore about to undergo a significant change to accommodate the next stage of growth. Cities which have successfully integrated the container port idea have become economic success stories. More importantly, those that have successfully redeveloped their old harbours have been beneficial to all occupants, for example cities like Singapore, Vancouver, Kaohsiung and Shanghai (COX 2015: 12-14).

### **1.7.7 Sense of place**

The concept “sense of place” influences planning and urban design considerations and impacts on wider urban policies, particularly concerned with community and amenity (Jive´n and Larkham 2003). The Royal Town Planning Institute (RTPI) strapline, “mediation of space and making of place” relates to how space and place are central to planning. Place making is also a primary concern globally and given much attention in planning. Sense of place implies that the location being planned will possess that specialness or essential quality that can generate an attachment to that place. It is argued that planning contains two related actions, one being the management of land uses, and the other the direction of proposed land uses. These actions depend on the location and quality of space while considering the economic, social and environmental ramifications (Parker and Doak 2012). In this view, places are seen to compromise land uses and physical forms and to have a cultural and social significance; these together produce meaning. The statement also suggests how planning is involved in shaping and presenting change in and for those places and trying to balance priorities and impacts that affect place. Sense of place is an important

concept that arises during the analysis of the projects identified in the case study relevant to the research study. The design and implementation of the Point Waterfront Development Project incorporated the urban design concept for a sense of place, while balancing the environmental, planning and economic considerations. The sense of place and uniqueness of the area remained central to the project.

### **1.7.8 Amenity**

The Durban Town Planning Scheme frequently mentions the concept of amenity. It is a term used to determine whether certain developments go ahead or not. Should the proposal not affect the amenity of the area it is considered favourable and vice versa. The term amenity is often used in planning and is related to the concept of liveability, place identity/character and the overall quality of life. These concerns emerged in early urban and regional planning and continue in planning today (Parker and Doak 2012). The concept centres on the belief that in the pursuit of “good planning”, the protection of amenity is central. The term amenity is evoked in planning decision making and used as a proxy for a pleasurable quality of life. It encompasses environmental sustainability and focuses on qualitative appreciations (Parker and Doak 2012). Urban amenities are vital in providing liveability for populations (Smith 1974: 323-325). Here the word amenities could refer to service provisions.

### **1.7.9 A prosperous city**

The term “prosperous city” is mentioned in the eThekweni Metropolitan Municipality Integrated Development Plan (IDP). The long-term development plan (LTDP) identifies six areas that contribute towards a prosperous city. These priority areas comprise safety in the city; environmental sustainability; accessibility; sustainable livelihoods; an empowering city;



and embracing diversity and culture (eThekweni 2018/2019 review). The UN-Habitat (United Nations Human Settlements 2013: 12-37) reinforces the concepts mentioned above and adds that a prosperous city creates a sense of both general and individual socio-economic security. Cities need to be prosperous to be successful. The key dimensions that are embedded in prosperity are those of productivity, infrastructure, quality of life, social inclusion and environmental sustainability (Abbott 2015: 171-173). It is important to note that concept of integration is key to achieving a prosperous city, as it involves the integration of the priority areas and the key dimensions, both underpinned by environmental sustainability.

### **1.8 Structure of the dissertation**

The dissertation is structured in seven chapters. Chapter 1 introduces the research study and provides the background to the research problem. The aims of the research are outlined in this chapter. Chapter 2 consists of the theoretical framework for the study which also makes up the literature review. The key planning and environmental theories within which the research problem is entrenched, are examined. The dominant theoretical framework is the sustainable development approach. Chapter 3 presents the precedent study, which includes international cities from developed countries and the developing country of South Africa. The approaches these countries have adopted when integrating environmental and planning legislation within municipal planning are reviewed. At an international level, the Netherlands, the United Kingdom of Great Britain and New Zealand are examined. The approach South Africa has taken in the implementing sustainable development is also examined.

Chapter 4 outlines the methodological approach used in the research study. A qualitative approach was used. Chapter 5 expands upon Chapter 3 by introducing the case study of eThekweni Metropolitan Municipality, located in KwaZulu Natal, South Africa. The catalytic

project selected for in-depth analysis is the Inner-city Regeneration Project, of which the Point Waterfront Development is highlighted. The development application process of the Point Waterfront Development is compared to that of Yellowwood Park Housing Development project.

Chapter 6 provides the research results and analysis. The chapter concludes by discussing of the empirical research findings. Chapter 7 concludes the dissertation and offers recommendations and a way forward for integration of planning and environmental legislation in municipal planning in South Africa.

## **CHAPTER 2: CONCEPTUAL AND THEORETICAL FRAMEWORK**

### **2.1 Introduction**

Planning is a multi-disciplinary practice which includes theory that cuts across the spheres of social science, economics, environment, and political science, amongst others. There is a perceived divide between theory and practice, and significant difficulties exist in trying to bridge this gap (Parker and Doak 2012). Environmental planning, on the other hand, can be defined as the process of evaluating how different development factors affect the natural environment (Oldham 1985: 53).

The theoretical framework of this research consists of grand theories and concepts together with their definitions, and references to scholarly literature relevant to the research study. This chapter examines the scholarly discourse focused around the key components associated with the research. The ontology includes the absence of integration between environmental and planning legislation, and statutory adjudication procedures in municipal planning in South Africa. This leads to the main research question: How can environmental and planning legislation as well as development application procedures be integrated in municipal planning in South Africa?

The epistemology of the research draws upon the key concepts and themes of integration, environmental planning, and development planning which includes land use and municipal planning. The concepts of integrating the two fields of knowledge emerged from the substantive planning theories associated with the Garden City. The concept is also rooted in the more recent Sustainable Development Approach, Green Cities Concept and Resilient Cities, all of which have underlying normative planning principles. The objective for integration of planning and environment legislation in municipal development planning is essentially to facilitate the development planning process. It is argued that an efficient and

effective development planning process is in the public interest. The argument for planning in the “public interest” and the long history of providing a legitimating concept for planning can be traced as far back as Friedman (1973), Howe (1992), and Kloesterman (1985) and as recently as Booth (2002) (Parker and Doak 2012: 92-93).

## **2.2 Conceptual and Theoretical Framework**

### **2.2.1 Planning**

The term planning varies among authors. On the one hand, planning can be described as land use or development control, while on the other hand planning is strategic with a broader focus (David Dodman 2013: 101-102). A substantial number of theorists show a physically desirable planned city (Fainstein 2015: 28-30). These changes and controls have to be set within a complete spatial development framework (Glasson and Marshall 2007: 16-17).

The Neo-Marxist view of planning states that planning is essential to maintain social control. They argue that the wealthy class use planners to facilitate economic activity and deal with problems that might cause social instability which would threaten the sanctuary of the capitalists (Levy 2009: 413-415). Capitalists further view planners as agents of the state as they are either directly employed by the state or, as in the case of consultants, they execute actions of the state by the means of tenders (Levy 2009: 415-416).

David Byrne argues that planning is, at the very least, a mode of alteration (Byrne 2003: 363).

### **2.2.2 Municipal planning**

Faludi defines municipal planning as an action that brings policy and planning closer together. Municipal planning is seen as a city planning activity (Faludi 1973: 120-121). Planning is done at three levels: national planning, provincial planning which is also known

as regional planning, and municipal planning. Municipal planning is also known as local level planning and has an important role to play in the political functioning of a city. The purpose of municipal planning is to manage city growth by using regulations that incorporate spatial planning and land use planning. Municipal planning is split between spatial planning and development planning. The spatial planning section focuses on spatial development frameworks and spatial development plans, while the development planning section focuses on local area plans and land use planning. Land use planning involves a bilateral relationship between plan making and political decision making. In practice, plan making is dependent on political decisions at the end (Mazza 2013: 474-477).

A large part of municipal planning incorporates the component of land use management. Land use planning is simply the planning of the use of land, which means that the final use of a location is planned (Priemer, Button and Nijkamp 2007: 91-93). The discrepancy between what the land is used for compared to what was originally planned, is a common non-conformity in many urban areas. Land use planning intersects with private sector interests. Land use planning is very closely linked to the planning of investments in real estate, property and the management of land (Alonso 1970). In this way land use planning is linked to project development, building markets and urban and rural development. Land use planning therefore cannot be a stand-alone activity as it finds its place in a broad set of spatial manifestations of policies, institutions and human behaviour (Priemer, Button and Nijkamp 2007).

Land use planning is traditionally influencing urban dynamics. A classical theme is the relationship between centralisation, which includes urbanisation and the compact city approach, and decentralisation which includes suburbanisation and urban sprawl (Alonso 1970). The development of cities is a classical theme in land use planning. The challenge is

often to manage urban growth and to understand the changes that occur in and around cities (Priemer, Button and Nijkamp 2007).

### **2.2.3 Development planning**

Fisher and Collins (1999) argue that development is multi-dimensional. It includes economic, social, technical, legal, environmental, and cultural aspects. Operationally, these are the forces that shape development depending on the interests involved. It is argued that they may shape and inform conflicting sets of views and priorities (Fisher and Collins 1999: 219-221). In this view the development process outcome represents the result of a filtered and socially constructed process.

The concept of development can be an all-embracing concept of planning, concerned with managing change, much of which involves land and property development. The term invokes the idea of physical change, the management of economic activity and wider processes that involve community interaction and support (Parker and Doak 2012: 19-21). Development can also be referred to as a process. It involves the dynamic nature in which physical, environmental and economic development occurs. The process of development can be presented as a series of stages through which property development evolves (Ratcliffe, Stubbs and Keeping 2009: 93-94).

Parker and Doak (2012) support the view of Fischer and Collins, in that they reinforce the fact that if certain conditions are not conducive for key actors, such as the developer or the planning authority, the development will not occur. The development outcome will satisfy the interest of the key stakeholder/actor or the highest influencer. Such developments are an example of sector interests and behaviours which are linked to wider forces of which they are a part. Be it property development, economic development, or community development,

it is crucial that the overarching goal of sustainable development remains central. Development impacts on the quality of life (Parker and Doak 2012).

A contrasting view to development is offered by author Nabeel Hamid, who uses the Emergence theory to describe how development occurs. To define “development”, a comparison is made to show how simple and mostly independent cells under the right conditions come together and emerge under the right conditions into a larger and more sophisticated organisation. This is similar to the way the informal sector functions in the economy (Hamdi 2004: 97-98). Development happens when people, no matter how poor, amalgamate. They form teams or unions for a common cause. Development is described as the stage reached when individuals are secure enough to collectively become interdependent (Hamdi 2004: 106-107).

According to Emergence theory, smaller entities become larger. This theory incorporates the concept of synergy. Emergence is central in theories of integration (Corning 2012: 295-296). Nabeel Hamdi relates emergence theory to practical planning and development in order to define “development”, a comparison is made to show how simple and autonomous cells under the right conditions emerge into a larger and more sophisticated organisation, such as when communities join towards a common goal (Kaplan 1996). This description of emergence theory also recognises the importance of the relationship between designed structures and emergent ones, in reshaping our thoughts on governance. Participatory planning can be considered as civic engagement, where government cooperates with the community rather than merely serving its citizens, thus moving from being a provider to being an enabler (Hamdi 2004: 83-85).

## **2.2.4 Environmental planning**

Environmental planning is the process of assessing all facets of development applications and environmentally sensitive land, and ensuring that the quality of the natural environment is not disturbed, thereby ensuring environmental sustainability (Oldham 1985: 53). Environmental planning is important to ensure environmental protection. Environmental planners prioritise ecological values, using their knowledge of environmental science and environmental policies to evaluate development applications and to ensure that the natural environment is protected. Environmental planning involves various levels of complexity in decision making, as there are varying needs in society (Dernbach 2003: 247-248). The goal of environmental planning is come up with solutions to benefit both society and the environment (Vagona 2016: 5-6). Integration within environmental planning is essential, as we see the balancing of the needs of the community and society with the needs of the natural environment. Effective environmental planning will require coordinated and integrated environmental policy (Petak.J.William 1980: 123-125).

## **2.2.5 Integration**

The concept of integration is seen in theories of the Just City and Critical Planning, which have a normative basis. Just City theory advocates that justice and fairness should always be part of the planning process (Campbell 2006: 101-103). The integration of different aspects of space, place, politics, goals and ambitions is considered to enable critical thinking (Forester 2013: 8-9).

Critics of the concept of integration argue that because cities have become more complex, integration is not possible as it will result in further complexities (Batty and Torrens 2005: 336-337). Byrne argues that the complexity can be dealt with through the integrative principle (Byrne 2002: 35-36).



## **2.3 Planning Theory**

Theories of planning include procedural theory, which includes processes and procedures, and ideological issues which are known as substantive theory. The two types are linked as we need to know about how the world works and how it ought to work, in order to develop procedures (Levy 2009: 402-403). A critique of planning theory is that much of planning theory discusses what planners do, with little reference to the socio-spatial constraints under which they operate (Fainstein 2005: 121). It is further argued that planning theory should seek to answer two questions: Under what conditions can human activity produce a better city? and How should evaluation of outcomes of planning occur? There needs to be a solid understanding of the roles and goals of planners (Fainstein 2005: 127-128).

Within these theoretic paradigms there are numerous debates which focus on responsibilities of the planning profession. The examination of power and democracy in planning is key to understanding who is making the decisions and for whom the decisions are being made. In other words, are decisions democratic and just (Glasson and Marshall 2007: 83-84).

### **2.3.1 Procedural Planning Theory**

This type of planning theory is about the process and procedures involved in the planning profession. It focuses on procedures and on how things work. The three methods discussed prior to the communicative turn in planning are the rational model, disjointed incrementalism, and middle range models. These approaches are considered top down approaches.

Theorists of the procedural dimensions of planning state that a fair, just and correct process will lead to correct planning. The common position held was that planning should be rational. However critics argue that real planning is not rational and that it leans towards disjointed incrementalism which includes lateral planning dimensions (Glasson and Marshall 2007).

The limits of rationality remain an issue. The conclusion might be that there is no general answer as planning is composed of a range of circumstances that include but are not limited to political, social and economic forces. The identification of competing or complementary rationalities such as instrumental or communicative rationality is important (Fischer 2003: 17-18).

### ***2.3.1.1 The rational/comprehensive model***

As the name states, this model makes the process rational and systematic. The model consists of sensible steps beginning with defining the problem, then explaining values, setting objectives, framing a strategy or plan, conjecturing consequences of the developed strategies and plans, re-evaluating the course of action chosen; and finally creating more detailed plans. The process is continuous, using a top down approach of evaluating, assessing and redeveloping. The sequence of the steps involves a lot of going back and forth between them (Levy 2009: 405-407).

This model has been critiqued based on the fact that in the real world there may be legislative or other limitations, or that peoples' value systems may differ so that consensus cannot be reached. The final critique is based on the notion that optimisation is too difficult and the results are satisfactory solutions. The rational comprehensive model is useful in considering the integration of planning and environmental legislation and adjudication procedures. The rational comprehensive model is mainly used to assess the impacts of chosen strategies (Fainstein 2015: 28-30).

### ***2.3.1.2 Disjointed incrementalism***

Disjointed incrementalism is an alternative to the rational model. It is based on the notion that the rational comprehensive model may sound good but is not practical and that it is

more reasonable to set an achievable goal. The goals should be linked to successful precedents and relevant and appropriate policy (Levy 2009: 408-410).

This model becomes useful should it be found that the value systems of planners drastically differ from those of environmentalists. The time span for this research is limited hence in this circumstance the more practical approach would be the incremental model.

### **2.3.1.3 Middle scanning models**

The mixed scanning option, also known as middle range models, is an intermediate approach to the rational model and the disjointed incrementalism. Here elements of both previously discussed models are adopted. A large area is first scanned, then, depending on what is learned, a small field/area can be scanned in greater detail. This is done because climates and circumstances are different in different locations (Meyfroidt *et al.* 2018: 53 - 55).

### **2.3.1.4 Collaborative planning**

The communicative turn also known as collaborative planning is process of planning that involves public participation. It considers power dimensions and politics. It displays a healthy alternative to the top down approaches mentioned above. The communicative see the planner as the facilitator who communicates with interested parties over matters of common concern. Community participation engages the community and embraces culture, diversity and community needs (Huxley and Yiftachel 2000: 56-57). Collaborative planning places the planner in a communicative role as a mediator between the developer and the community. The critique of the collaborative planning theory is that the importance of communication in shaping the built environment and creating places is prioritised at the expense of social, environmental, and economic benefits. In reality there are power plays between developers and politicians. The community participation process, of which the

planner must be the champion, is essential; however, the power plays need also to be considered as they may distort the utopian picture. For the planner to champion the course, there is a need to be able to understand different stakeholders such as the economist, the environmentalist, or the community representatives, and it is not always possible for a single professional to take on all perspectives in order to paint an honest picture (Harper and Stein 2003: 136). These types of complexities and power relations are pushed to the background, with the communicative theory being critiqued as being not practical (Allmendinger and Tewdwr-Jones 2002a: 7-8).

### **2.3.2 Substantive planning theory**

This type of planning theory includes ideologies and concepts of the “ideal city”. It includes the concepts of growth and development, spatial structure and sustainability. Its argument is about what constitutes a good city. To investigate how a good or a better city is derived, substantive theorists look at how cities have evolved. They consider the inter-relationships between economics, power, policies, urban form and society (Fainstein 2005: 121-130). Substantive Planning theory can be described neo-traditional as it focuses on what a desirable city is (Fainstein 2015: 29-30).

The substantive theoretical concepts relative to the research topic include the underlying principles of The Garden City, New Urbanism, the Green Cities Approach and the Sustainable Development Approach. The debates considered in relation to the Right to the City and the Just City are relevant to the research. These theories have a normative planning base.

#### **2.3.2.1 *The Garden City (Howard 1902: 113)***

This movement originated in 19th century England. People moved from the countryside to cities, which put pressure on the cities. The concept involved increasing the standard of

living by providing a combination of city and country attributes. The theory has the underlying concept of integration: in other words, the integration of social, environmental and economic aspects. This implies a fresh environment, with social production focused on self-sustaining societies and reduced traveling distances. This ambition was focused on long-term sustainability, which was reliant on the relationship between society and the natural environment (Clark 2003: 88-90). The Garden City was seen as a solution to city problems (Fainstein and DeFilippis 2016). The principles of the Garden City are to be seen in Le Corbusier's Radiant City concept, amongst others. It is this underlying principle that is carried into other approaches such as the Sustainable Development Approach and the Green Cities concept, as will be shown in the following paragraphs.

### ***2.3.2.2 The Radiant City***

This concept incorporated underlying principles of the Garden City, although these principles were incorporated within the context of a dense urban area. It was able to adapt the principles of a Garden City practically, within a dense environment. It planned for private transportation and at that time, this was a new, exciting idea. This was one of the first concepts to integrate the environment and transportation into city planning. The Radiant City concept was used in many low-cost housing projects and office developments. This concept is incorporated in city planning today, and is labelled renewal or city regeneration, implying that a run-down area is upgraded (Gardner-Medwin 1967: 247-248).

### ***2.3.2.3 New Urbanism***

This concept focuses on urban areas and offers design interventions for urban development. As in the case with most substantive theories, new urbanism is an ideological approach. The approach promotes mixed land uses and inclusivity of different income groups in high density areas in an appealing public environment. It has a neighbourhood/local level of

planning within a specified area and emphasises that most necessities must be provided within a five minute walk (Kunstler 1996). It looks at providing a holistic environment for work, life and play (Fainstein 2015: 38-40).

New urbanism is critiqued on the same basis as modernisation, stating that a change in the surroundings does not necessarily address the social dispensations that occur in society (Ellis 2002: 263 - 264).

#### ***2.3.2.4 The Right to the City***

In a capitalist economy, the free market is not fair. The rich get richer and the poor get poorer. The rich support rights that benefit their investments. They separate themselves from the poor in gated communities and the poor are unable to access such communities. Poor communities are more susceptible to social ills and decline, and as a result become ghettos. The packages of rights offered by capitalism can be exploited: as such, the right to the city is a complex issue. The right to the city is a broad concept extending beyond the accessibility of the city or affordability; it is rather the ability to shape it. History has proven that the city is not necessarily a harmonious place. Calmness and civility are an exception and not necessarily a rule (Harvey 2003).

The right to the city and the freedom to shape it should be a process that is inclusive of all groups. This concept tends towards the just city, incorporating justice and democracy which will require a strong moral and ethical standing (Harvey 2003).

#### ***2.3.2.5 The Green Cities approach***

The Green Cities concept has been recognised as a new planning paradigm for urban planning. Increased urbanisation places additional pressure on cities. Pressures for additional infrastructure and services as a result of phenomenal growth have a detrimental

effect on the environment. The Green City approach was developed as a possible solution to this problem. It is premised on handling urban challenges while considering the natural environment , so that urban development is sustainable (Kahn 2006: 7 - 9).

One of the major issues on the global agenda is climate change. Many cities around the world are following the green agenda by promoting environmentally sustainable solutions such as recycling, waste prevention, brownfields redevelopment, green buildings, public transport or non-motorised transport. Cities are forced to reduce their carbon footprint (Campbell 1999: 298-300).

The planning theory discourse revolves around the fact that many believe it is unrealistic to achieve economic growth while ensuring environmental health protection; however, the “Green Cities” approach hopes to achieve both ambitions. In Green Cities, Khan considers how cities can deal with environmental challenges produced by economic growth. The concept promotes resilient cities with fresh air, water, walkable streets and interactive public spaces (Kahn 2006).

### **2.3.3 Normative theory of planning**

This theory focuses on typical norms and standards within specific societies. This type of theory may include the communicative theory, as it focuses on the process in which public participation may occur within communities. Communication and liaisons within societies need to be sensitive to the culture and belief system within that particular society (Allmendinger and Tewdwr-Jones 2002b: 5-6).

The theory extends to the behaviours that are normal for a planner to proceed towards in order to create good planning. Normative planning is seen as rational and location dependant as what works in one location may not be suitable for the next location, as

climates and cultures are different, in different societies. Normative planning has elements of procedural planning as it dictates a procedural course of action to be taken (Faludi 1973). In addition to the Communicative theory, Vanessa Watson identifies Fainstein's Just City approach, stating that theories that focus on identifying inequalities and social breakdowns may exist within societies in sub-Saharan Africa. It is critical for planners to understand socio-spatial and political processes in the pursuit of good planning (Watson 2002).

#### **2.4 Sustainable Development Approach and the Environmental Turn**

There are different interpretations of what sustainable development means. This may be due to the lack of a common goal between professional disciplines, and to having sustainable development as a policy objective (Patel 2004: 286). This opinion is supported by various authors including Jabareen (2004), who stated that the topic is complex and requires multi-disciplinary input (Jabareen 2004: 623-624). The overall agreement is that sustainable development is in fact favourable; however, there are debates on how it should be implemented. The "three Es" of sustainability are the environment, economy, and equity (Chapple 2015). The integration of these elements is the essence of sustainability (Jabareen 2008: 189).



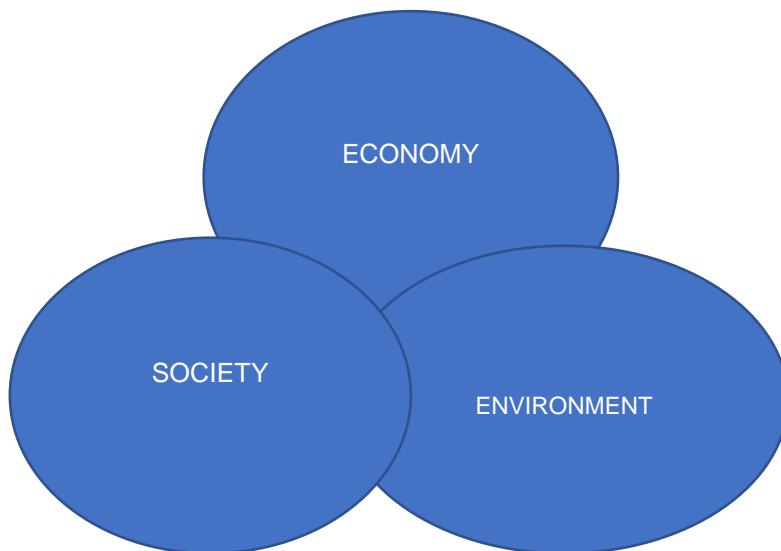


Figure 2: Three-Ring Circus model (Levett 1998: 295)

The Brundtland Report, issued in 1987, provided the first general and the most common definition of this model as “development that meets the need of the present without compromising the needs of future generations” (Brundtland 1987: 1-2). The report prioritises the satisfaction of human needs while being ecologically responsible. At the core of the sustainable development approach is a balancing act between the needs of society within the constraints of the economy with the impact on the environment (UN 2015). The Brundtland Report in 1987 further identified important strategies when considering sustainable development. These strategies included embracing economic growth while focusing on the quality of the growth; ensuring the wellbeing of mankind by meeting human needs; managing population growth; vital resource management and resource preservation; improving technology and integrated decision making that includes environmental conservation and economic growth (Brundtland 1987). At a broader level, the concept refers to the holistic merging of planning considerations, economic considerations and environmental conservation (Robinson 2014b: 263-264). Despite the common definitions, sustainable development is complex, as the merging of such broad fields of study make the concept difficult to determine. The common definitions are challenged as human needs

alone are prioritised within the common definition (Stallworthy 2013). One challenge is the assumption that, irrespective of the rate of population growth, population needs can be met. It is argued that the fundamental goals of an economist clash with those of the environmentalist. At what price should a butterfly be saved (Sagoff 2007). It is argued that the effect of sustainability could be a mediating term to bridge the widening gulf between "developers" and "environmentalists" (Stallworthy 2013).

There is a lot of controversy as to whether it is in fact possible for the goals of environmentalists, developers, economists and planners to be merged, when the schools of thought are so vastly different, as are their belief systems. Ethical theories of environmentalism challenge the very basis upon which sustainable development is commonly defined, stating that protecting the environment for future generations is not righteousness but rather an ethical obligation. They argue that it is the obligation of mankind to ensure that future generations have a clean and safe environment (Sagoff 2007).

The Ethical theory of environmentalism be it, shallow, deep; long range ecology movements are founded on the premise that all living creatures have a right to the environment. Humans are not superior; they should however be wiser and have an inherent desire to ensure that the natural environment is protected (Devall 1980). Land is not infinite, so it is unsustainable for populations to grow at the existing growth rates, especially in developing countries, and it is also unsustainable for industries to continue to expand and to continue the sprawl of urban development. Some believe that mankind will seek solutions through technological advances, as mankind can be innovative, and behaviours can be altered through insight and education on the topic of sustainability. Sustainable economic growth may be possible when ideals are merged and mediated through knowledge and understanding (Devall 2001).

## 2.5 Conclusion

The research is influenced by a wide range of planning and environmental theories which include procedural, substantive, and normative planning theories. The concept of integration forms a central part of these theories. Municipal planning and development planning involve a specific set of procedures which include the collaboration of various stakeholders. The collaboration of different stakeholders introduces a new range of complexities. Integrative theories show that justice and fairness can overcome these complexities, unless this justice and fairness is too distorted by conflicting goals, ethics and ideals.

The theoretical framework shows an evolution of planning theory, where the core concepts centre on environmental protection, an awareness of social dispensation and social progression, and the importance of a strong economy. These three spheres cannot operate in isolation from one another without an imbalance occurring, which ultimately will not produce a sustainable and resilient city.

The conflict between the different ideals of planners and environmentalists results in conflicting goals. Fainstein (2005) argues that the object of planning theory is an examination into what constitutes a better planned place and how planners evaluate this. In an attempt to answer those questions the researcher needs to examine the roles of planners and the approaches used (Fainstein 2005: 112-114).

Parker and Doak (2012) support the view of Fischer and Collins (1999), in that they reinforce the idea that if certain conditions or forces are not conducive to key actors, such as the developer or the planning authority, the development will probably not occur, or the development outcome will satisfy another interest. Such products are an example of sector interests and behaviours which are linked to wider forces. Whether it be property development, economic development, or community development, it is crucial that the

objectives be linked and sustainable. Development impacts on quality of life: it is orchestrated and affected by numerous factors and elements (Parker and Doak 2012).

Just planning advocates for a fair, just, and open planning process. It is to be noted that the case study projects were all subject to an extensive public participation process that was fair and open.

Normative planning is essential as this translates into the creation of standard operation procedures and guidelines. The creation of guidelines for the inclusion of environmental concerns such as climate change into development applications will go far towards ensuring the integration of planning and environmental concerns. It is important to adopt a set of norms and standards as planners may never reach consensus on what ideal planning actually is. Norms and stands will assist in ensuring that optimum decisions are made which align to the goal of sustainable development. Just as planning is often a compromise between opposing interests and divergent ideals, so planning legislation is also often a compromise. It is generally agreed that the critical aspects of integrating environmental and planning concerns within norms and standards include collaborative planning and the underlying principles of just planning.

The key to success remains the ability to integrate planning, environmental and economic ideals. The chapter to follow is the study of precedents, which will reveal how different nations have implemented the goal of sustainable development and to what extent success has been achieved.

## **CHAPTER 3: PRECEDENT STUDIES**

### **3.1 Introduction**

Chapter 3 focuses on the national and international trends in achieving sustainable development goals within policy and the implementation thereof. One of the main objectives of sustainable development is the integration of economic growth, ecological conservation, and good planning. The primary aspect of this research is the integration of the environmental and planning concerns within municipal planning. The chapter moves beyond the general desirability of the integration concept and focuses more on the successful strategies that have been undertaken at different levels to implement an integrated approach to municipal planning. The chapter is structured such that the concept of integration is examined at an international level then at a national level.

The section on international precedent focuses on the Netherlands, Great Britain, and New Zealand. The issue of the misalignment between planning and environmental legislation is not exclusive to South Africa: many developing and developed countries grapple with this concern. As in South Africa, the main spatial decisions in the Netherlands are made at municipal level whereas environmental policies are formulated at the national level. Dutch government strategies filter down from national to neighbourhood level. This is how the Netherlands has become extremely successful in their implementation of the Sustainable City concept, which centres on a Durable City. Other international initiatives with successful approaches in this regard have taken place in Great Britain and New Zealand, and these are examined as case studies within this research. Great Britain and New Zealand are examined as they are considered advanced and serve as good examples due to their well-documented policy formulation and implementation strategies.

The Town and Country Planning Act 1990 (TCPA) has enabled Great Britain to incorporate environmental impact assessments into the planning application process, and this has allowed for a more integrated approach to planning (ENGLAND 2010). The British planning system has seen a change in the way in which the environment has been conceptualised. There has been a move away from the environment seen solely as a setting, to the environment playing a more active role in the market economy and in city planning (Healey and Shaw 1994: 425-438).

The third country examined in the precedent study is New Zealand. In 1991, the Resource Management Act (RMA) (Act 69 of 1991) was promulgated in New Zealand. This act was seen as one of the first attempts to implement a planning system based on the concept of sustainability. The RMA became the basis for all acts pertaining to merging planning and the environment (Miller 2011: 2-4)

The developing country included in this research study is South Africa; and her attempts at achieving sustainable development through policy intervention will be examined.

### **3.2 International context**

At an international level, the need to improve environmental quality has taken the lead. Unpolluted air, water and land, along with increased vegetation and habitat protection, are known as environmental improvement. This includes safety from dangers of contaminated areas and unstable soil conditions. Environmental improvements contribute to the health and quality of life (Mega 1996: 142-143). There is yet no comprehensive model of integration, although from international precedents we learn lessons that represent progress on how the integration of environmental and planning policy may be achieved (Miller and Roo 2004).

Universal ideologies on how to achieve ecological excellence and sustainable anthropological settlements in urban areas have resulted from several major international conferences including the United Nations (UN) Conference on the Human Environment (1972), the World Commission on Environment and Development (1987); the United Nations Conference on Environment and Development (1992); Habitat II in Istanbul (1996); the General Assembly Special Session on the Environment (1997); the World Summit on Sustainable Development (2002); the UN Conference on Sustainable Development (2012) and more recently in 2015, the United Nations Sustainable Development Summit.

Municipalities all over the world have adopted environmental declarations, strategies, and action plans. Some countries have integrated planning processes while others have retained autonomous operations (Coenen 2004: 155).

### **3.3 Increasing focus on environmental quality at an international level**

On an international level, interest in the health and quality of the natural environment has grown over the years. To minimise the effects of externalities, planning and control of urban growth has focused on population density and use of land in a manner that would not over-tax available infrastructure or create traffic and overcrowding which would affect communities. The separation of incompatible land uses became a common strategy that focused on preserving ecology. This was done by ensuring that the effects generated by a particular type of land use activity did not impact on sensitive areas. This scope was eventually considered narrow as it did not deal with such issues as storm water drainage, noise, air, and water quality in a holistic manner. Increased public support and political pressure led to stronger environmental conservation policies and comprehensive planning programmes that included environmental considerations (Miller and Roo 2004: 2-16). The international trend within the developed countries was such that national governments

encouraged local governments to adopt the environmental impact assessment process. While the process was usually separate from local plan making and land use regulation, local planning agencies often had the responsibility for preparing the environmental impact statement for proposals. This has given rise to developing both knowledge about the environmental systems and methods for analysing environmental effects. The heightened role of environmental quality as public policy is linked to the growing interest in sustainable urban development (Ecologist 1994: 106-130).

The common argument presented at an international level focused on land use and industry distribution, which ensured that economic growth was enhanced without detrimental effect to the environment. The zoning of land ensured that the spatial distribution of land uses occurred in the right areas. Land use distribution also considered social justice and equity. Planning and design principles that included sense of place, protection of amenity, improved accessibility and harmony were common goals. The ecological departments ensured that biodiversity was considered and that valuable water sources and habitats were not contaminated or endangered (Rees and Wackernagel 1996: 223-248).

Sustainable development has become one of the major items in planning programmes at a variety of stages of economic growth, environmental conservation and social upliftment, the priority being that long-term urban growth balance economic, social, and environmental objectives, as these are the key dimensions that underpin sustainable development. In order to achieve this balance greater commitment in terms of city planning is required (Atkinson and Klausen 2011: 231-251). Miller and De Roo (2004) argue that this requires a systematic treatment of the three dimensions of sustainability. It is argued that scientific-based approaches must be supplemented with judgement where knowledge is only partial. This important agenda for local governments is yet another incentive for seeking to integrate the



traditional concerns of city planning for the future of the built environment (Miller and Roo 2004: 2-15).

With the sanction of the United Nations, the Expert Group on the Urban Environment prepared a report for the Sustainable Cities conference in Lisbon. The report described what is meant by sustainable cities, from metropolitan regions to small towns (European.Commission 1996). The following recommendations were made:

- Further work is needed on merging economic objectives with the social and environmental policies at all levels of government.
- More attention must be devoted to the sustainability issue in the metropolitan regions.
- Better coherence in policies and implementation at higher levels of government should be established so that the solution to sustainability filters to lower levels of government.
- A good exchange of information must be provided (European.Commission 1996).

Climate change is one of the major environmental issues and the manner in which we address the effects of climate change impacts significantly on sustainability. Significant work has been done at an international level in regard to climate change. Addressing the issue of climate change requires various interventions such as policy and legal measures, technological advances, smart economics, institutional initiatives and individual lifestyle changes (Girardet 2008: 176-178).

### **3.4 Internationally identified principles for integrating urban planning and environmental quality improvements**

Partial models are being investigated and tried at an international level. A useful strategy for advancing this development is the consideration of principles for integration that can be used to evaluate these models. Miller and De Roo (2004) identify five key principles: (a) to expand comprehensiveness; (b) to develop a solid indication base; (c) to encourage community participation; (d) to include broad, wide-ranging and inclusive options; and (e) to identify balanced objectives (Miller and Roo 2004).

- **Expand comprehensiveness:** In addition to traditional planning concerns such as density, location and infrastructure, a feasible list of environmental issues should be incorporated into planning programmes. This will encourage the viewing and analysis of development projects in a holistic and cumulative manner. It will further enable the synergistic effects of multiple impacts (Miller and Roo 2004).
- **The development of a solid indication base:** Evidence needs to be reliable, measurable, and understandable to the public and to decision makers. The reason for how environmental problems occur and the effect on wellbeing need to be kept in mind (Miller and Roo 2004).
- **Community participation:** Participatory planning and communicative action has been a successful consensus platform for planning. It is noted that residents know their communities and as such can provide knowledge and insight for planning. Public participation is time consuming; however it is the key component of a fair decision-making process (Miller and Roo 2004).
- **Broad, wide-ranging and inclusive options:** The deliberate consideration of alternatives, both unconventional and controversial, stimulates thought processes and avoids

premature closure. The aim is to devise workable ways to address both physical planning and environmental quality improvement (Miller and Roo 2004).

- Balance objectives: Planning and environmental objectives need to be balanced; this is especially important in the evaluation stage which informs the decision-making process. The two most common methodologies in the employment of this principle in evaluation are benefit cost analysis and directly employing the objectives as a criterion for comparing alternatives (Miller and Roo 2004).

### **3.5 International case studies**

The following countries have taken a range of steps to build a constituency for stronger integrative policy.

#### **3.5.1 The Netherlands**

The Netherlands has a surface area of 41 528km<sup>2</sup> and a population of 16.9 million. The population density is 488 people per km<sup>2</sup> (Teekans 2016: 2). An interesting aspect about the Netherlands is that the levels of integration filter from national policy for integration to regional and city scale, to integration at a neighbourhood level. Spatial policies in the Netherlands were changed by the 1968 Urban Planning Law. Environmental law became prominent in the late seventies, which resulted in Netherlands taking steps to improve their urban environment (Berg 2004: 19-26). Urban legislation was formulated in a period that focused on economic growth, consuming space, job creation and providing public housing. Environmental law on the other hand was passed as a reaction to the economic waste of raw materials, air, soil and water pollution, and the effects these had on the health of the population and on nature. The solution to this from a national level was seen in the late 1990s, when more responsibilities were given to lower administrative government levels.

Urban planning was characterised by quantity thinking, and environmental policies by normative thinking. The combination of planning and environmental goals gave rise to the sustainable city concept. This concept of the sustainable city has taken a leading role at international level within socio-economic and socio-environmental regulation (Whitehead 2003: 1183 - 1206). This is particularly relevant to the Netherlands and has influenced the political agenda as well as the design and development of cities. Recommendations of the European Union Report on Sustainability coincide with the approach taken by the Dutch government (Dassen, Kunseler and Kessenich 2013: 195-197).

### ***The Netherlands national approach to integration***

Integration is defined within the Netherlands Integrated Policy document as the removal of all steps which lead to friction, conflicts of competences and divergence between policy fields. Simple forms of cooperation between the two policy fields forms the basis to the development of joint instruments (RARO 1996).

The Dutch National Spatial Strategy (DNSS) on space for development focuses on planning with the incorporation of what it refers to as the Three P approach: people, planet and profit. These three focus areas are reflected in the policy (Dassen, Kunseler and Kessenich 2013). Along with the merging of these aspects of the policy, the need for improved quality of livelihoods and inner-city developments is identified as the key to cohesive sustainable urban development strategy. The sustainable city as a policy was adopted by the Netherlands in 2008. The policy focused on integration and was a step away from the previously fragmented approaches. It set a timeline to 2040 to identify strategies according to which sustainable urban development should be achieved (Dassen, Kunseler and Kessenich 2013: 193-205). The concept of the sustainable city was a durable city that in addition to preserving the ecology, also the vitality of the economy, safety, social

improvements, and culture need to be considered. Within this concept, sustainability was viewed as a process rather than a goal. The Netherlands tested the sustainable city concept and more than 30 billion Euros were invested each year in urban renewal and new construction (Berg 2004: 20-23).

The Environmental Management Council and the Urban Planning Council drew up a joint recommendation about the integration of spatial and environmental policies. Councils concluded that spatial planning departments must develop stricter criteria for spatial quality. Environmental authorities must find more options for made-to-measure projects and organising in phases. Administrative authorities must focus on the scale to which they can exercise more control over the quality of the environment (Berg 2004: 20-23).

At a national level, efforts are being made to break down the divisions between ministries and parts of ministries. Joint approaches to the physical environment are being adopted with consequences of stronger integration for central government and planning systems (Staalduine and Simons 2005). The second half of the nineties saw policy discussion about making financial instruments for the environment more compatible, and about the need for an integrated weighting of different interests to achieve optimum environmental quality. This was achieved via a reform in the financial flow and an integrated approach to projects. Three national level projects were initiated. The first was the City and Environment Project in 1996, which involved research into the linkages between the natural environment and planning within urban areas. The second was the Renewal of Policy for Soil Decontamination, a project that resulted from feedback from practitioners that several projects were stagnating because of land contamination. The policy strives towards cleaner land in the long term, to ensure that land is not further contaminated, and that proper documentation of contaminated land is kept. Land taxes were implemented, together with subsidies made available towards

the decontamination of land. The third project aimed at the modernisation of the Noise Disturbance policy. The Netherlands ensured that there are stringent noise disturbance norms which included noise related to road and rail traffic. Policies aimed at developing quantifiable criteria for spatial quality and environmental policy included and encouraged tailor-made solutions (Staalduine and Simons 2005: 36-38).

Despite the widespread welcome of the new integrated legislation, there have been several critiques. The three main critiques of the law are based on (a) the quality of the legislation since the issues themselves are not addressed within the legislation but rather in the regulations, which do not require the consent of parliament, leaving room for manipulation; (b) the argument that the integration of two separate fields of study would require a degree of flexibility within the legislation. Flexibility in itself leads to legal uncertainty which would inevitably be challenged; and (c) the approach, which seems to be a developer-driven approach balanced and coordinated by the authority and adjudicated based on merit. Planning by invitation requires innovation and private developer input (Korthals Altes 2016: 420-432).

### ***The Netherlands provincial policy plans***

North Holland has explored the possibilities of integrating the three strategic provincial plans into one, i.e. the Environmental Policy Plan, the Water Management Plan and the Regional Plan. Each province has looked for methods to better integrate the various types of plan and policy. In this respect a distinction can be made between coordination of procedure, coordination of content of policy, and integration of plans and policy (Davidoff 2016: 49-54).

An example of a regional initiative in the Netherlands is the ROM-Rijnmond project. ROM is the Dutch abbreviation for Spatial Planning and Environment. Eleven ROM regions were identified. Rijnmond was examined, because Rijnmond was on the brink of several far-

reaching developments. The demand in Rijnmond was for high quality housing, nature reserves and recreational facilities. Additionally, the port of Rotterdam needed to further develop its leading role in the world. These challenges led to the development of a dual objective for this region. The dual objective was to expand the main port and to improve living and social conditions within the region. All parties aspired towards a stronger economy and a better environment. Information gathered from three different areas of development must be considered in a mutual context. The three facets (economy, social conditions and the environment) need to be balanced: the term balancing is used because there are both pros and cons to the situation. The balancing process ensures that the three facets contain information that is reliable, current and precise. The ROM process was developed, tested and shown to work (Dijkstra 2004: 93-95).

### ***Integration at neighbourhood level in the Netherlands***

There is a dual purpose for neighbourhood level plans. These are also known as district plans or local plans, which include land use plans. They provide legal security as well as direct spatial development plans for towns and cities (Korthals Altes 2016: 420). The ROM projects filtered to a local and neighbourhood level as they were holistic, yet specific to localities.

Rotterdam's method for area-orientated environmental policy was to identify the Right Place for the Environment. The method focused on answering two main questions, what is the environmental quality? and where is the place? The Rotterdam method for area-orientated environmental policy consists of two steps. Step 1 is to distinguish the types of areas, while step 2 is to identify the quality of area types (Schreuders and Hoeflaak 2004: 227-229). The results yielded from this method are that: (a) real environmental bottlenecks are distinguished; (b) the environment is regarded not in a defensive but in a creative way; (c)

the method leads to different choices than what were made in the past, where incompatible activities were moved further out of the city and compatible land uses were placed together; and (d) because ambitions are formulated at an early stage, this leads to a clearer process (Schreuders and Hoeflaak 2004: 239-241).

### **3.5.2 The United Kingdom**

The United Kingdom (UK) has promoted sustainability through their planning system since the 1990s. The British government's 1994 Sustainable Development strategy identified the role of planning, reflecting in turn the government's desire to use planning powers to promote sustainability. The Green Movement Agenda gained momentum in 1990 when the White Paper for Britain's environmental strategy "This Common Inheritance" attempted to review Britain's environmental policies (Kearns 1991). However, there was a recognition that the task would require the balancing of one set of objectives against another. These objectives included a moral dimension in terms of the value placed on environmental qualities and relations with the natural environment (Healey and Shaw 1994: 426).

Policy change reforms that aligned with sustainable development goals in England took the lead after the May 2010 elections. The catalysts for the sustainable development aligned thinking were the Local Agenda 21 and the Rio Declaration, which triggered wider debates on sustainability within politics in Britain (Cowell 2013: 27-28).

At municipal level, planning focused on allocating appropriate land uses in appropriate locations. These were situated away from environmentally sensitive areas and at advantageous locations that promoted walkability or the use of public transport. Proposed developments called for the mitigation of environmental impacts associated with the developments. Government uses planning systems to make developers consider the



impacts of climate change and other environmental issues, as well as how they may relate to the proposed development (Wilson 2009: 120-121).

Milton Keynes, in the north-west of London, is a classic example of New Urbanism. Urban policy at this time called for higher densities. At the time, this was a new concept for British towns. The key principles associated with the new urban policy included walkability, mixed-use developments, clustering of housing around transport hubs, and higher densities to sustain a wider range of public services. The New Urbanism movement promoted a shift away from motorised living patterns, towards a more socially and environmentally sustainable residential environment focused on the pedestrian (Clapson 2012: 9-11).

### **3.5.3 New Zealand**

Globalisation compounded by urbanisation and increasing economic competitiveness are challenges facing most countries and New Zealand is not an exception (Swaffield 2012: 408-418). The urban fringes of New Zealand are characterised by constantly changing rural-urban dynamics. There was an increase in urban sprawl, which resulted in low density, unplanned areas of man-made landscapes that destroy open spaces and agricultural land (Bruegmann 2005).

Highly skilled individuals are at the heart of sustainable economic growth, and the highly skilled tend to want to agglomerate on the outskirts of cities. This has a ripple effect on the economy, resulting in a contrast because boosts of development take place on the edges of cities, while there are pockets of underdevelopment and unskilled workers in other parts of the cities. This phenomenon alerted politicians to reform planning laws and to open the countryside to economic development. The idea was focused on mitigation of environmental impacts through integrated legislation (Eaqub 2014: 22-24).

The RMA was one of the first integrated legislative measures that focused on both planning and environmental concerns. It brought many laws that concerned planning matters and environmental matters such as air, land and water under one umbrella (Frieder 1997:3-9). It represented a revolutionary step, given that it replaced entirely or in part, fifty-four statutes and twenty regulations. Municipal officials and planners took on multi-disciplinary roles (Miller 2011: 18-20).

By the early twenty-first century, the same legislation, i.e. the RMA, was criticised as being “a roadblock to development”. Politicians and economists stated that the RMA, as an experiment in sustainability, had hit its own roadblock, as it had very advanced concepts and policy that were difficult to implement. The issues with the implementation were demonstrated by the number of times it had been amended. The RMA was amended seventeen times in nineteen years, with further changes always expected. Nonetheless the RMA is still listed as one of the most relevant pieces of legislation, as the old ways were replaced with legislation that made the environment the centrepiece of plan making, plan administration and planning decision making. According to Miller (2011), nineteen years after the act came into operation, the experience was still a mixture of success and hurdles. It was a learning curve for all involved, from the planners to the public. It raised environmental issues in the national consciousness but progress along the curve was disrupted by a number of substantial challenges to making sustainability the cornerstone of planning. It was also an experience that saw the RMA become the most politicised piece of legislation in New Zealand, which has in turn created unexpected challenges to its implementation (Miller 2011: 19-21).

### **3.6 The developing country perspective on sustainable development: South Africa**

Increased urbanisation and industrialisation may lead to economic growth, but it is also linked to environmental pollution. There is a direct correlation between growth and pollution in developing countries. The more the poor move from the rural areas to the cities, where there is a lack of affordable housing, the more this leads to informal settlements without adequate infrastructure or waste disposal, and this compounds city problems. The need to manage these growing concerns, unsustainable urban forms and growth patterns became a necessity (Nazeer, Tabassum and Alam 2016: 589-591). As in the case with many developing and developed countries, the concept of sustainable development was influenced by the world summits and the global topic of sustainable development. As a trending concept, its importance grew and became deep-rooted in the Constitution of RSA. National legislation within South Africa stipulates that every living being should have access to an unpolluted environment, along with service provision and a decent living environment (Munslow, Fitzgerald and Mc Lennan 1997: 27-28). The key to achieving sustainable development is integration or the merging of the dimensions that are associated with sustainable development. In pursuit of sustainable development, mixed strategies are required that incorporate policy interventions that simultaneously address economic, social and environmental issues (Van Jaarsveld and Erasmus 2002: 6-8)

#### **3.6.1 Methods of integration to achieve sustainable development within South Africa**

The key to achieving sustainable development is integration. It is argued that there are two types of integration: these are internal and external integration (Atkinson and Klausen 2011: 231-251). Environmental impact assessments (EIAs) and Strategic environmental assessments (SEAs) are examples of external integration. This is essentially the merging of environmental issues into other development issues with a social or economic dimension.

Internal integration is integration within the institute between departments. This is the move away from silo mentality and towards an integrated procedural approach (Atkinson and Klausen 2011: 231-232). The NEMA is the National Environmental Management Act (Act 107 of 1998) in South Africa the legislation makes provision for all sections of government to consider environmental issues and incorporate them into their internal strategies, plans and programmes.

### **3.6.2 Planning in South Africa**

Chapter 7 of the Constitution of the Republic of South Africa, 1996 gives legal status to local government. It is the framework according to which municipal planning in South Africa operates. It ensures that local governments are democratic and that they operate in a sustainable manner

Environmental management and environmental planning operate as parallel legal systems within South Africa. They are poorly integrated with development planning (Todes, Sim and Sutherland 2009). Schoeman expands on this by stating that the lack of integration is not merely between planning and the environment but also includes transportation. There exists an inter-relationship between transport planning, land use planning, spatial planning and development planning. There needs to be balance between all, however this is not the case. The lack of balance is due to the lack of holistic understanding between the different sectors. This misalignment results in unsustainable development and environmental degradation (Schoeman 2011: 156-157).

The integration and balance between economic growth, environmental management and environmental planning can be described as the foundation of sustainable development. Sustainability as a concept implies the recognition of a more holistic view of poverty and environmental degradation. The sustainable city is a holistic one in which social, economic,

environmental, and institutional aspects of development are mediated; it is more of an action than a concept (Robertson 2012).

Specific to South Africa, the disjointed nature of the apartheid city originated from the segregationist era – an era characterised by sprawl and fragmentation. South African history saw planning used as a tool for separation rather than integration. Apartheid planning laws ensured the separation of races through city planning. The effects of apartheid planning still exist in South Africa (Berrisford 2011: 249-250).

The misalignment of environmental and planning legislation compounded by segregated statutory procedures gave rise to various tensions. Todes *et al.* (2009: 411-433) identify the basis for the tension as duplicated systems, misaligned purposes between different sections; inadequate strategic plans and lack of capacity. The relationships between planning and environmental management in South Africa are complex and the result of formal systems in planning and environment inclusive of elements such as agency, power practice and discourse (Todes, Sim and Sutherland 2009: 411-433).

The South African President as part of the State of the Nation Address indicated that it is time for government to break away from the silo mentality and went on to introduce a new approach called the District Development Model (DDM). The DDM was subsequently adopted by cabinet on the 21st of August 2019. The District Development Model (DDM) is an operational model for improving Cooperative Governance aimed at building a capable, ethical Developmental State (COGTA 2020).

### 3.7 Conclusion

At both national and international levels, the importance of sustainability is at the core of policy development. The concept of integration remains central to successful sustainable development. International debates and the United Nations global conferences supported the growth in importance of the green agenda. There was an increased focus on the fact that the population was rapidly increasing, and this densification brought a range of challenges which called for land use distribution to be carefully separated into appropriate locations in order to protect the environment, direct urban growth and locate infrastructure and services.

Environmental law became prominent in the Netherlands in 1972, and the key principles for greater integration were expanded upon. The Netherlands' first focus was on economic growth. However, as a reaction to the economic waste created by this focus, environmental law was strengthened. At a national level there was a mix of normative and substantive theories and the European Union's report coincided with the Dutch government's approach to environmental protection and sustainable development. Sustainability was viewed as a process rather than a goal. It was argued that sustainability included in development planning law requires flexibility, and flexibility leads to uncertainty which creates legal uncertainty and ambiguity that may arise. North Holland integrated their environmental plan into one plan. The ROM region of Rijnmond was identified due to the social, economic and environmental challenges. A balancing act was carried out by identifying the pros and cons, and a balance was achieved. This strategy sought to answer two main questions: *what place is being identified?* And *what quality does it possess?* This process and strategy were shown to be successful as they focused on the local level, emphasising that local knowledge is important when it comes to successful implementation of plans.

The UK's move to sustainable development arose due to the Rio Declaration and Agenda 21. The UK assumed that sustainability could be implemented in a straightforward linear pattern. They focused on appropriate land uses in appropriate locations. Tension arose as to who was to determine what was appropriate. The British view of the environment as a setting moved to a stronger interest in active environmental care, which in turn was challenged by an emphasis on marketable assets. The Town and Country Planning Act in 1990 brought about the development of more complex conceptions of environmental care related to the notion of environmental sustainability, and the use of these as policy principles in development plans and development regulation. It is argued that the system has persistently enabled economic and material policy preoccupations to prevail. As in the case with the Netherlands, the critiques on the British implementation of sustainability also argue that to successfully integrate both planning and environmental concerns, there would need to be a degree of flexibility within the plans; but with flexibility, however, legal uncertainty and ambiguity arise.

New Zealand's pioneering piece of legislation perfectly integrated environmental concerns and planning concerns within national legislation. This perfect integration was at a theoretical level, however. New Zealand, at the other end of the world, launched the RMA in a socio-political climate that favoured market solutions over government intervention rather than one in which government modified the impact of the market. This created complexities with the implementation of the RMA. This situation emphasises that planning does not operate in a protected space but rather it is forced to compete with multiple other demands on the political and public interface. Planning has been a political activity that depends on political structures for the authority to achieve its aims. Without that authority and support its potential to succeed will be compromised.

In South Africa, environmental protection is enshrined in the Constitution. There are two separate legislative acts that govern planning and the environment. There are however provisions within both the SPLUMA which is the national planning act, and NEMA which is the national environmental act in South Africa, which allow for goals to be aligned. It is important that both acts be understood holistically and implemented without bias. It is imperative that realities that exist on the ground be examined and the needs within the communities and the issues faced by the communities be considered when attempting to achieve integration in municipal planning. The primary case study is eThekweni Metropolitan Municipality in Durban, South Africa and will be addressed in detail within Chapter 5.



## **CHAPTER FOUR: RESEARCH METHODOLOGY**

### **4.1 Introduction**

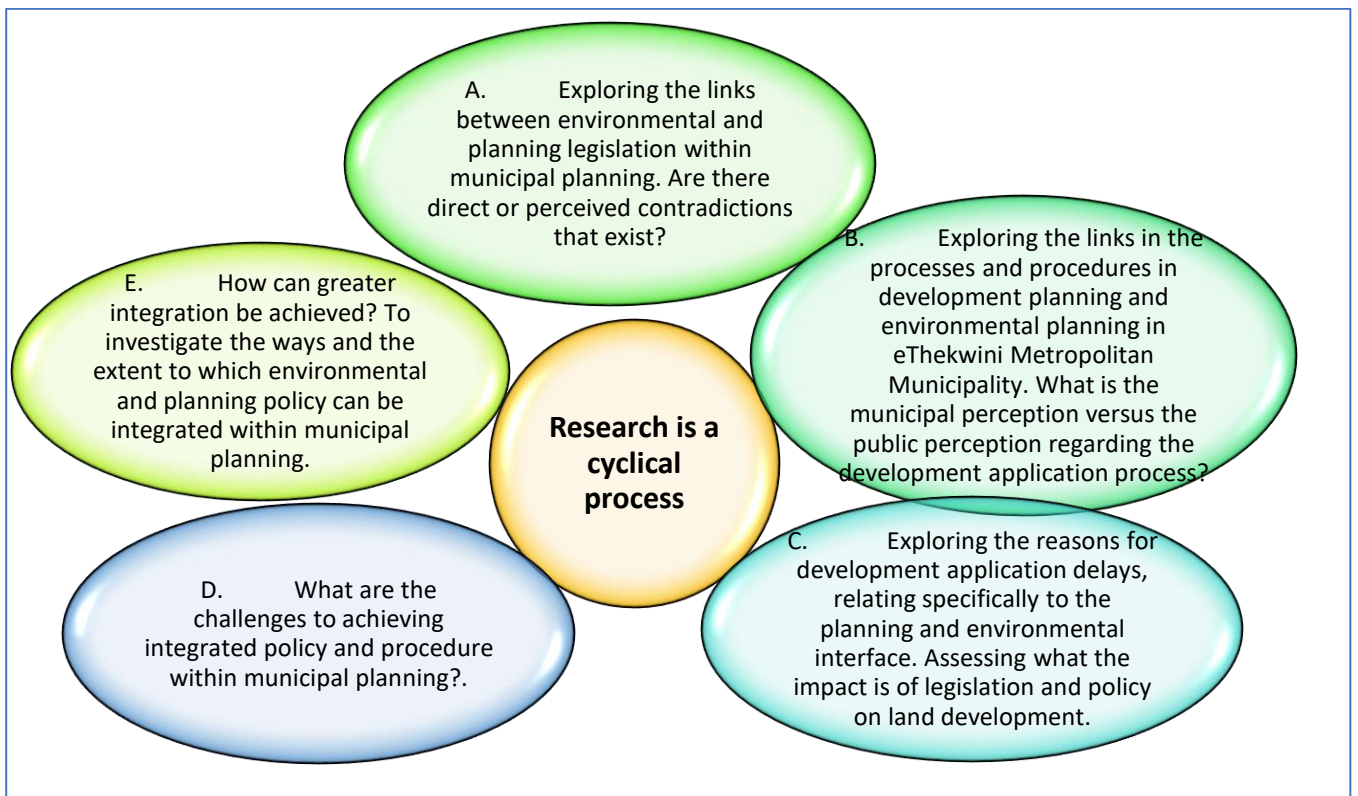
The main research objective is to investigate the ways and extent to which environmental and planning legislation can be integrated and adjudicated within municipal development planning in South Africa, using eThekweni Metropolitan Municipality: Durban, KwaZulu Natal, South Africa as a case study.

The primary reason for the research is based on the view that integrated policies and procedures can shorten the development application processes thereby ensuring efficiency. Integration is a key component to achieving sustainable development. The main research philosophy used is a qualitative approach.

Primary and secondary data were used in the data collection. Primary data were gathered for the case study on eThekweni Metropolitan Municipality, by means of questionnaires, interviews, and a focus group discussion. The population was identified via a stratified sampling method and participants were actively involved within the projects identified in the case study area.

The secondary data included a legal history analysis, a precedent study (Chapter 3) focusing on international trends on how sustainable development is incorporated in various countries, and case study research using published and unpublished reports, legislation, and peer reviewed articles, academic books and media sources. The background and rationale for selecting the case study are detailed in Chapter 5.

## 4.2 The research cycle



**Figure 3: The research cycle: research objective illustration (Adapted from (Paul, D.Leedy and Omrod 2010: 7)**

The research has been informed by the above cycle, displaying the research objectives as each variable of the cycle informs the next. The exploration of A, which is essentially the goals, ambitions and/or contradictions found within environmental and planning legislation, is crucial in understanding how integration can eventually be achieved. Variable B is intricately linked to A in that the legislation and policy are what informs the processes and procedures. The public and municipal opinions as to whether these processes are working link back to whether the policies are being interpreted correctly and if they are relevant in achieving efficient and effective development planning. Variable C is effectively the perceived causes that are the primary causes of development delays, or the causes for inappropriate development. These link to the existing policies and procedures.

Variable D identifies the challenges to integrated policy formulation. This is linked to the feedback received from A to C. Variable E is the possible solutions or strategies that can be formulated based on the challenges and causes identified.

The process is cyclical in that these strategies are input again into the research cycle and possible contradictions in policy are looked at. Are there policies that have limited the success of the strategy? Was the strategy tested on another project and what were the results? What are the challenges to implementing that strategy? The cycle was effectively workshopped until a draft framework for integrated policy formulation could be recommended.

### **4.3 Research design**

Research aimed at the integration of planning and environmental legislation within municipal planning is classified as social science research. The research problem entailed stipulating the evidence needed to test a theory or range of theories and concepts. These theories and concepts have been explained within the literature review and practical evidence was derived from the precedent studies. In summary, the research is based on the notion that sustainable development requires the integration of environmental and planning policy and legislation at a municipal level.

The approaches adopted at international and local levels were evaluated in the precedent study. Derived from the literature review and precedent study are a set of indicators that have been adapted to evaluate the integration of planning and environmental policy at a municipal planning level within eThekweni Metropolitan Municipality.

#### **4.4 Case study research**

An in-depth study of a particular area, city or municipality enables the researcher to gain in-depth knowledge on a particular phenomenon within a location. There have been numerous successful accounts of case study methods. Case study research is particularly useful in qualitative study approaches, as opposed to comparative studies which could be time-consuming and do not consider that each location may have unique qualities or issues that may not always be able to transfer to another locality (Yin 2018: 25-27).

This type of methodology provides the tools for scholars to study complicated trends or experiences within specific locations (Creswell 2014: 231). The case study used in this research is eThekweni Metropolitan Municipality in Durban, KwaZulu Natal, South Africa. Durban is considered a gateway city and is also has the largest harbour in South Africa: it is therefore classified as a harbour city. Being the largest city in KwaZulu Natal, Durban has a number of strategic challenges and large-scale catalytic development projects appropriate for the research. Issues such as urbanisation and the associated economic, social, environmental, and planning challenges are numerous within this large urban city. The dissemination of planning and environmental legislation and policies from national to provincial to metropolitan planning levels are recognised.

##### **Steps taken to legitimise the research design**

- The research problem was clearly identified and justified in Chapter 1 of the research study.
- Reports, articles and books associated with the research problem have been reviewed and synthesised in Chapter 2 of the research study.

- Methods adopted at international and local levels were scanned and reported on in Chapter 3 of the research study.
- The method by means of which the data were collected within the research study is explained in Chapter 4 of the research study.
- The manner in which the data were analysed is explained and justified in sub-section 4.6 of Chapter 4 of the research study.

#### **4.5 Qualitative research methodology**

Qualitative research originates from anthropology, sociology, the humanities, and evaluation (Creswell 2014: 42). Qualitative research uses a realistic style that attempts to understand phenomena in context-specific settings, such as a real-world setting (Golafshani 2003: 6). The focus of qualitative research in this study is to gain an insider's perspective with regard to a development practitioner's experience on how planning and environmental legislation can be integrated at a municipal level in the development application process. The aim is to facilitate an efficient development application process within municipal development planning.

#### **4.6 Levels of data**

Primary and secondary level data were used for the research study. The primary data was collected in eThekweni Metropolitan Municipality. The research process involved continuous interaction with people via interviewing, listening, seeing and observing; while remaining rigorous and sceptical during all communication, actively researching, analysing, synthesising and making explicit links between theory and evidence (Wadsworth 2016: 13).

The population for the study included planners, environmentalists and developers from both public and private sectors. The population was selected using stratified sampling. The strata used consisted of:

- planners, environmentalists and developers who are actively involved in the eThekweni Metropolitan Municipality catalytic projects; and
- participants with the most experience who have been involved in development projects that specifically incorporate both planning and environmental concerns. Development projects that were identified in the eThekweni Metropolitan Municipality had both planning and environmental concerns.

The municipal staff employed in assessing and processing development applications within the identified development projects were targeted along with private consultants. The data collection was done by means of a three-phased approach.

#### **4.7 Phased approach to the primary data collection**

A three-phased approach was utilised during the primary data collection for the case study. Each phase is linked to the next and is dependent on the participants' willingness to participate, as well as on their expertise and experience within development projects that encompass both planning and environmental concerns. The population sample size decreased and became more focused as each phase progressed to the next.

##### **4.7.1 Phase one: Questionnaires**

Phase one of the data collection process made use of questionnaires. Twenty questionnaires were emailed to participants. Seven of the questionnaires were completed and returned via email and two were received via hand delivery. The analysis of the questionnaires involved the researcher dividing the participants into groups based on

experience of participants relating to development projects within eThekweni Metropolitan Municipality that encompass both planning and environmental concerns, and also on the participants' knowledge of the development application processes within eThekweni Metropolitan Municipality. Those participants with the most experience and knowledge were selected for phase two. The process of separating the questionnaire participants into target groups allowed for a smaller sample size for the next phase. Based on experience and knowledge, five participants were shortlisted for phase two of the research.

#### **4.7.2 Phase two: Interviews**

The interviews within this phase involved five face-to-face, partially structured interviews. The interview schedules were designed in advance. However, based on the knowledge of the participant, the interview questions were expanded upon at the time of conducting the interviews. The advantage of using a semi-structured interview is that it is conducted with a fairly open framework which allows focused, conversational two-way communication. The interviewer followed a guideline of broad-based questions. Not all questions were designed and phrased ahead of time. Most of the questions were created during the interview, allowing both the interviewer and the person being interviewed the flexibility to go into detail when needed. The time allocation for the interviews varied from approximately 45 minutes to 3 hours.

Four of the interviews were conducted in the Durban metropolitan area at the participants' place of work, and one of the interviews was conducted at the site of one of the development projects identified. A convenient time was agreed upon by the participants and the researcher. The information collected from the interviews was collated. A draft compilation of the data collected from the interviews was made available to all of the participants. Every effort was made to ensure that the data provided cannot be traced back to the participants

in reports, presentations, or any other form of dissemination. Participants were encouraged to recommend other professionals who would add value to the research.

The findings from the interviews revealed that catalytic projects display more integration within the development application process than those projects that go through the normal development application process. The overarching environmental concern was that of climate change. There is currently huge investment politically in climate change adaptation and mitigation, and there is a need for planning interventions to happen immediately in order for Durban to become resilient. The findings of phase one and two of the data collection were collated and analysed, based on the themes identified within the literature review and precedent studies. A snowballing approach was then used at this stage of the research to identify further participants who might add value to the research and might have been interested in attending the focus group discussion.

#### **4.7.3 Phase three: The focus group discussion**

The focus group discussion involved a two-day development planning and environmental workshop. All participants were directly involved in the identified catalytic projects that include both planning and environmental concerns. The purpose of the focus group discussion was to engage with the various professionals in the separate disciplines, to share the lessons learned and to workshop a way forward for the formulation of a framework for more integrated environmental and planning policy within municipal planning. The aim was to facilitate development in a manner that would ensure sustainable development. The findings of phase one and two were collated and analysed.

The structure of the workshop included a welcome, introduction and purpose of the workshop session during the morning of Day 1. A pre-workshop evaluation was conducted during the morning session of the first day, in order to assess the expectations of the

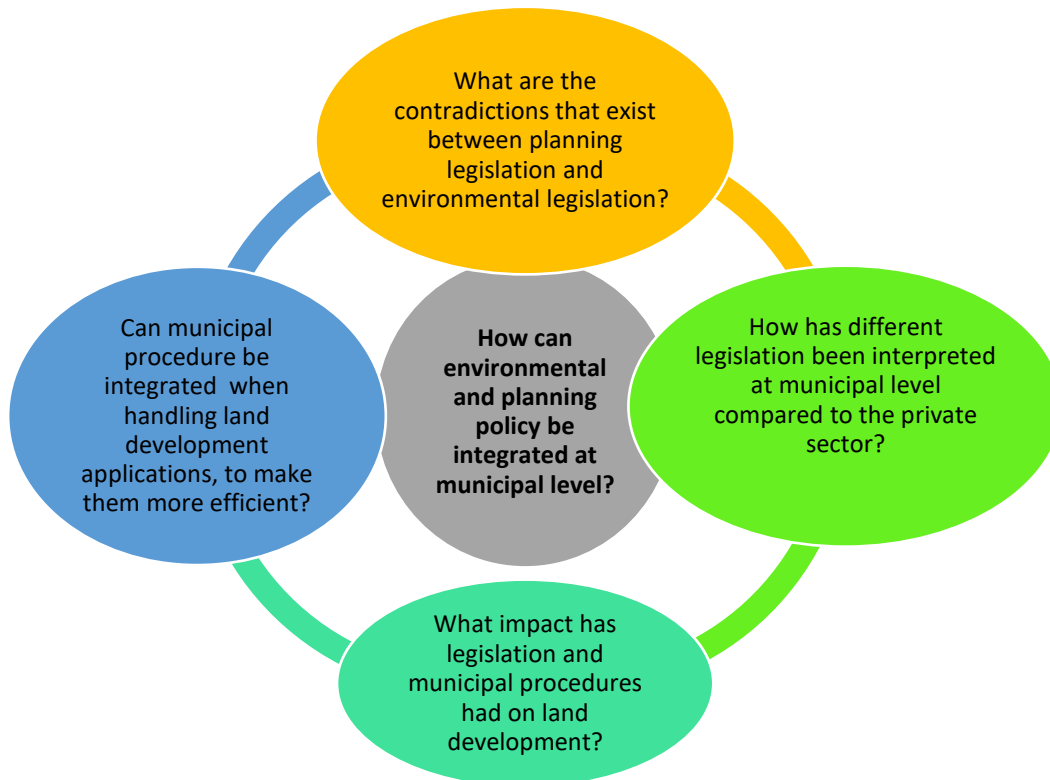


participants. Day 1 included an introduction to Durban Metropolitan Municipality as the case study, and an overview of the environmental and planning policies that guide development in eThekweni Metropolitan Municipality. The afternoon session on Day 1 included a SWOT (strengths, weaknesses, opportunities and threats) journey, looking at the challenges to the implementation of planning through an environmental lens. The challenges identified were grouped together and a priority list was derived from the findings. This concluded Day 1 of the workshop and participants were asked to reflect on the day, so that upon returning on the second day, the group would be ready to offer solutions in relation to moving towards greater integration in order to attain sustainable development and move towards a more resilient city.

Day 2 began by recapping on the prioritised challenges to achieving integration in municipal planning, using the case study of eThekweni Metropolitan Municipality. Each of the challenges was examined by identifying the underlying causes, framing a strategic goal, and deriving a potential strategy in achieving the proposed strategic goal. A post-workshop evaluation was conducted on the afternoon of Day 2. The overall feedback was that the workshop had succeeded in achieving the goal set out at the onset. The output of the focus group discussion was a list of potential strategies that could be adopted in moving towards more integrated policy and development processes in municipal planning. These strategies could be used to draft a framework towards integrating environmental and planning legislation in municipal planning.

The focus group discussion was facilitated using an adaptation of the Rational Comprehensive model. The Rational Comprehensive model used the following steps: 1. Define the problem; 2. Clarify Values; 3. Select Goals; 4. Formulate framework for integration; 5. Forecast the consequences of the alternatives developed in previous steps;

and 6. Evaluate and select one or more courses of action (alternatives) (Levy 2009: 405). The Rational Comprehensive model was adapted with an outcomes-based thinking approach and used during the focus group discussion.



**Figure 4: Focus group discussion concerns**

The method used in the focus group discussion involved outcomes-based thinking. An outcomes-based thinking approach is about thinking about outcomes based on a set destination (MILE 2018: 2-5). The approach is useful in thinking about strategic goals and/or the formulation of long-term frameworks. Thinking strategically is the art and science of holistic organisational and long-term thinking.

It is argued that a paradigm shift must be made from silo-based, fragmented thinking (as identified in the research problem) to holistic thinking and integration (as is the identified objective of the research). Figure 4 shows the focus group discussion concerns, which constitutes a direct correlation to the objectives of the study.

#### **4.8 Secondary data collection**

The secondary data sources included legislative analysis and critiques; library books; journals; published and unpublished articles; and municipal reports that relate to the topic. These secondary data sources fed into the qualitative research for the legal history, literature review and the precedent study.

Legal history is used as a form of qualitative research. Legal history analysis uses secondary level data sources. In the '*Law As... Theory and Method in Legal History*' symposium, Christopher Tomlins and Catherine Fisk investigated the theory of legal history and the method by which legal historians do their work. Several scholars from a variety of disciplines, not all of them historians or lawyers, offered their thoughts about reorienting legal history generally. The conveners posed the idea of legal history as being the study of law (Fisk and Gordon 2011: 519). The advantage of using this method of research is that when the historical evolution of legislation is analysed, it becomes evident that some rules become extinct while others become more dominant. Legal history has telling examples of this process (Smits 2013: 217-242). For this reason, legal history is a useful methodological approach and relevant to this field of study as a major part of the study focus is on planning and environmental legislation.

#### **4.9 Tools of research**

The tools utilised in the research study consisted of (a) the library and its resources; (b) the computer and its software (Endnote, Microsoft Project; GIS; graphic assistance and the Internet); (d) measuring techniques for insubstantial phenomena such questionnaires and interviews.

The validity and reliability of the measuring tools, such as the interviews and questionnaires, can be tested via cross-examination and having a wider population identified from broader strata which included municipal officials.

#### **4.10 Measuring instrument**

The sample questionnaire and interview schedule are attached as annexure A.

#### **4.11 The population**

The identified population is related to the different identified role players who influence and are impacted upon by planning and environmental policy as well as development application timeframes or the pace of development. The population for the research study can be divided into four categories. These are:

- developers,
- municipal employees,
- town and regional planners, and
- environmentalists.

A sample obtained from each category ensured that the role players had dual functions, such as a planner who has an environmental qualification and is actively involved in development applications and vice versa. This dual role ensured the desired level of accuracy and quality of the data collected. It was noted that if a sample is too large it could become difficult to manage, clumsy and exhaustive (Loseke 2017: 18-19). Due to time and cost constraints, a larger sample was not feasible for this study. Considerable effort was spent on selecting specific participants, using clear strata relevant to the research study, which ensured high quality data input.

The initial phase had a population size of 20 participants. All 20 participants completed the detailed questionnaire. The main reason for this number of participants was to plan for the eventuality of some people having to drop out of the study, or some possibly having limited information, while others had substantial knowledge about the field of study. Based on the evaluation of the questionnaires, the population size was refined and reduced to 5 participants. These participants were considered the most knowledgeable within the field of study. All 5 participants were interviewed, and a snowballing technique was then used. Each of the phase 2 participants recommended an additional participant considered to be knowledgeable. This resulted in 10 participants who actively participated in the focus group discussion.

#### **4.12 Sampling procedure**

Two types of sampling techniques were made use of during the research study. Stratified sampling was used to identify the initial population, and thereafter a snowballing technique was used.

##### **4.12.1 Stratified sampling technique**

This type of sampling technique involved the researcher dividing the research population into groups based on a specific stratum. Stratified sampling has several advantages over simple random sampling. The advantages include the ability to reduce the sample size in order to achieve greater precision (Robinson 2014a: 26-43).

The population was identified using the following strata:

- Planners with environmental background
- Environmentalists with planning background

- Planners, environmentalists and developers identified as having more than 10 years of experience with knowledge in both fields
- Specifically identified projects within the municipality that encompassed both planning and environmental concerns.

#### **4.12.2 Snowballing**

This type of sampling technique is defined as non-probability sampling that is used by academics to identify participants in a study where subjects are hard to locate (Loseke 2017: 34-38). Researchers use this sampling method if the sample for the study is rare or is limited to an exceedingly small subgroup of the population. In the case of this research study, the target population was specific to developers, planners, and environmentalists who have knowledge in each field as well as being actively involved in development applications that encompass both planning and environmental concerns. As such the target population was very specific. After interviewing the initial subject, the researcher asked the subject for assistance and expert advice to help identify people with similar areas of interest, and who were most likely to add value to the research study due to their experience and knowledge. These identified participants were invited to the focus group discussion. The purpose of the focus group was to engage with the various professionals in the two disciplines, to share the lessons learned during the development application process and workshop “a way forward” for formulating a framework for integrated environmental and planning legislation.

#### **4.13 Analysis of the data**

The analysis of the data involved the assessment of the raw data that had been collected from the three phases of data collection; thereafter the data were interpreted, grouped into

relevant topics, and interpretations and explanations relevant to the study were provided (Miles, Huberman and Saldaña 2014: 69-104).

The analysis of the data within the research study would enable the researcher:

- to establish the links between environmental legislation and planning legislation within municipal planning;
- to identify the links between environmental and planning concerns within development applications;
- to identify the links in the processes and procedures that inform development planning and environmental planning within eThekweni Metropolitan Municipality;
- to identify the reasons for development application delays, relating specifically to the planning and environmental interface; and
- to make recommendations for creating a basis for integrated policy formulation at a municipal level.

#### **4.14 Validity and reliability/ trustworthiness**

Validity and reliability of scores on instruments lead to meaningful interpretations of data (Creswell 2014: 200). Validity refers to the extent to which a research study investigates what the researcher claims to investigate. The need for a qualifying check or measure for qualitative research is essential to establish reliability (Golafshani 2003: 601-602).

Although the term 'reliability' is a concept used for testing or evaluating quantitative research, the idea is often used in all kinds of research. Reliability can be used interchangeably with dependability (Golafshani 2003: 601).

To ensure reliability and validity in the research, more than one independent approach was used to analyse the answers to the questions, this approach is known as triangulation. This

is done to increase confidence in the findings. Findings received from independent approaches offer more comprehensive results (Heale and Forbes 2013: 98).

In addition, the researcher increased the level of validity by ensuring that all the participants of the research were briefed prior to participating and were well aware of the nature of the research. A trust relationship with the subjects was built upon. The three-phased approach to data collection enabled the researcher to compare responses, and detailed notes were taken during the data collection. It is further noted that the participants of the study are all professionals who are governed by professionalism and affiliated to their professional bodies.

#### 4.15 Ethical considerations

The following ethical considerations have been noted in the study:

**Table A: Ethical considerations**

The research process	Ethical issue type	Manner in which the issue was addressed
<b>Preceding data collection</b>	Examine professional association standards. Seek DUT approval on campus through an institutional review board. Obtain permission locally from site and participants.	The researcher familiarised herself with the ethics policy. Completion certificate for NIH Web-based training course "Protecting Human Research Participants" IRB approval was received Gatekeeper's letter
<b>Beginning the study</b>	Identify a research problem that will benefit participants.	The research aimed at achieving a framework for integrated environmental and planning policy. The participants were environmentalists, planners and developers, all of whom used and would benefit from integrated environmental and planning legislation. It would benefit developments at large by making the procedures more efficient, thereby facilitating the development process.



	<p>The purpose for the research study was disclosed.</p> <p>No participants were pressured into signing consent forms. Participation in the research study was voluntary.</p> <p>Assure sensitivity to vulnerable population groups (e.g.: children).</p>	<p>The purpose and aim of the research study were disclosed upfront on all research tools such as questionnaires.</p> <p>Anonymity and confidentiality were priorities.</p> <p>No vulnerable population groups were targeted.</p>
<b>Collecting data</b>	<p>Ensure that all participants receive the same treatment.</p> <p>Avoid deceiving participants.</p> <p>Respect potential power imbalances and exploitation of participants (e.g., interviewing, observing).</p>	<p>Trust and mutual respect were built with the participants of the research study. The methodology for the data collection was explained in detail and participants who were interested in participating were considered. Participation in the research study was voluntary.</p> <p>The topic was not sensitive.</p> <p>It was also noted that the target population comprised professional well-educated individuals.</p> <p>There was complete disclosure regarding the objectives of the study and the findings would be made available to the participants of the study.</p> <p>The last phase of the data collection involved an inclusive focus group discussion.</p>
<b>Analysing data</b>	<p>Ensure that the views of participants were their own and were not influenced by the researcher.</p> <p>Ensure disclosure of research results.</p> <p>Ensure confidentiality and anonymity of participants.</p>	<p>Multiple perspectives were captured.</p> <p>The recommendations and findings were discussed in the focus group discussion. Participants involved in the focus group discussion had sight of the recommendations and findings.</p> <p>Composite profiles of participants were created to ensure confidentiality.</p>
<b>Reporting, sharing and storing data</b>	<p>Avoid falsifying authorship, evidence, data, findings, or conclusions.</p> <p>Do not plagiarise.</p> <p>Ensure unambiguous communication.</p> <p>Ensure sharing of data.</p>	<p>All data was reported honestly.</p> <p>Guidelines for permissions needed were adhered to.</p> <p>Secondary data collected were referenced accordingly.</p> <p>Unbiased language was used.</p>

	<p>Keep raw data and other materials (e.g., details of procedures, instruments).</p> <p>Ethical compliance</p> <p>Owner of research</p>	<p>Duplicates of the study would be provided to participants and stakeholders. Research findings were shared during the focus group discussion.</p> <p>The data collected would be stored for 5 years. The data collected would not be used for profit and would be used in this dissertation alone.</p> <p>Ethical clearance was applied for and received prior to conducting the research.</p> <p>The research would be owned by the institution. Credit for the research would be given to the researcher, participants and supervisor.</p>
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#### 4.16 Conclusion

The chapter has summarised the methodology used in the research study. Primarily the objective of the research was to investigate the ways in which, and the extent to which, environmental legislation and planning legislation could be integrated and adjudicated within municipal development planning in South Africa, by using eThekweni Metropolitan Municipality: Durban, KwaZulu Natal, South Africa as a case study.

The primary data was collected via questionnaires, interviews, and a focus group discussion of which the data were analysed. The findings are presented in Chapter 6 of this dissertation. Secondary data collection made use of published and unpublished work. The precedent study used secondary data in Chapter 3 of the dissertation, and Chapter 5 provides the rationale and background to the case study of eThekweni Metropolitan Municipality.

## **CHAPTER 5: CASE STUDY: ETHEKWINI METROPOLITAN MUNICIPALITY**

### **5.1 Introduction**

The case study chapter is structured in five sections. This chapter seeks to provide an understanding of the area selected for the case study. Section 1 provides the structure of the chapter. Section 2 introduces the case study and provides the background to the case study, as well as the rationale for selecting this area for the case study. The context and locality of eThekwini Metropolitan Municipality are provided in this section of the chapter. Section 3 provides a brief introduction to the environmental, planning, and social issues in the municipality, and the tools and mechanisms used by the municipality to map these issues. Section 4 zooms in on the catalytic projects in eThekwini Metropolitan Municipality, then focuses on two contrasting development projects by providing the background and locality of these projects. It should be noted that the information provided in this chapter is secondary data derived from published and unpublished reports of the Municipality. Section 5 concludes and summarises the chapter.

### **5.2 Durban**

Durban is the gateway city to KwaZulu Natal and has several strategic challenges appropriate for the research. Being a major city, issues such as urbanisation and the dissemination of planning law and environmental law from national to provincial to local level are clearly delineated. The way the city employs strategies to counteract the challenges make for an interesting case study. Durban is part of eThekwini Metropolitan Municipality, which is the largest municipality in KwaZulu Natal. The word eThekwini is derived from the Zulu word itheku, meaning bay or lagoon, and the Xhosa word iteko, meaning “a meeting

place” (Mile 2012: 24-32). The city’s location as a port city and an urban hub makes this a city of choice for this study.

The city’s management structure is made up of a number of clusters headed by the city manager. There are seven deputy city managers, each one overseeing a specific cluster. These clusters consist of Community and Emergency Services; Corporate and Human Resources; Finance; Governance and International Relations; Economic Development and Planning (within which the Development Planning and Environmental Planning departments reside); Human Settlements, Engineering and Transportation; Strategic Management; Trading Services (Electricity/Water & Sanitation/Cleansing & Solid Waste); Chief Operations; and Chief Audit.

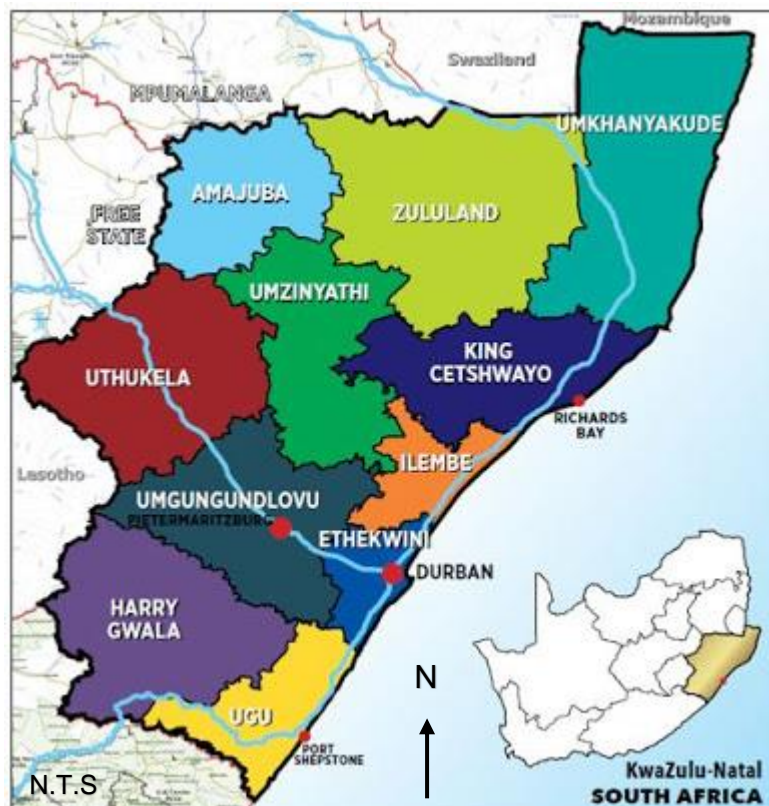
Although these branches may all fall under the same municipality, it can be argued that each of these departments or clusters operates within a silo which has competing goals with other clusters or departments. The municipality is striving towards an outcomes-based thinking destination. The vision of the City of Durban is that by 2030 the eThekweni Metropolitan Municipality (EM) will enjoy the reputation of being Africa's most liveable city, where all citizens live in harmony. This vision will be achieved by growing its economy and meeting people's needs so that all citizens enjoy a high quality of life with equal opportunities, in a city that they are truly proud of (eThekweni 2018/2019 review: 152).

The spatial planning vision incorporates the core principles of sustainable development by calling upon the balancing of planning, environmental and economic considerations. The objective of the development planning department states that it intends to promote sustainable development through reasonable land use management. This includes understanding the appropriate legislation and schemes; applying the schemes correctly; meeting the deadlines of applications as set out in the various pieces of legislation; being

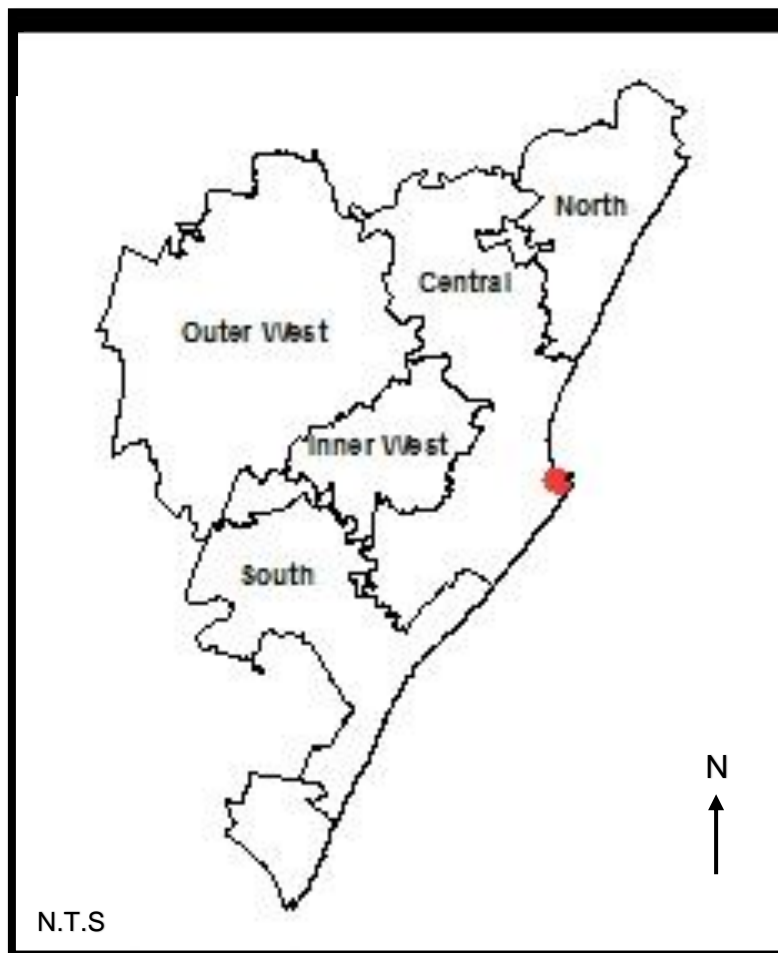
proactive in making land use recommendations for review/change; and complying with all council policies and the Basic Conditions of Employment Act, Act 75 of 1997. The development planning department, as with the spatial planning department, focuses on achieving sustainable development via the application of legislative procedures of land use planning.

### 5.2.1 Context and locality

Durban is located along the east coast of South Africa in the province of KwaZulu Natal. The map below indicates the location of eThekweni Metropolitan Municipality in relation to the adjoining and surrounding municipalities.



**Figure 5: Map showing metro and district municipalities (eThekweni.Municipality 2019)**



**Figure 6: eThekweni Metropolitan Municipality boundary**

The municipal boundary of the central region spreads from the Umgeni River in the north, along the coast through to the Umlaas Canal in the South and extends to the Bluff. The region extends over an area of 677km<sup>2</sup> (67772.33 ha). The central region encompasses the harbour and the central business district (CBD), and is the industrial hub and economic and employment generator of the region (eThekweni.Municipality 2019).

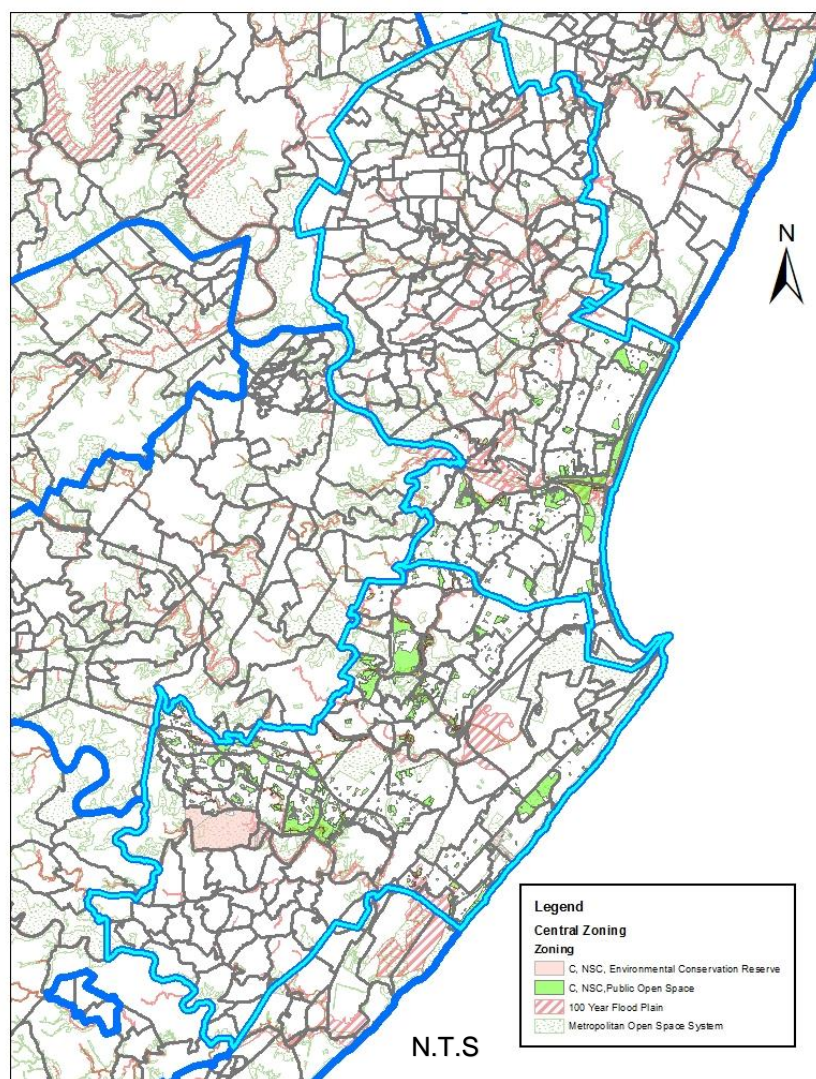
### **5.3 Environmental and planning issues and trends**

Globally there have been increasing concerns around the issues of sustainability, limited resources, population growth and climate change, amongst others. This increased concern, together with greater environmental awareness, has resulted in significant new

environmental policy and legislation both internationally and at national and provincial levels (COGTA 2016: 17-23). eThekweni Metropolitan Municipality has been at the forefront in terms of environmental awareness within the metro. The sections below summarise the environmental and planning issues in the eThekweni Metropolitan Municipality and provide a spatial representation as to where they occur within the metro.

### 5.3.1 Spatial analysis

The map below indicates the environmental constraints within the metro.



**Figure 7: Spatial representation of environmentally sensitive land within eThekweni Metropolitan Municipality**

The environmental concerns within eThekweni Metro are represented in Figure 7. These concerns are captured in the layers labelled Environmental conservation reserve, Public open space, 100-year flood plain and Durban Metropolitan Open Space system. The municipality uses these designations as tools to help direct new development plans. The primary tool used at a policy level by the municipality is DMOSS. The other Durban scheme controls taken to ensure environmental protection are Public open space, Conservation zone, Nature reserve, River Reserve, 100-year flood plains, unstable soils, and the proposed Nature reserve zone.

### **5.3.2 Durban Metropolitan Open Space System (DMOSS)**

DMOSS incorporates areas within the municipal boundary that have environmental sensitivities. DMOSS as a layer is successful in alerting potential developers to the presence of environmental concerns on the properties; however, there is a lack of understanding on the part of the public regarding the importance of DMOSS. The figure below is a spatial representation showing the growth of the municipal boundary over the years and the inclusion of DMOSS.



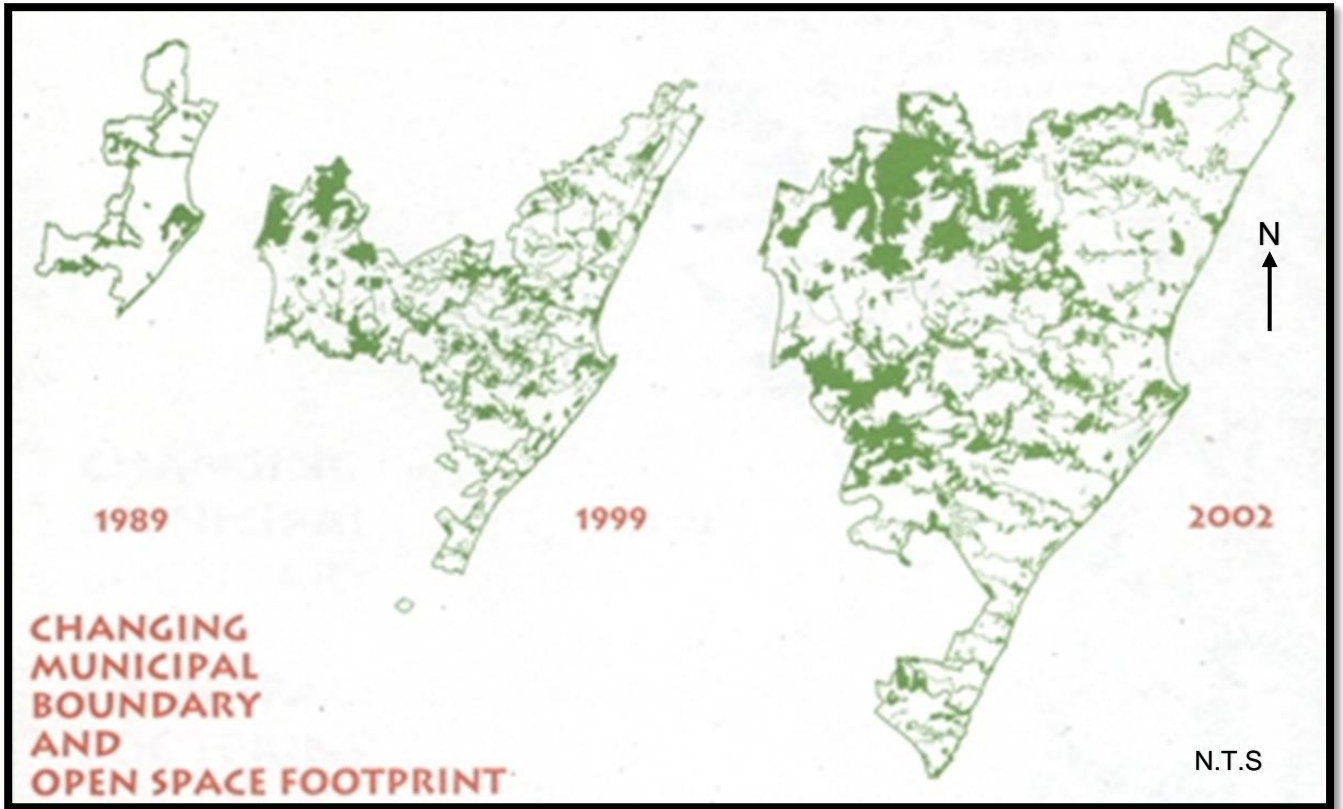
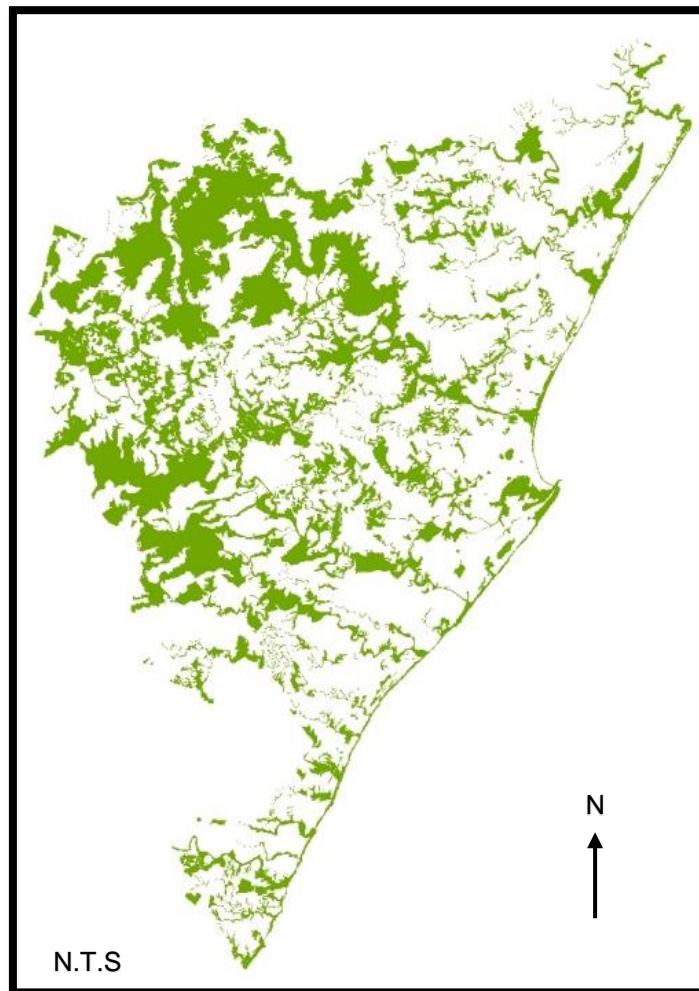


Figure 8: DMOSS over the past 21 years (Forbes, Boon and Clarke 2012: 3)



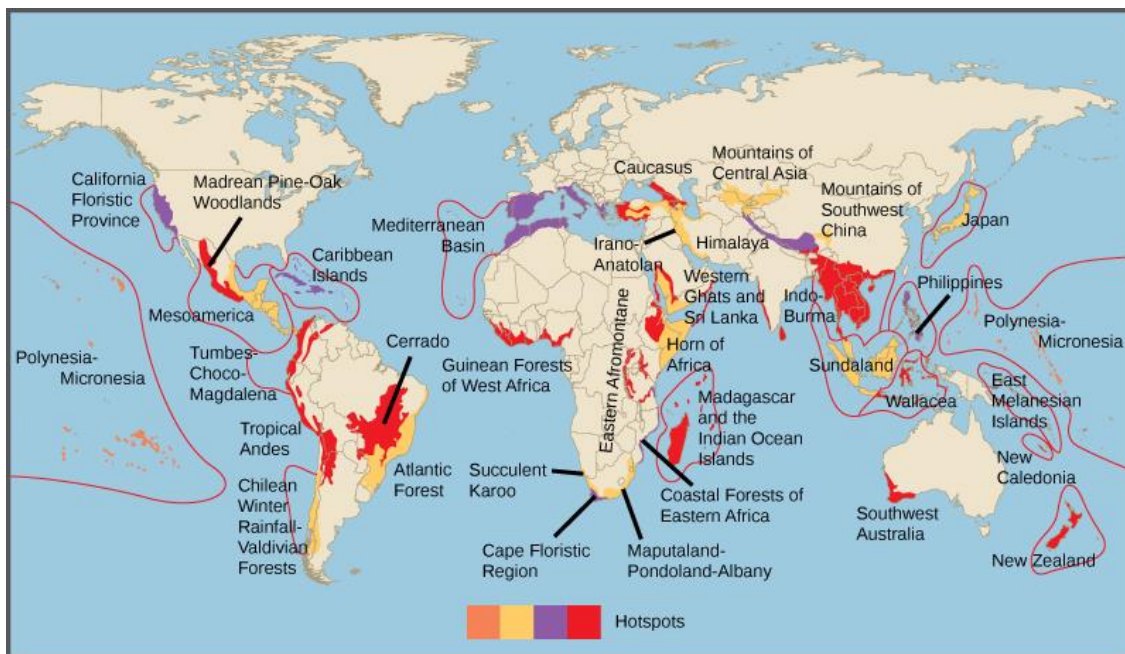
***Figure 9: 2019 DMOSS footprint over eThekweni municipal boundary***

The Durban Metropolitan Open Space System (DMOSS) has operated for number of years at a policy level. DMOSS is used as a tool for conservation and to protect ecological assets. DMOSS forms part of Plan 1 of the Integrated Development Plan (IDP). The municipality has integrated DMOSS into its town planning scheme. The Durban Town Planning Scheme incorporates the following clause and definition in its scheme “DMOSS: means any area demarcated upon the map by the overprinting of a green hatch pattern (or by a green layer on the GIS), where, by reasons of natural biodiversity, the existence of flora and fauna, topography, or the environmental goods and services provided or other like reasons,

development or building may be prohibited, restricted or permitted upon such conditions as may be specified having regard to the nature of the said area (ëthewini.Municipality 2019).

### 5.3.3 Ecosystems in Durban

The municipality is situated within an international biodiversity hotspot known as the Maputaland Pondoland Albany Region (Conservation.Biology.Institute 2017).



**Figure 10: Conservation hotspots** (Conservation.Biology.Institute 2017)

### 5.3.4 Climate change in development planning in eThekweni Metropolitan Municipality

Climate change responses in spatial planning and land use management were discussed during phases 2 and 3 of the data collection process, via interviews and during the focus group discussion. Along with the issue of climate change, other matters such as increasing urban temperatures, more intense rainfall events, the rising of sea levels, storm surges, increasing pressure for coastal development together with the risk of coastal erosion, and the need for coastal and stormwater management were placed in the spotlight. Another

phenomenon arising from and impacting on urbanisation and densification, is urban heat islands. The eThekweni Metropolitan Municipality Spatial Planning department has been looking into this issue and working on mapping the heat islands created. The department noted that it is important to build resilient cities.

On 25 September 2015, 193 countries adopted the Sustainable Development Goals (SDGs) as a new global agenda. SDGs are about building an inclusive, sustainable, and resilient future for people, economy, and planet. They attempt to harmonise three core and interconnected elements: (i) economic growth, (ii) social inclusion and (iii) environmental protection. Basically, SDGs are a set of goals aimed at ending poverty, ensuring prosperity, and protecting the planet. Each SDG has a target for local government across all departments. The question is whether the eThekweni Metropolitan Municipality and its Planning Unit have a structured response to the SDGs and a possible budget-linked approach that would provide “a dashboard of where and on what projects, funds are allocated and to which SDG they respond”. An example globally of a best practice approach to city planning is not a big bang approach or a mega project, but rather small but impactful steps at a local level (UN 2015).

The Planning Unit of eThekweni Metropolitan Municipality has been involved in coastal planning and management by adding the coastal erosion line to the spatial development framework (SDF), using DMOSS and catchment-based planning as a planning tool, and by undertaking the Climate Resilience Implementation Plan for spatial planning. The Planning Unit is hoping to make a more significant input through the Strategic Environmental Assessment (SEA). The Unit is promoting densification and efficient public transport and is now promoting active mobility networks such as cycling and walking.

In terms of urban heat islands, the 'Cool Durban' project developed an urban heat island model across the entire municipal area, which showed that there is a difference in temperature between urban, suburban and surrounding areas, and a direct negative correlation between green areas and heat.

### **5.3.5 Setting planning and the social context**

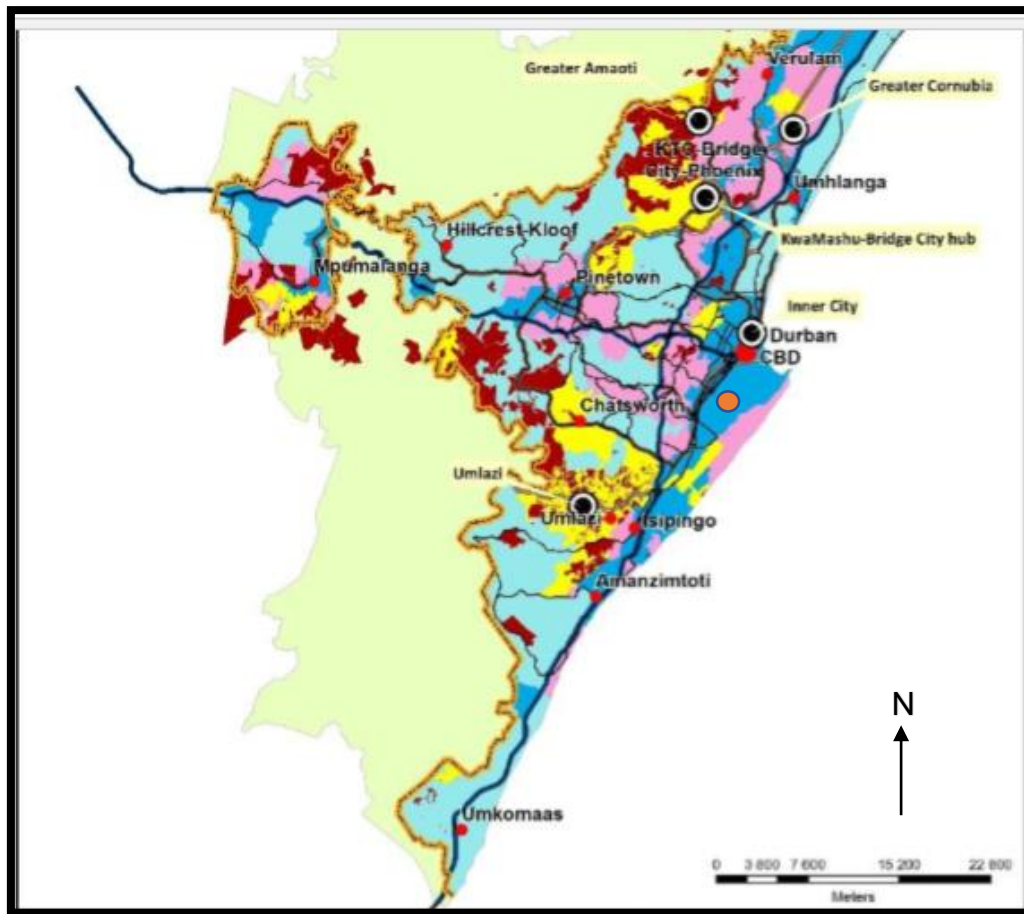
Urbanisation is increasing, resulting in the urban population becoming younger and larger (COGTA 2016: 9-10). Urban areas are unable to deal with the rapid growth. The Durban inner city area has experienced decay with increasing overpopulated, dilapidated buildings and large-scale informality.

The City of Durban, as with many South African cities, is growing rapidly, and many areas are sprawling, which triggers infrastructural, social and economic challenges. National government recognised this issue and announced the regeneration of inner cities as a policy priority. The policy is aimed at providing access to employment, reduced transport costs and a range of housing opportunities (eThekweni 2018/2019 review) The question is, are these programmes environmentally friendly?

The value of properties in the inner-city area of Durban are the highest when compared to other suburban areas. The CBD is the primary economic and employment generator. It also receives a large amount of rates income for the city. The CBD area is thus a critical area for the growth and development of the city and needs to retain and attract investment into the future. The challenge is that urban growth increases the effects of climate change (eThekweni.Municipality 2016: 8-9). The question is, how does the city maintain sustainable urban growth while mitigating the effects of climate change?

Interviews conducted with the participants of the study provided further insight into the inner-city project area, with participants stating that the inner-city decay has resulted in threats of withdrawing business from the CBD. Large business such as Edgars have stated that they will be pulling out the Durban CBD should the decay continue, for example. It was stated that the Mayor of Durban had noted the urgency of this crisis as larger businesses had threatened to move their operations out of the CBD, and an Inner-City Regeneration Clean-up Team had been set up. The team consisted of a variety of disciplines, such as the Metro police, development planning experts, development planning enforcement, health officials, fire and building inspectors, amongst others. This the team was tasked with conducting daily site visits along the streets in the Durban inner city, to investigate unauthorised business activities and other contraventions with the aim of cleaning up the inner city. The Point Waterfront development, identified within the IDP, is one of the key catalytic projects within the city of Durban. It forms part of the city's initiative to redevelop and regenerate the inner city.

**5.4 Development projects identified within eThekweni metropolitan municipality for in-depth study**

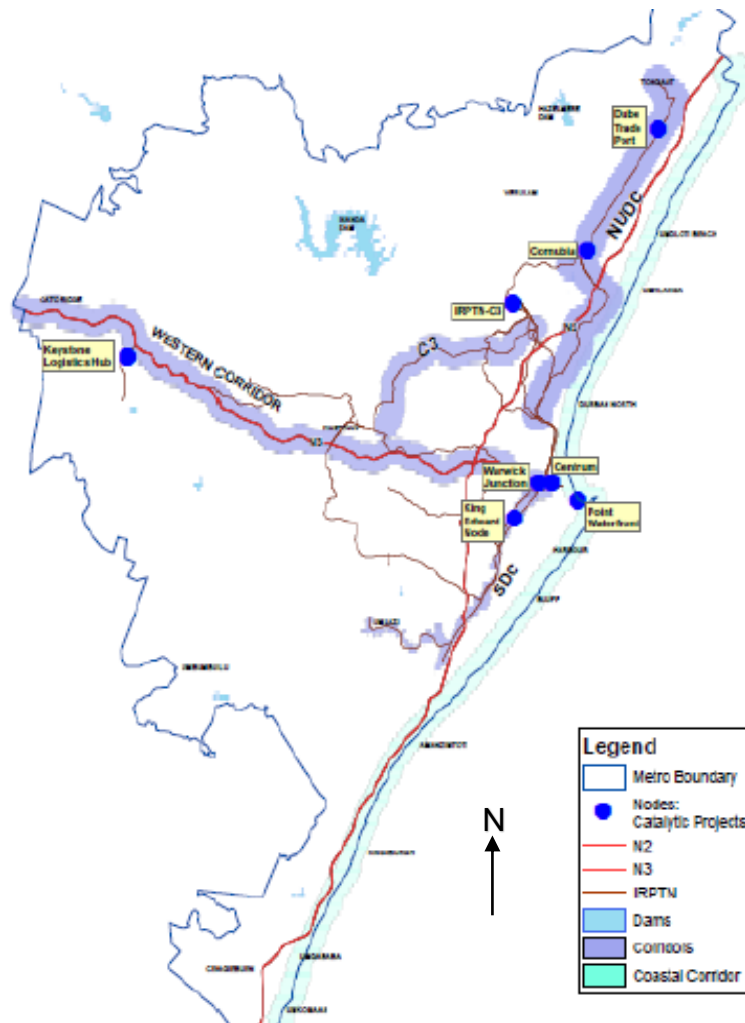


**Figure 11: Catalytic projects**

Catalytic projects have been included in the IDP. The Inner-City Regeneration Project is one of the key catalytic projects within Durban and also forms part of the city's initiative to redevelop and regenerate the inner city. The Point Waterfront development project (PWDP)



is an anchor project to the Inner-City Regeneration Project. The first phase of the PWDP began in 2017, as a medium-term project. It is estimated that when the projected is completed, the development will create 6,750 permanent jobs and provide 11,000 construction jobs with an annual rates contribution of R200 million (eThekweni 2018/2019 review: 125) .



**Figure 12: Geographic location of projects in or near implementation**

The Point Waterfront Development has been identified as a catalytic project. It is located within the Durban central area, at the edge of the Durban beachfront. It has been selected for in-depth study due to the proximity of the project area to the sea and the number of environmental concerns such as the impacts of climate change and the rising of the sea

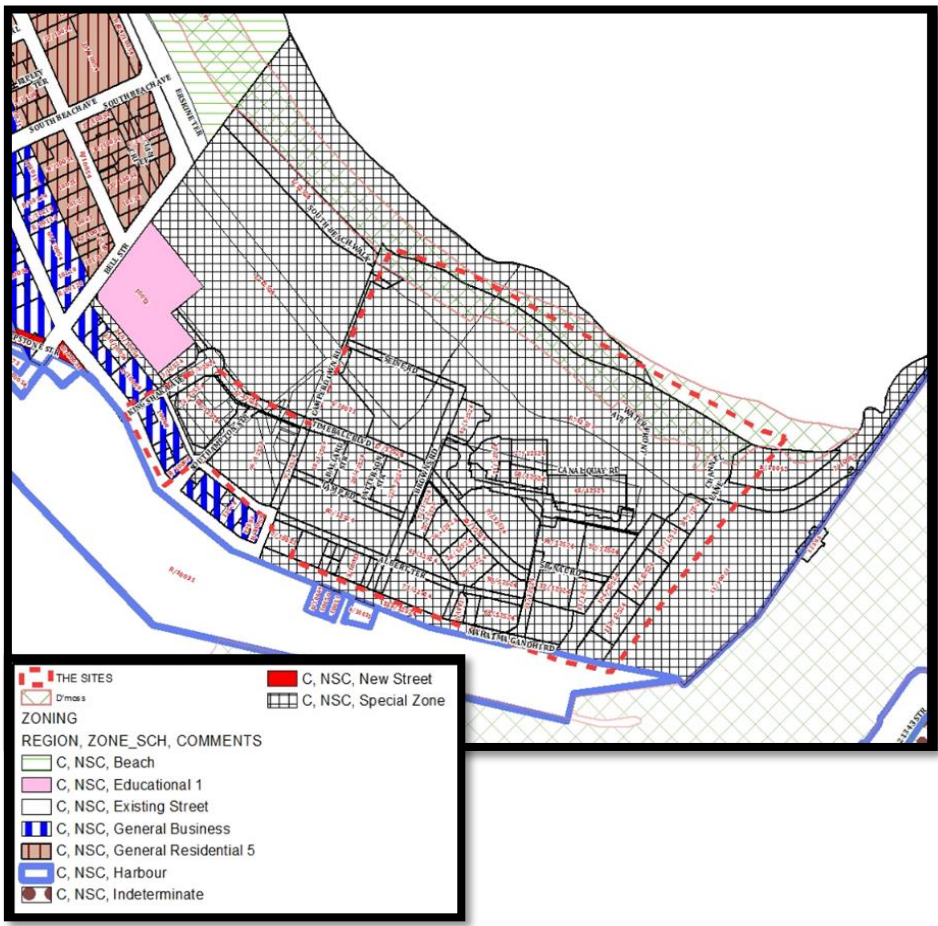
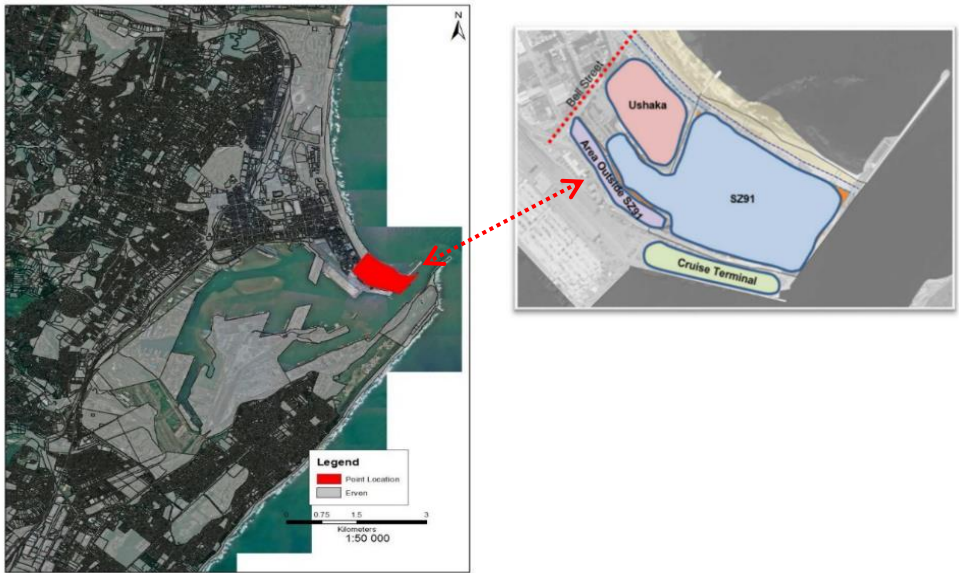


water level, which have been compounded by economic constraints and historical factors associated with the project. The common catalytic project among all participants of the study was the Point Waterfront Development (subject site A). Other projects of interest mentioned by the participants and identified as being large scale but not identified within the IDP as catalytic projects, were the Yellowwood Park Housing Development (subject site B) and the Thornridge Development which, due to delays in the development application process, the project has to date not materialised. The research study probed the planning and environmental analysis involved in the Point Waterfront Development as well as the Yellowwood Park Housing Development. The comparison between the two projects was found useful in assessing the way catalytic projects and other projects with similar issues were handled within the metropolitan area, during the development application phase of the project.

#### **5.4.1 Point Waterfront Development (subject site A)**

The PWDP focus is on enhanced access to the public realm: an enhanced sense of place, an aesthetically appealing environment and an economically as well as environmentally sustainable development. The project aimed at creating a “sense of place” which has the potential to significantly benefit the development of residential units, thus increasing property values and effectively supporting a viable rental structure for properties located close to the Durban Point area. The motivation stated that by uplifting the Point area, a ripple effect would occur and upliftment and investment in the areas adjacent to the Point Waterfront development would be encouraged. The development aims to maximise access, promote public transport, and provide a road network that encourages flow and access. These elements are seen as the essential key to maximising efforts to enhancing economic impact (eTHEKWINI 2015). Problems occurred when the original approval of the Point Waterfront

did not release the expected economic benefits as predicted. This was due to several contributing factors, the major factor being environmental constraints: the development was viewed as being environmentally unsustainable as it disturbed the Vetches Pier area. The conflict between planning and environmental issues caused delays in the original application approval process.



**Figure 13: Point Waterfront Development locality and zoning source (adapted from the Point Waterfront Development Framework Plan, 2015 (TPI 2015))**

The Point Waterfront Development is indicated in red on the map. The Durban Point Waterfront is located on the southern tip of the Durban beach front on an internationally significant site. The location of the Durban Point Waterfront is unique as it is bounded by three water edges, namely the Indian Ocean to the north east of the subject site, the harbour mouth opening to the east, and the harbour which forms the south western boundary of the subject site. The black hatch represents the zoning in terms of the Durban Town Planning Scheme. The site is zoned Special Zone 91: Point Waterfront. The primary land use within this zone is mixed use, which comprises residential, entertainment, retail, and business type land uses.

The area surrounding the Point Waterfront is zoned General Business (this forms part of the CBD and inner city areas); the Educational 1 site is the existing Addington Primary School; General Residential 5 is comprised of the existing flats, complexes and hotels that line the Durban beach front; and the Beach zone which consists of the Durban beach promenade and activities that line the beach front.

### ***Project background***

The initial rezoning of land at the Point Waterfront was from General Residential 5 zone, Harbour Zone, General Business (Central Area) Zone, Indeterminate Zone and Existing Street Reservation to Special Zone: Point Waterfront. This was approved in December 1998. The Special Zone shown by the black hatch on the zoning plan, was formed to create a regulatory and plan approval process which acknowledges the unique potential of the Point and within which new development may take place in terms of the Durban Point Waterfront Development Framework Plan document (1998). There were initially four Character Zones developed as a series of precincts whose boundaries were dynamic and subject to alteration and which was intended to be developed in terms of the following land use types:

Ocean Crescent Precincts (Character Zone 1): Residential, hotel, recreation, retail, entertainment, promenade and open space.

Central Precincts (Character Zone 2): Residential, offices, shops, entertainment, hotel and open space.

Heritage Precincts (Character Zone 3): Offices, shops, business premises, entertainment, culture, residential and open space.

Festival Market Place Precincts (Character Zone 4): Shops, entertainment, recreation, hotel, culture, small enterprises, residential, inland marina and canal, promenade and open space.

There was a certain degree of flexibility allowed with precinct plans, which allowed for amendments with the special consent of the municipality. This was done to facilitate development and to entice investment. There were a number of delays in the project getting off the ground, which were due to environmental constraints and the approval of the Environmental Impact Assessment (EIA). The approval of the EIA for the proposed small craft harbour led to the need to amend precinct 2 to incorporate the conditions set out in the Record of Decision (ROD). The EIA approval took many years and the ROD imposed numerous conditions which deterred potential investors. There were many concerns from developers regarding the approval of the EIA, which resulted in a decline in sales (Enslin-Payne 2008: 1-3). The approval of the small craft harbour created mixed reactions amongst residents and the local community as many believed that a small craft harbour would affect the sea water quality and essentially destroy the beach life within the vicinity of the small

craft harbour. The small craft harbour was a threat on the existing flora and fauna along the natural reef conditions that exist in the vicinity of Vetches Pier. Many viewed the small craft harbour as being environmentally unsustainable and essentially destructive to the ecosystem.

Initial interest in the development of the area was strong, but over the year's development had declined and stagnated. To re-energise investor interest in the area, a decision was made by the primary developers, Durban Point Development Company (DPDC), to undertake an analysis of the Development Framework Plan at that time and to discover what was needed to revive the project in order to resolve the planning issues and improve sales within the area. This analysis led to the submission and subsequent approval of the Revised Development Framework Plan in 2015.

The development application approval stage forms part of the in-depth analysis of this project. The findings and recommendations are recorded in Chapter 6 of this study.

#### **5.4.2 Yellowwood Park Housing Development (subject site B)**

The Yellowwood Park Housing Development (subject site B) is located opposite the Kenneth Stainbank Nature Reserve. Subject site B is in proximity to the Higginson Highway (M1) as well as the N2 Freeway. The site is well serviced in regard to infrastructure and is highly accessible. The site is located directly south and adjacent to the Kenneth Stainbank Nature Reserve, a major environmental conservation area/nature reserve within the eThekweni Municipal Metropolitan area. The nearest activity spine to the area is Kenyon Howden Road, approximately 800 m to the east.



Figure 14: Yellowwood Park Housing Development Locality Plan (Source: extracted from Durban Map Viewer)

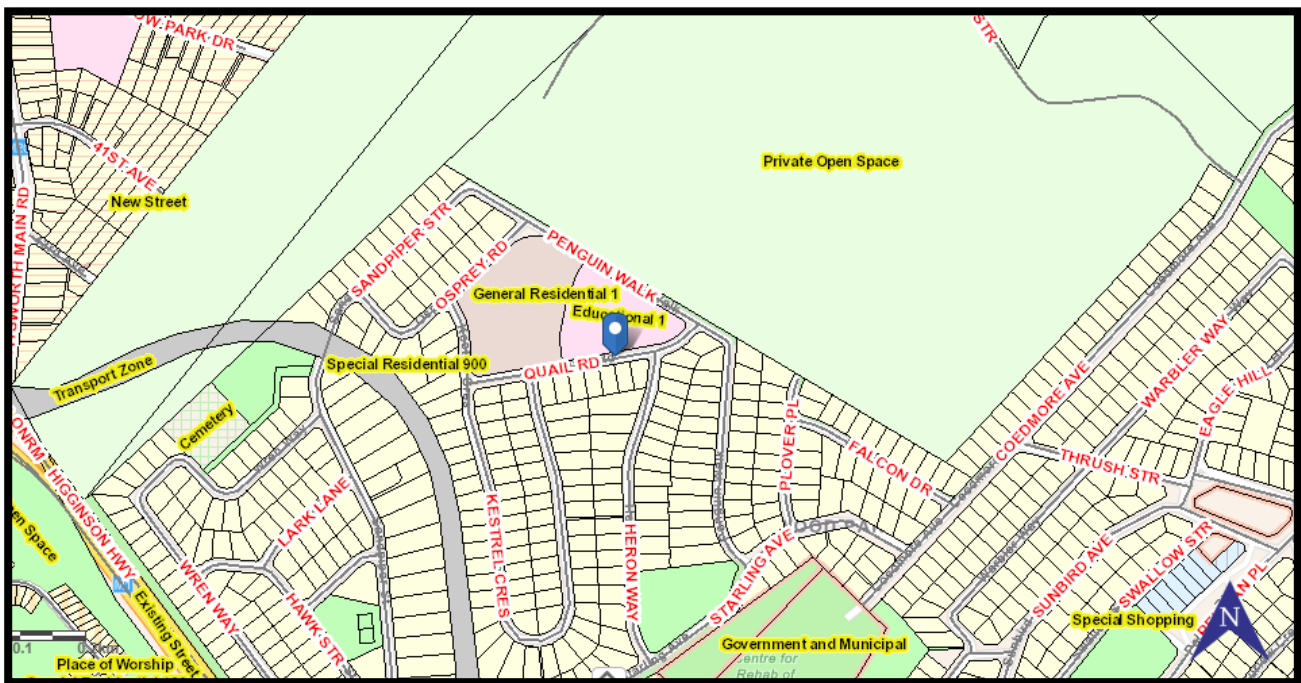


Figure 15: Yellowwood Park Housing Development Zoning Plan (Source: extracted from Durban Map Viewer)



The site is located within an established and functioning residential neighbourhood, mainly categorised by single storey residential units to the west, south and east of the subject site. To the north of the site is the Kenneth Stainbank Nature Reserve. Penguin Walk Road, as well as the fenced enclosure of the reserve, physically separates the site from the reserve. The site is surrounded by two main zoning areas: Special Residential 900 and Private Open Space (Kenneth Stainbank Nature Reserve). An area zoned Transport zone is located south west of the site and is used for passenger rail purposes.

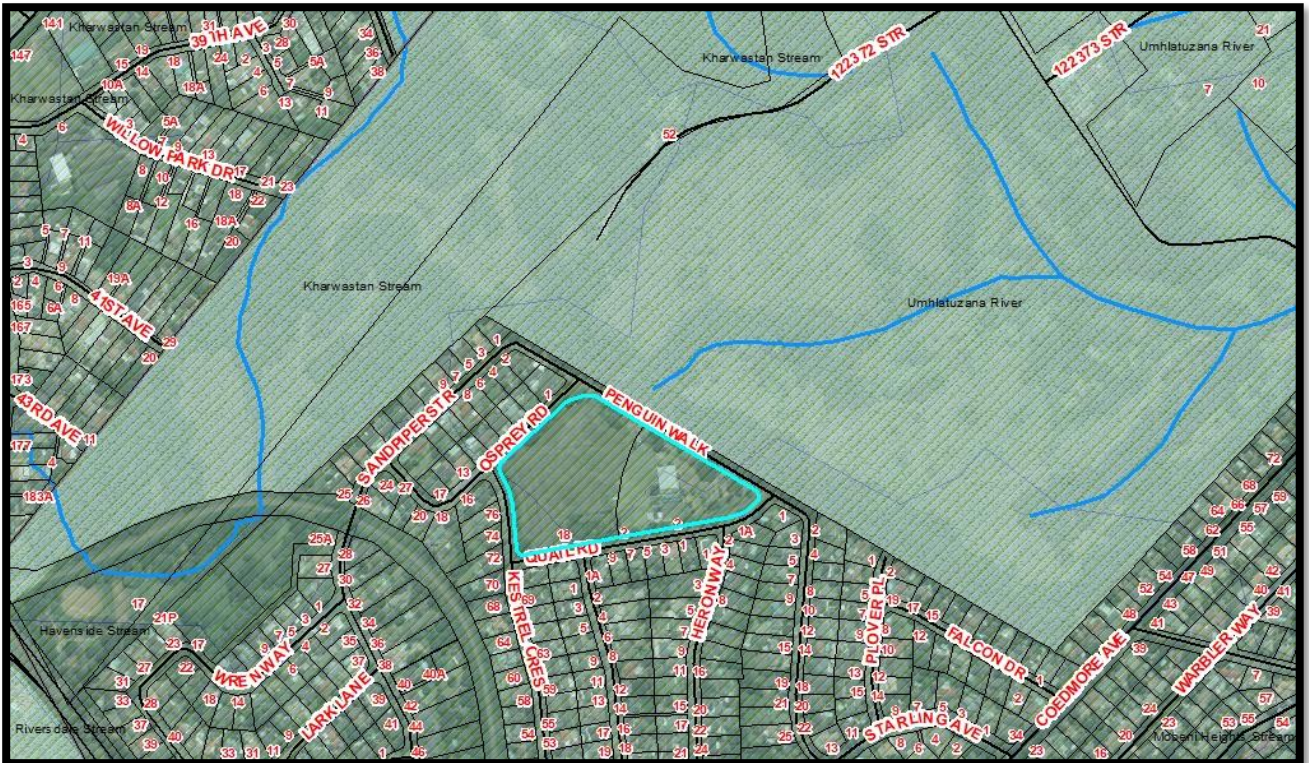


**Figure 16: Subject site B aerial photo (Source: extracted from Durban Map Viewer)**

Subject site B is owned by a private Christian fellowship organisation. The site is developed and used on the eastern portion as an existing Christian school and there are church facilities which gain access from Penguin Walk. There is a derelict swimming pool on the



southern boundary of the property. Most of the central, western and northern portions of the site are vacant and are used by the community for horse-riding and walking their dogs, although the land is privately owned. As most of the site is vacant, the Christian fellowship organisation found it economically unviable to maintain such a large site. The site was to be subdivided and sold to a potential developer.



**Figure 17: Map showing environmental constraints of subject site B (Source: extracted from Durban Map Viewer)**

The map above shows the environmental constraints in relation to subject site B. The main environmental factor was that subject site B was located directly opposite a nature reserve which fell within the DMOSS. Aside from being located directly opposite a DMOSS area, the site was located within a major water catchment area of the city. The land itself was not considered environmentally sensitive, but the potential land use changes and probable

increased density raised concerns regarding impacts for the adjacent site and nature reserve. There were therefore many objections to the proposals, from both environmental groups and the community. The in-depth study probed the development application phase of this project and the findings are discussed in Chapter 6 of this dissertation.

## **5.5 Conclusion**

Durban is considered a gateway city and has several strategic challenges appropriate for the research. Being a major city, issues such as urbanisation and the dissemination of planning and environmental law from national to provincial to local level is clearly delineated. The way the city employs strategies to counteract these challenges made for an interesting case study. The two projects identified within the city were the Point Waterfront Development project, which is a catalytic project mentioned in the IDP, and the Yellowwood Housing Park Development. The Point Waterfront Development project highlights economic pressures, social pressures, and environmental constraints. The Yellowwood Park Housing Development was not classified as a catalytic project; however, this is a substantial housing development, located adjacent to a major nature reserve. Both projects had significant value to the community and followed the planning legislative process in the adjudication of the project. Both projects had the decisions recommended by the Joint Advisory Committee (JAC), however the timeline taken to project completion as well as the public participation process in both projects deferred from each other. The manner in which both projects were assessed, together with the findings of the investigation, is presented in Chapter 6 of this dissertation, which focuses on the empirical data collected during interviews and the site visits conducted by the researcher.

## **CHAPTER 6: RESEARCH FINDINGS AND ANALYSIS**

### **6.1 Introduction**

Chapter 5 provided the background and rationale behind the projects selected for in-depth analysis, in the case study of eThekweni Metropolitan Municipality. The research findings and analysis chapter consist of four sub-sections. These are (1) an introduction which includes the overview of the methodological approach used in data collection; (2) an overview of the development projects identified in the case study of eThekweni Metropolitan Municipality. It should be noted that numerous projects were mentioned during the data collection process. However, the most common catalytic project identified by the participants was the Durban Point Waterfront Development project. The other project that displayed both environmental and planning concerns was the Yellowwood Park Housing Development project. The planning analyses of both projects are presented in this section, with the focus on the development application process and the issues identified in the development application process; (3) a consolidated analysis of empirical research findings gathered from the questionnaires, interviews, and the focus group discussion; and (4) a discussion of the findings linked to the empirical data collected as well as the catalytic projects. The empirical research involved a three-phased approach to the data collection. Each phase of data collection linked directly to the next phase and was dependent on the participant's willingness to participate, as well as on his/her expertise and experience within development projects that encompass both planning and environmental concerns. The researcher focused primarily on development projects identified as catalytic projects within the eThekweni Metropolitan Municipality: however, the participants were encouraged to share all experience relevant to the research topic, even if the projects they were directly involved in was not classified as catalytic projects. This was done to ensure validity as a wider pool

of knowledge leads to greater insight into the challenges experienced within the development project cycles. Each of the three phases is explained in detail in the methodology chapter (Chapter 4) of this dissertation.

The research questionnaires and interviews schedules were structured such that they linked to the main research aims and objectives as identified in Chapter 1. The analysis of the empirical research was broadly structured into the earlier identified themes which are: contradictions that exist between environmental and planning policy and procedures; public perception of the development application process; causes of development application delays; challenges to achieving integrated policy formulation; and finally, possible solutions or strategies to achieving a more integrated development framework within municipal planning. The findings have been grouped in the same way, so have therefore been structured as follows:

- a) Identifying the links between environmental legislation and planning legislation within municipal planning.
- b) Identifying the links in the processes and procedures within development planning and environmental planning in eThekweni Metropolitan Municipality. This includes municipal perception versus public perception regarding the development application process.
- c) Identifying the reasons for development application delays, relating specifically to the planning and environmental interface.
- d) Challenges to achieving greater integration within planning and environmental legislation/policy and procedures at a municipal level within the development application process.
- e) Creating a basis for integrated policy formulation.

The chapter concludes with sub-section five.

## **6.2 Analysis of development projects**

The two main projects identified for in-depth analysis in the case study of eThekweni Metropolitan Municipality are the Point Waterfront Development and the Yellowwood Park Housing development. Chapter 5, on the case study of eThekweni Metropolitan Municipality, established the context of the development projects in eThekweni Metropolitan Municipality and provided the background to these development projects along with the locality and zoning details. The focus is on the empirical data collected during interviews and the site visit conducted by the researcher, as well as on the review of the municipal documents related to the development projects mentioned.

### **6.2.1 Point Waterfront Development (subject site A)**

The Point Waterfront Development project formed part of the identified inner-city rejuvenation project identified in the IDP as a catalytic project. The participants in the research study were part of the multi-disciplinary task team that spearheaded the development application approval. The information gathered from the task team compounded by stakeholder interviews and a site assessment provided the empirical data for the research study.

At a planning level, the primary revisions in the catalytic project were made to the Point Waterfront Development Framework plan. These revisions/changes included the elimination of the proposed small craft harbour; the implementation of a building setback line where all development was located behind this line; increased development control parameters for new developments within the Point Waterfront emerging precincts; and a design review of the canal system. The original proposal (Point Waterfront Development Framework Plan 2010) included a small craft harbour, to which proposal environmentalist groups as well as the water sports club members and beach goers were opposed because it was seen as

possibly destroying the “blue flag” beach status. There were also many environmental concerns and the likelihood of pollution of the marine life in this area associated with a small craft harbour.

The primary positive aspect that addressed the numerous environmental concerns was the development of the building structures being pushed back behind the building set back line. The idea behind the building set back line was explained in an interview with the planners as a physical line along the coastline that anticipates the impact of climate change. It was noted that the impacts of global climate change are mostly felt in coastal areas. The dynamic interactive zones where oceanic and the built-up urban development zones meet is essentially the building set back line. The actual building set back line is delineated on the municipal GIS maps. This line should consider the impacts of climate change and increases in sea water level, thereby pre-empting climate change challenges by opting for the safer option of buildings to be set back. It was further noted that the coastline of Durban, South Africa has already witnessed an increase in the intensity and frequency of extreme storm surges, bringing issues such as coastal erosion and shoreline retreat into sharp focus. Flooding and wind generated storm surges were one of the primary environmental concerns which led to the redesign of the Point Waterfront Development Framework Plan. The canal system was modified so that it does not discharge onto the beach, and the landscape design had been revised with the addition of a lush and verdant sub-tropical environment. This was considered another key element in the consideration of environmentally sensitive factors. It was also considered a good example of the integration of planning and environmental concerns within development. The environmental concerns were highlighted and explained to planners and stakeholders during the initial planning stages. A common understanding

was achieved, and these issues were addressed without adversely jeopardising the prospective economic benefit of the proposed development.

The figure below shows the comparison between the original Point Waterfront Development Framework Plan and the existing approved Point Waterfront Development Framework Plan. The elements mentioned above, such as the small craft harbour and the development set back lines, are clearly indicated on the images which have been extracted from the Development Framework Plan Report prepared by Cox Architecture and referenced accordingly.



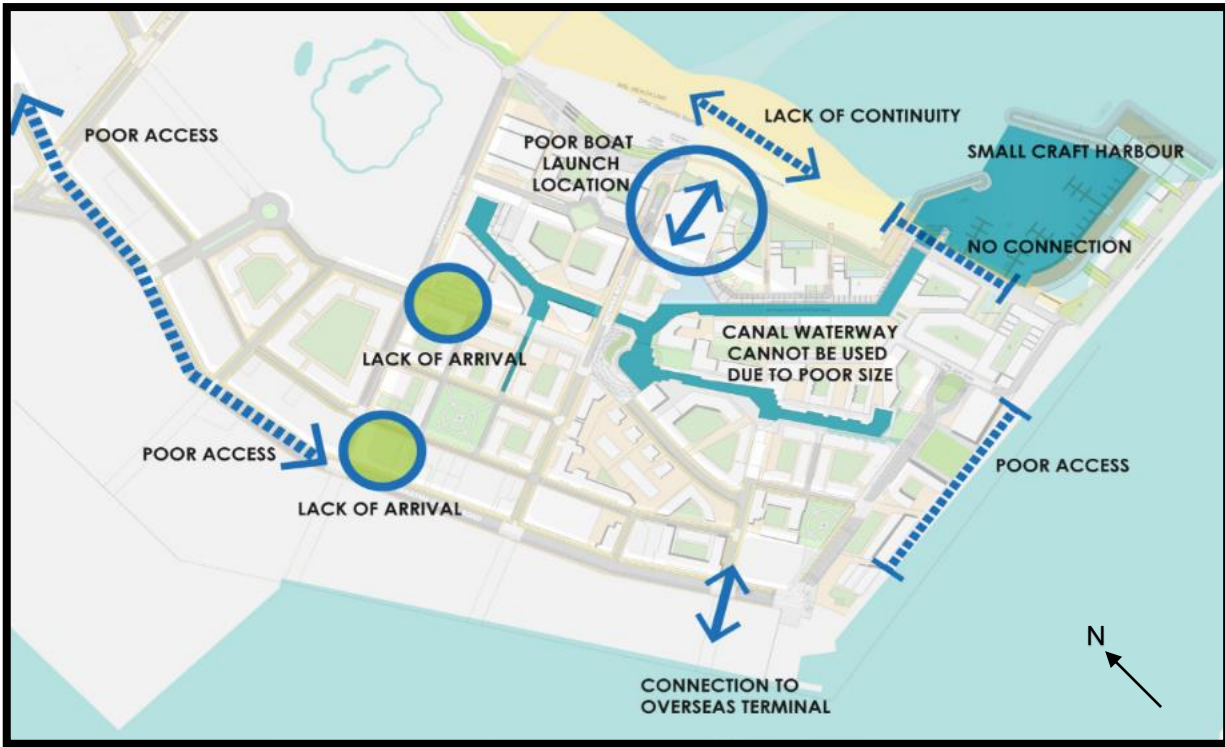


**Figure 18: The Point Development Framework Plan 2010 vs the current Revised Point Waterfront Development Framework Plan (COX 2015)**

The original PWFDP included the Small Craft Harbour, with the boundary of the Point Waterfront extending into the Indian Ocean.



The critique of the Point Waterfront Development Framework (adapted from the Point Waterfront Development Framework Plan Document 2015) is depicted below.



**Figure 19: Planning critique**



**Figure 20: Environmental constraints**

Figure 21 reflects the primary environmental constraints by showing the potential coastal erosion line. This line takes into consideration potential sea water rise as an effect of climate change. The environmental building set back line guides a safe set back distance for development. The lines have been mapped on the PWDF plan, which is an extract from the Point Waterfront Development Framework Plan. The feedback received on the project indicated that this change to the Point Waterfront Development Framework Plan, along with the elimination of the small craft harbour, was regarded as one of the most crucial and beneficial changes in terms of the environmental impact as it considered the effects rising sea water level and the impacts of climate change.

A promenade was proposed between the erosion line and the building set back line. The extension of the promenade ensured a continuous promenade and a continuation of the golden mile. This aspect enhanced accessibility into this area and encouraged investment as it ensured pedestrian traffic in the area. The public access available to the entire beachfront promenade was seen to encourage the activity landscape and to provide shelter for all the visitors. The new Point Waterfront Promenade opened on the 16 November 2019. It allowed for the extension of the existing golden mile promenade and created one promenade that extends from Blue Lagoon in the north to beyond Ushaka Marine World and into the new Point Waterfront beach to the south, joining the north pier at the harbour mouth opening. The development of the promenade and associated improved access to this remote part of Durban is said to be having a ripple effect on investment. Interviews conducted with local businesses in the area revealed that the opening of the promenade was much anticipated as there was a perceived increase in pedestrian traffic. Prior to the opening, the area was blocked off and pedestrian movement ended at Ushaka Marine World, while the remainder of the Point Waterfront area was visited by residents, a limited

number of holiday makers, and the water sports club members who dominate the southern end of the Point Waterfront Development which lines the harbour mouth opening (precinct 4 and precinct 5 of the Point Waterfront).

The pictures below show the opening of the new promenade extension into the Point Waterfront Development. The photographs were taken by the researcher at the opening of the promenade extension. Despite the overcast day, there was an immense turnout. Interviews conducted revealed that there was an overall level of satisfaction with the promenade and the patrons were pleased by the opening of the promenade and excited to use the social space provided.



**Figure 21: South facing photo of the Point Promenade looking towards the Bluff Headlands**



***Figure 22: North facing photo of the Point Promenade***

The photograph above is from the Point Promenade looking north towards Ushaka Marine World. The photograph below is of the new public arena, which links the promenade to the North Pier and the harbour mouth opening.



***Figure 23: Public spaces along the Point Promenade***

The photo above shows the end of the Point Promenade which links to the North Pier. The second phase of the promenade extension envisions the promenade running along the harbour mouth opening and linking to the new MSC Cruise Terminal, opposite Bell Street, along precinct 3 of the Point Waterfront Development. The public transport hub was to be located in close proximity to the new proposed MSC Cruise Terminal and adjacent to Transnet. This is an example of integrated planning where separate independent projects complement each other. The interviews conducted with the MSC Cruise Terminal project team member and architect revealed that the project plans were approved July 2018. However, at a stakeholder meeting it was decided that the project would be more sustainable if larger ships were allowed into the berth, and to do that the docking stations needed to be deeper. This involved a redesign of the proposed MSC Cruise Terminal. The building plan

was altered, and a deviation plan was submitted to the City Council in September 2019, which was approved in October 2019. The project is underway and has gained momentum from prospective developers in the Point Waterfront precinct 3, which fronts onto the proposed Cruise Terminal. Municipal officials advised that the approval of the new MSC Cruise Terminal has resulted in an influx of planning enquires for new developments which include local hotels, coffee shops and restaurants along Mahatma Ghandi Road, within the vicinity of precinct 3 Point Waterfront Development.

The height of buildings along precinct 5 (beach facing) and precinct 4 (harbour mouth facing) were increased to achieve a better cityscape and to increase the development potential of the Point Waterfront. The primary developer's perception was that the height increase was a good example of densification. Existing secondary developers in precinct 1 argued that a better option would have been to increase the height consistently over the entire precinct so that existing investors do not get the "short end of the stick". This is because precinct one was subdivided first and sold off to secondary developers who have developed those sites. The primary developer argued that the height increase was considered as the best possible manner of maximising the development potential of the area, thereby attracting foreign and local investment into the area. Owners of existing properties in the area were opposed to the increase in height as it would ultimately block their sea views. The developer in collaboration with the municipality held a community meeting and a compromise was reached which allowed for the increase in height provided that the proposed new buildings would be orientated and designed in a manner that allowed for partial views of the sea or harbour. The community meeting and extensive public participation process resulted in facilitating the development, as the community concerns were directly addressed at this stage.



The developers viewed the development application process as long and complicated, especially for combined applications (rezoning, subdivision and scheme amendment); however, they stated that the process was streamlined by municipal officials. A multi-disciplinary technical task team was set up, which included officials from all line departments including traffic, environment, storm water, and wastewater, as well as the developer, project manager, Transnet, and Ushaka Marine World. The project team was headed by the deputy city manager (DCM). All municipal departmental concerns were addressed timeously as the project team had a weekly progress meeting. The result was an integrated approach to development planning which yielded a revised development framework plan for the Point Waterfront Development. The developer indicated that the process followed during this project was one of the most efficient development application processes. The key component to the success of the project was the multi-discipline task team, which enabled all departments to voice their concerns on a single platform, so that the concerns were addressed timeously.

### **6.2.2 Yellowwood Park Housing Development (subject site B)**

The intention of the Yellowwood Park Housing Development was to develop 136 units on a portion of the property thereby providing more housing options in the area. The project was regarded as an infill housing project by municipal officials because the vacant unused portion of subject site B was situated in the developed suburb of Yellowwood Park. The town planner assessing the application labelled the project as a brownfield development and as such it aligned with the priorities highlighted in the IDP. The project team included engineers, project manager, town planner and a land surveyor; however, the project team was part of the private development team and did not liaise directly with municipal officials. A bulk services report confirmed that the site was fully serviced and was able to contain and sustain

the proposed development. Interviews conducted with municipal officials confirmed that there was an existing network of infrastructure servicing the surrounding built environment, so the proposed 136 units was said not to impact on the existing engineering services. The planning merits associated with the proposed development were aligned, but there was a conflict between the planning and environmental elements associated with the proposed development. This is because the local environmental groups were opposed to the housing development as it was located directly opposite an existing nature reserve.

The interview conducted with the consultant revealed that the development proposal illustrated a clustering of a few units in a single building structure, which established an urban fabric similar to the surrounding single residential houses in the existing residential area. The fabric thus would not represent a multitude of small, free standing residential units scattered on the site, but rather fewer and more prominent, double to triple storey units which would contain a cluster of a few residential units within each of them. In this manner the existing fabric of the neighbourhood would be mimicked. It was envisaged that the presence of newly constructed and modern design residential units would provide additional amenities to the area, which would increase the demand for the specific land and therefore increase the value of the land.

The interview conducted with the spatial planning department, which was one of the commenting line departments of the municipality, confirmed that the Central Spatial Development Plan for the Durban Central Region had identified the area as “existing residential”. The Spatial Development Plan further suggested that the residential character of the area should remain future residential and it would need to be enhanced towards more sustainable settlements through densification and the provision of a variety of housing options. The land use management planner who evaluated the development application



advised that the proposed development on the vacant land for residential purposes was desirable from a spatial development and restructuring perspective, as well as from the perspective of enhancing the character and function of the existing neighbourhood. The application was submitted to the eThekweni Metropolitan Municipality in May 2014 and as such was assessed in terms of the Planning and Development Act (PDA), which was the relevant legislation at the time. The municipality considered the public comments received during the public participation process on the proposal. One hundred and seventy-seven objections (177) were received.

The issues raised by the community and environmental groups were:

- The authority of the landowner to make the application was one of the concerns raised, as the community was unaware that the land was privately owned. This is a common misconception between the community, developers, and the municipality. The community tend to believe that large vacant parcels of land are generally municipal owned land, and this is not always the case.
- The objectors argued that the proposed development would change the neighbourhood and density character, whereas the municipality argued that the subject site fell within an area identified as existing residential and aligned with the municipality's 2013/2014 Central Spatial Development Plan and the municipality's densification strategy. The proposal was therefore in line with the guiding municipal policies at that time the application was processed by the municipality.
- There were numerous objections to the potential increased noise pollution. The municipality responded by stating that the proposed development was for additional residential units, and therefore would not result in the suggested "noise pollution" typically anticipated by more intense commercial and/or industrial land uses. It was

argued that the expected noise levels would be those of a medium density residential community in line with what already existed in the community.

- The residents complained that an increase in residential density would result in safety and security concerns. The applicant at that time responded by stating that vacant land in neighbourhoods is often the laundering site for crime within the neighbourhood. The development was therefore likely to improve safety and security. It was further noted that vacant land parcels are susceptible to land invasion.
- The capacity and adequacy of infrastructure services and amenities to cater for the proposed development was questioned. However, a bulk infrastructure services report was prepared and showed that the infrastructure and services serving Yellowwood Park which included the subject site were sufficient to cater for the proposed development.
- The potential environmental risks to the Stainbank Nature Reserve was an issue of concern that was raised. The municipality responded by stating that the approval was conditional and required compliance with duty of care and remediation of damage to the Environment (as contained in Section 28 of the National Environmental Management Act 107 of 1998).
- There was a recurrent perception that increased residential density would result in the potential decrease in property values. The municipality and developer stated that there was no evidence to support this theory. The proposed development did not intend to introduce an incompatible land use, the additional residential units would not detract from the current amenity within the area, but rather contribute positively thereto. It was further explained that the proposal was not for low cost units, but rather a middle-income development driven by a private developer.

The proposed development was approved by the municipality in 2015, a year after the application was submitted. The municipality approved the Yellowwood Park housing development for following reasons:

- In terms of the 2013/2014 Central Spatial Development Plan, the application site fell within the existing residential land use plan and aligned with the municipality's densification strategy.
- The eThekweni Central Spatial Development Plan highlighted the need for infill planning of vacant and unused private and public land firstly to provide in local housing demand due to population growth, and secondly to establish higher residential densities within neighbourhoods. The proposed development was therefore in line with existing guiding policies by allowing for additional units to be developed on a single piece of land as contained in the Central Spatial Development Plan.
- The proposed densification was not likely to impact negatively on the amenity of the neighbourhood, as the rezoning would allow for development and utilisation of currently vacant land within an existing neighbourhood.
- The proposed rezoning would improve densification and promote sustainability.

The application was taken on appeal by the community and the environmental groups, based on the objections they had originally lodged with the municipality. The appeal took an additional year to be finalised. The appeal decision was in favour of the municipality. The appeal decision only mentioned the rezoning of land and not the subdivision, as the objections were to the rezoning of land and not the subdivision of land. The proposed development was received by the municipality as a combined application. The aspects to consider were both a subdivision of land application and the subsequent rezoning of the

new subdivided portion of land. Each of these components to the application had a different set of procedures and requirements. As the decision of the appeals board only mentioned one of the components, this created further delays in the processing of the application. The subdivision component was only finalised in 2019, five years later, at which stage the owners of the property had suffered tremendous financial setbacks and the original investors were threatening to pull out of the sale of land. At the time this research was conducted, the project had not yet taken off.

A site visit was conducted on 16 November 2019, the same day that the Point Waterfront Promenade was opened, and it was confirmed by the researcher that to date there has been no development on this project. The pictures below show the state of the subject site B as of 16 November 2019.



**Figure 24: Subject site B**

Subject site B, which was supposed to be Yellowwood Park Housing Development, is undeveloped and overgrown with dense vegetation. Delays in the development application process have hindered the development of the subject site and the property owners have suffered financial losses.

## **6.3 Empirical data analysis**

### **6.3.1 The links between environmental legislation and planning legislation in the municipal planning**

The findings revealed that the views of municipal officials, developers and private practitioners are unanimous in terms of confirming that planning legislation and environmental legislation are independent pieces of law yet interrelated and disposed of in terms of functions assigned or mandated to different spheres of government. There exists institutional conflict, in that two different authorities at different levels of government are making the decisions. Planning decisions are made at local level, whereas environmental authorisations are done at the provincial level of government. In the case of the original approval of the Point Waterfront Development Framework Plan, the environmental authorisation took over a year and once the ROD was received, there were many conditions that deterred investors as the development was not economically viable. Investment into the area did not take off as well as expected and many investors suffered financial loss. The revised Point Waterfront Development Framework Plan, however, took into consideration the environmental concerns and planned accordingly. The integration of planning and environmental concerns within the development planning phase aided in the success of the project. Investment in the area gained momentum and the extension of the promenade was due to open on 16 November 2019.

Private practitioners argue that municipalities are expected to be development orientated; however, the interpretation and implementation of planning legislation must be guided by principles of sustainable development as set out in section 2(4) of NEMA. The consensus opinion of private practitioners is that in practice this does not always happen. The opinion is that planning decisions are often economically driven and that they push environmental

priorities to the background. During the in-depth analysis of the cases of both the Point Waterfront Development and the Yellowwood Park Housing Development, the development planning process attempted to balance the needs of both the environmental and planning concerns.

Municipal officials in the planning department view environmental legislative aims as keeping the land green and protecting critical biodiversity, whereas the aims of planning are to respond to the community demands and the pressures that exist. The perception is that the planning approach is more flexible and adaptive to development needs. Municipal officials in the environmental department view planning decisions as submissive to critical environmental concerns. Environmental protection is the primary concern for environmentalists. Although the official views and goals differ from each other, the ultimate decision is taken by a multi-disciplinary decision body known as the Municipal Planning Tribunal. Here one view cannot take precedence over the other as the decision-making body is multi-disciplinary and eventual compromise will need to be reached and the most appropriate decision taken.

Even though there are no perceived conflicts within the legislation, there are numerous conflicts in policy that were identified by participants. National policies contradict climate change policy, for instance. An example provided is where one is pushing coal usage in South Africa rather than renewable energy. Participants also argued that there is a lack of conversation focused on how population growth, supported by government subsidies, is in fact anti-climate change.

The focus group discussion examined the underlying causes to the issue of conflicting policies. Three primary underlying causes were identified.

The first was the lack of specific policy enabling the integration of planning and environmental concerns at a municipal level. The second cause revolved around major developers and role players are prioritised and given special treatment. This results in other projects being neglected. The third and most common cause was the silo mentality of different departments in the municipality results in a lack of coordination.

To grasp municipal officials' understanding of legislation and the impacts of these, questions were asked of them in the form of a questionnaire. The most common pieces of legislation mentioned by municipal officials were the SPLUMA, the NEMA and the Planning and Land Use Management Bylaw were the only pieces of legislation, which, together with the special development framework and the land use scheme, were mentioned by municipal officials in land use management (LUM). The impact of these legislations as interpreted by municipal officials is summarised as follows:

**SPLUMA (Act 16 of 2013):** National legislative framework that establishes a framework for land use planning in South Africa. The impact has been that there is now a uniform land use planning legislative framework in the country.

**PLANNING AND LAND USE MANAGEMENT BYLAW (2016):** Provides a planning legislative process for development of the Municipal Spatial Development Framework (MSDF), land use schemes as well as submission, advertising, processing, and deciding on development applications. The impact is that there is now an established land use planning process in line with national legislation for all land use planning functions within the municipality.

**SPATIAL DEVELOPMENT FRAMEWORK (SDF):** Helps guide development towards a desired spatial form (municipal spatial vision responsive to current and future development



trends to ensure sustainable development). The impact is that the SDF helps planners guide development towards agreed-upon spatial vision by all stakeholders.

LAND USE SCHEME: It serves as a development control tool or mechanism towards a desired spatial form. The impact is that it helps ensure orderly use and development of land.

NEMA (Act 107 of 1998) Regulations: Clearly depict listed activities that require environmental authorisation. The impact is that only applications with environmental authorisation are circulated to environmental departments and thus avoid unnecessary circulating to that department.

### **6.3.2 The links in the processes and procedures in the development planning and environmental planning departments in eThekweni Metropolitan Municipality**

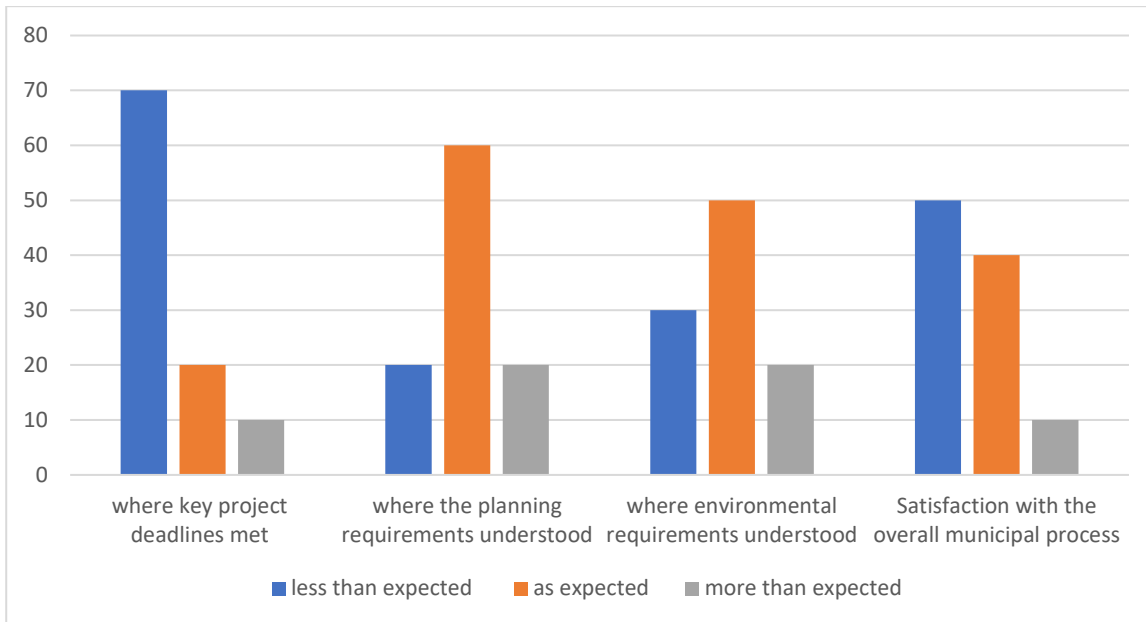
Developers expressed frustrations regarding the development processes continuously changing within the municipality as applicants are unable to keep up with the changing processes. Participants felt that the introduction of the planning bylaw made the process for the applicants, private practitioners, and developers more exhausting and complicated. Developers stated that the application processes had become convoluted as the process has been extended to acquiring approvals for water use rights, AMAFA approvals on listed buildings, and development proposal comments from all line departments and environmental authorisations amongst others. Numerous approval levels further complicate the process, and this results in the projects becoming more expensive for developers. As a result, many developments fail.

Private practitioners stated that municipal officials in different regions of the Metropolitan Municipality described minor differences between processes, and while municipal officials in the central region of the municipality, stated that applicant consultations require full

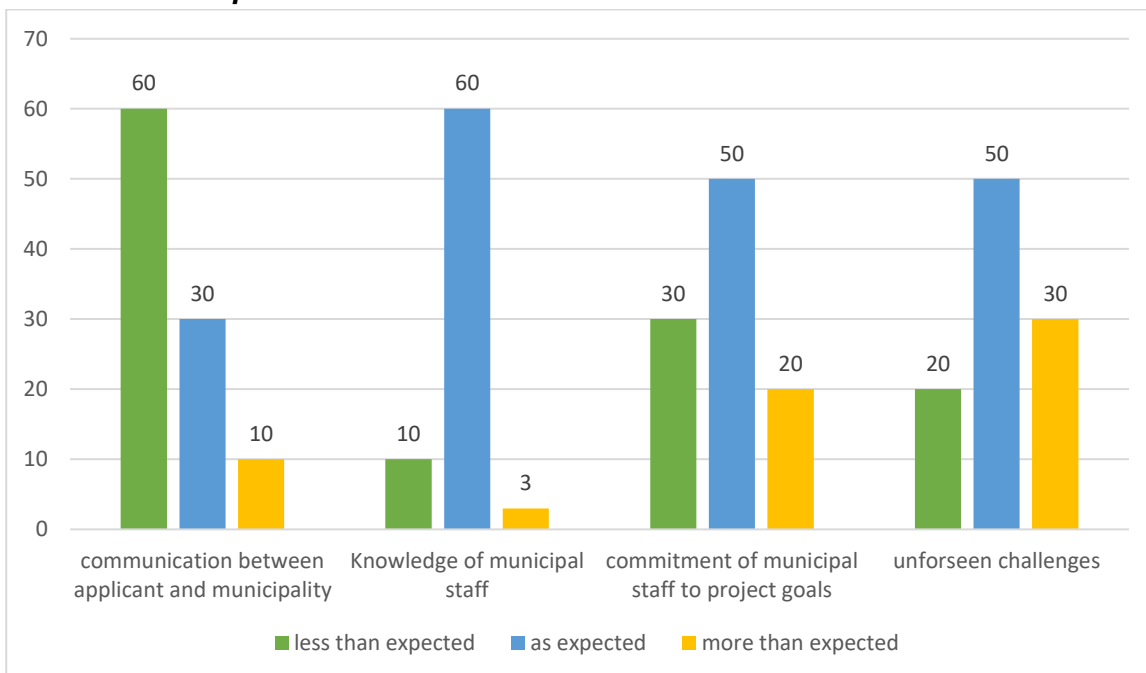
planning reports, other regions stated that this was not necessary. The uncertainty of local procedures between different entities within the Metro has led to frustrations as development practitioners are unable to advise clients accurately.

Municipal officials state that the introduction of the planning bylaw has left many gaps for fraud and corruption. This is due to the fact that the onus is on the applicant to attain the line departmental comments on an applications and/or proposals, as the planning department will only accept a complete application with comments from all line departments such as traffic, water and sanitation, environmental planning, storm water, roads provision and fire amongst other line departments. There is no checking process to establish that the details contained in the development proposal report received by one-line department is in fact the same development proposal report that is submitted to the planning department which takes the ultimate decision on the development application. This leaves room for manipulation of applications.

The graphs below represent the satisfaction survey results from private practitioners regarding the development application process.



**Figure 25: Level of satisfaction of the private practitioners on the development application process**



**Figure 26: Graph showing challenges experienced during development application process**

The findings reveal that 70% of projects do not meet their deadlines and 50% of private practitioners are unsatisfied with the development application process. There is however substantial room for growth for private practitioners to educate themselves on the planning legislation and more so on the environmental legislative requirements. Private practitioners

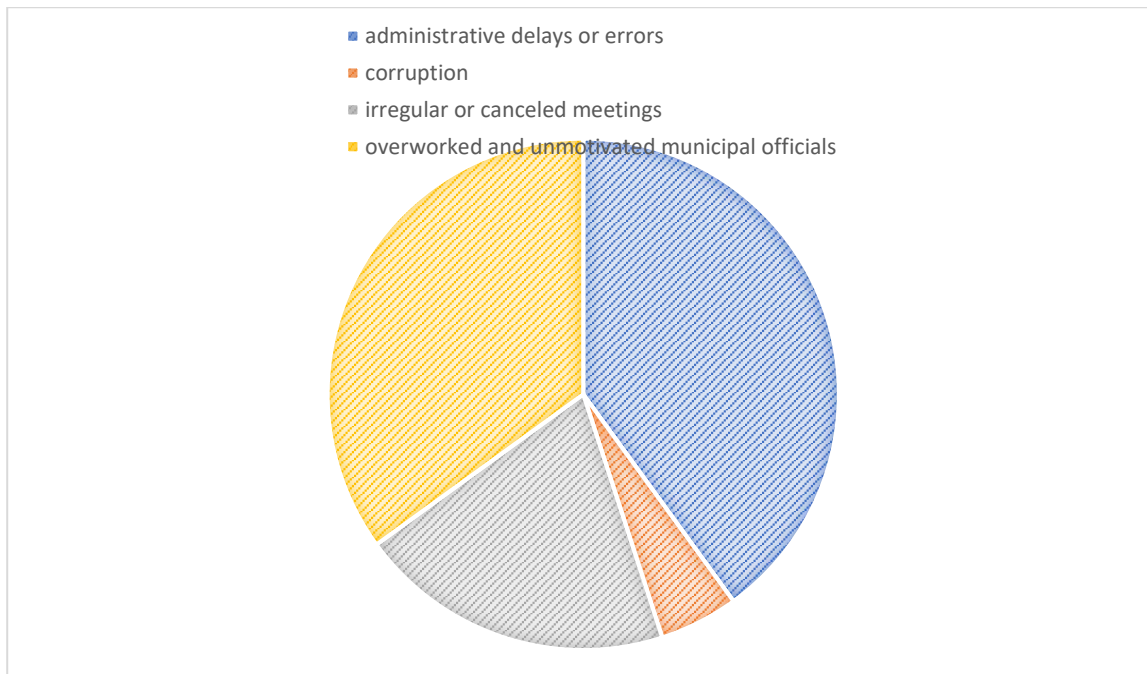
believe there is a lack of communication between the municipal staff and the applicant regarding their development applications. Municipal staff have however indicated that they do not contact applicants at every step along the way as there are too many applications to deal with and there is insufficient time to communicate with applicants. Municipal staff believe that it is the applicant's responsibility to follow up on the status of their applications.

The lack of community consultation and public awareness was one of the primary challenges identified during the focus group discussions. Developers and private practitioners stated that the public participation process is not enabling and comments on development applications are ultimately viewed as objections. The perception is that once municipal officials support a development (or are opposed to it) comments and public opinion do not count. The underlying causes of the substandard public participation processes were identified as:

- a) The lack of financial resources to communicate widely: municipal officials and developers state that there are budgetary constraints to holding public meetings. Public/community meetings are viewed as time consuming. There is a belief that when public meetings are held, the community tend to take on activist roles and oppose the development or create further issues. The case study of the Point Waterfront Development showed that this was in fact not the case, as professionals and concerned stakeholders were able to address concerns at an early stage of the development and any misconceptions regarding the development were put to rest.
- b) There is a lack of understanding about environmental challenges; planners in general and the community do not fully understand the importance of protecting the environment and as such environmental protection requirements are viewed as a burden by many developers.

c) A lack of internal communication within the municipality: line departments do not communicate with each other. Unless the project is given importance as a catalytic project or else attracts the attention of politicians, the project is not prioritised. This issue goes further, as line departments tend to work in silos.

### 6.3.3 Exploring the reasons for development application delays



**Figure 27: Perceived reasons for development application delays**

The map above shows explores the reasons for the delays within development applications. Long delays in the development application process has led to investors losing interest in the project. The findings reveal that the reasons for these delays range from delays in obtaining development decisions, to administrative errors, possible corruption within the municipality, overworked and unmotivated municipal officials, applications being deferred at Joint Advisory Committee (JAC) which prolonged the process and cancelled Municipal Planning Tribunal (MPT) meetings. The delay in receiving development decisions is perceived by developers to impede development, as they view the process as being

restrictive. On the other hand, communities feel that development processes are overly permissive. Each department is independent and has its own operational procedures and standards that guide development, and the procedural requirements differ per department.

Practitioners in the built environment state that legislation underpinned by the Constitution is supposed to be in the public interest but more often development is profit driven and communities at large do not see the trickle-down of these profits to them. The economic benefit expressed in the creation of jobs, a phrase planner uses to motivate for development approvals, does not materialise. This is however not the fault of legislation but rather of poor application of law and policy. Legislation makes provision for all practitioners within the built environment, as well as for attorneys to submit planning applications; however plan drafters, land surveyors and sometime attorneys do not clearly understand the complexities that exist within planning, and applications submitted to the municipality for consideration are sometimes substandard and incur referrals that further delay the development approval process.

Municipal officials believe that planning is a process that should not be rushed, because when development is rushed it results in cutting corners as officials are unable to apply their minds and scan through all reports submitted with the application. This in turn can have devastating consequences because substandard developments may result. Municipal officials also stated that internal policies within different departments conflict with each other. Furthermore, the silo mentality in different line departments results in a lack of coordination. In the case of the Yellowwood Park Housing Development, the municipal officials did not prioritise the development which resulted in a three-year delay in achieving approval, and by this time the investor had lost interest in the project. The Point Waterfront Development on the other hand was a catalytic project and the planning process and requirements were

deliberated in detail by a special multi-discipline project task team. All issues raised were raised on one platform and resolved in the same way, which substantially facilitated the planning process. The project also included a detailed public participation process (two community meetings and newspaper adverts) in which the community issues were raised and addressed. Addressing these issues at this level resulted in fewer objections to the development.

#### **6.3.4 Challenges to achieving integrated policy and procedure in municipal planning**

The challenges to integration within municipal planning were identified during the focus group discussion. Participants were asked to identify a list of key strategic challenges, and to include environmental concerns such as the effects of climate change, sea water level increases, energy efficiency and biodiversity into land use management planning. The challenges that were identified were then prioritised. The key challenges to achieving integrated policy as identified by participants within the built environment were:

- a) Planners in the municipality tasked with assessing development applications are pressured to push development for economic reasons and environmental concerns are pushed aside, especially if the environmental threat is not prominent. Secondary effects on the environment and cumulative impacts of developments are not considered or prioritized. This issue ties into the challenge associated with the lack of resources within the municipality regarding data collection and analyses. The municipality has only in the recent years begun collecting data regarding heat islands, sea water rises and areas prone to flooding. This information is not made readily available to LUM planners when they are assessing development applications. There exists room for improvement over the municipal area to collect further and more detailed data which will assist in assessing

development applications and analysing the sustainability of developments in specific locations.

- b) Planners feel ill-equipped to assess applications related to climate change. They do not understand the need to ask for applications regarding climate change interventions like green energy. The planners feel that legislation should be relaxed around climate change adaptation interventions to avoid additional cost and delays to developers. Planners believe that it is the environmental department's responsibility to comment on these types of issues. However, when applications are circulated to the environmental department, the comments received are on biodiversity and the climate change issues are ignored. This aspect was a concern as eThekweni Metropolitan Municipality was being in the forefront of addressing issues around sustainability, climate change and energy efficiency. However, the team tasked to deal with these issues did not comment on day to day development applications, and discussions on these concerns remain in on academic and theoretical plane, as opposed to a practical level in which these concepts can be incorporated into development applications. Planners argue that they are pushed to prioritise specific projects, so that other projects that they are handling suffer this has been seen in the case of the Point Waterfront Development versus the Yellowwood Park Housing Development, where one project was prioritised above the other. This problem could have been avoided if separate officials had handled these projects.
- c) Durban is in fact very developed with a lot of hardened spaces where green interventions are limited. The regeneration and redevelopment of existing buildings and spaces are costly enough without the additional added burden of worrying about climate-proofing the space. The developer looks to completing the development quickly to minimise cost. There are challenges with brownfield regeneration as sites are already developed and



have private owners, and planners struggle to get private owners to buy in and implement environmentally friendly strategies for climate change. The economic value of developing an area is prioritised over the environmental concerns associated with the particular area. This was a concern raised by independent planners. However, during the research into the two development projects it was found that the municipality and decision makers do attempt as far as possible to find a balance between economic and environmental challenges. As important as it is to protect the environment, it is just as important to grow the economy of the country. The challenge comes in when larger developers with money push the boundaries and are willing to develop in inappropriate places. The municipality may refuse this type of development during the decision-making phase; however, the developer is able to take the matter on appeal and to court. Planners argue that the right amount of money can get the development moving forward. Developers go further by using sustainable development as a marketing strategy and manipulate the concept such that it fits the motivation for the project. However once the decision of approval is given, they may fail to deliver on their promises. Planners struggle with monitoring the imposition of conditions on developments. LUM planners state that the volume of applications they have received does not enable them to focus on developments after they have been approved as they are too busy evaluating development applications as they come in, and that once an application is approved the planners need to move on to the next application and do not have the time to go back and check if a particular development has in fact adhered to the conditions imposed on that development.

- d) It is argued that when developments initiated by the municipality are championed, inner city municipal owned land should be prioritised first. The municipality should lead by example and show initiative on their own land. This will show developers how to develop

successfully. Private developers on the other hand should be incentivised to build in appropriate locations.

- e) Lack of knowledge was the fourth challenge identified. As much as there is a need to come up with legislation to implement climate change interventions, there does not appear to be enough awareness in this regard on the ground. Environmentalists argue that it cannot be only decision-makers who need to think about implementation of sustainability and climate-proofing environmental spaces and developments. Residents should also be aware of the impacts and importance of environmental protection, and there is a need for public participation and community buy-in. It is argued that residents from previously disadvantaged areas or from informal settlements are completely oblivious to the consequences of their actions on the environment.
- f) There is a lack of political will. It was argued that politicians, being at the forefront, need to drive implementation of environmentally friendly policies and the climate-proofing of environments. Many decisions are politically driven. It was noted that a politician's timeframe in office is limited and each politician seems to have his/her own agenda that he/she is pushing. More often, if one politician was pushing for a particular approach such as sustainability, the next wants to leave his/her own legacy and will decide to implement a different approach, so that there is no continuation of what was started in the previously political timeframe. It was further noted that policies may be in place but with the final decision making the politicians have the final say. There is a challenge, therefore, in maintaining the balance between economic sustainability and environmental sustainability. There is a concern that specific politicians may have vested interests in specific projects which are not always in the best interests of the public.

### **6.3.5 Strategies for achieving greater integration between planning and the environment in municipal planning.**

Strategies for achieving greater integration were workshopped during the focus group discussion, after the challenges and the root causes for the challenges had been identified. Possible strategies and recommendations were also gathered during the interview process. It was identified that in eThekweni there are currently strategies in place for incorporating environmental concerns in planning. The municipality aims at achieving integration and operating in a more sustainable manner. Focused specialist groups such as Ocean Champs have been set up. Ocean Champs is a group of young individuals straight out of school who are groomed in-house by eThekweni Metropolitan Municipality on sustainable strategies aimed at addressing environmental challenges such as climate change, energy efficiency and the health and importance of the ocean. This group of individuals pioneer and educate other departments in turn as well as the community. eThekweni Metropolitan Municipality aims at educating the community and staff on these vital issues. It is argued that by educating individuals on the issues they become more aware and better apply themselves to their job in consideration of sustainability goals and ambitions. The main strategies identified were:

- a) Streamline processes: the development of a single process within different departments, where all departments are aware of each other's policies and process. Processes and procedures should be standardised and the information regarding these processes and procedures should be easily accessible. It was suggested that this would be possible through the development of single computer application that all departments can feed into to achieve updates. It was argued that the city needs to move away from being a paper-based municipality and move towards e-governance. Applications should be

submitted online, along with paying of application fees, and decision notices should be available at the click of a button. Another suggestion towards the streamlining of processes was that the municipality should have a single business plan to ensure that departments did not work in isolation from each other but that they rather adopt a more transparent and integrated approach to procedures within the municipality. The creation of a single business plan would ensure that department goals and ambitions were uniform. All department goals should be linked to Treasury to ensure greater coordination. When assessing the policies and procedures of the municipality, where possible the application procedures should be shortened to enable developments to be less costly, as long development application procedures increase the cost of development. Developers argued that the municipality should take back the responsibility of circulating applications to the line departments as this inevitably caused further delays. However the municipal officials argued that when developers take charge of their projects by walking their applications to various line departments, this in fact facilitates the development process as developers know upfront any issues that the project may have and are able to adjust and liaise directly with the line departments.

- b) The decision-making bodies should be multi-disciplinary and not consist only of planners. It is noted that in the interviews conducted, municipal officials noted that the Municipal Planning Tribunal (MPT) in fact multi-disciplinary and consists of a land surveyor, environmental specialist, legal specialist, development planning heads of department, planning professor and planning specialists. As such decision making is in fact moving towards a more integrated approach. However, this may be the case with the MPT, but category one applications are decided upon by council, which has political role players. In this case it was argued that planning reports to council should include the implications of proposed developments on the environment, so that politicians could understand the

consequences of their decisions. Declarations of interest should be enforced; this would ensure that there are no vested interests held by decision makers.

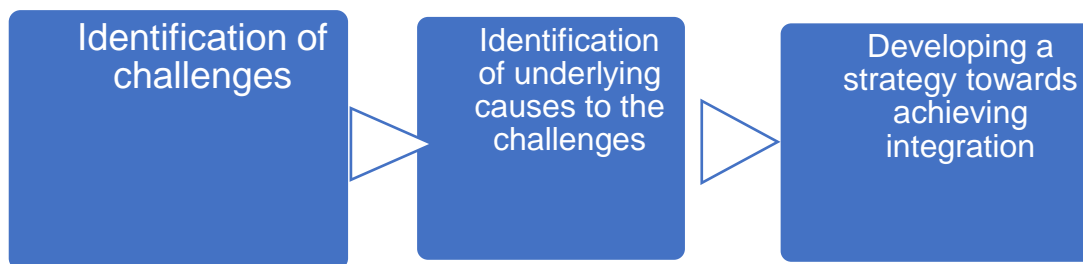
- c) Municipalities need to empower their staff through education and training and should select a champion to drive integration solutions within each region of the municipality. All employees must be empowered and aware. Community awareness is vital to the success of sustainable and more integrated solutions. It was argued that this could be done during public participation process.
- d) Improve on internal and external communication. This could be done by making more effective use of internal communication resources. Another strategy to improving communication is by adding interdepartmental communication to the individual performance programmes (IPPs) of DCMs. This would ensure that information would be shared from the top to the bottom. It was also argued that more transparent public participation processes were needed so that communication could be wider. The lack of intensive public participation leads to miscommunication and inevitably delays applications further. Keeping communities involved would ensure that developments were successful. Communities are more likely to participate when they are involved and aware of what is happening in their neighborhoods. In this way, communities could also alert municipalities to unauthorised development as well as land grabs more efficiently.
- e) The creation of a separate internal team for major projects would enable municipal staff to be more focused, so that other developments that municipal staff members may be dealing with would not suffer.

f) Name and shame major developers that bypass processes. Developers who do not follow proper processes should be held accountable, as should politicians who shield these developers.

### 6.3.6 Creating a framework towards integrated policy

The findings in relation to creating a framework for integrated policy was primarily discussed at the 2-day workshop in the form of a focus group discussion. The tools used in the workshop were outcomes-based thinking approaches.

The approach followed the following format:



The challenges can be grouped and summarised as four primary challenges that include: lack of community consultation and public awareness; conflicting policies; lack of political will; limited opportunity to actualise integration into practice. The development of a framework towards integrated policy formulation began with assessing the challenges and identifying the underlying causes. The formulation of a framework would need to go a step further by identifying what the focus group called “fundamental building blocks” to integrated policy.

Three fundamental building blocks were identified. These were a collaborative review of municipal bylaws and policies; the development of norms and standards within the

municipality specific to the goals and ambitions of the municipality that align with sustainable development; and incentivising sustainable development.

- a) Reviewing municipal bylaws to include the integration of planning and environmental concerns. It is noted that national legislation on both planning and environment underpin the importance of environmental and planning concerns in decision making. Municipal bylaws need to go further in clearly iterating this point so that it becomes a practical application for officials when assessing development applications. Environmental concerns such as climate change need to be detailed and incorporated into municipal policies.
- b) Develop municipal guidelines, norms and standards that consider sustainable development. This can be done through building a matrix that officials assessing and evaluating applications can adapt and use in their daily functions. The matrix should be made available for developers as well so that they are aware of what is required and expected of them and of developments moving forward.
- c) Provide incentives for private developers which encourage environmental protection and sustainable developments that are climate-proof and able to counteract the effects of climate change. The long-term benefits of protecting the environment should be highlighted so that communities and developers are aware and strive towards the same goals of sustainable development. Joint partnerships between the municipality and private developers should be encouraged to seek to integrate/balance social, economic and environmental factors.

## **6.4 Discussion of findings**

The findings discussed in this section are linked to the empirical data collected as well as to the development projects discussed. The key environmental concerns regarding the Point Waterfront Development (catalytic project) were the fact that the original site area intruded into the ocean, the canal system discharged into the ocean, and the proposed development was considered environmentally unsustainable. The economic issues were that the area was considered exclusionist and accessible through only one point of entry, and that the road network leading through the Point Waterfront took investors through a downtown decayed area. This contributed towards deterring investors, and as such the project was initially a failure. The reinvigoration of the Point Waterfront Development via the acknowledgement of the environmental concerns and the balancing between planning, economic and environmental factors has led to an ideal display of the theoretical definition of sustainability. The public participation process was extensive and included two public meetings. Issues raised by the community were addressed during the public meetings, although the application did not draw many objections during the public participation process.

The finding revealed that there was integration in both the planning phase of the project, via the setup of a multi-discipline project task team that enabled the streamlining of various procedures within council, and the decision-making process, which was facilitated by the fact that all members of the decision-making bodies were familiar with the project and the project had a common focus and goal which aligned itself to all disciplines. The way the catalytic project was handled may be compared to the way a large-scale housing development without “catalytic” status is handled.



The Yellowwood Park Housing Development project is located at a relatively large site situated opposite the Kenneth Stainbank Nature Reserve. The environmental concerns arose from the fact that the site is situated opposite a functioning nature reserve which has existing wildlife. The introduction of increased residential density within this area and the associated impact of an increased population, their domestic animals, increased traffic, noise, and air pollution could have a ripple effect on the ecosystem, animals, and plant life in the area. These environmental concerns, coupled with planning and economic concerns, made this project an interesting case study. The site was a large privately owned site that was not generating any economic benefit for the landowners and in this volatile economic climate the landowners found this piece of land difficult to maintain. It was therefore decided to subdivide the land, rezone and sell it to potential developers, which led to the planning and economic concerns. However, the development planning process was uncoordinated, line departments functioned in silos, and the public participation process was unsatisfactory as there were no public meetings in which the community concerns could be addressed on a single platform. There were many objections to the proposed development: objections and concerns that could have been addressed at a community meeting. The inadequate public participation process coupled with community misconceptions resulted in the decision of the municipality to approve the development being appealed by the community and environmental groups. The appeal further delayed the progress of the project. No prioritisation was given to this project by the municipal officials because of other work obligations. This state of affairs resulted in the potential developers threatening to pull out of the deal, substantial financial loss for the existing landowners, and the housing development has to date not materialised.

The ways in which subject site A and subject site B were handled within the development planning process had an impact on the success of the projects. An integrated approach to development planning in the processing of the application, effective public participation and the integrated decision-making process played a vital role in the progress or lack thereof, in regard to the projects.

In terms of the links between planning and environmental legislation it was found that both sets of legislation are aligned to similar goals and there are no direct contradictions that exist. In terms of process and procedures, these are duplicated and convoluted which further delay the application process. Each department is independent and has its own operational procedures and standards that guide development, so that the procedural requirements differ between different departments. The proposed strategy to addressing this challenge is to develop an overarching standard operating plan for the entire municipality with set goals and ambitions for all sections of the municipality, which are also linked to the Treasury department.

The delay in obtaining development decisions is perceived by developers to impede development. Communities on the other hand feel that development processes are overly permissive. Legislation underpinned by the Constitution is supposed to be in the public interest, but more often development is profit driven, and communities at large do not see the trickle-down of these profits to them. The economic benefit expressed in the creation of jobs does not materialise. This leaves communities angered and creates a negative perception of development. This is however not the fault of legislation but rather poor application of law and policy. A more informative public participation strategy is likely to clear up any misconceptions. However, the public participation process rarely includes community meetings unless they are identified as catalytic; therefore, projects without this title are more

susceptible to failure. The development of a set of municipal norms and standards would contribute to the manner in which development applications are addressed at a municipal level. This would go further towards achieving more integrated procedures within municipalities and would deter departments from silo mentalities as all departments would be aligned.

Many challenges to integration were identified during the focus group discussion. The challenges were then grouped into four main groups. These were: 1. Lack of community consultation and public awareness; 2. Conflicting policies; 3. Lack of political will; 4. Limited opportunity to integrate policy development. The identification of the underlying causes to each of the challenges enabled the formulation of solutions in overcoming the challenges. The key was communication and integrated planning. It was further noted that in the case of joint partnerships between the municipality and private developers, development flourished. The Point Waterfront Development was a joint venture between the municipality and a private developer, for example. These types of joint ventures should be encouraged.

The formulation of an integrated framework will need to go a step further by engaging with the fundamental building blocks to integrated policy. Three fundamental building blocks were identified; these were a collaborative review of municipal bylaws and policies; the development of norms and standards within the municipality specific to the goals and ambitions of the municipality that align with sustainable development and incentivising sustainable development initiatives for private developers. It is noted that the findings from the empirical data collection do in fact relate to the literature review and precedent studies, in the sense that common recommendations were made in terms of the formulation of integrated policy within municipal planning. These are: (a) work on further integration of economic, social, and environmental policies at all levels of the government; (b) devote more

attention to the sustainability issue in the metropolitan regions and ensure that developments comply; (c) establish better coherence in policies and implementation at the higher levels of government so that the solutions to sustainability filter to lower levels of government. The implementation of sustainable solutions happens at municipal level within development planning. Developments should be deemed sustainable at this stage in order to achieve sustainable cities; and (d) there is a need for good exchange of information within private practice, within communities and at all levels of the municipality.

## **6.5 Conclusion**

The analysis of the research findings substantiates the research problem, that there is in fact a lack of integration in planning and environmental policy and procedures in municipal planning. Environmental and planning legislation both make provision for the consideration of sustainable development goals; however, conflict arises in the interpretation of legislation, municipal bylaws and policies, as well as in the process and procedures. It was noted that for the planning process to begin, the environmental ROD needs to be received. This process can take over a year and ultimately delays the development project, which in some cases makes the development not viable to continue as development costs have escalated. There is therefore a need at local level to ensure integrated development processes and a review of municipal bylaws, policies, and processes. Municipal officials should be trained, and information should be disseminated to all staff, especially to officials who are assessing development applications.

The Revised Point Waterfront Development project had a successful development application process, this was due to an extensive public participation process, a dedicated task team and a multi-disciplinary decision-making body that was well versed on the project at the time of adjudication. This defers from the Yellowwood Park Housing development

project, which was deemed unsuccessful as it had been delayed due to a substandard public participation process, administrative and procedural delays and less than dedicated municipal officials assessing the application. This was compounded by a drawn-out appeal lodged by the original objectors to the application, over issues that should have been resolved during the public participation process.

The primary reasons for the development application delays were identified as inadequate public participation processes, administrative and procedural delay, unmotivated municipal staff and irregular decision-making meetings compounded by allegations of corruption within the municipality. The challenges to achieving integrated development reside in the conflict between the internal goals and ambitions of the different departments. Planners assessing the development application push for economic benefit and are pro-development. They feel ill-equipped to handle or assess environmental challenges such as climate-proofing development projects, and they feel that they do not have the policy backing to prohibit developments that do not consider the impacts of challenges such as climate change. The municipality has participated in many environmental forums, but the information remains with the managers and heads of department that attend the workshops and conferences. This information does not filter down to the officials tasked with assessing these development applications.

The strategies proposed for achieving a framework towards greater integration of planning and environmental policies within municipal planning are: streamlining development application processes; establishing multi-disciplinary decision-making bodies for all categories of development applications; empowering of municipal staff tasked with assessing development applications; enhancing community awareness; and naming and shaming developers who bypass processes.

Creating a framework for integrated policy development begins with the understanding of the basic fundamental building blocks: a collaborative review of municipal bylaws and policy, and the development of norms and standards within all departments of the municipality, specific to the goals of the municipality that align with the goal of sustainable development.

## **CHAPTER SEVEN: CONCLUSION AND RECOMMENDATIONS**

### **7.1 Introduction**

The purpose of the study was to determine how environmental legislation, planning legislation and development application procedures can be integrated at a municipal planning level. The research findings confirmed that the way planning legislation and environmental legislation are conceptualised and implemented needs to be changed. Integration will facilitate the development application and approval process in order to achieve the goal of sustainable development.

The findings of the research study substantiate the research problem, that there is a lack of integration between planning legislation, environmental legislation and the statutory adjudication procedures in municipal planning in South Africa. The problem was substantiated using the case study of eThekweni Metropolitan Municipality. It was noted that in the municipality, catalytic projects are prioritised while other development projects fall at the wayside and ultimately are neglected by municipal officials. It was further noted that catalytic projects are supposed to be prioritised but not to the detriment of other development projects.

This final chapter concludes the dissertation by summarising how environmental legislation, planning legislation and the development application procedures can be integrated in municipal planning in South Africa.

### **7.2 Synthesis of the study**

The concept of integration comes through in most planning theories from substantive planning theory to procedural and normative planning theories. Integration is the foundation of the sustainable development approach. It is deep rooted in the foundations of the Garden

City concept and the Radiant City concept. It determines the success of Green Cities approach and New Urbanism and ensures fair and just planning and an all-inclusive right to the city. The research revealed that planning scope has expanded as have strategies, largely due to the acceptance of the importance of environmental planning. The world and South Africa have become more aware of environmental challenges such as the effects of climate change on a global level, and planning, including the legislation that guides planning, has included environmental protection and awareness. However, at a local level this awareness begins to deteriorate. What is needed is for the same type of urgency and importance in environmental planning to be carried through to all levels of planning and into the evaluation and decision-making phases of the development application. This will only become possible by adopting an integrated approach to development planning.

The research findings support this conclusion. In the case of the two development projects, subject site A was regarded as a successful project as it involved a more integrated approach to planning which included a multi-disciplinary task team that addressed planning and environmental constraints, while subject site B, contrarily, has experienced stagnation as the different departments adopted a silo approach that ultimately delayed the project and resulted in substantial loss to both the developer and the landowner.

The key finding revealed that a lack of detail and transparency in the public participation process results in ambiguity and confusion amongst residents which ultimately delays the project. It was noted that an extensive public participation process allows the developer the opportunity to address community issues upfront, which will result in fewer objections and less chance of an appeal.



All three of the international precedent studies that were interrogated had extensive integration in mind. The lesson learned was that, in order to achieve the goal of sustainable development, a comprehensive integration process is critical.

The example of the United Kingdom depicts integrating proactive planning. It shows that this area of planning is similar for the short term as it forms a part of all spheres of government. However, integration in regard to decision making remains an area for improvement, as this is still only partial in the UK. There is certainly potential in South Africa for this approach to be successful. However, in terms of decision making, a more holistic, multi-disciplinary decision-making body is required among all categorisations of development applications. The introduction of the planning bylaw in eThekweni Metropolitan Municipality made provision for the MPT, which is a multi-disciplinary decision-making body.

Also in the United Kingdom was the examination of Milton Keynes in north-west London: the New Urbanism approach links to the Point Waterfront Development as both developments are based on the same common principles such as the promotion of higher densities, walkability, mixed land use developments and integrated public transport system.

New Zealand's RMA introduced a single integrated system; however, this existed mainly on paper and struggled with implementation. The implementation of the RMA was difficult as the legislation was overachieving and not practical to implement. This led to numerous amendments to the RMA. There was a lack of capacity within the smaller rural areas, leading to the realisation that it is essential assess the capacity of an area for implementation.

The example of the Netherlands teaches us that integration at a neighbourhood level can be achieved through ensuring that development is appropriate. Appropriate means that the development must occur at the right place for the environment. The system operates on the notion that no two places are the same, as every place has its own qualities and

characteristics. The “right place for the environment” links environmental ambitions to specific characteristics of an area (Schreuders and Hoeflaak 2004). At a national level in the Netherlands there was a mix of normative and substantive theories. Sustainability was viewed as a process rather than a goal. It was argued that sustainability included in development planning law requires flexibility. The critique was that flexibility leads to uncertainty which creates legal uncertainty and ambiguity. It is recommended that the “right place for the environment” approach be incorporated within the norms and standards for the assessment of development applications in municipal planning. This will ensure that planners make certain that the right developments are situated in the right location, thereby promoting sustainable development.

### **7.3 Linking environmental and planning legislation**

The National Development Plan: Vision for 2030 (National Planning Commission 2011) mentions integration and sustainable development. The issues arise where this integration is not translated down to the municipal and local level of planning.

Knowledge of planning systems and the manner in which these systems are relayed to professionals in the built environment need to be transparent. The way in which strategic spatial planning incorporates environmental concerns and is linked to the decision-making processes concerning land use and land development is important. In South Africa’s case this is covered by the integrated development plans (IDPs) of municipalities. At a national level, the SPLUMA development principles ensure sustainability as they expect all developments to adhere to the call for spatial justice, spatial sustainability, good administration, efficiency, and resilience. Decision-making processes and development application procedures are covered by the planning bylaw. The bylaw ensures that development applications are circulated to various line departments which include the

environmental branch and climate protection. These departments provide their input into various land development applications. The problem arises because of the time it takes for applications to be circulated to line departments, which results in delays in the development. A single online system would assist in alleviating this problem. Development applications should be submitted online, with all departments being able to have sight of the same application. This would reduce any delays that occur when comments are sent from one department to the next. It would also ensure that all departments have sight of the same development proposal.

The Paris Agreement on Climate Change set timelines for how quickly the world must change its course. It stated that by 2050 countries need to reduce their greenhouse gas emissions. This heightened countries' awareness of environmental concerns. The National Building Regulations and Building Standards Act (Act 103 of 1977) (South Africa 1977) already require a reduction in greenhouse gas emissions in respect of new buildings, requiring the adoption and implementation of renewable and alternative energy technology solutions. The eThekweni Metropolitan Municipality has responded by participating in the C40 South African New Buildings Programme, which aims to ensure that by 2020 all new buildings emit zero emissions. Within the development planning department, the spatial planning department has incorporated environmental concerns in the SDFs, and interventions such as heat islands are being mapped. The Land Use Management branch has responded by proposing amendments to the various land use schemes, and a number of scheme intentions will be introduced. The Durban Town Planning Scheme has added technical installation guidelines for freestanding solar water heaters or photovoltaic (PV) installations, water heater and photovoltaic installations attached to a roof, and wind turbines. Sustainable developments are promoted via appropriate land uses being directed

in appropriate locations. DMOSS and the nature conservation zone have been added to the Durban town planning scheme. Adding these zones to the Durban scheme will enable a legal backing for dealing with developers who contravene the Durban scheme.

#### **7.4 Key findings related to the case study**

The key environmental concerns with the Point Waterfront Development (catalytic project) were the facts that the original site area intruded into the ocean, the canal system discharged into the ocean and the proposed development was environmentally unsustainable. The economic issues were that the area was exclusionist and accessed through one point of entry only, and that the road network leading through the Point Waterfront took investors through “downtown decay” areas that deterred investors, which meant that the project was initially a failure. The reinvigoration of the Point Waterfront through the acknowledgement of the environmental concerns and the balancing of the planning, economic and environmental aspects, was an ideal display of the theoretical definition of sustainability. The public participation process was extensive and included two public meetings. Issues raised by the community were addressed during the public meetings, with the result that the application did not draw many objections during the public participation process.

The finding revealed that there was integration within both the planning phase of the project, through the setup of a multi-discipline project task team that enabled the streamlining of various procedures within council, and the decision-making process, which was facilitated as all members of the decision-making bodies were familiar with the project and the project had a common focus and goal that aligned itself to all disciplines.

The way the catalytic project was handled is compared to the way a large-scale housing development without “catalytic” status is handled. The Yellowwood Park Housing Development is a relatively large site situated opposite the Kenneth Stainbank Nature

Reserve. The environmental concerns arose from the fact that the site is situated opposite a functioning nature reserve which has existing wildlife. The introduction of increased residential density within this area and the associated impact of an increased population, their domestic animals, increased traffic, noise, and air pollution would have a ripple effect on the ecosystem, animals, and plant life. These environmental concerns coupled with planning and economic concerns made this project an interesting case study. The planning and economic concerns arose because this site was a large privately owned site that was not generating any economic benefit for the landowners and in the volatile economic climate the landowners found this piece of land difficult to maintain. They therefore decided to subdivide the land, rezone and sell it to potential developers. However the development planning process was uncoordinated, line departments functioned in silos, the public participation process was unsatisfactory as there were no public meetings in which the community concerns could be addressed on a single platform, and this resulted in the decision of the municipality being appealed by the community and environmental groups. The appeal further delayed the progress of the project. No prioritisation was given to this project by the municipal officials. The project in turn resulted in the potential developers threatening to pull out of the deal, and substantial financial loss for the existing landowners. The housing development has to date not materialised.

The way the subject site A and subject site B were handled in the development planning process had an impact on the success of these projects. The integrated approach to development planning in the processing of the application, effective public participation and the integrated decision-making process played a vital role in the progress of the one project, while the lack of these strongly hindered the progress of the other.

In terms of the links between planning legislation and environmental legislation, it was found that both sets of legislation are aligned to similar goals and that there are no direct contradictions between them. In terms of process and procedures however, these are duplicated and convoluted, which delays the application process. Each department is independent and has its own operational procedures and standards that guide development; i.e., the procedural requirements differ per department.

As mentioned previously, the delay in obtaining development decisions is perceived by developers to impede development, while communities feel that development processes are more permissive than they need to be. Legislation underpinned by the Constitution is supposed to be in the public interest, but more often, development is profit driven, and communities at large do not see the benefits of the projects. Economic benefits such as the creation of jobs do not materialise. This creates a negative view of development and leaves communities angered. This is however not the fault of legislation but rather of poor application of law and policy. A more informative public participation process could be used to clear up misconceptions. However, the public participation process seldom includes community meetings unless they are identified as catalytic; therefore, projects not identified as catalytic are more susceptible to failure.

Many challenges to integration were identified during the focus group discussion. The challenges were then grouped into three main groups. These were lack of community consultation and public awareness (as identified in the case of the Yellowwood Park Housing Development); conflicting policies; and lack of political will.

The identification of the underlying causes of each of the challenges enabled the formulation of a goal and strategy to overcoming the challenges. The key was communication and integrated planning.

The underlying causes of each of the three main challenges were identified. Thereafter possible strategies were developed that would enable the basis for a framework towards integrated legislation within municipal planning.

**Table B: suggestions for future research / Proposed strategies towards the formulation of integrated policy formulation**

<b>Challenges</b>	<b>Underlying causes</b>	<b>Proposed strategy / suggestions for future research towards a basis for an integrated framework</b>
<b>Inadequate public participation process and public awareness</b>	Cause 1: There is a lack of understanding about environmental challenges.	<p>Strategy 1: Staff may be empowered through education and training.</p> <p>Strategy 2: The creation of awareness amongst communities.</p>
	Cause 2: Municipality has a lack of financial resources to communicate widely.	<p>Strategy 1: Municipality should pool internal resources (people, skills and funding).</p> <p>Strategy 2: Apply for external funding from provincial and national government agencies.</p> <p>Strategy 3: Municipal officials should address each of the objections received thoroughly and should clear up any ambiguity towards the development projects.</p>

<b>Conflicting policies</b>	<p>Cause 1: There is a lack of specific policy enabling the integration of planning and environmental concerns at a municipal level.</p>	<p>Strategy 1: Further research and reviews of municipal bylaws to include the integration of planning and environmental concerns.</p> <p>Strategy 2: Environmental concerns such as climate change need to be detailed and incorporated into municipal policies. This should be backed by local norms and standards. This should incorporate further research in what constitutes the norms and standards within the African context.</p>
	<p>Cause 2: Major developers and/or role players are prioritised and given special treatment which results in other projects being neglected.</p>	<p>Strategy 1: Municipality should create a separate internal team for “major projects”; this will allow municipal staff to be separated and focused, so that other development projects do not suffer.</p> <p>Strategy 2: Major developers that bypass processes should be held accountable.</p>
	<p>Cause 3: The silo mentality within the</p>	<p>Strategy 1: Set up an electronic interdepartmental forum where all departments comment on the same development applications that are all submitted</p>



	<p>municipality amongst different departments results in a lack of coordination.</p>	<p>electronically. This could be done by a single computer-aided program that facilitates all stages of the development application process, through all departments.</p> <p>Strategy 2: Create a single business plan or set of standard operating procedures for the entire municipality so that all departmental goals and ambitions are uniform. All department goals should be linked to Treasury to ensure greater coordination.</p>
<p><b>Lack of political will</b></p>	<p>Cause 1: There is a limited timeframe of politicians in office who have their own agendas that they are pushing.</p>	<p>Strategy 1: Compulsory workshops for counsellors to be expanded to include knowledge about climate change, environmental issues, and development planning concerns.</p> <p>Strategy 2: Planning reports to council should include a section on the implications of proposed developments on the environment, so that politicians understand the consequences of the decisions taken.</p> <p>Strategy 3: Have common goals with short-term projects aligning to the main goal. All development projects should align to the long-term goals.</p>
	<p>Cause 2: Vested interests of</p>	<p>Strategy 1: Enforce declaration of vested interests.</p> <p>Strategy 2: Private companies and/or politicians should get recognition for promoting sustainable development.</p>

	<p>politicians in specific development projects. Political agendas are generally linked to developers, companies, and individuals who subsidise the politicians' campaigns.</p>	<p>Strategy 3: Politicians should be recognised for creating climate change-related social interventions.</p>
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### 7.5 Final Conclusion

The recommendations are focused on the ways in which, and extent to which, environmental and planning legislation can be integrated and adjudicated within municipal development planning in South Africa, using eThekweni Metropolitan Municipality: Durban, KwaZulu Natal, South Africa as a case study. The conceptualisation and implementation of environmental legislation and planning legislation need to change. More integration will facilitate the development application and approval process in order to achieve the goal of sustainable development.

Greater integration can be achieved through integration in proactive planning. Proactive planning will require good quality, detailed and inclusive plans. Proactive plans are essential for decision making. Integrated decision-making bodies as in the case of the MPT are crucial. It is noted that these decision-making bodies do exist; however not all development applications are adjudicated by these bodies. The multi-disciplinary decision-making bodies should expand from the MPT and should include the Joint Advisory Committee (JAC), because category 3 development applications, as referred to by the planning bylaw, form a large number of land development applications within the municipality.

Along with internal integration, external integration is important as it will require the mainstreaming of environmental issues into spatial plans. This type of inclusion does occur within the formulation of the SDF. It is recommended that the inclusion of issues be expanded to include all environmental issues and that the implementation approach be realistic and appropriate for what is occurring on the ground. These exercises cannot be merely a desktop exercise but should rather reflect a proactive approach to realities that exist on land.

Environmental legislation and planning legislation, together with application procedures, can be integrated in municipal planning in South Africa. It is recommended that the inclusion of strategies relating directly to the alleviation of the challenges experienced in the municipality that hinder the integration, be the basis for the formulation of an integrated framework.

## REFERENCE LIST

Abbott, J. 2015. *State of the world's cities 2012/2013: prosperity of cities*. Available: [http://dut.summon.serialssolutions.com/2.0.0/link/0/eLvHCXMwtV07T8MwELZoOwATT\\_GWJxhQWhLHjQ1iQAioKiZohZiixg-JqYCgHfj33NIJmxbES2JJK8eOE59z\\_ny5-44QFjWPghmdYOMozGDxStrSCgDIWnKdMYAWCVc6tij4u358dy3vu9FVmcK91ZqU\\_avgoQxEi4G0vxD--KJQAP9hCsARJgEcfzQNHJgsHQEcPaqz0CtHpHol6zlyo8IPQ9MAaFMkDi-8NHydKngtGEZcsgOJZ--ZS0k25dtbmBJC7jxQ2Fj40z5lXqcB9g5Y2-cHahpXBiABdpzC81WVSpRHlckSVTRi6DOsFltr6POWfNDbhaMj9ladoccdawpADj5D9QwjdnECudEf9YManpo86N\\_WSCMSXIBma\\_Ruup3O-FsS7NGcpa18IDKAEhnWP-lwCqBM0ddWgEdviSxiMAr1X3CWyZzJV8h8GUz-ukK2xqFHdJ\\_6UGvqmV\\_eVsmJEz59shSET93FD16pFytF0bfwho7pROxY159fl\\_3Li955JyiSZQQK-ZnKQGyUHEj0qrCAyYxpJ7D7y8ljpqgxzii2cWwiLTBLJxcstkJLeCGzhMtQty1bJ\\_X8KTcbhEqbaaFkhsRLcQIVecaUsoD9wgEfZGqTBOUipc-eEyUNS6rZYkRTfIDUj-gmSarDmA6dLcr6xDHftBRftGRfNd36c6fbZGHycuyQ-vBIZHZJTY-Ge8XUegfs5nXW](http://dut.summon.serialssolutions.com/2.0.0/link/0/eLvHCXMwtV07T8MwELZoOwATT_GWJxhQWhLHjQ1iQAioKiZohZiixg-JqYCgHfj33NIJmxbES2JJK8eOE59z_ny5-44QFjWPghmdYOMozGDxStrSCgDIWnKdMYAWCVc6tij4u358dy3vu9FVmcK91ZqU_avgoQxEi4G0vxD--KJQAP9hCsARJgEcfzQNHJgsHQEcPaqz0CtHpHol6zlyo8IPQ9MAaFMkDi-8NHydKngtGEZcsgOJZ--ZS0k25dtbmBJC7jxQ2Fj40z5lXqcB9g5Y2-cHahpXBiABdpzC81WVSpRHlckSVTRi6DOsFltr6POWfNDbhaMj9ladoccdawpADj5D9QwjdnECudEf9YManpo86N_WSCMSXIBma_Ruup3O-FsS7NGcpa18IDKAEhnWP-lwCqBM0ddWgEdviSxiMAr1X3CWyZzJV8h8GUz-ukK2xqFHdJ_6UGvqmV_eVsmJEz59shSET93FD16pFytF0bfwho7pROxY159fl_3Li955JyiSZQQK-ZnKQGyUHEj0qrCAyYxpJ7D7y8ljpqgxzii2cWwiLTBLJxcstkJLeCGzhMtQty1bJ_X8KTcbhEqbaaFkhsRLcQIVecaUsoD9wgEfZGqTBOUipc-eEyUNS6rZYkRTfIDUj-gmSarDmA6dLcr6xDHftBRftGRfNd36c6fbZGHycuyQ-vBIZHZJTY-Ge8XUegfs5nXW) (Accessed

Abrantes, P., Fontes, I., Gomes, E. and Rocha, J. 2016. Compliance of land cover changes with municipal land use planning: Evidence from the Lisbon metropolitan region (1990–2007). *Land Use Policy*, 51: 120-134.

Allmendinger, P. and Tewdwr-Jones, M. 2002a. The Communicative Turn in Urban Planning: Unravelling Paradigmatic, Imperialistic and Moralistic Dimensions. *Space and Polity*, 6: 5-24.

Allmendinger, P. and Tewdwr-Jones, M. 2002b. *Planning futures: new directions for planning theory*. London: Routledge.

Alonso, W. 1970. A theory of the urban land market.

Atkinson, R. and Klausen, J. E. 2011. Understanding sustainability policy: governance, knowledge and the search for integration. *Journal of Environmental Policy & Planning*, 13 (3): 231-251.

Batty, M. and Torrens, P. M. 2005. Modeling and Prediction in a Complex World. In: Madanipour, A. ed. *Planning Theory*. New York: Routledge, 337-369.

Berg, M. V. D. 2004. Towards Urban Environmental Quality in the Netherlands. In: Miller, D. and Roo, G. D. eds. *Integrating City Planning and Environmental Improvement: Practical Strategies for Sustainable Urban Development*. England; USA: Ashgate, 19-26.

Berrisford, S. 2011. Unraveling apartheid spatial planning legislation in South Africa. *URBAN FORUM*, 22: 247-263.

Bruegmann, R. 2005. *Sprawl: A Compact History*. annotat ed. Chicago, IL: University Of Chicago Press.

Brundtland, G. H. 1987. *Our Common Future*. Available: <http://www.un-documents.net/ocf-02.htm#> (Accessed

Businesstech. 2015. *Africa's biggest shipping ports*. Available: <https://businesstech.co.za/news/general/81995/africas-biggest-shipping-ports/> (Accessed 7 March 2020).

Byrne, D. 2002. *Complexity Theory and the Social Sciences*. Routledge.

Byrne, D. 2003. Complexity theory and planning theory : A necessary encounter. In: Madanipour, A. ed. *Planning Theory: Critical concepts in the Built Environment*. London and NewYork: Routledge, 362-369.

Campbell, H. 2006. Just Planning: The Art of Situated Ethical Judgment. *JOURNAL OF PLANNING EDUCATION AND RESEARCH*, 26 (1): 92-106.

Campbell, S. 1999. Green cities, growing cities, just cities. *Urban planning and the contra*,

Chapple, K. 2015. *Planning Sustainable Cities and Regions: Towards More Equitable Development*. London: Earthscan.

Clapson, M. 2012. A Coda of New Urbanisim: Back to Milton Keynes. In: Bloomsbury ed. *Anglo-American Crossroads : Urban Planning and research in Britain 1940-2010*. Britain: Bloomsbury Publishing PLC, 208.

Clark, B. 2003. Ebenezer Howard and the marriage of town and country: An introduction to howard's "Garden Cities of To-morrow" (selections). *Organization & environment*, 16 (1): 87-97.

Coenen. 2004. Urban Development and the Role of Strategic Environmental Policy Planning: Experiences with the first generation of plans in the Netherlands. In: *Integrating City Planning and Environmental Improvement: Practice strategies for Sustainable Urban Development*. England and USA: Ashgate, 155-171.

COGTA. Affairs, D. o. C. G. a. T. 2016. *Intergrated Urban Development Framework*. South Africa: COGTA.

COGTA; 2020 / Available: <https://iudf.co.za/news/what-is-the-district-development-model-and-has-it-replaced-the-iudf/> (Accessed 5 February 2021)

Conservation.Biology.Institute. 2017. *Biodiversity Hotspots, Conservation International*. Available: <http://www.biodiversityhotspots.org/xp/Hotspots/resources/maps.xml> (Accessed 2 February 2021)

Corning, P. A. 2012. The re-emergence of emergence, and the causal role of synergy in emergent evolution. *Synthese*, 185 (2): 295-317.

Cowell, R. 2013. The Greenest Government Ever? Planning and Sustainability in England after the May 2010 Elections. *Planning, practice & research*, 28 (1): 27-44.

COX. 2015. *POINT DEVELOPMENT FRAMEWORK PLAN DURBAN COX ARCHITECTURE*.

Creswell, J. W. 2014. *Research Design: Qualitative, Quantitative and mixed methods approaches*. 4 ed. USA: SAGE Publications.

Dassen, T., Kunseler, E. and Kessenich, L. M. 2013. The Sustainable City: An Analytical–Deliberative Approach to Assess Policy in the Context of Sustainable Urban Development. *Sustainable Development*, 21 (3): 193-205.

David Dodman, B. D.-C., Gordon McGranahan. 2013. *INTEGRATING THE ENVIRONMENT IN URBAN PLANNING AND MANAGEMENT KEY PRINCIPLES AND APPROACHES FOR CITIES IN THE 21 ST CENTURY*. UNON/Publishing Section Services, Nairobi/ISO 14001:2004-certified: UNITED NATIONS ENVIRONMENT PROGRAMME.

Davidoff, P. 2016. Advocacy and Pluralism in Planning. In: *Readings in Planning Theory* Chichester, UK: John Wiley & Sons, Ltd, 427-442. Available: [http://dut.summon.serialssolutions.com/2.0.0/link/0/eLvHCXMwtV3NS8MwFA9uu4gXP3Hzg-BBL3a2afqRgyeZiiglbgxPo0tSHGg33CboX-LR9t1A2EHL6GE8NrkZeX1\\_f7PYR80nadJZsAyk0Fd4UXpFHiCvCDo3Do-iwhQnQmQWr9Hu0\\_stcHclCwfyv7\\_IXx0AeqV0DaNZRfCIUOeIYtAC1sAmiX\\_ONqjNayyOoMeZ3ymlcnKtH4BcuAGBtqxjL0CYwiy846bhhaHp-VwQdqqTGgrDFmIFnYgZBac9Xk3J0FKDIlzK3SzCDDDw-19RSsRaOGii\\_PSyocZascOG1zWXoXwc1uZvBgu9xG\\_953DFf\\_4hRnx2LTON91JDDal8yDpqwKndeSqjaUHESEB0KSj70Z4I9ComYSFT8K6r1TdV7ybauehuoy0FOMEKCQJfvIM2ZLaLWgWSCJ9jq6HGhtLlew-d5ZrBoBlcaAaPMpxrZh91bzvdm3vHFrtwpmHsOQzcYM5cJmBjJD5IMqKhG0nIohAJbYsg1imcRSJoaJPoqIHSer5ZBqLmsCI2T9A9WycyUOEU-YLxhOZhzSJKPHvkhFGleUg3iYdxNd6gkO9O\\_46cAQV5NBZVEGalF000QXleHVYT-jiRk6EWlrPcFHaLPcm8eoPvucyxNUE\\_PZqVXvL5PwQfo](http://dut.summon.serialssolutions.com/2.0.0/link/0/eLvHCXMwtV3NS8MwFA9uu4gXP3Hzg-BBL3a2afqRgyeZiiglbgxPo0tSHGg33CboX-LR9t1A2EHL6GE8NrkZeX1_f7PYR80nadJZsAyk0Fd4UXpFHiCvCDo3Do-iwhQnQmQWr9Hu0_stcHclCwfyv7_IXx0AeqV0DaNZRfCIUOeIYtAC1sAmiX_ONqjNayyOoMeZ3ymlcnKtH4BcuAGBtqxjL0CYwiy846bhhaHp-VwQdqqTGgrDFmIFnYgZBac9Xk3J0FKDIlzK3SzCDDDw-19RSsRaOGii_PSyocZascOG1zWXoXwc1uZvBgu9xG_953DFf_4hRnx2LTON91JDDal8yDpqwKndeSqjaUHESEB0KSj70Z4I9ComYSFT8K6r1TdV7ybauehuoy0FOMEKCQJfvIM2ZLaLWgWSCJ9jq6HGhtLlew-d5ZrBoBlcaAaPMpxrZh91bzvdm3vHFrtwpmHsOQzcYM5cJmBjJD5IMqKhG0nIohAJbYsg1imcRSJoaJPoqIHSer5ZBqLmsCI2T9A9WycyUOEU-YLxhOZhzSJKPHvkhFGleUg3iYdxNd6gkO9O_46cAQV5NBZVEGalF000QXleHVYT-jiRk6EWlrPcFHaLPcm8eoPvucyxNUE_PZqVXvL5PwQfo) (Accessed

Dernbach, J. C. 2003. Achieving Sustainable Development: The Centrality and Multiple Facets of Integrated Decisionmaking. *Indiana Journal of Global Legal Studies*, 10 (1): 247-285.

Devall, B. 1980. THE DEEP ECOLOGY MOVEMENT. *Natural Resources Journal*, 20 (2): 299-322.

Devall, B. 2001. The Deep, Long-Range Ecology Movement 1960–2000—A Review. *Ethics and the Environment*, 6 (1): 18-41.

Dijkstra, A. 2004. ROM-Richmond: Program Management in Practice. In: Miller, D. and Roo, G. D. eds. *Integrating City Planning and Environmental Improvement*. England and USA: Ashgate, 91-101.

Eaqub, S. 2014. *Growing Apart: Regional Prosperity in New Zealand*. Wellington: Bridget Williams Books.

Ecologist. 1994. Whose common future: reclaiming the commons. *Environment and Urbanization*, 6 (1): 106-130.

Ellis, C. 2002. The New Urbanism: Critiques and Rebuttals. *Journal of Urban Design*, 7 (3): 261-291.

ENGLAND. instruments, E. S. 2010. *The Town and Country Planning (Development Management Procedure) England*:

Enslin-Payne, S. 2008. Durban Point Waterfront sits at crossroad: Business Report. *The Star* U6 - ctx\_ver=Z39.88-2004&ctx\_enc=info%3Aofi%2Fenc%3AUTF-8&rft\_id=info%3AAsid%2Fsummon.serialssolutions.com&rft\_val\_fmt=info%3Aofi%2Ffmt%3Akev%3Amtx%3Ajournal&rft.genre=article&rft.atitle=Durban+Point+Waterfront+sits+at+crossroad&rft.jtitle=The+Star&rft.au=Samantha+Enslin-Payne+Durban&rft.date=2008-04-02&rft.pub=Independent+Online+%28South+Africa%29&rft.externalDocID=1483042551&paramdic t=en-US U7 - Newspaper Article Available: [http://dut.summon.serialssolutions.com/2.0.0/link/0/eLvHCXMwhV07T8MwED5RsiAxFAHi1coDC0Mg2I6TTKgtLQhVqEBRxFQ5tiOxJCF1\\_j92HuUxwGzpzvL5vrz7wFA8KXn\\_sKEgKXGI-BMUnHtJYFMmflJ9RRLQoFFaouT41caz6O3B3z3rai\\_FXeHkjV0y1zYV\\_MrSoyG-lwGN8WHa8dI2e\\_WdqZGDxwb1Zsr70zmy5enTQwW4a-AjLCgbqz8E4NrWzLrQ9-iTMELVaJRI8Q92FLZPlzcVmXCM7TI3zONym7HSdtmA8jwXyOuUWPfci4P4Hw2XU7u3Y7DKutorleb7ZND2OU2nT3TddmbPAJEsPErBJGh7cgXchFF0qfG8qYkSVSY8mMY\\_Enz5J\\_1U9hpEh-o6-Ez2NZlpQbQk5UegjOePi6eh-3JfQKnUoVN](http://dut.summon.serialssolutions.com/2.0.0/link/0/eLvHCXMwhV07T8MwED5RsiAxFAHi1coDC0Mg2I6TTKgtLQhVqEBRxFQ5tiOxJCF1_j92HuUxwGzpzvL5vrz7wFA8KXn_sKEgKXGI-BMUnHtJYFMmflJ9RRLQoFFaouT41caz6O3B3z3rai_FXeHkjV0y1zYV_MrSoyG-lwGN8WHa8dI2e_WdqZGDxwb1Zsr70zmy5enTQwW4a-AjLCgbqz8E4NrWzLrQ9-iTMELVaJRI8Q92FLZPlzcVmXCM7TI3zONym7HSdtmA8jwXyOuUWPfci4P4Hw2XU7u3Y7DKutorleb7ZND2OU2nT3TddmbPAJEsPErBJGh7cgXchFF0qfG8qYkSVSY8mMY_Enz5J_1U9hpEh-o6-Ez2NZlpQbQk5UegjOePi6eh-3JfQKnUoVN) (Accessed

eTHEKWINI. 2015. TOWN PLANNING REPORT FOR THE POINT WATERFRONT DEVELOPMENT PROJECT (MOTIVATION REPORT). ETHEKWINI MUNICIPALITY DURBAN. 2015.

eThekwini. Mayor, O. o. t. 2018/2019 review. *eThekwini Municipality Intergrated Development Plan*. Durban: eThekwini Municipality.

eThekwini.Municipality. Projects, C. 2016. *Inner City Local Area Plan*. Durban: eThekwini Municipality.

eThekwini.Municipality. 2019. *MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK 2019-2020*. Durban: eThekwini Municipality.

ëthewini.Municipality. 2019. Proposed Durban Scheme Central Region (Proposed Durban Town Planning Scheme). eThekwini Municipality. Durban. 2019.

European.Commission. 1996. *European sustainable cities*. Brussels: European Commission.

Fainstein, S. 2005. Planning theory and the city. *JOURNAL OF PLANNING EDUCATION AND RESEARCH*, 25 (2): 121-130.

Fainstein, S. 2015. New Directions in Planning Theory. In: Madanipour, A. ed. *Planning Theory*. Ali Madanipour edn. New York: Routledge, 28-55.

Fainstein, S. and Campbell, S. 2012. *Readings in Planning Theory*. 3rd ed. UK: Wiley Blackwell.

Fainstein, S. S. and DeFilippis, J. 2016. The Death and Life of Great American Cities. In: *Readings in Planning Theory* Chichester, UK: John Wiley & Sons, Ltd, 94-109. Available: <http://dut.summon.serialssolutions.com/2.0.0/link/0/eLvHCXMwtV07T8MwED7RdkEw8BQtD3nqgN>



[SSOEnTDEx9gFCZaFUxRW4eogOlgnSAX8\\_57MSkIRAdGBpVImU7-hz7\\_PnuOwCHt63W2prgR6kllsEwpmJ2cyxU-HGllh2hsZrggUBSvNOJOx0Fzw\\_8zmRZNGX\\_CjyWlfQykHYL8ltGsQD\\_4xTAJ04CfK7Zx2UmVqvlkoc8ubzm2YIMNL4WYZyigagzXpKLjiFD-8lQsi1LJUNA\\_rTrM6wvLui6gBjNU6lfFOdQXAT1SLH1J7dqK27BM-v-pvMOsQWFv5E6heJyGaBlaKmcK3olVKmL9Z5qkwTC5nKt5F\\_zJqQpFLSjF9fsTYXH4G-1pUj6azyPsttk0Zo8VaDGHbRaq1DDrX3waCg3zw-4xyflfB6xrVW\\_ijflL74tfrPRUfn8Qgbl-AD2ZFAKk9EiON5D2EkWR9Aooo1Yk6k4a6ZkXz6PQeLMCB6G8DAJD3tLGcHDcniYgucE7OFg3LtvUcchXaB\\_hEpgmoelEYY4QvlzTmFfyOilRUZRIPEZMMF5wn0hfE8lt8Ojrh73lk6-C1GgejGdbj-ewd1aJYqlyt9zZdUcRmniW1aPYddMwMvoJq9r5JLqMSr7Erj-A2eeEyJ](https://doi.org/10.1016/j.sbspro.2013.06.001) (Accessed

Faludi, A. 1973. *A Reader in Planning Theory*. United Kingdom, Oxford: Pergamon Press.

Faludi, A. 1986. TOWARDS A THEORY OF STRATEGIC PLANNING. *The Netherlands Journal of Housing and Environmental Research*, 1 (3): 253-268.

Fischer, F. 2003. *Reframing Public Policy*. Oxford University Press.

Fisher, P. and Collins, T. 1999. The commercial property development process. *Property Management*, 17 (3): 219-230.

Fisk, C. L. and Gordon, R. W. 2011. "Law As...": Theory and Method in Legal History". *UC Irvine Law Review*, 1:3: 519.

Forbes, J., Boon, R. and Clarke, G. 2012. Planning and the Environment the Ying and Yang. eThekweni Municipality. 2012.

Forester, J. 2013. On the theory and practice of critical pragmatism: Deliberative practice and creative negotiations. *Planning Theory*, 12 (1): 5-22.

Gardner-Medwin, R. 1967. Le Corbusier, "The Radiant City" (Book Review) by reviewed in *Liverpool*, 38(2).

Available:  
[Girardet, H. 2008. \*Cities, People, Planet: Urban Development and Climate Change\*. second ed. England: Wiley.](http://dut.summon.serialssolutions.com/2.0.0/link/0/eLvHCXMwtV1JS8QwFA4ulOrFFXeqICjasVk6zRw8iLqg40VHxFNJmqQ8WGWszN_3vbbTjhVxAS8I5PBI8768pS_9HiGctQK_YROk0zKwWH1MNAQQwqQaaUVMaJ2mKud0vb8T993OwxW7qJuP1nP_qniYA9Xjj7S_UH4IFCZgDBCAJ4AAAnj-CQRfb0vWx1WShm13GEBk3OSVBdnCaNwVgGd-JpcdBq34BbrqbtSoJlwAwllb96-tGRR0BDf1hwQ4d1F1Ja0yjoL6GD4WrgGwhwJvT4i8q01IMLkcAQYftX4FM2TTKnPI6mCfspc-DFu8BShiAKAAmVgU0UEa1a5oWH5veKjq3iBkLCgsBIEwiHn8SRQSpj-ZxyQ7tql_dztOJpkMZadh6CgWK2taeQZpXXkVodiBkBJdrvvoy1V_DGQ--vE8OOnNkRIUnVfoZZ6M2XSbZJ6MFIqWSatrvQoGh94OQMArleAhBHa8vREZ-0ukd37WO730y04ZfhJJ4RvqIQ2WVnQMhJfI6GfgUEXK6ZBiv4LAGqaC0FnFeaAjBzm3VaFQSTt02oWUL5OJ9Dm1K8QD35i4jqJKSQEvKjXYcx5Ro5VtqzZ1q4QN3zp-KfhQ4m-1sko2hvsTI2fjFeuoLIBoVlq1v8hcJ9M1iDfIRNZ_s5tk3LxlW7mu3wH141IJ</a> (Accessed</p></div><div data-bbox=)

Glasson, J. and Marshall, T. 2007. *Regional Planning* Oxford, UK: Routledge.



- Glazewski, J. 2005. *Environmental law in South Africa*. 2nd ed. Durban: LexisNexis Butterworths.
- Golafshani, N. 2003. Understanding Reliability and Validity in Qualitative Research. *The Qualitative Report*, 8 (4): 497-606.
- Hamdi, N. 2004. *Small Change*. USA: Earthscan.
- Harvey, D. 2003. The right to the city. *URBAN FORUM*, 27 (4): 1- 16.
- Heale, R. and Forbes, D. 2013. Understanding triangulation in research. *Evidence Based Nursing*, 16 (4): 98-98.
- Healey, P. and Shaw, T. 1994. Changing meanings of 'environment' in the British planning system. *Transactions of the Institute of British Geographers*, 19 (4): 425-438.
- Hibbard, M., Freestone, R. and Sager, T. 2013. *Dialogues in urban and regional planning*. 1st ed. Milton Park, Abingdon, Oxon;New York;: Routledge.
- Howard, E. 1902. *Garden Cities of Tomorrow*. Swan Sonnenschein & Company, Limited.
- Huxley, M. and Yiftachel, O. 2000. New paradigm or old Myopia? unsettling the communicative turning Planning theory. In: Madanipour, A. ed. *Planning Theory*. New York: Routledge, 56-71.
- Jabareen, Y. 2004. A knowledge map for describing variegated and conflict domains of sustainable development. *Journal of environmental planning and management*, 47 (4): 623-642.
- Jabareen, Y. 2006. A New Conceptual Framework for Sustainable Development. *Environment, Development and Sustainability*, 10 (2): 179-192.
- Jabareen, Y. 2008. A new conceptual framework for Sustainable Development.
- Jive'n, G. and Larkham, P. J. 2003. Sense of Place, Authenticity and Character: A Commentary. *Journal of Urban Design*, 8 (1): 67-81.
- Kahn, M. E. 2006. *Green Cities: Urban Growth and the environment*. Washington: Brookings Institution press.
- Kaplan, A. 1996. *The development practitioner's handbook*. London: Pluto.
- Kearns, G. 1991. Special Comment: This Common Inheritance: Green Idealism Versus Tory Pragmatism. *Journal of Biogeography*, 18 (4): 363-370.
- Korthals Altes, W. K. 2016. Planning reform beyond planning: the debate on an integrated Environment and Planning Act in the Netherlands. *Planning Practice & Research*, 31 (4): 420-434.

Kunstler, J. H. 1996. *Home from nowhere. (zoning laws' affects on quality of life)*. New York: Simon and Schuster.

Levett, R. 1998. Sustainability Indicators--Integrating Quality of Life and Environmental Protection. *Journal of the Royal Statistical Society. Series A (Statistics in Society)*, 161 (3): 291-302.

Levy, J. M. 2009. *Contemporary urban planning*. 8th, Pearson International ed. Upper Saddle River, N.J: Pearson Education International.

Loseke, D. R. 2017. *Methodological thinking: basic principles of social research design*. Second ed. Los Angeles: SAGE.

Maylam, P. 1995. Explaining the apartheid city: 20 years of South African urban historiography. *JOURNAL OF SOUTH AFRICAN STUDIES*, 21 (1): 19-38.

Mazza, L. 2013. If Strategic "Planning is Everything, Maybe it is Nothing" Comments on Albrechts and Balducci's article "Practicing Strategic Planning". In: Madanipour, A. ed. *Planning Theory*. London and New York: Routledge, 474-477.

Mega, V. 1996. Our city, our future: towards sustainable development in European cities. *Environment and Urbanization*, 8 (1): 133-154.

Meyfroidt, P., Roy Chowdhury, R., de Bremond, A., Ellis, E. C., Erb, K. H., Filatova, T., Garrett, R. D., Grove, J. M., Heinemann, A., Kuemmerle, T., Kull, C. A., Lambin, E. F., Landon, Y., le Polain de Waroux, Y., Messerli, P., Müller, D., Nielsen, J. Ø., Peterson, G. D., Rodriguez García, V., Schlüter, M., Turner, B. L., Verburg, P. H., Stockholms, u., Naturvetenskapliga, f. and Stockholm Resilience, C. 2018. Middle-range theories of land system change. *Global Environmental Change*, 53: 52-67.

Mile. DEVELOPMENT PLANNING, E. A. M. U. 2012. *SHARING SPATIAL PLANNING AND LAND USES MANAGEMENT: LESSONS LEARNT IN ETHEKWINI MUNICIPALITY*. DURBAN: MILE.

MILE. 2018. An Introduction to Outcome Based Thinking. Municipal Institute of Learning. Durban.

Miles, M. B., Huberman, A. M. and Saldaña, J. 2014. *Qualitative data analysis: a methods sourcebook*. Third ed. Thousand Oaks, California: SAGE Publications, Inc.

Miller, C. L. 2011. *Implementing Sustainability: The New Zealand Experience*. Florence: Routledge Ltd.

Miller, D. and Roo, G. d. 2004. *Integrating city planning and environmental improvement: practicable strategies for sustainable urban development*. 2nd ed. Aldershot, Hants: Ashgate.

Munslow, B., Fitzgerald, P. and Mc Lennan, A. 1997. *Managing sustainable development in South Africa*. 2nd ed. Cape Town: Oxford University Press.

Nazeer, M., Tabassum, U. and Alam, S. 2016. *Environmental Pollution and Sustainable Development in Developing Countries*.

Ndabeni, L. L. 2013. *An analysis of rural-urban linkages and their implications for policies that sustain development in a space continuum*. s.l.: s.n:

Njoh, A. J. 2006. *Tradition, culture and development in Africa: historical lessons for modern development planning*. Aldershot, England: Ashgate.

Oldham, C. 1985. Environmental planning and decision making *The Engineering Economist*, 31 (1): 53-53.

Parker, G. and Doak, J. 2012. *Key Concepts in Planning*. London: SAGE.

Patel, Z. 2004. Environmental values and the building of sustainable communities. In: (eds), P. E. a. M. F. ed. *Voices of the transition: perspectives on the politics, poetics and practices of development* South Africa: Heinemann Publishers Johannesburg 282-292, 286. .

Paul, D. Leedy and Omrod, J. E. 2010. *Practical Research: Planning and Design*. 9th ed. New Jersey: Merrill.

Petack, J. William. 1980. Environmental planning and management: The need for an integrative perspective. *Environmental Management*, 4 (4): 287.

Priemer, H., Button, K. and Nijkamp, P. 2007. *Classics in Planning: Land Use Planning* Bodmin, Cornwall: Edward Elgar Publishing. Inc.

RARO. Environment, A. C. f. S. P. a. t. 1996. *Sustainable and Livable; about mutual attuning of spatial policy and environmental policy*. Netherlands: RMB.

Ratcliffe, J., Stubbs, M. and Keeping, M. 2009. *Urban planning and real estate development*. 3rd ed. London: Routledge.

Rees, W. and Wackernagel, M. 1996. Urban ecological footprints: Why cities cannot be sustainable—And why they are a key to sustainability. *Environmental Impact Assessment Review*, 16 (4): 223-248.

Robertson, M. 2012. *Sustainable Cities: Local solutions in the Global South*. UK: Practical Action.

Robinson, O. C. 2014a. Sampling in Interview-Based Qualitative Research: A Theoretical and Practical Guide. *Qualitative Research in Psychology*, 11 (1): 25-41.

Robinson, P. 2014b. *Future Change and choices*. second ed.

Sagoff, M. 2007. *The Economy of the Earth : Philosophy, Law, and the Environment*. 2 ed. Cambridge: Cambridge University Press.

Savini, F. 2013. The Governability of National Spatial Planning: Light Instruments and Logics of Governmental Action in Strategic Urban Development. *Urban Studies*, 50 (8): 1592-1607.

Schoeman, C. 2015. The alignment between Spatial Planning, Transportation Planning and Environmental Management within the new spatial systems in south Africa. *RESEARCH ARTICLES*: 42-57.

Schoeman, C. B. 2011. Transportation Planning and its interface with Spatial Planning and Environmental Management: The position within South Africa. *URBAN TRANSPORT*, 116: 155-166.

Schreuders, A. and Hoeflaak, E. 2004. The Right Place for the Environment: A Method for Area-Orientated Environmental Policy. In: Miller, D. and Roo, G. d. eds. *Integrating City Planning and Environmental Improvement*. England and USA: Ashgate, 227-241.

Smith, D. L. 1974. *Amenity and Urban Planning*. Crosby Lockwood Staples.

Staalduine, J. A. V. and Simons, M. T. T. 2005. Environment and Space: Towards More Cohesion in Environmental and Spatial Policy. In: Miller, D. and Roo, G. d. eds. *Integrating City Planning and Environmental Improvement: Practical Strategies for sustainable Urban Development*. England and USA: Ashgate, 27-40.

Stallworthy, M. 2013. *Sustainability Land Use and the Environment*. New York: Routledge-Cavendish.

Swaffield, S. R. 2012. Reinventing Spatial Planning at the Urban Rural Interface: A Christchurch, New Zealand Case Study. *Planning Practice & Research*, 27 (4): 405-422.

Teekans, J. Environment, M. O. I. a. 2016. *The Netherlands Program To Reform the Regulation of Activity Affecting the Physical Living Environment*. Netherlands: Environment and International Affairs.

Todes, A., Sim, V. and Sutherland, C. 2009. The Relationship between Planning and Environmental Management in South Africa: The Case of KwaZulu-Natal. *Planning Practice & Research*, 24 (4): 411-433.

TPI. 2015. *Motivation in Support of a Combined Application for the Proposed Amendment to Special Zone 91, Proposed Rezoning of a Portion of Special Zone 91 to Beach Zone, and Proposed Sub-Division of a Portion of this Area in terms of the Spatial Planning and Land Use Management Act, Act No. 16 of 2013 and Chapters 2 and 3 of the KwaZuluNatal Planning and Development Act, Act No. 6 of 2008 and the Durban Town Planning Scheme*. THE PLANNING INITIATIVE.

UN. 2015. TRANSFORMING OUR WORLD: THE 2030 AGENDA FOR SUSTAINABLE DEVELOPMENT. Paper presented at the UNITED NATIONS AGENDA. NEW YORK, 29.

United Nations Human Settlements, P. 2013. *State of the world's cities, 2012/2013: prosperity of cities*. New York: Routledge for and on behalf of UN-Habitat. Available: <http://dut.summon.serialssolutions.com/2.0.0/link/0/eLvHCXMwbV1LT8MwDLYmuHBjBUTHQz4V>

[EBSWNOal4MNhnZhGgp2mtglOXaTJoTg1-Ok2cZilyqtUqmyavuzY38GiPhtO\\_xjE2TcKVlpC3Mlp3NygapDwFznUkrNEjsdKHsT2TCdvPCnBix-599UXcvxlW8J6oeD7uh-NFmF9j-rKwX9rYm4rtVhXQD2OBiHwa8bLAicfpq0SEz2mmy4YSUhfXh18NrmaCJOITl3jexJRNfivCHtsffGq6lVh6D1Sf198DZzcpF8xhtZnkFRVh74ddctOs1d4qWjl77yoLXuUcEA3b6aLOTzAAILPnGukYAhWirViyXOLO3qDZlB53d0iQ7B7\\_fGD88hfdTUZYCmtSD4EexU86o8BtTslCczSTTWjChUl6wnGKfhPAQARTtQ\\_P\\_-61tD09gj9sBESYpcQq7mpSmPLMyObfC\\_AaCJo-d](https://www.researchgate.net/publication/338111111) (Accessed

Vagona, D. 2016. Environmental planning and management of cities and regions – editorial. *EUROPEAN JOURNAL OF ENVIRONMENTAL SCIENCES*, 6 (1): 5-6.

Van Jaarsveld, A. S. and Erasmus, L. 2002. *Exploring policy interventions for sustainable development in South Africa : a modelling approach : commentary*.

Watson, V. 2002. THE USEFULNESS OF NORMATIVE PLANNING THEORIES IN THE CONTEXT OF SUB-SAHARAN AFRICA. *Planning Theory*, 1 (1): 27-52.

White, R. 2016. *Rapid Urbanization and Climate Change Puts Strain on Durban's Environment*. The World Bank. Available: <https://www.worldbank.org/en/news/press-release/2016/03/01/rapid-urbanization-and-climate-change-puts-strain-on-durbans-environment> (Accessed 18 April 2020).

Whitehead, M. 2003. (Re)Analysing the Sustainable City: Nature, Urbanisation and the Regulation of Socio-environmental Relations in the UK. *Urban Studies*, 40 (7): 1183-1206.

Wilson, E. 2009. Multiple Scales for Environmental Intervention: Spatial Planning and the Environment under New Labour. *Planning Practice & Research*, 24 (1): 119-138.

Yin, R. K. 2018. *Case study research and applications: design and methods*. Sixth ed. Thousand Oaks, California: SAGE Publications, Inc.

Zakhour, S., Zakhour, S., Metzger, J., Samhällsplanering och, m., Skolan för arkitektur och, s., Kth and Urbana och regionala, s. 2018. From a "Planning-Led Regime" to a "Development-Led Regime" (and Back Again?): The Role of Municipal Planning in the Urban Governance of Stockholm. *disP - The Planning Review*, 54 (4): 46-58.



6. In your opinion can municipal procedures be integrated when handling development applications to make them more efficient?

7. How can the development application process be made more efficient?

8. What are some of the completed development projects that you have been involved in, where there has been a conflict between planning and environmental goals that have resulted in delays in the project?

9. What are some of the repercussions that have occurred from delays in the development project approvals?

**10. Satisfaction survey on the development application process**

Less than expected       As expected       More than expected       Consistently more

1a. Were key project deadlines met?

Less than expected       As expected       More than expected       Consistently more

1b. Where the planning requirement understood and met?

Less than expected       As expected       More than expected       Consistently more

1c. Where the environmental department requirements understood and met"?

Less than expected       As expected       More than expected       Consistently more

**2. The municipal planning approval process was...**

Less than desirable       As expected       Better than expected       Consistently better

2a. Was there open and timely communication?

Less than expected       As expected       More than expected       Consistently more



2b. Were the municipal staff knowledgeable on the legislation requirements?

- Less than expected       As expected       More than expected       Consistently more

2c. Where the municipal staff committed to meeting the project goals and timeframes?

- Less than expected       As expected       More than expected       Consistently more

2d. Did the staff execute solutions to overcome challenges?

- Less than expected       As expected       More than expected       Consistently more

**3. What recommendations do you have in making the development application approval process more efficient?**

**4. Comments / Testimonial:**

[Add your comments here.]

Thank you very much for taking the time to complete this survey. Your feedback is valued and very much appreciated!



## Interview Schedule (TEMPLATE)

### INTERVIEW DETAILS

Company Name: \_\_\_\_\_

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Participant \_\_\_\_\_

Name: \_\_\_\_\_

Participant title: \_\_\_\_\_

Phone number:(    ) \_\_\_\_\_

Project name: \_\_\_\_\_

Skills: \_\_\_\_\_  
\_\_\_\_\_

### QUESTIONS

Question: Briefly explain the nature of the project

\_\_\_\_\_

Notes: \_\_\_\_\_  
\_\_\_\_\_

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Question: What were the planning concerns and what were the environmental concerns

\_\_\_\_\_

Notes: \_\_\_\_\_  
\_\_\_\_\_

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Question: What were the main reasons for the delays in the application and how were they eventually overcome?

Notes:

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Question: What would you have done differently in the project to ensure efficiency?

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Notes:

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**ADDITIONAL NOTES**