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## UMHLABUYALINGANA LOCAL MUNICIPALITY: MUNICIPAL PROFILING: PLANNING, DEVELOPMENT AND ENVIRONMENTAL PLANNING PERSPECTIVE

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### 1. INTRODUCTION:

The local municipality of Umhlabuyalingana is geographically located in the North Eastern confine of KwaZulu-Natal and is one of the six local municipalities that constitute the District of Umkhanyakude. The Municipality spreads for approximately 3621 km<sup>2</sup> in land magnitude has a rural classification of 99%, hence the referral to rural Municipality. In terms of land tenure, estimated at 60 % of the municipal area falls under Ingonyama Trust ownership with four tribal councils who are the custodians of the land, with the remaining 40% consisting of commercial farms and conservation areas. Its population, according to published SA Stats figures is approximately 163 694 people, with an average household size of 6 people per household of which 99%+ are black Africans and the other races make up a percentage of less than 1%, [source: Stats SA, Census 2001 & 2007 Community survey].

Furthermore, the legislative landscape mandates municipalities with a obligation to champion municipal planning within their areas for cohesive service delivery (Section 152, Schedule 4 part B and Schedule 5 part B of the Constitution Act 108 of 1996) and regulate land development in their areas of jurisdiction in terms of the new KZN Planning and Development Act (Act No. 06 of 2008). Further to that, the recently adopted Provincial Growth and Development Strategy also require municipalities to achieve certain goals to contribute in the socio-economic upturn of the entire province of Kwa-Zulu Natal. As much as this is the case but Umhlabuyalingana is one of the rural municipalities wherein very little town/development planning was never duly practiced or implemented merely because various reasons.

## 2. HISTORICAL CONTEXT AND PURPOSE:

As many rural municipalities in South Africa Umhlabuyalingana was established [ito the Municipal Systems Act 32 of 200] at the time where un-planned small rural towns [organic towns] had already emerged. This report mainly focuses on the challenges that are associated with the rural nature of the municipality in terms of the land development connotations and the writing will also begin to put down some envisaged recommendations.

Moreover, this report presents the case of Umhlabuyalingana Local Municipality from the Planning, Land Development and Environmental Planning perspective. The alarming fact is that these areas organically emerged and are currently developing in a sporadic fashion and therefore pose serious planning, public health, environmental, public safety, infrastructure provision and building control challenges.

## 3. DISCUSSION:

### 3.1. Status Quo:

Land Development/Planning and Environment Planning are interrelated to each other. Improper or uncontrolled development is likely to cause adverse impacts on the environment, and environmental pollution or degradation may become a major obstacle for social and economic development. As such Land Development and Planning issues identified in this report would be re-visited and thoroughly exhausted when discussing *Environmental Planning* issues pertinent to Umhlabuyalingana Municipality.

Crafting further, the current situation will be discussed under the two broad subsequent headings:

- Planning and Land Development; and
- Environmental Planning

**3.1.1. Planning and Land Development:** The municipal area of jurisdiction has to a detriment state suffered numerous unauthorized and un-regulated land developments for a number of years. This has driven this municipality to a situation wherein, its natural environment and potential land is being grossly degraded to a certain extent. This has not only degraded the natural environment but has also made it extremely costly and challenging for government to render basic services to the people. For the purposes of this report the unauthorised developments will be differentiated in categories as different areas within the municipality are experiencing different development levels (see table 1 below). This will be termed as follows for the purpose of this writing and additional may have to be added on the list with time.

Table 1

No.	Category	Characteristics	Problem Statement
1	“Unauthorised High Market Developments”	Tourist resorts, family holiday units, cottages and tourist facilities and demonstrate to have been costly to erect and prevalent along the coast (Sodwana Bay-to-Kosi Bay)	As is, it is not clear if due processes of acquiring land tenure rights are followed at all and land development necessary procedures are often deliberately streamlined.
2	“Low Market Development”	Lodges and B&Bs in the residential areas and on the outer skirts of the emerging towns.	As is, it is not clear if due processes of acquiring land tenure rights are followed at all and land development necessary procedures are often streamlined ( <b>deliberately/sometimes not</b> ).
3	“Informal but formal commercial”	These have graduated from the “trading for survival purposes” category but still associate themselves with the entry level informal trading category.	This tends to suffocate the “informal economy” and put it under unnecessary competition.
4	“Informal economy”	The traditional meaning of the term applies (Street/Informal Trading) and in the case of Umhlabuyalingana it is recognised as one of the important economy sectors.	There is currently no control and regulation(s) of this sector and is practised under hazardous conditions but for survival purposes.
5	“Mixed Residential Dwelling”	Residential dwellings and blocks of rental housing	Scattered rural dwellings with a growing number of
6	“Commercial agricultural Developments”	The classical example is the plantation of gum trees which is common across the municipal area	Agricultural projects on environmental sensitive areas and limited proper preparation of the land.

Regarding “high-market developments”; issue of illegal/unauthorised development has become a domino effect, whereby one unauthorised development left unchecked would lead to more unregulated and unplanned development; which would require more clearing of pristine coastal forest could lead to irreparable damage. As such these unauthorized developments in any part of the park

threatens legitimate tourism development, meaningful and sustainable community empowerment, and protection of the environment and the unique ecological processes which led to World Heritage Site listing in 1999.

The same is true of other forms of uncontrolled developments, such as informal businesses within the towns such as Mbazwana, Manguzi and Skhemelele. These towns are characterized by “anti-development” activities being undertaken by some people like unauthorized, poorly-planned construction of buildings (unapproved) on unstable/unsuitable land. Some people go as far as constructing properties in the road reserves; under electricity lines; and over water and sewerage pipelines. These sorts of developments have a lot of nuisance value for others and are in danger of collapsing due to their instability, faulty design or use of substandard construction material.

High potential for business opportunities around towns such as Mbazwana, Skhemelele and Manguzi renders these areas vulnerable to unscrupulous business owners. These towns are characterized by “anti-development” activities being undertaken by some people like unauthorized, poorly-planned construction of buildings (unapproved) on unstable/unsuitable land. Some people go as far as constructing properties in the road reserves; under electricity lines; and over water and sewerage pipelines. These sorts of developments have a lot of nuisance value for others and are in danger of collapsing due to unstable site, faulty design or use of substandard construction material

Such development put pressure on the available infrastructure, be it road infrastructure, electricity, water and sanitation, since these business would resort to illegal connections/usage to infrastructure.



Building rubble being placed on a R22 storm water drain to make unauthorised access.



Stopped unauthorised building being erected on top of a sewer pipe from Manguzi Hospital

Further to this, these developments but not limited to, they bring with them challenges such as:

- Some fixed structures are erected on the road reserves and therefore illegal occupants.
- Some structures are less than 1 metre from the road hence inviting disaster to commuters.
- No more space to widen the road to make double two-way lanes to address the traffic volumes we all experience especially during the peak seasons.
- Unnecessary stalling traffic caused by the motorists that park on the road to access some of these buildings.
- Some of them are erected on top of underground infrastructure pipes.
- These structures are weak in nature and may collapse at any time and harm area commuters.
- No building plans get submitted and approved by the municipality.
- Parking requirements are not met and therefore creation of unnecessary traffic.

This can be best articulated by the subsequent pictures.



Pedestrian walkway has been occupied by street traders.



An accident on the R22 which nearly hit a school child buying veggies from a street seller.



A delivery truck reversing into the R22 after delivery causing traffic jam.



A delivery truck parked and off-loading on the R22.

### 3.1.2. Environmental Planning

Environmental degradation is often mentioned as the consequence of human negligence on the one hand, but on the other hand it is more often than not the intentional individual or collective actions that have put economic gains as of utmost importance. The illegal commercial developments prevalent in Sodwana Bay are a perfect illustration. As such, in the process of economic and infra-structural development, environment has not been given its due respect and has often been sidelined which leads to further degradation of the environment.

#### Clearing of pristine land for “commercial agricultural” purposes

Unfortunately communities around Umhlabuyalingana Municipality have also fallen prey to some pretty enterprising conmen. These conmen are flogging trees to unsuspecting communities for a price (between R50 and R500) and promising to come back in a year to buy the seeds, flowers, bark and leaves to make bio-oil. While the KZN Provincial government came out strongly and warned people

against buying “alien plants” from people they would buy back the vegetation’s by-products to be used as fuel; large tracts of lands have been cleared and converted into plantations for “bio-oil producing trees. This is pursuit for high income within a space of a year.



Classic example in Phomobala area along the R22/Lebombo SDI route some 20KMs from the town of Maguzi.

The clearing of any vegetation encourages the invasion by alien plants unless of course the cleared vegetation is alien plants. Often illegal connections are the only means of access, which are unreliable and inefficient. The illegal tapping lowers the efficiency of services render by both the municipality and utility companies, e.g. Eskom and exposes regular users to power outages drainage blockages and water cut-offs.

In summary illegal and uncontrolled development contributes to environmental degradation at many levels, inter alia:

- Erosion occurs from unpaved and un-drained roadways connecting these illegally constructed structures along the long main road, as it is the case with the National Road that traverses Manguzi;
- Residents without sewer systems increase pollution through prohibited discharge; and (c) garbage is dumped in piles along roads or in streams.



### 3.1.3. Challenges

**Table 2**

No.	Identified Challenges
1	Most people that erect buildings do not comply with the provisions of the National Building Regulations and Building Standards Act 103 of 1977 (NBR)
2	Municipal currently has very limited capacity to implement the NBR.
3	Core land use management tools still outstanding.
4	The current practiced land allocation system has loopholes.
5	Illegal buildings are being erected on a continuous basis.
6	Some people do not co-operate and do not want to adhere to the law.
7	Wrong approval of building plans in the past.
8	Uncontrolled development leads to uncontrolled discharge of waste and leads to environmental degradation of the biophysical environment.
9	Infrastructure is not well looked after by the developers and communities.
10	Other government departments implement projects without prior municipal approvals.
11	Further land tenure rights being allocated in the road reserve(s)

### 4. MUNICIPAL INTERVENTIONS THUS FAR

Whilst on this vein, it is imperative to firstly acknowledge that it is a legislated obligation of the municipality to have and enforce land use management mechanisms within its area of jurisdiction deriving especially from the Constitution of the Republic (Chapter 7 Section 152 and Schedule 4 part B and Schedule 5 part B), the Municipal Systems Act (Chapter 5 section 26(e)) and the KZN Planning and Development Act (Chapter 2 section 4). It was realised that in order to achieve the legislative requisites it was important to recognise the

role of the tribal councils which becomes centrally in this regard as the powers of allocating land vests with them as the custodians of the land under the ownership of Ingonyama Trust.

With the foregoing, TCs can play a very imperative leadership role by putting strong emphasis and encourage people to consult the municipality before they commence with any building works in their respective areas.

The municipality is currently crafting:

- A wall-to-wall Spatial Development Framework (SDF) and scheme(s) for Manguzi and Mbazwana towns respectively.

In that perspective, the municipality deliberated that since this exercise will require a high level buy-in from the Traditional Councils for its success and implementation, the municipality had to undertake a very strategic project introductory session with all our four Traditional Councils just to exhaust and substantiate the need of such soft forward planning tools and such envisaged session materialised on 21 November 2011 in Mbazwana.

- Parallel to this, an Environmental Management Framework is being currently crafted at a District level.

Subsequent to that, the meeting recommended that there should be a swift follow up meeting to sufficiently exhaust issues around land allocation, planning land development and all the necessary due processes involved in developing land. Such meeting also took place on the 05<sup>th</sup> of December 2011 in Manguzi Municipal Offices. At this very meeting the tribal councils further requested that the municipality should request a slot in the Traditional Council meetings to present such valuable information where even *Izindunas* whom are in the forefront of allocating land will be present.

An official letter dated 07/12/11 was forwarded to all the traditional councils and the Tembe TC was the first to respond and afforded this opportunity and a mass meeting was held on the 02<sup>nd</sup> of February 2012 wherein, Ingonyama Trust, SANRAL was also present to discuss land development matters. This holistic approach led to recommendations such as (please also see Annexure A: Meeting Records):

- Structures/Buildings in the R22/LSDI SANRAL Road will be demolished and people should commence looking for alternative areas to work from (some will be accommodated in the currently ongoing market project). Connoted to this was the fact that some informal/street traders will be given gazebos to temporarily utilise them whilst an alternative land is sourced.

- Dilapidating, hazardous and abandoned structures will be identified and demolished first in order to commence beautifying Manguzi.
- Some structures will be asked to move back/outside to be outside the Road Reserve.
- Emphasis is placed and awareness is advocated that people must follow correct and prescribed processes to acquire land tenure rights and submit building plans to the municipality for prior approval before any earthworks.
- Where possible and reachable the municipality has stopped or tried to stop some of the unauthorised developments by means of issuing contravention notices/letters.
- Have tried to establish and functionalise the building control unit/inspectorate (this function still needs to be enhanced).



Some of the structures that were demolished after the engagements on the subject matter.



Informal traders whom were given gazebos to temporarily carry on trading along the R22 but with the idea to relocate.

At this stage it is probably imperative to make mention of the fact that the municipality wishes to take a drive towards implementing development and economy controls that will be beneficiary to the locals and our area commuters. It must be perceived that this is a start towards achieving this goal and other necessary interventions will still be employed moving forward.

## 5. AREAS OF POSSIBLE SUPPORT

- Building Control Inspectorate.
- Land Legal related matters.
- Law enforcement (Legal Aspect).
- Undertaking of awareness campaigns to educate people on such issues.
- Responsive Project(s) [formulation, planning and management].

## **6. INSTITUTIONAL ARRANGEMENTS:**

In order for the municipality to comply with the legislative provisions, achieve effective service delivery and create an economic growth stimulus municipal environment, it remains imperative that it is also institutionally jacked up to implement the relevant programmes and policies. As such this area needs to be closely looked at as well.

## **7. RECOMMENDATIONS:**

It is recommended that a programme of action be devised in a form of a policy (e.g. Umhlabuyalingana/Manguzi Area Renewal Strategy) to mainly deal with but not limited to the subsequent:

- Awareness campaigns (building control, land development, environmental education, infrastructure maintenance etc).
- Identification of key role players and formulation Strategic partnerships (e.g. in a form of MOAs).
- Programme timeframes and smart measurable outputs.
- Programme monitoring and evaluation system.
- Funding requirements and model.
- Institutional arrangements to implement the provisions of the policy.

## **8. CONCLUSION:**

Earlier in this discussion a bold statement was made indicating that *“the municipal area of jurisdiction has to a detriment state suffered numerous unauthorized and un-regulated land developments for a number of years”*. This was merely to begin indicating that the issues and challenges we are facing today have been practiced for a long time and as such have somehow become part of many people’s lives.

For forward planning purposes, it will be imperative to employ a strategic and holistic approach when dealing and having to address the diverse audiences that are affected or interested in this matter under discussion. As motivation, it must be mentioned and acknowledged that to a large extent the environment in which such has to be implemented is currently an environment which is not previously well prepared/ not in a position to technically perceive and accommodate soft planning projects/policies. To this effect, there must be a strategic approach as to how best does the parties involved come to an even understanding on such issues. This view can also be cascaded from the level of the Municipal Turn Around Strategy, where it looks at restoring municipal integrity within communities in a

sense that if communities are made aware via apt programmes, they themselves will be on the same understanding on issues pertinent to land development and nature conservation.

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ANNEXURE A: 02<sup>ND</sup> OF FEBRUARY 2012 MEETING RECORDS