

**AN EXPLORATION OF CHALLENGES FACING THE PLANNING PRACTICE  
IN THE CITY OF TSHWANE: USING GATED COMMUNITIES AS A LENS TO  
UNDERSTAND THE TENSIONS AND DILLEMA OF PLANNING**

By

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## SUMMARY

For the purpose of this dissertation, a Gated Community is a form of a residential community or an estate of housing that is firmly controlled through gates or booms. Apart from residential areas, Gated Communities may also include office parks, commercial areas, etc. In South Africa, Gated Communities are usually classified into two different categories, namely enclosed neighbourhoods and security villages. For the purpose of this study, more focus will be given to enclosed neighbourhoods than security villages because there is more tension that surrounds the establishment of enclosed neighbourhoods which require further exploration.

There are tensions about the negative spatial impacts that Gated Communities have in the city such as spatial fragmentation, social exclusion and hindered long-term sustainability of the city, these tensions are experienced nationally and internationally. The tensions affect municipalities, communities, governments, planners, researchers, etc. As a result of these tensions and reactions from different stakeholders, planners are often in the centre of these tensions as it is expected of them to have the answers to urban problems. However, not much attention has been given towards understanding the pressures faced by planners who are responsible for Gated Community developments in municipalities.

This study was conducted in the City of Tshwane Metropolitan municipality to understand why planners make “controversial” decisions in relation to Gated Communities; how they arrive at such decisions and the challenges they face in doing so. The study explores the amount of attention given to these developments and the extent to which Gated Communities have been incorporated and addressed within the municipal plans and policies. This research shows that a number of municipal plans, strategies and policies do not address Gated Communities. Planners are aware of the tensions around gated communities but ways of addressing the tensions are limited, which creates a challenging situation for planners as there isn't a firm legislative basis regulating and assessing Gated Communities.

It was also revealed through the study that planning is highly politicised and messy; some of the decisions made by planners are reversed by politicians if they don't agree with them. Planners also deal with emotions and “stunts” from some members of the community as they use such tactics to receive support and approval for their development applications. The study was also able to show the relationship that exists between the level of income and the desire to live in Gated Communities, this is creating an undesirable spatial pattern which planners will be

expected to correct in the near future. Enclosed neighbourhoods threaten the principles of town planning such as, inclusive and integrated neighbourhoods, promotion of pedestrian access, accessible open spaces, mixed-income developments etc. Some Gated Communities exists without the knowledge of the town planners and the municipalities, resulting in more urban problems and more challenges for planners in municipalities. The complex political history of South Africa as well as the socio-economic challenges such as crime and poverty also has a direct impact on the decision-making process of Gated Communities.

Keywords: Enclosed Neighbourhood, Gated Community, Urban Planning

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## LIST OF ABBREVIATIONS

DFA	Development Facilitation Act 67 of 1995
DFA	Development Facilitation Act
GCR	Global City Region
IDP	Integrated Development Plan
MSDF	Municipal Spatial Development Framework
NDP	National Development Planning
SA	South Africa
SDF	Spatial Development Framework
SPLUMA	Spatial Planning and Land Use Management Act No.16 of 2013
SAPS	South African Police Service



# CHAPTER 1

# 1 INTRODUCTION

Despite the apparent conflict caused by Gated Communities, planners in municipalities ultimately responsible for the approval/assessment of these developments appear to be somehow powerless to resist their growth. There is tension in South Africa and around the world on what planners should do with regards to these developments and how they should do it and why they are not doing it. All these “expectations” bring challenges for planners.

The massive growth of Gated Communities has resulted to a number of problems for planners around the world. Gated communities are seen in many cities around the world, and they have drawn attention of people from different disciplines. Gated communities have been observed in both developing and developed countries. Planners have received criticism from different disciplines, communities and the general public for not being as responsive as they are expected to be towards the impacts of Gated Communities. The main reason behind such criticism is because Gated Communities can have a negative impact on people, the spatial form, local government etc. and planners are the main people responsible for the implementation of these developments, making them the relevant people to direct criticisms to.

In South Africa, planners are expected to ensure integrated neighbourhoods without compromising the safety of the residents. This raises questions for planners in South Africa on how they respond when faced with similar complex issues. In order to explore the complexity of this situation, this study uses enclosed neighbourhood developments as a lens towards understanding the issues planners face during the process of decision making in relation to the assessment of the applications.

This dissertation explores the challenges that planners face in relation to Gated Communities and their responses and perceptions towards the issue of Gated Communities, in order to assist towards understanding why planners deal with Gated Community issues the way they do. This section discusses some of the main arguments in relation to Gated Communities in order to show the complexity of the issue.

## 1.1 BACKGROUND AND RATIONALE

Why Gated Communities? A study done by Atkinson and Flint (2005) which discovered around one thousand Gated Communities in England suggests a growing popularity. It has been indicated that the United States of America is also experiencing major growth of Gated Communities (Blakely and Snyder 1997; Low 2003). A large number of these developments show that Gated Communities have moved beyond just being another temporary trend (Atkinson et al., 2005:408). Gated Communities are becoming the most favoured form of residential development in certain parts of the world (Kenna, 2006:312). Gated Communities are seen as a response to the fear of crime, but while Gated Communities are said to be able to address the problem of crime, studies show that they often cause the attempts to integrate areas ineffective and they also hinder spatial cohesion. Gated Communities are said to be linked to a number of socio-political processes with endless debates. Some authors argue that Gated Communities may be a solution to the South African high crime rates whereas others argue that these developments promote fragmentation, exclusion and segregation in the society (Landman, 2012a). As a response to the fear of crime, some people choose to live in Gated Communities. Crime is the main contributing factor to the growing levels of insecurity, in South Africa and internationally (Landman, 2004; Mistry 2004). Globalisation has caused economic transformation, deregulation, weakened urban planning and it has also led to the rise of crime. This also leads to an increased perception of vulnerability by communities, and these perceptions are powerful drivers for Gated Communities. Privatisation, fencing and gating is no longer an upper class attitude, it is also apparent in different sectors of the spatial economy and all social classes. However, the forms of privatisation may vary in each country but the motive is usually the same. Closed streets and walled-in cities are the most prevalent structures in Latin America; followed by malls and shopping centres. This trend is not only visible in the residential and business areas; but also in education, recreation, churches and all fundamental human activities. It is said that if a measure of modernism is based on community life and social interaction then Latin American city has lost these urban qualities (Borsdorf, 2007:377).

Despite the growing number of Gated Communities worldwide there is however a lack of agreement regarding their relevance. There are two sides to the issue of Gated Communities; one group advocates for Gated Communities whereas the other is in opposition. Some of the valid reasons why authors hold opposing opinions are discussed in the following paragraphs.

Authors in favour of Gated Communities argue that Gated Communities offer safety from crime from outsiders and economic uncertainty (Blakely, 2006:5). Residents also enjoy the shield from the dangerous activities that occur outside the walls. Gated Communities are said to have the ability to allow a deep interaction among those who are alike. One author argues that “the future is about these types of developments, where one can control what happens in a neighbourhood,” (Rowlands and Card, 2007:56). Goix, Renauld, and Webster (2006:2-8) argue that territorial enclosure is able to yield more sustainable benefits to the municipality. It is said that Gated Communities lead to collective decision making which automatically leads more understanding in the respective community in terms of their desires and hopes. Foldvary also argues that given the assumption that the government provision is often insufficient, the market manages to bridge the gap of supplying public goods. Local governments are also able to benefit from Gated Communities by receiving revenues without supplying all the public goods to the gated neighbourhoods; this is an economic benefit to the local government. According to Foldvary (1994), by clustering and stacking gated units in a neighbourhood, developers are able to reduce the costs of construction per units which results in efficient use of land. Gated Communities are an efficient way of ensuring that collectively consumed goods are delivered efficiently by the market, considering that scarce neighbourhood goods are easily burdened for numerous reasons.

Some authors argue that Gated Communities are not always safe heavens and they can paradoxically compromise the safety of the residents rather than increase it since they cut residents off from the larger community (Blakely 2006; Barnes 2008). It is argued that Gated Communities offer an unrealistic sense of security. Some studies show that Gated Communities can be more of an illusion than a reality, displaying that some of the Gated Communities in some cities have no less crime than similar non-Gated Communities. The ideology of Gated Communities is said to not only be misleading but also deceptive. It is said to also create a landscape of exclusion, network disruptions and loss of collective economic benefits. (Webster 2006:21). It is also argued that Gated Communities cater for the rich and exclude the poor but research shows that we cannot make such a generalisation since there are different kinds of Gated Communities which accommodate all parts of the economic and social spectrum. Some are said to be racially mixed whereas some are not. Some are said to be very affordable while some are not (Foster, 1991:55). Although it is said that Gated Developments have the ability to address anxieties and fears of many, it is unacceptable to rely on these types of communities as a means of addressing insecurities in the long run (Quintal,

2006:89). Gated Developments are said to be an inadequate solution to what in reality is a complex set of issues that rise from continued existence of everyday economic and social problems (Low, 2003: 234). There have been a number of studies done on the controversial issue of Gated Communities, nationally and internationally.

It is important therefore to acknowledge that there are two sides of the story concerning the issue of Gated Communities. Both sides of the story are very relevant and, therefore should be addressed attentively. There are serious arguments about segregation as a consequence of Gated Communities especially in South Africa as it has a history of economic and social segregation; this country is known for apartheid planning where certain neighbourhoods were only designed to accommodate specific groups of people, separated by race.

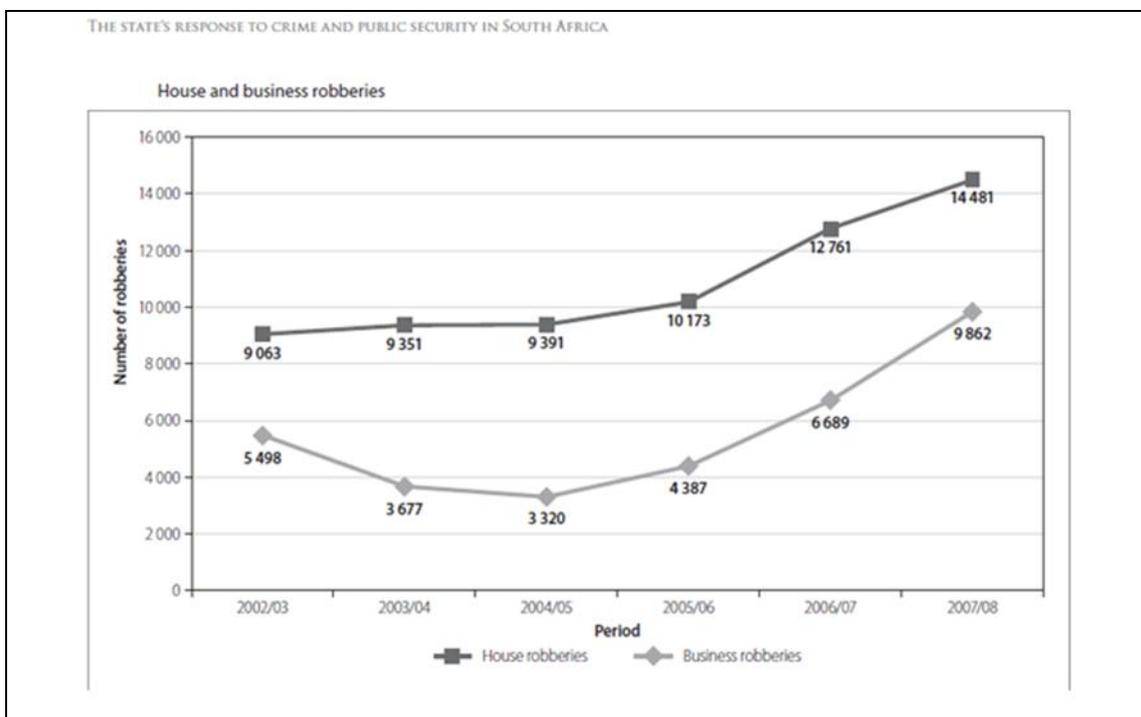
The study conducted in New York shows that Gated Communities can contribute to racial and economic residential segregation. The study shows that 95 percent of the people that reside at phoenix private estate are white and their income levels are much higher than average (Vesselinov, 2009:10). In another study conducted in South California research indicated that gates acts as borders between public and private systems and this encourages fragmentation in the city. Gates deny public access to public infrastructure while encouraging social exclusion and segregation (Le Goix, 2006: 24). Garba argues that there are a number of issues and tensions that are manifested in the social pattern of our public spaces, issues include, access and social exclusion. Such tensions are visibly evident in different cities including Zaria City, Nigeria (Garba, 2010:34). By comparing the studies from three different countries with South Africa, it shows that South Africa is not the only country experiencing these kinds of tensions and therefore it means it is also not the only country that is in short of solutions to such problems. To support the above cases, Marcuse (1997: 313) also argues that if there is an interrelationship between income and race, then income segregation will also be racial segregation. He continues to explain that the government is the only party that can create and actively put freedom into place. Absence of stringent measures leads markets into worsening degrees of inequality through housing developments, whereas planning, interventions and legislations have the power to actively play a major role in democratising housing developments but fail to do so (Marcuse, 1999:11).

Blakely (1994:46) explains that economic segregation is not a new concept and it has always existed in different forms. Blakely further argues that that the objective of zoning and town planning initially was in fact to preserve the position of the privileged. Residents of Gated

Communities enter into a legal agreement which obliges them to contribute money in order to pay for common services, for example, rubbish collection, cleaning services and security. They also contribute money for the maintenance of common-buildings. Atkinson and Blandy (2005) argue that Gated Communities can be seen as an example of an attempt to exclude the unwanted. Questions and issues that are in relation to Gated Communities are by no means straightforward to address, either for local government officials, policy makers or academics. On the other hand, crime is a conspicuous concern in South Africa. South Africa experiences high rates of assaults, rape, killings and other types of crime as compared to other countries. Most of the people who have left the country declare that crime was an influence to their decision to leave. What happens to the people who are also vulnerable to crime but cannot move because South Africa is the only place they have ever known? What happens to those who simply cannot move because they love South Africa despite the high crime rates? They look for desperate measures to protect themselves; those measures include but not limited to Gated Developments (Mistry, 2004:5). According to Marchetti-Mercer (2012), although there are various socio-economic reasons that are usually given in response to people emigrating from South Africa, the fear of crime is frequently cited as the main reason. South Africans respond to crime in different ways, some choose to emigrate whereas others choose to move supposedly “safer” areas, and others move to security estates/complexes. The question, “should I stay or should I go?” is said to be the defining question in the minds of South African people today (Marchetti-Mercer, 2012:1-2). According to the Synovate survey (2008), around 20% of the South Africans were considering to leave the country. Crawford also argues that the spiralling crime rate in the country is one of the key motivators for leaving South Africa. Crime is depicted as a push factor that is driving South Africans from their country (Crawford, 2009:5).

Crime statistics overview RSA 2012/13 shows that residential burglary in South Africa has increased by 3.3% during the 2012/13 period whereas Robbery at residential premises also increased by 3.6% during the 2012/13 period. Residential burglary and Residential robbery are categorised separately by the SAPS. Although the crime rate in other categories of robbery such as common robbery, common theft, shoplifting, robbery at non-residential premises and bank robbery have reduced over the years, residential burglary and robbery have been increasing. Most residential robbery crimes are recorded in Gauteng, followed by KwaZulu-Natal. Residential housebreaking and residential robbery fall within the seventeen (17) community-reported serious which comprise about 86.2% of the crime reported in 2012/13.

Residential or house robberies increased from 12761 to 14 481 incidents which constitutes an increase of 13.5 %. The incidents have been increasing yearly since 2002/03. The government is aware that this type of crime negatively impacts the feelings and perceptions of people towards the issue of safety. According to the Institute for Security Studies (2008) while people would like to think that their homes are safety harbours where their families are safe, the crime figures that are released annually show that the risk of having their homes invaded increases every day. When robbers invade houses, the robbery is often accompanied by torture, rape and murder. Fear has dominated the minds and perceptions of many South Africa towards the issue of crime. Not only are people facing a threat of being hijacked on the roads constantly, but they live with the fear of being invaded in their own houses (Burger and Boshoff, 2008:5).



**Figure 1 - Number of House and Business robberies in South Africa from 2002 to 2008**  
**Source: Institute for Security Studies, 2008**

Figure 1 shows the increasing number of robberies in houses and businesses. The increased rates of robbery threaten the personal security of most South Africans. Residential robbery is a crime category which was included as a separate category in the crime statistics only in 2002, this category used to be a sub-category of aggravated robbery until this type of crime started to increase and attracted the attention of the South African Police Service (SAPS) and it was then realised there was a supreme need to record it as a separate type of crime (RRT Research Response, 2008:5).

Although the crime rates in South Africa are continually increasing, it is still difficult if not impossible to determine how much the SAPS and the government are planning to do in order to ensure safety to all citizens of South Africa. It is argued that the South African government has failed to fulfil its constitutional obligations of ensuring safety and security for its citizens (Burger and Boshoff, 2008:38).

According to the Victims of crime survey that was conducted by statistics South Africa in 2012, the perceptions of safety and crime differ depending on a number of factors, such as, population group, location and employment status. The survey showed that around 35% of the population in South Africa believe that crime has increased over the years whereas 37% believes that it has decreased in their neighbourhood during 2009-2011. Less than 30% of the population believes there has not been a change in the crime rates. The study revealed that crime impacts people differently, and therefore people's perceptions about crime differ too. The survey also shows that more than 35% of the population would rather not go to open spaces unless they are accompanied because of the crime fear (Statistics SA, 2012).

The White paper on Local Government (1998) explains that the local government is expected to play a role in the prevention of crime through environmental design which promotes safety and security. The White Paper on Safety and Security (1998) mentions that successful crime prevention and safer communities can be achieved through urban planning, the justice system and the involvement of the local government. Section four of the White paper on safety and security outlines the responsibility of the local government towards crime prevention, but the role is not clearly formulated. It is the responsibility of the National Government to develop policies and strategies related to crime prevention but crime is experienced at local level and it is therefore important that crime should be addressed at local level.

So what happens if what some people consider their only last hope of safety is said to be causing inequality, fragmentation, segregation and social exclusion in the city? Should they continue to live in open neighbourhood with uncertainty and fear? The study will attempt to find the reasons why planners continue to approve Gated Communities in the City of Tshwane despite the negative impacts they have on communities, spatial form, etc. The study will also investigate challenges planners face when integrating Gated Communities within their municipal plans (e.g. Integrated Development Plans and Spatial Development Frameworks).

Most criticisms against Gated Communities in South Africa can be seen as a political response rather than for common interests bearing in mind the apartheid history we had in South Africa. Gated Communities are seen as reminders of segregation, inequality and exclusion. Not much has been done by the local government/planners to offer solutions to this dilemma. The failure of municipalities to articulate a policy in regard to the issues of Gated Communities makes the negative social implications of enclosed communities more evident.

The above paragraph is supported by a study done at Wits University which explained that the South African spatial history is characterised by segregation which, amongst other things, segregated neighbourhoods purposefully. The study showed that although spatial division still persists in South Africa, it is not reinforced so much according to race, but notably in terms of economic class. The Gated Developments also raise issues of ethical values. On the one hand planners are expected to promote integration and allow the poor to access urban opportunities, while on the other hand they are expected to achieve safe urban environments that do not compromise the safety of others. It is also said that there are many black people and also low income earners who aspire to live gated neighbourhood for safety reasons (Landman and Badenhorst, 2012:29).

If there are no policies that deal with Gated Communities in South Africa there could be new kinds of Gated Communities established in the future with more negative social and spatial implications. If municipalities take charge and involve themselves in the Gated Communities' development, consistency could be achieved in the city.

Gated Communities undermine the value of integrated development and social inclusion; this poses challenges such as spatial fragmentation and reduced citizenship. Planners are mostly involved in policy formulation and they are also responsible for the preparation of Spatial Development Frameworks (SDF's) and Integrated Development Plans (IDP's), therefore when planners prepare legislation and municipal plans they are expected not to only focus on ensuring spatial integration, but to also develop a framework that allows for social cohesion to take place in order to create favourable conditions for economic growth. Urban sustainability can only be effectuated if different spheres of government come together and acknowledge the impact that Gated Communities have in our cities and also address those impacts efficiently. None of that can be possible if the voices of planners go unheard and their everyday challenges and issues that affect their daily decision making are not acknowledged.

Planners are the main decision makers in relation to the implementation of Gated Communities and they therefore make difficult decisions in order to make all parties happy. Planners also make decisions that have an impact on the municipal spatial patterns; the planning practice is therefore very significant in the implementation of national plans, provincial plans and local plans. Once the urban landscape has been constructed, it is difficult to change it, these calls for intervention from the planners and the local governments to develop a strategy that will balance the needs for safety and security with the issues of equity and integration. According to Landman (2004:35), there are two major actions that are required from local government regarding Gated Communities. Firstly, there should be an evaluation that is done in order to understand the long-term implications that are brought by Gated Communities and the impact they have in our cities. Secondly, there is a need for the local government to revisit certain parts of their IDP's and SDF's in order to create a direct linkage between them and Gated Communities.

There is a growing demand among the most affluent groups for Gated Developments. The increasing demand is stimulated by the levels of crime and insecurity. The future is uncertain and therefore planners should draw up regulations that can minimise the impacts of Gated Communities while sustaining safety for all residents (Landman 2010:2). The fact that Gated Communities have a potential impact of actually hindering integrated development should not be ignored, as well as the negative impacts that they have on the functioning of the whole municipality. In the conditions of high crime levels there is a need for planning responses to both consider the demand for safety and Gated Communities on the one hand and the potential impact of Gated Communities on the other, as well as the system the municipalities use to monitor and regulate these kinds of developments. It is therefore necessary to understand what challenges planners face as they attempt to respond to issues of demand for safety and the issue of crime in South Africa.

### 1.1.1 Rationale for the study

The study aims on engaging planners in a narrative of what challenges they face in their everyday work when dealing with Gated Communities. It is important to understand what issues planners believe are relevant to their purpose, to understand what planners have done in relation to Gated Communities, what they will not do and what they plan to do. This will also assist towards understanding who is responsible for which decisions and why. This will allow understanding on how planners perceive the situation of Gated Communities and how they

begin to act on the issues they face daily. To understand how planners handle the inherent problems associated with Gated Communities. Planners are responsible for assessing applications regularly, weighing options, envisioning consequences of their decisions and justifying certain choices. It is important to understand how planners respond to the daily pressures and challenges.

The reason why the issue of Gated Communities is of great importance is because there are huge tensions in relation to Gated Communities nationally and internationally, making it a global issue, it affects local government, academics, communists, planners, policy makers, communities etc. A lot of work has been done on finding reasons why Gated Communities are desirable to residents and the potential negative impacts they have on people and the spatial form but very little has been done to understand the challenges faced by planners as they have to deal with the complexities surrounding these developments on a daily basis.

The subject of Gated Communities has often been ignored in local government. There is therefore a need to find out the reasons why it is happening this way. There has not been much information on the institutional response to the subject of Gated Communities. There are a number of negative impacts that are said to accompany Gated Community developments, yet there has not been much done by municipalities in order to regulate, control and mitigate the impacts that Gated Communities bring. Yet, the number of Gated Communities grows every day and everywhere. Is this reluctance to deal with gated communities due to the tensions and complexities related to it?

It is assumed that the task of a planner is to organise various physical elements of towns and cities, including roads, buildings, land uses etc., but at the same time, the factors such as migration, globalisation, crime and poverty should also be considered during the planning process as they have the potential to complicate the task of planning.

Planners are required to deal with the city as an integrated natural unit, but there are many factors that results in lack of an integrated control of the land uses. In instances where cities do not have coordinated plans in place to handle certain situations, developments can take place without being properly regulated leading to distortion of land uses and interference with the orderly spatial growth. Municipal regulations are an important means of regulating undesirable consequences of land uses. Unfortunately, the spatial patterns of the cities may not always comply with the contemporary needs. When the city does not satisfy the residential needs and

preferences of the present population, it creates formidable obstacles to the execution of planning processes.

Planners face a challenge of managing urban growth, bridging the gap between demand and supply on infrastructure services, responding to crime, poverty and inequality as well as creating urban spaces that are engines of growth. A continuous influx of people into the cities requires planners to build strategies to provide adequate shelter and respond to increased crime rates. In addition to these challenges, planners have to respond to institutional deficiencies and the loop holes in the planning processes. With all these issues in question, it was important to conduct a study that reveals the nature of challenges face during the decision making processes, using Gated Communities as a lens to explore the complexities.

## **1.2 RESEARCH QUESTION AND METHODS**

What challenges do planners face in relation to the development and regulation of enclosed neighbourhoods in the City of Tshwane?

In order to give answers to the research question, perspectives of the planners from the local government on the issue of Gated Communities were essential in order to understand the issues they deal with in the municipality while trying to create spatial equity and keeping the residents safe. Discussions and interviews with the local government officials assisted towards gaining understanding on what really goes on inside the municipality, how decisions are taken, the number of Gated Community applications they receive yearly and what influences decision making during the evaluation of Gated Community applications in order to understand the complexity of these developments and the challenges they bring for planners. In order to understand the magnitude of the issue, it was important to know how often planners are confronted by this challenges, how often they receive applications for Gated Communities etc. in order to understand this, the demand for gated communities will also be analysed using GIS data and municipal development application records. Policies and legislations were used to establish boundaries and establish guidelines for best practices. It was important to analyse the national, provincial and local policies to understand what acceptable guidelines and measures have been put in place in order to guide, monitor performance and minimise the negatives of Gated Communities in South Africa. The analysis of the existing legislations and policies was done through documentation review. In order to answer the research question, literature review was essential. Literature review assisted towards understanding the core issues and

controversies related to Gated Communities and also made it possible to map the position of the study and position it into context. It is also important in order to establish the relationship between the study with literature, theory and practice. Literature enabled understanding on what has been done in the subject of Gated Communities and the challenges of the planning practice.



## CHAPTER 2

## 2 LITERATURE REVIEW

The literature review chapter is divided into two sections. The first section of the chapter explores challenges faced by planners in general whilst the second section explores issues planners face in relation to Gated Communities.

The first section of literature explores challenges faced planners in their everyday work. It addresses issues that affect the work of planners and the decisions they make every day. This chapter will address the relationship between the work of a planner and the socio-economic dynamics of the area and how that affects their decisions. The planning profession is interlinked with other disciplines, making it important for planners to involve a wide range of people from different fields during decision making, these people include but not limited to politicians. The chapter identifies issues that affect a planner's decisions and challenges associated with the work of a planner.

### 2.1 CHALLENGES FACING THE PLANNING PRACTICE

Planners are faced with land use conflicts and they are expected to deal with the disputes resulting from the zoning appeal processes, special permit and subdivision applications, etc. The duties of a planner are often complex, ambiguous and contradictory. Planners are expected to serve politicians, legal mandates, local governments, and the special demands of conflicting groups of individuals in the society, all at the same time. Planners work in conflicting and uncertain situations where there are great power imbalances and ambiguous political goals. Despite all the pressures, planners are expected to make decisions that satisfy different interests and mediate practically. It is the responsibility of the planners to consider special requests of certain communities whilst also protecting the interests of the least powerful. Local land use processes present a number of challenges for local planners, they face challenges as simultaneous negotiators and mediators, they are often faced with emotional complex situations and expected to play emotionally complex roles (Forester, 1987:303). According to Forester (1989) and Hillier (2002), planning does not only involve the technical analysis but it mostly involves a clash of social identities and arguments.

One of the responsibilities of the planners is to resolve the conflicts between developers and affected residents, apart from the developer-residents conflicts, there are also conflicts amongst residents themselves. Such conflicts usually involve several issues at once; issues

include the size of the development, the location of the development, the income of the residents, new traffic impact, the character of the neighbourhood, the character of the street etc. Such conflicts mainly surround the issues of design, safety of neighbourhoods, neighbourhood character and social policy (Forester, 1987:304).

When planners work with developers and residents, numerous issues arise. Planners find it more complex to work with communities than with developers. It is said that developers usually have a common language whilst communities have different and conflicting requests. There is lack of consistency within the communities. Communities usually do not have one point of view and usually they do not understand the complexity of the planning processes. Neighbours do not usually speak with one voice but planners are still expected to interpret the concerns of the communities and also make practical judgments. Planners are often faced with different land use conflicts, they are expected to act different and conflicting roles such as being negotiators, representing concerns of opposite parties, premediators and negotiators whilst probing and advising both sides (Forester, 1987:305-306).

#### 2.1.1 Power and Politics

The planning practice is intertwined with many fields including politics, construction, and law etc. Its relationship with different fields only intensifies the challenges planners face daily. Politics is among one of the fields that has become very rooted within the planning practice. Planning has evolved from being a purely physical approach to a profession which gives equal importance on environmental, social and economic issues. Planning and decision making at local level has become complex with democratisation. Moor (2011) describes planning as a profession that wears many hats making it a very complex profession. According to Forester (1993:3) it is important for planners to always be prepared to deal with more than “the facts” at hand. It is the role of a planner to be able to address the past problems and see future opportunities at the same time, planners have to see all these issues through the lens of different role players, because unlike in many other practices, planners play many major roles at the same time (Forester, 1999:3).

Hillier argues that planners have learned over the years that planning is not only technical and methodological as they were taught, they have come to realise that planning is highly political and manipulative. The highly political nature of planning cannot be ignored, planners are usually found mediating between opposing parties, listening to conflicting stories and options.

Decision making in the planning processes is far more complex than weighing the merits of respective arguments (Hillier, 2002: 7). Politics in planning is nothing more than a convenient summary of differences that exists in the society. What also make the work of a planner to be more challenging is the discrepancies that exists between the planning practitioners and other agents of governance (Hillier, 2002; Forester 1999).

It is argued that what actually happens in city politics and planning is totally opposite to what planners would normatively like to see happen. Planning practitioners face and engage in power and power-plays. There are many power issues that affect the planning profession, this include power games between the members of the council, power struggles within the municipal authority , pressure from ratepayers, power struggles between the planning practitioners, etc. (Hillier, 2002: 4-5). Over the years local planners have been able recognise that power has the ability to consolidate driving forces that shape spaces around us (Healey, 2003:117). Planners learn in practice about the deeply political and often unpredictable world they are in (Forester, 1999:26)

According to Forester (1989) and Albrechts (2003), the ethical and political dimensions of planning are mostly neglected but they are most important, the impact of conflicts and power relations on planners' decisions is of great importance. Forester further explains that planners' biggest challenge is the domination of citizens by "concentrations of economic power" (Forester, 1989: xi). Planners may at times make certain decisions at the request or pleasure of politicians (Forester, 1999:40)

### 2.1.2 Emotions and Planning

Hillier explains that conducting research and interviewing practitioners lead her to believe that a lot done by planners in everyday practice at the local government is as yet to be written about: the power plays of the members of the municipal councils, the tactics officials use to receive votes, the "stunts" members of the communities use to receive approval for development applications and so on. It is also said that it is rare to reach consensus in the local government over the messy matters in planning where emotions and deep-rooted values are involved. Hillier further explains that the complexity of the planning profession requires planners to use their prudence when dealing with the emotional public and the whims of political will. It is said that the planning is responsible for varying complex issues but the reality of the planning profession is often disappointing. Planning in its outcomes, fails to live up to its promise (Hillier,

2002: x-xi). Planners respond to the “hopes and fears” of the residents, get involved in negotiation processes with developers and also advise politicians (Forester 1999; Forester 2009).

Local planning decisions, particularly those involving the management of public space cannot be understood in isolation from the social issues, territorial identities and values of the communities and the planners concerned. Planning alone cannot achieve the practical reality without a whole range of other participants. All the participants intertwined with the planning profession are also linked to their networks, each of them bringing into the process a number of values, identities, images and emotions. These becomes influences at work during the decision making process in planning (Hillier, 2002: 4-6). Planners describe their work as frustrating because when something goes wrong, planners are to blame whereas if something goes right, the members of the council claim the credit for it (Forester 1999; Flyvbjerg 2002).

Planners are expected to act prudently and effectively in a messy, highly politicised profession. Communities have become increasingly active in the local government decision making, challenging the activities of the institutions and organisations which are responsible for their neighbourhoods and their lives, putting the planning ideas and practices under constant local scrutiny. It is also argued that if planning is to be given much attention in the future, planners must start adjusting their mind-sets to the changing needs of the democratic society together with its challenges (Hillier, 2002:5). Forester (1999) also discusses the rationality and the emotional sensitivity planning practice. The planning practice stories from different practitioners are usually messy, particular and unique.

Bayer and Frank (2010) argue that although some planning departments refer to themselves as the “Department of Damage Control”, they often find themselves disappointed when their plans are constantly ruined by the community realities. Planners are always prepared to work from an ideal to a best scenario based on reality and achieving that requires more skill than simply dreaming up the textbook “faultless” solution. The work of a planner may take decades to be realised, nevertheless officials come and go at a faster pace, this results in shifting priorities and delay in the results of the work (Bayer and Frank, 2010:14). Forester (1999) and Hillier (2002) explain that emotions in the planning practice can teach us different lessons and also move us, by responding to planning issues with sensitivity, we are able to see the world more clearly.

The planning profession is accompanied by emotional complexities, planners are expected to be professional and objective by appearing detached from issues but such professionalism fuels anger and distrust of the same communities planners strive to serve. Planners are also expected to handle emotional members of the community during public hearings (Forester, 1987:310). Planners and their efforts are often vulnerable, planners can work on something for months or years and a community can “just undo” everything they had devoted that entire period to. Forester describes planning as a “vulnerable practice”. Planners often feel vulnerable working in highly politicized environments (Forester, 1999:24).

Communities often distrust planners and perceive them as threatening. When planners fail to respond emotionally to such perceptions, their failure to respond is not accepted as professionalism but seen as a wilful disregard for the communities’ wellbeing (Forester, 1999:40).

### 2.1.3 Socio-political and economic dynamics

Planning practice is confronted by processes and socio-economic groups that are responsible for the dynamics within the communities they serve. In South Africa, the biggest factor that has contributed to the urban morphology of South African cities is apartheid. Post-apartheid policies are a basis for the spatial form of many cities in South Africa, Tshwane included. Post-apartheid policies have shaped the social/racial and economic trends within the country. “South Africa is considered one of the most heterogeneous, complex and divided societies characterised by deep-rooted racial and cultural differences” (Bornman, 2005:5). One of the biggest problems for the South African planning practice is the apartheid remains of urban segregation and the social injustices that resulted (Parnell and Mabin, 1995). Forester (1999) also discusses ways in which racism and community division can pose a threat on the planning processes. It is said that democracy is painful, citizens bring painful histories during the planning process, it is impossible for a planning process to be free of the historical legacies of pain and suffering, citizens bring issues of racism and displacement to the planning process (Forester, 1999:201). Although Gated communities have evolved in different cities usually with similar built form, they are a result of different political and traditional environments with different social implications. Culture and politics play a major role in the spatial arrangement of the city (Huang, 2006:512).

Planners deal with cases from various races, classes and backgrounds which require them to have emotional qualities that enable them to deal with people with sensitivity. Planners are expected to have the ability to respond to demands from different races without raising racist suspicions. When a planner succeeds to respond to the demands of people of people from another race, the planner becomes a very trusted member of the society. Neglecting the emotional struggles of the story makes it less subjective and makes it impossible to understand the characters involved. Emotional responsiveness does not mean planners should act upon any emotion or take every fact as relevant but it means that in a world where people hold opposing views, being emotionally sensitive awakens moral vision and allows planners to be moral attentive to the needs of others (Forester, 1999:54).

The challenges of planning process have been intensified in a world characterised by deepening economic and social differences and inequality. Achieving a democratic planning process has become more difficult due to these deepening differences; the public has become increasingly divided and conflicted (Watson, 2006:46). Oelofse and Dodson (1997:91) have argued that “overcoming the spatial legacy of apartheid is the greatest challenge in the reconstruction of the South African Post-Apartheid society”. Planners are expected to develop a practical judgement when faced with racially charged legacies that pose a threat to the process of planning and its outcomes (Forester, 1999:26). It is suggested that planners should always be practical and rational, considering carefully the facts of racism and poverty as these issues have the ability to influence people’s actions. People have particular feelings and histories which influences the decisions they make and the way they respond to issues (Forester, 1999:56). Aestheticization of urban spaces in Shanghai has become increasingly intertwined and accentuated by neoliberal ideologies and exclusionary practices in the city. Shanghai’s Gated Communities are the fault lines of social division and class distinction that are rapidly transforming urban China. Gated communities are invariably bound up in an aesthetic spatial regime that enforces strict aesthetic control over the appearance of landscape in order to establish an orderly and pristine neighbourhood befitting of the middle-class residents (Pow, 2009: 373).

#### 2.1.4 Theory versus Practice

Forester suggests that a growing number of academics have shared dissatisfaction with the planning practice for being understood as a purely technical problem solving whilst it is characterised of many political realities (Forester, 1987:84). Most planners are bewailed by the

irrelevance and the difficulty of applying much planning theory to their everyday work and challenges. Planners do not doubt the importance of the academic theories; rather they explain that these theories they are supposed to apply in their everyday work fail to give solutions to their day to day problems (Hillier, 2002:16-17). There are unsettled assumptions about what the work of a planner is meant to be done, what it should achieve and how it works (Innes, 2013:1).

Hillier (2002) explains that many are advocates for democratic planning decision-making theory but in reality, the process is inevitably messy, emotional, exasperating, disorderly and chaotic. Hillier also argues that planners in reality should always expect chaos and accept that consensus is not always possible in many circumstances. Rodriguez (2014) argues that communities' expectations from planners usually create tensions with reality. Planners find themselves working 'between the idea and the reality' leading to ambiguities and tensions.

Hillier (2002:5) argues that "most recent planning theories lack fine-grained analysis of what really takes place during collaborative planning and the issues planners deal with at the workplace". Many assume that democratic planning is a process where the most knowledgeable planners are making the best decisions for all citizens. In the contrary to the assumptions, planners can be fallible, people's needs are not always known, and policies cannot always be tested by reference to them (Rodriguez, 2014:10). It is said that planning theories fail to display institutional processes that are necessary for planners to cope under complex situations, the theories are neglectful of the values, social dynamics and the cultural forces that exists (Pennington, 2004: 220).

Planners also find themselves in the dilemma of protecting the environment or promoting economic development or achieving social equity, this dilemma is described by Campbell (2015) as the "planner's triangle". These three fundamental aims generate tensions for planners, in the centre of these aims there is sustainable development, leading planners into having to redefine 'sustainability'. Planners integrate social theory and environmental practice, they are also expected to resolve community conflicts, ensure economic and environmental justice (Campbell, 2015:1). Patsy Healey (2003) emphasises the normative biases in planning practice and argues that more attention should be given to the diversity and the complexity planning. Planners usually have expectations on what their work entails but many awaken to the politics of the planning process (Forester 1999; Flyvbjerg 2002). According to Thuillier

(2005), it has been pointed out by a number of authors that town planning has become kind of an academic exercise impacting very little on the real situation

### 2.1.5 The Spatial and Policy Framework

The planning practice responds to the deep challenges of the socio-political and economic realities through policies and legislation. Planners implement policies that serve a number of demanding parties at the same time, for example, the government wants sustainable transportation system; residents want safer neighbourhoods, environmentalists want natural spaces to be conserved whilst housing advocates promote affordable housing etc. Despite the differences and the contrasting demands, planners have to put collaborative policies into place to deal with the pressing challenges they face daily (Forester, 1999:1-2). Planners always try to formulate viable and informed policies in the midst of contrasting issues and such policies should be inclusive and viable to different actors (Hoch 1994; Forester 1999; Healey 1997). Policies are often loaded with political content which may cause conflict to communities whose values and identities have not been acknowledged (Hillier, 2002: 222).

Planners and policy analysts face issues of power and conflicting interests during the policy making process. Policy making involves a whole range of issues such as social classification and community differences, policy makers are expected to make sense of the political environments, locate facts and identify costs and benefits of every situation. Planners and policy analysts work under intense political conditions, they define and frame problems in varying political environments. It is important for a policy maker to be able to recognise bias within a political setting they find themselves in. (Forester and Fischer, 1993:2).

### 2.1.6 Summary

The first section of the literature review addressed issues that challenges the work planners do and the decisions they make. Literature shows that local land use processes present numerous challenges for planners. Issues that create challenge the planning decision-making processes include being confronted with emotional complexities, dealing with the legacies of apartheid, racial inequalities, bridging the gap between theory and practice etc. The planning practice is also intertwined with different disciplines which only exacerbates the challenges of the planning profession. Planners are expected to be involved and to understand all these complexities and make an objective decision under all circumstances. One of the issues that cause a major challenge for planners in local government is the issue of Gated Communities, Gated

communities are complex in nature and there is controversy surrounding these developments. In order to understand the relationship between the challenges faced by planners and Gated Communities, the following section of literature review will discuss Gated Communities in detail, their impacts and the challenges they pose for planners etc.

## **2.2 GATED COMMUNITIES: DEFINITIONS, CHALLENGES AND IMPLICATIONS**

The following section gives a definition of a Gated Community, the different types of Gated Communities and a brief history on Gated Communities. The chapter focuses mainly on the main arguments around the world on why Gated Communities exist and why they raise certain debates. The section further gives a discussion on the impact of Gated Communities on spatial form, on gated and non-gated residents and how they impact policies and the decisions that planners make. Finally the section explains how the government plays a role towards the growth of Gated Communities and the views from planners around the world on how the growth of these developments can be managed and regulated in order to minimise the negative impacts. This section is essential in order to understand the main arguments for and against Gated Communities and the main causes of conflicting views. This will also assist towards understanding the complexity of the planning process in relation to Gated Communities in South Africa and around the world.

### **2.2.1 What is a Gated Community?**

For the purpose of this dissertation, a Gated Community is a form of a residential community or an estate of housing where access is firmly controlled. Control is usually achieved in a form of walls and fences with restricted gates. Apart from residential areas, Gated Communities may also include office parks, commercial areas etc. Gated Communities in South Africa are broadly classified into two different categories, namely enclosed neighbourhoods and security villages. Enclosed neighbourhoods refer to neighbourhoods that are fenced and walled in leading to the closing off of public roads, whereas security villages were initially developed by a private developer with control access points (Landman, 2012a).

### **2.2.2 Reasons behind the existence of Gated Communities today**

The main driver behind Gated Developments is fear and the need for security amongst societies. The era of globalisation leads to a continued modification of social roles in the society. The media has played an important role in increasing uncertainty, doubt, insecurity and

panic in the society. Shopping centres and malls have closed circuit television(CCTV) as a way of deterring deviant behaviour, monitoring and protecting their properties, same goes for those who desire to live in Gated Communities; it is a personal reaction to the same fear that is around the world (Barnes, 2008:7; Goix, Renauld, and Webster, 2006:12). A study done in Poland shows that the emergence of Gated communities is influenced by the desire of the affluent groups to live away from the rest of the people, the rising culture of fear in the cities and around the world, the powerlessness of the spatial plans and weak regulations, the shortfalls of the municipal policies as well as the municipal reluctance to hinder Gated Community developments (Polanska, 2010: 311). Beside the fear of crime, dominance of nuclear family, interest in property rights, socio-economic status and similar lifestyles have become the main reasons why people choose to live in Gated Communities (Huang, 2006:511-521; Thuillier, 2005:262). Although fear is the main reason behind having walls, it is not the only reason behind the building of walls; there is a need to enhance the feeling, function and the meaning of the community (Low, 2001: 48). Foldvary's definition of a 'viable' neighbourhood is that which the residents are able to control the order, set goals and implement programs which bring about desired results in the neighbourhood. This is usually enforced using surveillance and close identification of strangers, with no enforced rules on public behaviour; public spaces are most likely to become unsafe, unmanaged and underutilised (Foldvary, 1994:192). Grant and Blandy (2004), indicate that people who choose to live in gated or walled communities do so pursuing privacy and as a way of fleeing from fear. Gates and walls in our cities are a reflection of people's reactions towards the urban problems that have endured in our modern cities without any sign of easing. In addition, it is also said that gates symbolize the complexity of the problems that present-day cities must tackle. Those that have lost faith on state security to protect them and their properties find the option of living in a Gated Community as a necessary one (Atkinson and Blandy, 2004). Gates are meant to add to the sense of exclusivity and they are found mostly amongst the advancing upper-middle class in the emerging world (Landman, 2000:7). Residents in Gated Communities benefit from stable property values, quality environments, good facilities and a 24 hour security (Glasze, 2006). In a study done by Landman to understand the views of planning masters' students in relation to Gated Communities, participants indicated that Gated Communities are considered to be necessary by many planners in South Africa currently as it is perceived that the state is failing to offer adequate safety and protection. One of the female respondents, age 32 said "I think crime in South Africa is out of hand and we as citizens need to take matters in our hands and therefore gate our communities" (Landman, 2012b:5).

Although many argue that Gated Communities are a result of security concerns, Rosen and Razin (2009) argue that the modern Gated Communities are predominantly product of market mechanisms, representing class-based segregation rather than ideology, ethnic identity or security consideration. Grant (2005a) argues that unlike in other countries, security is not always the main motivation for gating in Canada. Planners and elected officials in Canada usually do not accept the reasons for gating. The main reason behind the appearance of gates in Canada is class, status and the significant life cycle status in shaping behaviour.

### 2.2.3 Why is there a debate around Gated Communities?

Although Gated Communities often come with attractive amenities, keep out the unwelcomed and the unwanted parties and symbolize a hope for safety it is said that they bring troubling implications. Gated Communities can lead to an increase in the cost of housing and privatization of public goods (for example parks and roads). The main controversy surrounds the issue of restricting members of the public from accessing public space. Access to enclosed neighbourhoods is usually controlled through gates or booms across roads in already existing neighbourhoods that were not planned originally as enclosed neighbourhoods (Landman, 2012b:9). More controversies around Gated Communities include segregating people according to class and race and spatial fragmentation.

According to the study conducted at the University of Pretoria in 2010-2011, it is clear that there are many contradictory views in regard to Gated Communities. The study group comprised of different generations of planners of which almost ninety percent of them were black and more than half indicated that they are currently residing in different types of Gated Communities. This implies that there isn't necessarily a link between staying in a Gated Community and race, but rather other influencing aspects, including the need for safety and security (Landman, 2012b:8). Some of the planners who participated in the study reside in security estates but they feel uneasy about the impact that Gated Communities have on the city as a whole. According to Grant (2004a), Gated Communities tend to promote the fear of crime rather than reduce it, due to the information spread by the media on how unsafe communities have become and developers promoting and marketing Gated Communities as the ideal environments. With such views, it is clear that there are inconsistent thoughts on whether Gated Communities are a solution or not (Landman, 2012b:8). It is believed that until such a time that crime rates have lowered in South Africa there will always be a Yes and No answer

with regard to whether Gated Communities are a “good thing” or not, due to the fact that Gated Communities contradict planning principles while supplementing the constitutional principles of the citizens right to safety and protection (Landman, 2012b:11). It is also difficult for authors to tell if the concept of a Gated Community is entirely a good idea in a city that is seeking to promote the principles of integration and liveability.

#### **2.2.4 Impact and implications of Gated Communities**

The effects of globalisation and other social forces have led to increased crime rates, mobility and inequality; this has in turn led the government into making social stability its uppermost political concern in order to ensure the safety of its citizens and political control (Huang, 2006:511-520). Local governments, developers and consumers have interests in endorsing and supporting Gated Communities. People have embraced the idea of living in Gated Communities rapidly around the world. Developers always look for new opportunities in the market and most developers have already identified an edge in the housing market. When people feel vulnerable and unsafe in the neighbourhoods they live in, developers are always there to endorse Gated Communities as a utopian environment to live in (Grant, 2004a:76). McKenzie (2006:5) explains that we are living in a contemporary world where the “pursuit of utopian aspirations through privatisations of public life” is encouraged. It is also said that socio-spatial control is moulded by the decisions and sale tactics. The decisions of the developers have dictated how space is developed, planned, structured and controlled. Gated Communities have different implications for different groups of people including town planners, gated and non-gated residents; there are also social implications that result from Gated Communities, all these impacts and arguments will be discussed below.

#### **2.2.5 Implications of Gated Communities on residents**

The quality of the inside of Gated Communities is usually high; residences of those communities are shielded from violence and crime. According to Webster (2006) the proponents of Gated Communities perpetuate that excluding passers-by and/or non-locals makes it easier for the stranger to be much more recognizable in a closed environment whilst it reduces crime. Gated Communities are seen as a one of the greatest contributing causes of loss of community life in the city and dooms social integration. Gated communities undermine the concept of community life and spatial integration (Blakely, 1994: 89). Luymes (1997) argues that walls and gates have the capacity to cut their residents off from the rest of the people to an

extent that they become debilitated and very intolerant towards others unlike themselves. According to Kirby (2008), the rise of private spaces has been viewed as a negative phenomenon on the grounds that it changes the built environment and the ways in which residents interact with each other.

The demand for Gated Communities around the world should not be ignored. Middle and upper-class home-seekers dissatisfied with government search for privatised utopia where they can live with people of similar interests whilst receiving the best security, highest quality environments and property maintenance (McKenzie, 2005: 190; Sabatini and Rodrigo, 2007:586). Gated communities are sites where family life and personal freedom is most realised and supported. Residents are more able to interact in places where they feel safe, protected and free from interference (Pow, 2007:289-290). A contrary study done to explore the sense of neighbourliness and sense of community in some Gated Communities suggests Gated Community residents tend to have weak connections and weak social ties (Blandy and Lister, 2005:299).

According to Smigiel (2013), not all Gated Communities are developed as a result of crime considerations. In Sofia, Gated Communities have been constructed by a powerful group of private stakeholders. These developments have been promoted by programmes, strategies, institutions such as the World Bank and the International Monetary Fund. The main reason behind the increase of Gated Communities in Sofia is lack of regulations and the planners' reluctance to resist the financially equipped stakeholders behind these developments. It is also said that Gated Communities in Sofia cannot be considered communities as their residents do not consider themselves as members of a community or interested in having closer relations with their neighbours.

#### **2.2.6 Implications of Gated Communities on non-Gated Community residents**

According to Sabatini and Rodrigo (2007) argue that Gated Communities usually create some forms of social integration and attract the development of malls, shopping centres and office complexes. In cases where upper-class Gated communities are located near lower-class neighbourhoods, Gated Communities bring employment, trigger improved services and also give the lower-class residents a renewed sense of pride. A study by Harrison and Mabin (2006) shows the reality of the domestic workers in Gated Communities is contrary to the assumptions of many people, it is easier to assume that domestic workers feel alienated by access control

measures in Gated Communities they work for but the study showed that some domestic workers are in support of these security measures as it puts their minds at ease knowing that they are protected while they work in the house during the day. Domestic workers feel vulnerable to crime when working alone in the house during the day. Gated Communities not only ease the minds of their residents but also allow workers in Gated Communities to work without fear (Harrison and Mabin, 2006:16).

On the contrary, other authors argue that the presence of Gated Communities amongst poorer neighbourhoods creates envy and frustration to those who live outside the gates. Gates also generate insecurities and violence to the outsiders. A number of authors have also indicated that Gated Communities sometimes divert crime to other communities (Thuillier, 2005:26; Helsley and Strange, 1999:86). There are tensions that rise (social, economic and political), fostering resentment of Gated Community residents for their greater access to resources not readily accessible to the non-residents. It is said that Gated Communities are a constant and a visual reminder of inequality. Gated Communities are said to promote envy, highlight class differences and undermine the concept of democracy (Low, 2001: 51). For many authors, gating is just another form of segregation in the city (Blandy et al, 2003). Although there are various authors who have written about the relationship between Gated Communities and residential segregation, there is lack of empirical evidence to support that indeed gating leads to segregation and available data can be contradictory Gated Communities increase segregation in the residential areas by separating their residents from other social classes. There is anecdotal evidence that suggests that Gated Communities are socially harmful but there is lack of empirical data to support these claims (Kenna 2006:302). Reasons for contradicting evidence differ; this includes different methodologies, varying geographical locations as well as different types of data used for the analysis (Vasselinov and Cazessus, 2007:111).

### **2.2.7 Potential implications of Gated Communities on the spatial form**

Duany et al. (2000) and Talen (1999) argue that planning for Gated Communities has led to development forms that do not reinforce the desired spatial elements. Gated Communities raise different issues for planners, including policy issues. Gated communities affect the spatial as well as the social connectivity of the urban environment. There are implications that Gated Communities have on the urban landscape that planners cannot ignore; this include limiting access for the public , separating the affluent group from the rest of the community as well as

aesthetic issues generated by building walls around neighbourhoods. Planners who are committed to the facilitation of inclusive neighbourhoods have raised social concerns about the unequal landscapes that are created by Gated Communities (Grant, 2004a:80). Some authors agree that the emergence of Gated Communities poses a threat on the integration of the city and social interaction of the residents. Not only do Gated Communities affect the spatial form but also the way in which the cities function. Gated communities also create socio-economic segregation by excluding those are not able to afford a life behind the gates (McKenzie, 1994; Low, 2001).

Gated communities are said to present strong negative images, they symbolise the fear of crime and gives a dystopian image of future cities. This can be seen as evidence of more social problems that may only worsen in the future (Atkinson and Flint, 2004:80). Gated community developments challenge social inclusion and accessibility in the city. Privatising spaces that would normally be open for all people already can be seen as a challenge very difficult to unravel. Gated communities have the ability to symbolically challenge improvement in areas of policies dedicated to achieve sustainability, integration and social inclusion (Atkinson et al., 2005:419). Gated communities produce a new unintended spatial order and a hierarchical arrangement of social classes in the urban areas. Gated communities are becoming a permanent feature in most cities and they will have an increased impact on spatial planning in the future (Vasselinov and Cazessus, 2007:113).

The rise of Gated Communities leads to a two-tier society where the 'haves' are plainly segregated from the 'have not's' socially, economically and spatially (McKenzie, 2005:191). There are number of authors who have expressed that Gated Communities will become very undesirable in the urban areas should they increase in number (Atkinson and Flint, 2004:875). Although Gated Communities *per se* do not necessary result in segregated residential areas, over time they begin to reinforce segregation in the cities. It cannot be denied that Gated Communities have reinforced social and spatial segregation in our cities but they cannot be entirely pointed out as the primary cause of exclusion and segregation (Huang, 2006:514-522).

Sustainability is considered as one the central principles in planning, and it is regarded as very mandatory in the planning of the 21<sup>st</sup> century cities. The subject of safety cannot be separated from the issue of sustainability due to its interconnectedness to sustainable planning. According to Landman (2012b), a sustainable community is the one that gives its people peace of mind and desired security. The feeling of safety is said to make a place more attractive and allows

for people to have attachment with the place. Unless crime issues are diligently addressed in a city, we cannot really regard a place as sustainable. Unless crime is calmed or combated in a community, it is unlikely to achieve the full potential of sustainability (Landman, 2012b:239). Mabin and Harrison (2006) argue the realities of crime in South Africa make it difficult for the local councils to have a strong position on the matters of Gated Communities. Local authorities continue to face difficulties in an attempt to bridge contradictions between opposing priorities. It is said that a city cannot call itself sustainable if its citizens still feel vulnerable and worried about the safety of their lives and that of their properties. Safety is a major concern globally; the crime challenges do not exclude South Africa. And these crime concerns have influenced and shaped our human settlements. How communities respond to fear and crime issues has a serious impact on the neighbourhood forms, which in turn can become the main trigger for the kind of housing forms people choose to live in. There is a direct relationship between sustainability and security in the city (Landman 2012b:241).

#### **2.2.8 Implications of Gated Communities for Town planners**

Town planners are facing a number of challenges as a result of Gated Developments and these challenges are experienced globally. Gated developments require large portions of land and create a striking urban contrast. Planning regulations can be outdated and poorly applied which makes it difficult for municipalities to control their own developments (Thuillier, 2005:256). Grant (2004a) argues that planners have been quite silent in the issues of regulating and guiding the future development of Gated Communities which implies that they have come to accept that there is always going to be an increasing portion of the rich among the population who will exclude themselves from the rest of the population by the use of walls and gates. The failure to deal with challenges that result from Gated Communities is said to be the responsibility of the town planning profession by having little impact on field reality. A number of countries around the world have no national legislation guiding town planning whereas the provincial policies are quite weak. Plans, regulations and strategies are poorly applied due to lack of enforcement to ensure they are carried out. Town planning issues have been left in the hands of the municipalities with little or no intervention or supervision from the national and the provincial government. Municipal authorities give permission for Gated Developments, but real control over the developments is weak. It is also found that municipalities fail to keep track of all the Gated Communities that exist in the city. Town planners do not always accurately know the number of Gated Communities that exist in the

city, nor their exact location. Gated Communities recorded in the municipal database tend to be fewer than the actual number of existing Gated Communities. There is no adequate system keeping track of all the developments that take place in the city, whether legal or illegal (Gooblar, 2002:102).

A general problem in most municipalities is not absence of law that regulates town planning but the enforcement of the law. Power has been vested with municipalities and in order to move towards integrated cities there is a need for the revival of local governments (Thuillier, 2005:267-270). British Columbia municipalities are said to have the most stringent policies and regulations at hand in Canada but still they experience greatest shortcomings because of the higher need for gating (Grant 2004a:7). Although gating might be a political reality, some of the town planners are worried that gating can lead to fragmentation, segregation, isolation and increased fear. It is said that, collectively, Gated Communities are socially undesirable. One author wrote that, "Gated Communities are a manifestation of social decay which in short means, they go against the purpose of community planning" (Grant, 2004a:46). According to the study that was done by the Canadian planning school, most planners revealed that they don't see a need to control Gated Communities although it is a phenomenon they witness daily in their municipalities, which clearly indicates that planners have not put a proactive approach in place in order to manage the challenges that may arise from Gated Communities (Grant, 2004a:47). Grant (2004a) writes that there haven't been much done to completely prohibit Gated Communities, but there are other mechanisms that can be used, such as, legislations that control roads networks, policies that control the extent of fences and walls. There are also policies that control the design, the height, material and location of walls and gates. It is said that although there are such tools to regulate Gated Communities, these tools are not being used. The study showed that it is not politically and spatially achievable to limit the development of Gated Communities since they have become extremely favoured among consumers.

It has been proven that some town planners are not totally against Gated Communities but they have an issue with the fence height, vegetation, material type and the way the Gated Communities are arranged in the city. It is said that if local authorities can ensure eye-catching streetscapes, keep the projects at medium size they can protect the relationship between the pedestrian routes and the street. Gated Communities have become very popular and they have a foothold in the housing market. Planners are said to be faced with a difficult situation when it

comes to the issue of gating. On the one hand, most planners say that gates compromise the good planning principles that are meant to support connectivity, integration, "eyes on the street", and equal usage of resources to all. On the other hand, nevertheless, planners still recognize the desirable planning objectives that Gated Communities are safe, secure and self-maintaining (Grant, 2004b:46).

The growth of Gated Communities in our cities yearly has the potential to undermine the capability of planning as a profession which its principal mandate is to manage the public realm and ensuring a good spatial system in the city (Grant, 2004b:83). Gated Communities pose more questions to planners and designers far beyond which they can ever answer. If Gates had to be closed and streets are to be given back to the public, will municipalities be able to provide enough security and professional patrols on these streets and neighbourhoods? The cost of this could be higher than what the local government could ever expect and the ability of the government to provide such high standard security system to everyone is dependent on an extraordinary political reform that will give people confidence on the government system (Miao, 2003:63-64). It is imperative that local governments prepare and educate themselves on the issue of these developments in order to minimize misunderstandings. Local governments should also have mechanisms that should be used control and regulate this type of land use. Grant (2005b) explains that one of the reasons why gated projects get approved regardless of the preferences of the planners is because in an environment where affluent consumers prefer exclusivity whilst local government looks for cost-effective options when investing in new urban infrastructure, those who make decisions may feel compelled to accept gated enclaves as a viable development option. According to Grant (2004b), as long as people still feel unsafe and the government does nothing to calm the anxieties, the urges to gate communities are believed to increase. The question is, are town planners, municipalities and policy makers ready to respond to such pressures and the accompanying consequences?

### **2.2.9 Policy Implications of Gated Communities**

Gated communities have emerged in a period which urban planning is moving towards the development of policies and interventions that promote integration and social diversity. This can cause problems for planning in the future (Atkinson and Flint, 2004:878). It cannot be ignored that Gated Communities do satisfy the residential choices of the affluent groups but they disturb the local patterns of community life and cause problems in the planning practice (Atkinson et al., 2005:419). A survey in different local governments in England found that many

local authorities are alarmed by Gated Communities but they are struggling to draft sufficient policies and regulations that deal with the Gated Communities through the application level (Atkinson et al., 2005:419).

### **2.3 THE ROLE OF GOVERNMENT, MUNICIPALITIES AND PLANNERS IN THE EMERGENCE OF GATED COMMUNITIES**

Residential areas are shaped by the government policies or lack thereof. The role the government plays in governing neighbourhoods and providing services is also able to shape the neighbourhood in a good or bad way. It is said that Gated Communities in Indonesia were a result of government withdrawal in public services provision and the inefficiency of government institutions. The public has found government institutions to be inefficient in social control e.g. police services, security systems and other government institutions. To some extent Gated Communities are a result of economic and political decisions taken by the government in the city (Huang, 2006:511). McKenzie (2003) argues that the main reason for increased Gated Communities is the declined state intervention in housing developments which has given the developers a greater opportunity to step in and regulate the housing market. The argument goes on to say that if the government was the sole provider of housing there would be a certain order in which Gated Communities are established.

Research done by Erwin Heurkens (2009:1260) defining the public and private sector roles in urban development shows that the relationship between public and private sector in relation to urban development has changed significantly. The way public and private sector used to initiate and manage urban areas has changed. The public private power balance that existed in the past has significantly shifted towards the private sector entirely. The entire development is usually in the hands of the private sector. There is currently a disconnection of the public and the private sector in terms of the tasks, revenues and responsibilities. Roles and responsibilities which were once shared between private and public sector are now separated. From the period of 1950's to the year 2000, urban planning in the Netherlands was state led, private sector developments always worked together with the public spatial guidelines. Research implicates that the government now solely assist and authorise urban developments, while the private sector's responsibility in the development process has been magnified (Heurkens, 2009:1263).

It has become generally acceptable that state delivery of services and facilities is poor and this has resulted in the evolution of ways in which public spaces are managed and serviced in the city. Lately, interested users have become responsible for servicing and maintaining most public spaces. There are tensions that have also resulted from poor public-sector development; these tensions are evident in the form of increasing urban problems (Garba, 2010)

There are reactions from the urban planning policy formations that argue that the urban planning system in the Netherlands is facing changed private-public relationship roles and changed spatial relationships. The responsibility of the government for spatial planning policy has changed significantly. Some of the main reasons for this new situation in the Netherlands are the financial position of the state, status of competencies in government and the availability of resources. Local governments have reduced their involvement in the development and design processes, focusing more on drafting conditions for plans and regulations for developments. The private sector is not usually completely aware of their role in urban developments, so they tend to take on more responsibilities and risks than they should. Urban developments have thus become a private sector affair. Private and public sector encounter difficulties in cooperating with each other and they are usually not completely aware of their roles in urban developments (Heurkens, 2009:1266).

The Government role in urban development has been reduced to enforcement and regulation of particular land-uses without being entirely involved in urban development projects. Developers have become the main actors in the development process; they have been given power to apply different kinds of management tools in the entire life cycle of the urban development projects. It is also said that planners already operate in the interest of the market forces. Heurkens argues that planners could be more mindful of their role and use the tools they have at their disposal effectively to implement municipal planning policies through projects. Planners should be able to establish spatial requirements for urban developments and also influence the overall characteristics of the project. The boundaries that separate what belongs to the state and what belongs to the market can evaporate if both sectors depend on each other to develop urban areas. It does not matter who is responsible for what but what is important is how planning can be implemented, or how projects are carried out effectively. The main management measures that can be used by the local government to influence developments are 'shaping' and 'regulating'. Dutch urban planners do not use stimulating management tools to direct the outcome of developments (Heurkens, 2011:1-4).

It is also argued that urban development practice is becoming highly characterised by inefficiency and ineffectiveness and this kind of a situation can be resolved by strong legal and organisational arrangements. The planners are often the actors that have the ability to achieve successful projects. According to Heurkens, effectiveness is defined as the degree to which the objectives of the public sector and those of the private sector are met, whereas efficiency is the extent to which public and private sectors cooperation takes place within a reasonable amount of time and using minimal resources (Heurkens, 2011:5-6). Two case studies conducted on urban development processes used in Netherlands and in England acknowledge that although urban developments are mostly private sector-led, local authorities in England proved to still have different and sufficient measures to guide developments and they are aware of how to use such measures (Heurkens, 2011:10). Developers in England tend to be more aware of their opportunities and managerial tasks than in the Netherlands. Local authorities in England are able to influence development projects despite the government taking less risks and responsibilities in the urban development projects. English local officials have the awareness of how to use the management measures effectively and consistently. England case study proves that projects led by the private sector are not all bad when both parties are aware of their roles and responsibilities, England gives a proof that developments led by the private sector can be distinguished as a more mature way of public-private cooperation (Heurkens, 2011:13).

Gated communities have become popular marketing devices for most developers around the world. A study conducted in Canada to understand the policy implications for municipal planning shows that when Gated Communities become more popular, the government is questioned on its ability to provide security and amenities that are expected by residents. A growing number of Gated Communities in the cities raises concerns about how town planners can keep the urban realm connected and integrated in the long run (Grant, 2004b:73). Foldvary (1994) has argued that there are misunderstandings in regard to the issues of public provision versus private provision of public goods and services. There are also debates on how much responsibility planning should have over the housing sector as compared to market forces, equity versus efficiency in the delivery of service.

The establishment of homeowners' associations in Gated Communities enables developers to profit since free riders can be excluded, this also means that the use of common facilities can be regulated whilst minimising the risk of economic degradation of the area. Municipalities profit from Gated Communities established within their boundaries because these kinds of

developments are huge investments and self-financing, this may lead to increased rates and taxes. McKenzie (1994) gave examples of local governments in the United States which encourage and demand that Gated Communities should be established in the city, this is because some local governments in the United States use Gated Communities as “cash cows”. Grant (2005) also suggests that private developments are “cash cows” for municipalities. Local Government pursue growth and increased taxes with minimal tax expenditure (McKenzie, 2005:187).

Local governments find it hard to refuse Gated Community developments since they are good quality developments which bring high tax revenues for the municipality whilst they require very little from the public expenditures. When a private road is constructed by a developer in a Gated Community, little costs are required from the municipality, maintenance and garbage collection become a responsibility of the private community which leads to substantial savings for local governments (Grant, 2004b:73-81, Thuillier, 2005:255). Canada has clear policy incentives to promote all development forms that reduce on-going costs and place fewer demands on the municipality while providing higher rates and taxes. Permitting Gated Communities allows municipalities to cut costs on road maintenance, street lighting, recreational resources, rubbish collection and police patrols. Planners also argue that Gated developments should be promoted since they are self-sustaining, giving the local government an opportunity to devote the available resources to areas with lesser means (Grant, 2005:282; McKenzie, 2005:189). In China, the government finds it easier to exert stronger political control over a group of people than individuals and convenient to deliver limited public services to Gated Communities which makes these developments more attractive and easy to work with for the Chinese government. The Chinese government openly promotes neighbourhood enclosures as part of their sponsored urban renewal programs (Huang, 2006:511-512). Municipalities such as Las Vegas actively promote Gated Communities in order to support consumer preferences for security and due to fiscal constraints faced by local government (McKenzie, 2005:190). There are also government policies that encourage residents to participate in the management and regulation of their own estates (Blandy and Lister, 2005:294; McKenzie, 2006: 100). It should also be acknowledged that Gated Communities do promote some of the principles that planners advocate for, they usually facilitate higher densities, and they have amenities of high standards, attractive designs, safe, create sense of place, community and character. It should also not be ignored that there are other characteristics that planners promote that Gate Communities do not support, this include their

inability to integrate class and different types of housing. Gated Communities also enhance segregation and limit street connectivity (Grant, 2004a:83).

A study done on the Beijing metropolitan region explains that there is no urban growth without problems. Beijing has experienced and is still experiencing a rapid change in its spatial economy and more challenges are still to be faced as a result of the transition. Local authorities acknowledge that to achieve a positive spatial transition, the country needs to adopt some resilient urban planning policies. There is a need for sound policies in both a geographical and functional sense in urban planning. Most of the economic and spatial developments are market driven and therefore the government faces a challenge to establish a mutually interactive approach that can guide the country's economic-spatial development (Yang et al., 2013).

Walls impact the neighbourhood visually and make "eyes on the street" impossible and as a response, planners in other cities have responded by developing design guidelines that control wall height, vegetable screening, materials and sight lines. These are the common tools used by planners to control Gated Community developments. It is also argued that planners should consider the issue of long term reinvestment and maintenance in Gated Community facilities. There will come a time where Gated Communities will require major replacements or repairs of the private road and home owners associations might not have reserved sufficient funds which may lead them to seek funds from the municipalities, whether the municipalities will be able to rescue Gated Communities in such instances is a question that planners should ask themselves. Municipalities currently see Gated Communities as an opportunity to reduce its financial burdens but if Gated Communities significantly increase they may change the political dynamics leading to a long-term threatened financial system of the municipalities (Grant, 2004b:83). There are fears that Gated Community residents may wish to be exempted from paying local taxes in the future considering that they use private services. There are scenarios where home owners associations have lobbied to the local government for tax rebates or to receive municipal services given the high taxes and rates they pay. Such revolts from the taxpayers are a reflection of the political and monetary impacts of Gated Communities (Atkinson et al., 2005:20). Most provincial governments are said to have remained silent of the issue of Gated Communities and only very few municipalities have developed strong policies regulating private roads and Gated Communities in Canada (Grant, 2004b:82).

Findings from the Canadian study also show that although there is evidence of growth in the market, most planners believe that Gated Communities will not further increase in popularity.

The demand for Gated Communities has declined in some areas, including North Vancouver. Some of the planners surveyed suggested that the Gated Community trend peaked in the late 1980s. Although planners believe that there might not be a further increase in the popularity of Gated Communities, security concerns keep on growing while the gap between the rich and the poor worsens, these factors lead researchers into concluding that the trend might still continue (Grant 2004a:83).

Most planners in Canada indicate that they are not in favour of gates because walls and gates make it almost impossible for planners to provide neighbourhoods that meet the needs of all residents. Planners still operate with weak policies and they have not yet drafted policies and regulations that prevent gates (Grant, 2004a:84). Despite the growth of Gated Communities throughout the world, gating has not caused those in the planning profession to intervene as expected. Grant (2004a), suggests that there should be a debate generated within the planning profession and communities in order to understand whether Gated Communities are a manifestation of what the public needs, are able to serve beyond the interests of their residents and should be accepted as a new fact of urban life so that planners can focus on minimizing the negative impacts whilst optimising the returns.

There is a need for more national policies that avoid and regulate, where possible the decisions that are taken in local government that will lead to an increasing number of these developments in the future (Atkinson et al., 2005:419). Municipalities in Canada rarely ban gates but they have passed certain resolutions to make Gated Communities acceptable within the urban spaces. In order to make Gated Communities acceptable in the city municipalities have drafted guidelines which regulate the size of developments, height of the fence, material used and vegetation around a Gated Development (Grant, 2005:282). According to Webster (2001) town planners need to learn to plan and design with Gated Communities just as they have traditionally planned and designed to accommodate private and public realms because the experiences in Africa, America and Asia suggest that phenomenon of private neighbourhoods is still to accelerate if permitted.

## **2.4 AN OVERVIEW OF THE EXISTING STATE OF REGULATION OF GATED COMMUNITIES INTERNATIONALLY**

Regulations and policies have always played a major role in the shaping of space, minimising impacts of certain developments and ensuring that developments are integrated with the

existing environments. This section gives examples of cities around the world which have regulations and strategies designed to deal with Gated Community issues, this will assist in determining how much South Africa has done in terms of regulations and policies on Gated Communities as compared to other countries around the world. The study of regulations in other countries will also allow an opportunity to find out if there are lessons South Africa can learn from the way other countries are handling Gated Communities.

#### 2.4.1 **Jamaica**

The Minister of Land, Environment and Climate Change in Jamaica explained that the government has been experiencing difficulties managing Gated Developments (Luton, 2013:1). The Jamaican government is in the process of creating laws to regulate the operation and proliferation of town houses and Gated Communities. There is currently no formal legal mechanism for the regulation of all Gated Developments into a suitable entity. The legislative solution is also said to also make provision to retirement villages and regulate common spaces (Luton, 2013:1).

#### 2.4.2 **Orange County**

Orange County, a county in the U.S. state of California has Gated Community Ordinance that regulates and controls all Gated Community developments and issues in relation to the developments countywide. There are currently 246 existing Gated Communities in Orange County. The Orange County ordinance on Gated Communities requires that all proposed Gated Developments are connected to a local street network designed to promote interconnectivity and access between neighbourhoods. All gated development proposals are evaluated individually to ensure appropriateness and alignment with the legislation (Orange County Ordinance No. 2009-04).

The municipalities in Orange County are not responsible for the repair and maintenance of drainage pipes and culverts, retention ponds, inlets and structures in a Gated Community. Orange County describe Gated Communities as a privilege, not a right of a property owner or a developer. All Gated Communities must provide for fire rescue, police and utilities access. A traffic law enforcement contract agreement must also be executed. The Gated Community ordinance requires all Gated Communities to submit an engineering report to the municipalities every three years. The Orange County Gated Community ordinance recognises that there is a market demand for Gated Communities. However it also recognises that Gated Community

developments do not promote interconnectivity. The Orange County ordinance explains that Gated Communities are not all evil if they are implemented at the appropriate locations. The following locations are recognised as appropriate for Gated Community developments by the Orange County ordinance:

- Land parcels which are physically isolated or divided by wetlands, rivers, limited access highways or other physical barriers that make interconnectivity impossible.
- Parcels of land surrounded by existing Gated Communities as appropriate locations to implement Gated Communities because interconnectivity is already impossible to achieve in such areas.

The Orange County makes it clear where Gated Communities are permitted and where they are restricted. The Orange County prohibits Gated Communities in areas that are designated for Transit-Oriented-Developments (TOD's) and New Urbanism. They are also prohibited in areas where public and private storm water commingles (Orange County Ordinance NO. 2009-04).

#### 2.4.3 **Malaysia**

There is currently no legislation governing Gated Communities in Malaysia. The only legislation which permits roadblocks and closures provides for temporary closures to be erected by police officers only and on occasions such as festivals, ceremonies and funerals. Despite the absence of a legislation and consensus to regulate Gated Communities in Malaysia, residents' associations erect gates yearly (Xavier, 2013:9). Although it has been written that enclosures through neighbourhood action are relatively rare internationally, Tedong et al (2014) has recently documented it in Malaysia. The Department of Town and country planning of Malaysia allows residents to apply for temporary planning approval showing majority support from residents. The planning departments consider allowing residents to close some of the public roads using manual boom gates or temporary structures, but there are some illegal guarded neighbourhoods that have closed public roads permanently (Tetong et al, 2014:1015).

#### 2.4.4 Watauga County

Watauga County in North Carolina, United States has a gated developments ordinance in place that deals with gated development issues countywide. The ordinance gives clear specifics for gate development such as;

- The location of gates
- Municipality determines if gates should be manual or electrical
- Gate activation shall not be erected or put down without prior notification to the responsible planning and inspection department.
- Modifications of gates can only be considered after review to ensure compliance with the ordinance.
- Installation of gates without the approval from the Watauga County violates the ordinance and a civil penalty of \$200.00 per day will be imposed until the violation is remedied (Watauga County ordinance, 2012).

#### 2.4.5 Britain

The number of gated developments continue to grow yearly in Britain but such developments have not been formally recognised by the government. There also has not been a national debate about controversies of Gated Communities and their impact on the built environment (Blandy and Parsons, 2003:323).

### 2.5 SOUTH AFRICAN CONTEXT

Although the South African government recognises Gated Communities as one of the legal forms of residential land-use, it cannot be ignored that these developments cause problems in the cities. Allowing citizens to physically separate themselves from others in a post-apartheid country that consistently promotes integration and inclusion in the city opposes the urban integration objectives (Lemanski, 2009; Landman and Du Plessis, 2007). Gated communities have become sites of identification and humiliation where new forms of segregation are evident, gates have become objects that gives conditions for entry and define what is considered an acceptable behaviour in that neighbourhood. The private security industry has

become one of the fastest growing industries in the South African economy (Bremner, 2004: 465-466). Re-ordering of the neighbourhoods and urban spaces as a result of Gated Communities leads to contradictory thoughts amongst planners as they strive to promote integration without ignoring the need for safety (Landman, 2012a:6-7). Elected councillors and officials in different municipalities experience difficulties in attempt to reach understanding to resolve the deep contradictions of Gated Communities. Policies on Gated Communities can help manage some contradictions but they are likely to be unstable due to the unique nature of South African cities, such policies require continuous evaluation and monitoring (Harrison, 2006:1-2).

Research shows that of the striking reasons behind the fear in South African neighbourhoods is that the public does not have confidence in the South African Police service (Dirsuweit, 2002:16). Neighbourhood enclosure is a common thing in wealthy neighbourhoods of South African cities. Many residents believe that road closure should be an acceptable lifestyle choice since it is a global trend (Dirsuweit and Wafer, 2006:348). Urban integration and access to public spaces is of deep concern but the extraordinarily high crime rates should not be ignored and it is therefore a serious matter for public policy.

The national and the provincial government have not been able to develop a framework policy which assists local government to confront Gated Community related issues; local authorities are left with no choice but to address the complex issues related to these developments on their own (Harrison and Mabin, 2006:16). Planning in South Africa has received considerable recognition from local government, but whether planners have contributed enough in shaping of the cities is arguable. Cities are also changing and shaped by different socio-economic factors which make planning appear less responsive. Developments in SA involve a number of key players including private developers, land-owning parastatals, tax-payers, residents associations, planners and different spheres of the government. Private sector is becoming the most powerful player in the spatial development of the urban area. Many municipalities in South Africa are not equipped to carry out new responsibilities and complications brought by Gated Developments. In some cases municipalities lack relevant training and expertise whereas the quality and usefulness of the strategies and plans produced by planners is questionable. Plans and strategies are usually abstract in nature, lack specificity, do not locate proposals within a broad spatial context and provide limited guidance (Harrison and Williamson, 2001:245-246).

## 2.6 SUMMARY AND CONCLUSIONS

The fear of crime is the main reason why Gated Communities exist but people also desire exclusivity and to be enclosed in the same environment with those who share similar lifestyles and aspirations. People have made Gated Communities their refuge due to lack of confidence in the government system as the government is considered unresponsive and unable to provide safe neighbourhoods and adequate protection. Although there is a need from people to live in Gated Communities, there are controversies surrounding these types of developments as they are said to cause class segregation, spatial fragmentation while restricting access to public spaces. Although some authors argue that Gated Communities offer refuge and comfort to their residents, those who live outside Gated Communities usually feel envious and insecure; crime also gets diverted to their neighbourhoods. Although some authors argue that Gated Communities result in crime being displaced to non-gated areas, it is also important to acknowledge that some authors have shown through their studies that there is no difference in crime rates within Gated Communities and outside, Wilson-Doenges (2000: 607).

Gated Communities create a constant reminder of inequality to those with fewer means but there are positives that Gated Communities bring to non-residents such as jobs, development of shopping centres and improved services which give non-gated residents a renewed sense of pride.

Gated communities also raise policy and spatial concerns by creating undesired spatial patterns. Gates affect connectivity and movement around the neighbourhoods. One of the striking issues is the role of the government on the increased number of Gated Communities around the world. Many countries have policies which promote the development of Gated Communities because of local governments' capacity issues and lack of resources, therefore governments view Gated Communities as "cash cows" since they are self-maintaining and require very little from the local government which makes it easier for the state to redirect government resources to the areas of need. The responsibility of the government in urban development has decreased dramatically, leaving the private sector with a bigger role to play in terms of developing houses and other developments. Private sector has gained more power over the years and it has become the main role player in shaping the urban system which makes it easier for it to develop more Gated Communities without much objection from the government.

Gated Communities make it difficult for planners to promote sustainability and integration. Town planners and local governments are under tremendous pressure as they are expected to approve Gated Community applications whilst maintaining an integrated spatial form. Roitman (2010) argues that planners should focus on planning with Gated Communities in order to minimise the negative impacts and maximise return than focusing on ways to make them disappear. Planners in different countries around the world seem to be facing similar challenges. There are a number of countries around the world which have no policies to regulate the development of Gated Communities. Yet, reasons for this largely remain unknown. It is therefore important to find out the reasons behind this.

Synergy, coordination and integration in government action in relation to the management of Gated developments are very important as any weakness in the government action can exacerbate many spatial and societal problems. By looking at the above international trends, it is clear that countries around the world face difficulties managing these developments due to the absence of formal legal mechanisms designed to deal with these developments whereas some countries have not formally recognised Gated Communities. A few ordinances have ordinances in place discussing where Gated Communities are permitted and where they are prohibited. Literature shows that there is little or no intervention from the planners which seem to be because of the complexity of the issue. The absence of regulations and national policies in other cities around the world regarding Gated Communities highlights the complexity of these developments rather than ignorance from the planners. International research shows that just like in South Africa, the need for safety remains the main reason behind the establishment of most Gated Developments. But according to local and international literature, these developments have the potential to cause segregation, unsustainable spatial patterns, hinder access and integration etc. These negative impacts that they pose in the cities have the potential to also pose challenges in the country and in Tshwane. Thus, the study explores the complexities of Gated Communities in the City of Tshwane and the challenges they face in dealing with these developments. In order to understand these issues, there was a need to collect data and information that will assist towards achieving the objectives of the study. Data was collected using different methods; the next section focuses on explaining the kind of data collected, where and why.



## CHAPTER 3

### **3 RESEARCH DESIGN AND METHODS**

Due to the complexity and controversies in relation to Gated Communities discussed in the literature review chapter, it is important to collect the relevant data which will assist towards addressing the research question. The study aims to understand the challenges planners face in relation to Gated Communities. The first section of this chapter discusses the type of research and the evaluation method to be used on this study. A fourth Generation evaluation method was used for this study. The second section of the chapter discusses how the research question will be answered, by who, how and why and also what kind of data will be collected and why.

#### **3.1 RESEARCH APPROACH AND DESIGN**

A qualitative approach was used for this study by incorporating the principles fourth generation evaluation. The combination of the two approaches was used to explore the planners' perceptions, decisions etc.

##### **3.1.1 Qualitative research**

"Qualitative research is an inquiry process of understanding based on distinct methodological traditions of inquiry that explore a social or human problem. The research builds a complex, holistic picture, analyses words; reports detailed views of informants, and conducted the study in natural setting." (Creswell, 1998:15). A qualitative evaluation probes why certain situations exist and also tries to understand the contexts of people's decisions and how they arrive at their decisions. Actions and perceptions are also evaluated and assessed against a set of questions. Qualitative evaluation seeks to assess impact and evaluate the long-term effects and benefits of a project, initiative and decision. It focuses on people's experiences about different situations (Guba and Lincoln: 1989:23). Qualitative research allowed the researcher an opportunity to understand the specific background context of the study area and also interact with the professionals involved in Gated Community processes in order to familiarise the planner with the situation. The qualitative approach required the researcher to be open to the multiple causes of the event. The researcher was then able to understand the different causes of the current situation of Gated Communities in the City of Tshwane as well as the actions that lead to specific outcomes. Qualitative research was more appropriate for the study

as it is more engaging by giving planners an opportunity to narrate their views on Gated Communities.

### 3.1.2 Fourth Generation Evaluation

Guba and Lincoln (1989:50) describe Fourth Generation Evaluation as an approach that moves beyond the scientific ways of just acquiring facts to include the untold socio-political, cultural and contextual elements that are involved in an evaluand. In a fourth Generation Evaluation, an evaluand is term used to describe the subject or phenomenon to be evaluated. It is called a “fourth generation evaluation to signal their belief that this type of evaluation moves beyond its measurement-oriented, description-oriented and judgement oriented predecessors, to a new type whose key dynamic is negotiation” Guba and Lincoln (1989:50).

Fourth Generation evaluation is a theoretical construct for a qualitative research approach. It is an appropriate method for the study of public processes and activities.

#### 3.1.2.1 *The process of the fourth Generation Evaluation Model*

The process involves the identification of the full array of stakeholders who are at risk in the projected evaluation, eliciting from the stakeholder groups their constructions about the evaluand and the range of claims, concerns and issues they wish to raise in relation to it: further identify and probe claims, concerns, and issues that emerge and make sure that all relevant issues were identified and agreed on. There may be several reports tailored to the claims, concerns and issues of the stakeholders. Agreements on elements of these reports may lead to proposed action steps. The report should be aimed particularly at the stipulated purpose(s) of the evaluation. The Fourth Generation Evaluation Model assists the researcher to identify the full array of stakeholders in the study area and to elicit from the stakeholders, their constructions of their situation and the range of claims, concerns and issues they wish to raise in relation to it. In this way, the evaluator does not only establish whether the research problem/question to be evaluated is a legitimate one but also what the nature, extent and impact the problem has on the community/stakeholders. The qualitative approach guided by the principles of fourth generation evaluation was a suitable method as it allows planners an opportunity to learn about the claims and concerns from the affected communities, the general public, etc. concerning the decisions they make regarding Gated Communities and also give them a right to respond to them whilst also raising their own issues and concerns transparent

for evaluation. The methodology enabled the researcher to understand and learn from practice complexities through the claims, concerns and issues raised by the local authorities.

In this study, the full array of stakeholders who were at risk of being evaluated were the planners in the City of Tshwane municipality who have been involved in the process of assessing applications, drafting Gated Community policies, attending tribunals, attending public hearings, handling public complaints and grievances. The planners included in the evaluation were chosen on the basis of their involvement and experience with Gated Communities in the municipality. It was of importance to involve experienced planners in the process of the evaluation as opposed to involving everyone who is responsible for Gated Communities in the City of Tshwane. The evaluation process took consideration the claims, the concerns and the issues the stakeholders wished to raise in relation to Gated Communities in order to understand the challenges they face. The process of evaluating the stakeholder claims, issues and concerns of the stakeholders was facilitated by discussions resulting from semi-structured questions. Evaluating the issues raised by planners allows the evaluator to understand the extent of the issue under evaluation and the impact it has on the stakeholders.

The procedure followed in carrying the fourth Generation Evaluation are typically qualitative in nature, the procedure includes using the following: Interviews (semi-structured), documents, records and unconstructive measures. Records in particular are an enormously useful source; they lead to new insights into public policy and its formulation.

According to Guba and Lincoln (1989), a record is defined as a written statement prepared by an individual or an agency for the purpose of attesting to an event or providing an accounting. Unlike documents, which are written papers furnishing information, records are generally compiled simply to “keep track” of events or transactions, they form an official statement that some event or transaction occurred.

The study serves an evaluation purpose by giving the researcher a platform to analyse findings and judge the findings according to literature. The literature review and the research question were used as a guiding tool to analyse the relevancy and the applicability of the information collected from the participants. The opinions of the municipal officials were used as a direction into understanding the complexity of the situation.

Semi structured interviews were used in this study as a way of facilitating and encouraging discussion. Semi structured interviews stimulated a discussion and it was easier to frame

professional opinions that helped to understand why planners have been turning a blind eye or responding the way they do.

The research will give insights on the challenges planners face in dealing with Gated Communities and their responses to such challenges. Furthermore, a number of policy documents, municipal plans, IDP's and SDF's were analysed in order to understand how planners are expected to deal with issues in relation to Gated Communities in municipalities. This method is called documentation review, it helped to identify what kind of interventions the local governments already have in place as means of dealing with Gated Developments and also understand what the municipality knows in relation to the tensions around Gated Communities. The study area is Tshwane metropolitan area and the paragraph below explains why the City of Tshwane was chosen as the area of study.

### **3.1.3 Why City of Tshwane as the focus or study area?**

The City of Tshwane is the municipal area which includes Pretoria, which is the capital city of South Africa. There are a number of Gated Communities existing in the City of Tshwane which allows for a study in this area. Tshwane is exposed to global forces and therefore it is responsible for setting economic, political, social and environmental trends. Tshwane has been amalgamated with Kungwini municipality, making it the biggest metro in South Africa, Tshwane has become a centre of diversity and change. Therefore Tshwane allows for a study to take place, as a biggest metro in South Africa it should be able to improve the quality of planning and decision making in all development issues. Tshwane has the responsibility of setting an example of creating innovative ways of addressing provincial and national challenges. There were a total number of 88 gated communities at the end of the year 2003. The physical characteristics and the size of the Gated communities in Tshwane also differ significantly. Therefore it is easier to do a comparative analysis of the varying existing neighbourhoods based on size, location and type.

### **3.1.4 Research methods**

#### *3.1.4.1 Constructivist methodology*

*The posture of fourth generation begins with the assumption that realities are not objectively "out there" but are constructed by people, often under the influence of a variety of social and cultural factors that lead to shared constructions*

*Guba and Lincoln (1989:26).*

This method of evaluation assumes that there are always stakeholders whose issues and concerns deserve to be identified and honoured. The algorithm for any evaluation process must begin with a method for determining what questions are to be raised and what information is to be gathered. In this study, the researcher assumes that there is more in relation to the process of dealing with Gated Communities in municipalities than what people know and what has been written about. Planners are often accused of not being responsive and being reluctant to deal with Gated Community issues, this evaluation gives planners a platform to give their side of story, share their experiences and raise their concerns in relation to Gated Communities.

Fourth Generation Evaluation gives the evaluator the opportunity to specify the kind of data and information that will be needed to deal with or respond to the issue in question. Given these data needs, the evaluator selects whatever approaches are most useful in generating the data. The responsive evaluator will select whatever instruments are appropriate. The evaluator proceeds to carry out the data collection procedures that have been identified. Once the data has been collected and processed, the evaluator shifts to an info-reporting mode. The information is organised into themes. Since the evaluator cannot report on every issue, it is important that the evaluator to separate those that will be reported. The report takes the form of a discussion. As a result of the conversation, the evaluator place limits on the scope of the program. The limits are also set because of inputs from other sources such as the program proposal, documents and official records (Guba and Lincoln, 1989:26). In this study, the findings are organised into themes as expected of a fourth generation evaluator.

The process start with preparation for the visit to the Tshwane municipality to identify which stakeholders will be valuable in identifying claims, concerns and issues in relation to Gated Communities. Identification of stakeholders is informed by documentation analysis, literature review and other relevant sources. Literature and documentation analysis assisted the evaluator in determining who should be part of the evaluation and why, it was therefore necessary that the evaluator involves people who are directly involved in the process of making difficult decisions in relation to Gated Communities. This included planning officials who facilitate public hearings on Gated Communities, process Gated Community applications and other related processes. Responsive focusing assists the evaluator to determine what questions are to be asked and what information is to be collected on the basis of stakeholder

inputs. All stakeholders have the right to place their issues and concerns on the table for consideration.

The study is based on literature review, documentation analysis, GIS data and Interviews. Details on how information was obtained through these methods are given in the next paragraphs. Information was collected by using both primary and secondary data sources.

#### *3.1.4.2 Literature review*

According to Gay (1981:29) reviewing of relevant literature involves a structured identification, proper organising and analysing of documents that contain information that is related to the research question. Gay explains that a literature review is a very important component of research as it clearly allows a researcher to determine what has been done already in connection to the research question. Literature review also assist the researcher on knowing more about the research procedures and strategies that other researchers have used (Gay, 1989:30). Literature review was used in order to understand the challenges planners face as a result of the growing number of Gated Communities in South Africa and around the world. Literature review was also used to explore the key issues around the world in relation to Gated Communities, the impacts Gated Communities have on people, the economy, planners, policies and the institutions.

#### *3.1.4.3 Documentation analysis*

Documentation analysis included analysing the plans, strategies and policies that the municipality is currently using to manage spatial planning and land use as well as the strategies they have in place to address the issues of Gated Communities in the Tshwane area. The analysis of the national documents focused on the Constitution of the Republic of South Africa as well as the Spatial Planning and Land use Management Act (SPLUMA, 2013). The constitution deals with the issues of rights, access and the safety of the citizens, it was therefore important to understand what the constitution has to say about Gated Communities. The SPLUMA is the national legislation that deals with planning and development issues it was therefore necessary to find out if any details have been given on how planners can deal with issues related to Gated Communities in SA. The provincial strategies are meant to manage land issues and promote integrated, compact and sustainable neighbourhoods. These strategies play an important role in shaping the urban environments and it was of importance to see how Gated Communities fit into these strategies. Provincial strategies discussed include

Gauteng Global City Region perspective, the Rationalisation of Local Government Affairs Act, No 10 of 1998, Local Government Ordinance (Ordinance 17 of 1939), Gauteng Spatial Development Perspective and Local government and housing strategic plan 2009 – 2014. Local plans and strategies shape the urban system and determine the future spatial pattern of the area, Local plans differ from municipality to municipality depending on what the municipality aims to achieve. The City Of Tshwane municipal strategies were analysed to understand the challenges the municipality faces when planning for the future, how challenges are addressed, what shapes the spatial form currently and what hinders integration and sustainability in the municipality. This was important in order to understand if Gated Communities fall within the challenges the municipality face, and if so, how they address such challenges. The Tshwane local plans, strategies and legal documents analysed are, Growth and development strategy for the city of Tshwane, Tshwane Town planning scheme, Tshwane Metropolitan Spatial Development Framework 2012(MSDF ), A Macro Perspective on Residential Densities and Compaction for Tshwane and lastly the Tshwane Metropolitan Spatial Development framework 2012(MSDF). A record of all applications for road closure in the City of Tshwane since the year 2003 until 2013 was obtained from the municipality. The year 2003 until 2013 represents a ten year period which is long enough to establish a trend.

#### 3.1.4.4 *GIS data analysis*

GIS data was used in order to locate Gated communities in the municipality, find out in which areas they dominate, and also to establish demand for Gated Communities in the City of Tshwane. Certain maps were sourced from the internet and from the municipality. Data by the Department of Town and Regional Planning of the University of Pretoria from AfriGIS (2012) was also used to illustrate the linkage between the eastern region of Tshwane and Johannesburg as defined by Gated Communities. It was important to locate Gated Communities in maps in order to understand if there is a relationship between the location of Gated Communities and the challenges they impose on planners.

#### 3.1.4.5 *Interviews*

Interviews are one of the most critical techniques used in this research. Interviews are a far more personal way of researching than questionnaires. As a result of interviews being more personal than questionnaires, it is very easy to obtain more in-depth information from the

respondents. The researcher is therefore more able to ask follow-up questions which clarify the answers that respondents give (Gay 1989:30).

### *Interview Schedule*

An interview schedule was used as guide when conducting interviews at Tshwane municipality with the officials. Officials included Town planners and policy writers. As Tshwane is comprised of seven regions, it was therefore imperative to interview the seven regional managers, each per region as each regional manager is responsible for the Gated Communities in his/her region. Two administrative officers responsible for capturing and recording the existing Gated Communities in the city were also interviewed. A set of questions were designed in order to gather information that leads to the answering of the research questions. Five semi-structured interview questions were used in order to facilitate the discussion, giving the respondents an opportunity to frame their own ideas and perceptions. The questions and the reasons why these specific questions were used are given on the next paragraphs.

In order to understand the how the City of Tshwane has been addressing the issues and challenges related to Gated Communities within their policies and plans, documentation review was done. A documentation review made it clear that very few plans and strategies in Tshwane municipality make mention of Gated Communities whilst policies to address Gated Communities are almost absent. Documentation review was not enough on its own to make a conclusion, and since Gated communities have been creating tension for planners, it was therefore important to interview planners/municipal officials who have been working with Gated Community applications for a number of years in the City of Tshwane. The perspectives and opinions are very important for this study as they are the people who stand in the middle of all the tension and criticism from the communities, general publics and the academics. Everyone looks at the planners for answers and planners are caught up in a situation where they don't know who to please. An interview was an appropriate method to understand their perspectives and challenges. This was also necessary to understand how their perspectives and experiences are similar or different from the international literature. Planners are the people who deal with Gated Community applications every day and therefore they are the best people to explain the challenges they face in doing so and why things are the way they are currently. Five semi-structured interview questions were used to understand the deeper planning issues in relation to Gated Communities in the City of Tshwane. The first interview question was asked in order to understand how planners deal with this challenging situation of Gated Communities

and what tensions they experience in the City of Tshwane. The second interview question was relevant to find out if municipal officials are aware of the tensions around the world and in South Africa, related to Gated Communities in order to understand if the municipal officials' lack of response and intervention to issues of Gated Communities is due to lack of information on what negative impacts Gated Communities are said to have on the spatial form or if they are fully aware of the issues and the impacts but choose to be silent for other reasons. The third question to the municipal officials was asked in order to find out if the negatives of Gated Communities as discussed in the literature review have started manifesting in the City of Tshwane. The fourth question was asked to find out if the council has discussed or drafted plans to promote or discuss Gated Communities in the future; this will be used to find out if what the literature says about municipalities promoting Gated Communities is also happening in Tshwane or if Tshwane has plans to discourage them. And lastly it was important to find out from the municipality what kind of measures or tools they use to regulate and track these developments, this is important to make a comparison with what is happening in other municipalities around the world, literature review indicates that most municipalities around the world have little or no measures in place. It was important to ask this question in order to know if what is happening in municipalities in other countries is what is happening in Tshwane or if things are happening differently. In order to establish demand for Gated Communities in the City of Tshwane, the officials responsible for recording all Gated Development applications that the municipality receives were also interviewed (see Annexure 1 for interview schedule).

The President of South Africa signed the Spatial Planning and Land Use Management Act (SPLUMA) into operation on the 2nd of August 2013. The new act (SPLUMA) resulted after the constitutional court declared chapter four and five of the Development Facilitation Act 67 of 1995(DFA) unconstitutional, many municipalities in South Africa previously relied on the DFA to make land use decisions. The Constitutional court gave the government until July 2012 to rectify the problem. The Department of Rural Development and Land Reform took the task of rectifying the problem by making sure that a new act on spatial planning and land use management is enacted in order to replace inconsistent legislations that were currently in used to deal with land use issues. This huge task involved municipalities and other stakeholders in order to ensure uniformity in planning and land management. The SPLUMA's objectives include the promotion of social and economic inclusion, addressing the imbalances of the past whilst aligning land use planning with the constitution. The act gives municipalities' full responsibility for all land use and land development applications in their jurisdiction. In order to

understand why the newly enacted national act on spatial planning and land use management does not acknowledge or address Gated Community issues, two professional town planners at the department of Rural development and Land Reform under the Chief Directorate of Spatial Development Planning were interviewed about what the SPLUMA aims to achieve and what issues it is meant to address. The officials were also asked about their knowledge and experiences with Gated Communities and the potential negative impacts they have and lastly why the SPLUMA makes no provisions for Gated Communities. Two professional planners interviewed worked on the SPLUMA since it was still a bill, they have more understanding of why certain issues in the SPLUMA were given priority than others.

### 3.1.5 The research process

- An extensive literature study regarding the challenges faced by planners, Gated Communities, reasons behind Gated Communities, arguments for and against Gated Communities, the main arguments and the key issues,
- GIS data analysis and spatial analysis of Gated Communities to establish demand and patterns and critical policy review,
- Interviews with the Department of Rural development and Land Reform as the custodians of the SPLUMA to understand what issues are regarded as central when drafting a national legislation and why the Gated Developments never received attention from the act,
- Interviews were conducted with the officials at the City of Tshwane to understand what challenges planners are facing in relation to Gated Communities.

### 3.1.6 Ethical Issues in research

Generally ethics are principles of conduct that are required and seen as fundamentals and correct according to a particular group or profession. In practice, the collection of data from people inevitably raises ethical questions, as such one has to be careful not to harm people and respect their privacy and not by any means subject them to any unnecessary research. According to Goddard and Melville (2001:1) one has to be careful not to compromise the validity of the gathered information. In complying with ethical requirements, the researcher made a provision for acquiring consent. In the extant literature, consent from an institution, in particular manager or divisional head is necessary when the institution is a subject of a research (Leedy & Ormrod, 2005:98). The participants granted verbal consent to the study. The

researcher provided the participants with written request via email to conduct the research and did receive written consent via email. Some participants also gave verbal consent telephonically when the researcher followed up on the request to do the study. The granted consent made it possible for the researcher to freely engage with the interviewees of the identified individual municipalities.

### 3.1.7 Data interpretation and analysis

The data interpretation and analysis provide logical reasoning for every research done. Qualitative data is basically multi-method in data collection, which calls for a multi-method data analysis and interpretation. Data was interpreted in words through explanations and interpretations of the phenomena by comparing responses of the municipal officials with literature (Leedy & Ormrod 2005:97).

### 3.1.8 Limitations

In practice, studies of similar nature are normally carried out through longitudinal approach; hence this study is cross sectional. Important information that is undocumented posed a limitation for undertaking the study in Tshwane municipality only. The study is of a small scale, covering only the responses to the issue of Gated Communities in the Tshwane Metropolitan Municipality.

### 3.1.9 Summary

Research design is of importance towards delivering necessary evidence necessary to answer the research questions as accurately as possible. Different research methods assisted in finding evidence for different research questions. Fourth Generation evaluation gave planners a platform to raise their concerns, issues and claims in relation to Gated Communities. The next section gives a contextual framework of the study area in order to lay foundation before findings are presented. The context section gives a short discussion of the City of Tshwane and the institutional framework of the area which including the procedures followed to regulate Gated development issues in the municipality. The context section is followed by findings gathered using different research methods.



## CHAPTER 4

## 4 CONTEXTUAL ANALYSIS

The context includes the socio-spatial and the institutional context within the City of Tshwane. This chapter also provides a holistic picture of enclosed neighbourhoods. This includes discussing the process of application, the fees, and the legislation used to apply for restriction of access. The chapter also shows the location of most Gated Communities, the illegal and legal Gated Communities as well as other related information. This aims to provide basis and understanding for the following chapter.

### 4.1 SOCIO-SPATIAL CONTEXT OF TSHWANE

The City of Tshwane Metropolitan Municipality is located in the Gauteng province. Tshwane currently accommodates over 2, 9 million people which is over 8% of South Africa's total population. The majority of the Tshwane population falls within the age group of 15 to 84 years. The City of Tshwane faces a challenge of ensuring that its citizens have access to basic services. The City of Tshwane contributes to Gauteng's GDP at over 27%. Poverty and inequality remain some of the municipality's biggest challenges. According to the Tshwane IDP, income inequality and poverty has worsened since 1996 at 0, 63% and 26, 3% respectively. The IDP also indicates that most poor people are mainly located in the previously disadvantaged areas of the city and there is a correlation between the poverty pockets and the areas deprived of social and economic opportunities. While Tshwane has experienced some improvements in some social issues, it has been acknowledged that crime and the number of people living below the poverty line has been increasing whereas incomes continue to be unevenly distributed. The majority of the populations living below the poverty line are blacks. (Tshwane IDP 2015/2016)

#### 4.1.1 Geographical Description of Tshwane

The city of Tshwane Metropolitan Municipality forms the local government of northern Gauteng province, South Africa. Research shows that there are over 2.9 million people living within the city of Tshwane. Tshwane is comprised of 105 wards and it has more than 911, 536 households. It covers an area of 6,298 km<sup>2</sup>. Most of the government departments are located in the city of Tshwane. The City of Tshwane Metropolitan Municipality is subdivided into twenty four areas and they are as follows (Tshwane SDF 2012): Akasia, Atteridgeville, Bronberg, Bronkhorstspuit, Centurion, Crocodile River, Cullinan/Rayton/Refilwe, Eersterust, Ekangala,

Elands River, Ga-Rankuwa, Hammanskraal, Laudium, Mabopane, Mamelodi, Pienaarsrivier, Pretoria, Soshanguve, Rethabiseng, Roodeplaat, Soshanguve, Temba, Winterveld and Zithobeni.

Only few of the listed areas have Gated Communities within them. The south eastern region of Tshwane accommodates middle and higher income groups and most of the low income groups are located in the west. The eastern region of Tshwane has a large number of Gated Communities than any other region in the Tshwane area. Less than forty per cent of the enclosed neighbourhoods are legally recognised by the municipality whereas the rest were either implemented by the community without the approval from the municipality or the two year temporary right to close the neighbourhood has lapsed.



**Figure 2 - Tshwane in South Africa (Source: Google maps, 10 April 2014)**

Figure 2 shows Tshwane's position in South Africa, while Figure 3 shows the location of the city in the province of Gauteng in more detail.



Figure 3 - Tshwane in Gauteng Province (Source: Google maps, 2014)

## 4.2 THE INSTITUTIONAL CONTEXT

The Tshwane Metropolitan Municipal Council adopted a governance model which is aimed at separating the roles and functions of the legislative and executive wings of the municipal council. The model aims to improve the institutional arrangement of the city, develop oversight

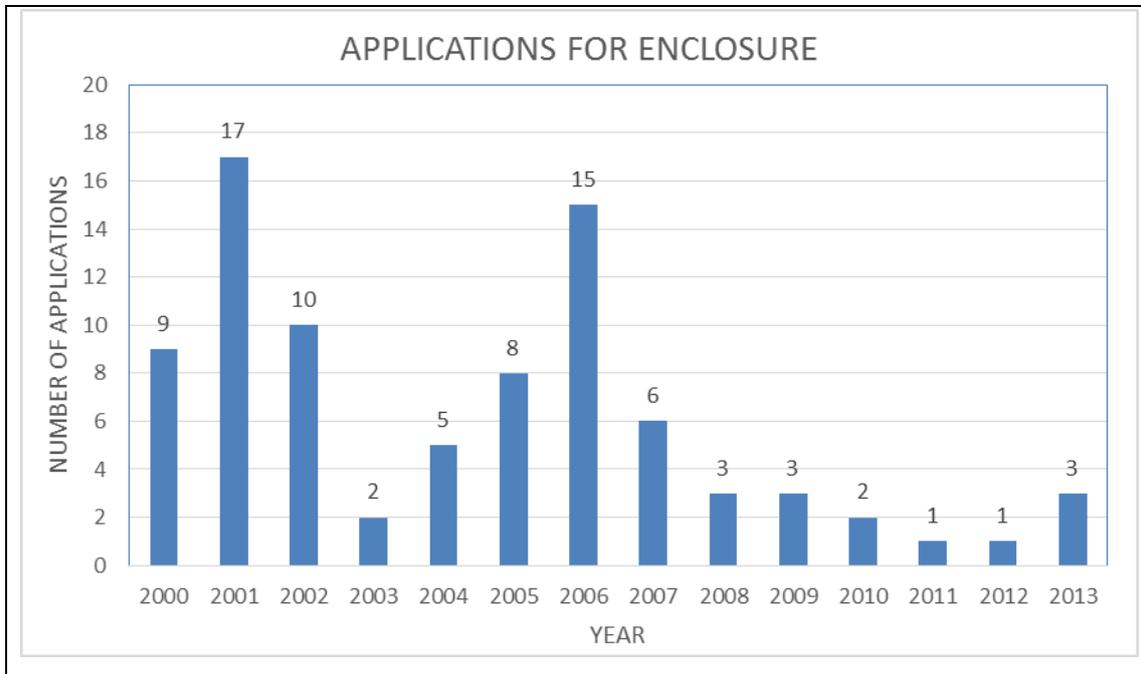
committees and allow for a transparent process towards decision making in the legislative and executive areas of the council. The Tshwane council consists of 210 elected councillors. The council is responsible for the approval of legislations, ensuring community and stakeholder participation as well as providing guidance towards planned and implemented interventions in the city. New York city council According to the Constitution of the Republic of South Africa (Act 106 of 1996), the local government is responsible for all development processes in municipality and municipal planning. The Municipal Spatial Development Framework (MSDF) provides a spatial representation of the city vision and it is used as a tool to integrate all spatial planning aspects such as land use, movement systems, roads and open spaces planning. The MSDF also gives guidance to all spatial development decision-making processes. According to the Municipal Systems Act (32 of 2000), an Integrated Development Planning (IDP) is a core function of a municipality. An IDP should be strategic and inclusive in nature. The IDP should link and integrate all municipal plans whilst taking the development proposals into consideration. All planning processes in the City of Tshwane are guided by the IDP, SDF and the Tshwane vision to ensure integration and coherence within the municipal plans and the development proposals.

### **4.3 SPATIAL CONTEXTUALISATION**

#### **4.3.1 The demand for Gated Communities and the geographical location of gated communities in Tshwane**

The first section of the findings attempts to understand the demand for Gated Communities in Tshwane using maps and municipal statistics indicating the number of applications the council receives per year. GIS data is also used to show the areas where Gated Communities are located in the city. The section will also give possible reasons for the patterns shown in the maps; identify any links between the data collected, location and the people interviewed. And also to understand how the geographical data fits in with the theory and issues surrounding Gated Communities. The Tshwane Municipal Spatial Development Framework (MSDF 2012) explains that the trend of Gated Communities is expanding faster towards the South western parts of Tshwane. The MSDF explain the trend as a fast growing phenomenon. The research conducted by the CSIR in 2002 shows that there were 35 existing Gated Communities in Tshwane, with 75 outstanding applications. In light of this information one may assume that Gated Communities have a strong appeal.

The municipality experienced an increased volume of applications for neighbourhood enclosures from the year 2000-2008. But immediately after 2008 there have not been more than 3 applications per year (Figure 4).



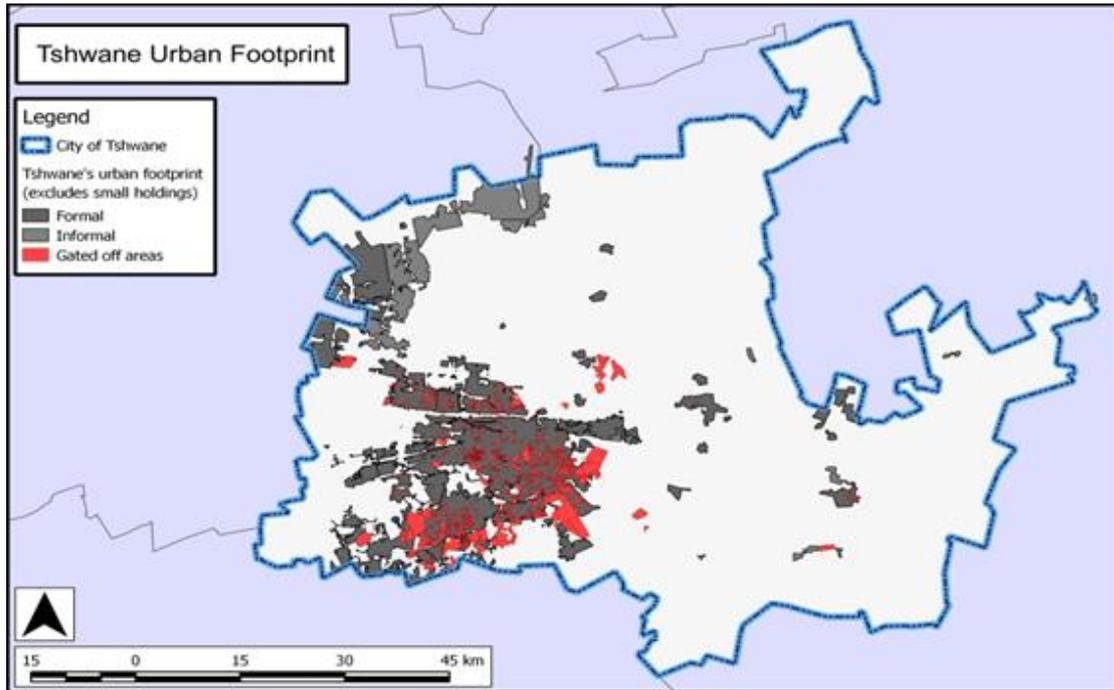
**Figure 4 - Number of gated development applications per year**  
(Source: City of Tshwane)

The municipality is aware of the decrease and it is acknowledged that reasons for a decrease in number of applications submitted to the municipality are not clear. Although the municipality has not been receiving a large number of applications, illegal Gated Communities continue to be established. The number of applications the municipality has been receiving since 2008 have been predictable and manageable. Looking at the decreasing number of applications at the municipality, one may assume that this could be the reason why the municipalities have not really intervened to the expected level, in terms of policies, evaluation and monitoring tools. It is also important to bear in mind that the decreasing number of applications might not necessarily mean a decreasing demand from the public. It is clear that applications are not in large numbers, which could mean that the municipality might not see a need to draft strict policies and regulations since applications are not in large numbers. The municipality might not perceive enclosed neighbourhoods as threats as yet considering that the pressure is not high. Few applications to the council can indicate that the matter of enclosed neighbourhoods is not an urgent one and therefore it does not require urgent attention and intervention. There is a

possibility of an increased demand for Gated Communities but currently the demand has lowered.

It was also said that another reason for the decreased number of applications submitted to the council could be that vulnerable neighbourhoods have been closed already. Some of the applications on Figure 5 are not necessarily new applications but they are applications from the existing closed neighbourhood who are reapplying for an extension. Out of the 85 applications the municipality has received since 2000 according to Figure 5, about 21 applications are not entirely new applications, they are amended applications, revised applications, reapplications or resubmissions from the existing enclosed neighbourhoods. A decrease in the number of enclosed neighbourhood applications for the past 7 years could mean that demand might not be increasing at an alarming rate in the future or that people have chosen to live gated townhouse complexes and security estates.

Figure 5 shows Gated Communities in Tshwane and their position in the city. The information on the map reflects all types of Gated Communities (security villages and Enclosed Neighbourhoods) in Tshwane in 2011. More than sixty per cent of the Gated Community applications received by the City of Tshwane are from the eastern parts of Tshwane. The eastern region of Tshwane accommodates middle and higher income groups and most low income groups are located in the west. There are hardly any enclosed neighbourhoods in the western region.



**Figure 5 - The urban footprint of Tshwane (grey) with gated off areas (red). Gated off areas take up around 14.4 % of the built up area of the City of Tshwane**

#### 4.3.2 Illegal and Legal Gated Communities

Figure 6 shows the illegal and the legal enclosed neighbourhoods in the City of Tshwane. Gooblar (2002) indicates that local officials are often not aware of the number of Gated Communities existing in their cities; as the number of Gated Communities recorded in their databases is not always the true reflection of the existing Gated Communities in the cities. These findings by Gooblar are also evident in Tshwane, there are a number of illegally enclosed areas in the city, and one of the municipality officials indicated that it is possible that there are more enclosed neighbourhoods operating without their knowledge. The municipality usually finds out about certain illegal enclosures from people who are being affected by such enclosure. Planners are often faced with communities that enclosed neighbourhoods without the knowledge of the planners or the approval of the municipality. When such neighbourhoods later face urban problems, planners are expected to intervene and correct the mistakes made by communities operating without the knowledge of the municipality.

It was also indicated that most illegal enclosed neighbourhoods result when communities are unable to afford application and maintenance fees, while these communities are desperate to protect themselves whether they have municipality approval or not. The issue of costs for

applying and maintaining Gated Communities cannot be ignored. The need for safety and security exists everywhere, but in poor neighbourhoods the demand is often not met due to costs of application and other related costs, as these communities do not have money to apply for neighbourhood enclosure.

Some communities decide to enclose neighbourhoods even if their application for enclosure has been rejected. This is an indication that if the municipality should stop approving neighbourhood enclosure applications, it is likely that many communities would start operating enclosure illegally, and this would have a chaotic effect in the spatial form and management.

Planners also face the issue of communities with high crime rates that cannot afford to pay monthly fees for enclosure. In this situation, planners are still expected to make a decision that pleases the community. Planners are confronted with the issue of fees and the unfairness of it. Other members of the communities would argue that, if they don't have money to pay the monthly fees, should they continue being victims of crime? Planners are then accused of being impractical and unfair to those with less means.

Illegal Gated Communities present urban management challenges to planners as planners are usually not aware of their existence and therefore they are always not planned for. When communities feel threatened e.g. when a number of robberies increase in a neighbourhood, the community usually believe that they have the rights to close off their neighbourhood. When planners intervene to correct the situation, political parties usually intervene too, in order to prevent the municipality from removing the boom gates, this disempowers planners their authority to maintain spatial order and promoting accessible neighbourhoods.

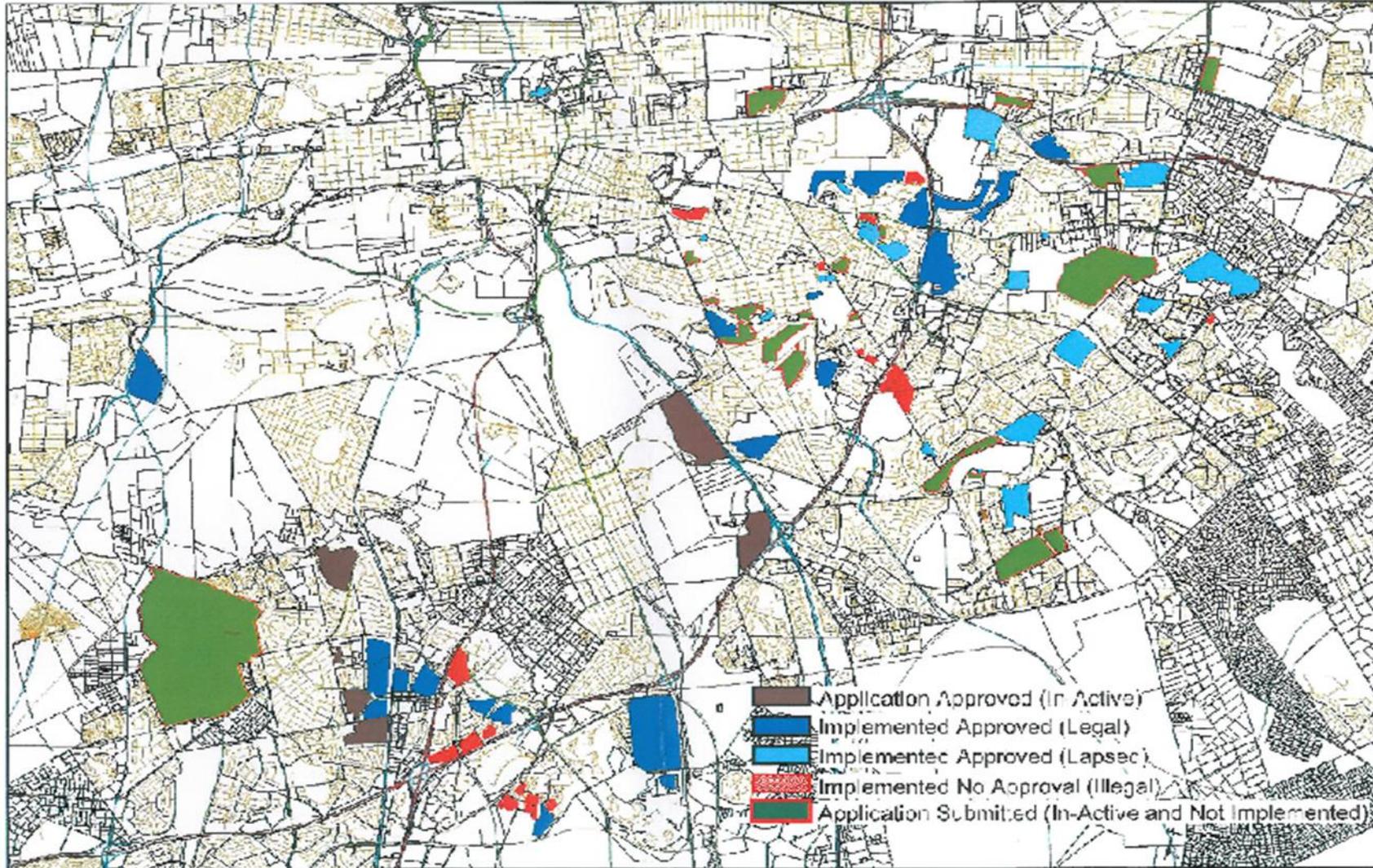


Figure 6 - Legal and Illegal Gated Communities in Tshwane Source: City of Tshwane, 2013

The following section gives a brief discussion of the meaning of different words as indicated in Figure 6 above, figure 7,8 and 9.

*Application Approved (Inactive)*

The brown colour on the map (Figure 6) represents neighbourhoods whose applications for neighbourhood enclosure were submitted to the municipality but after the municipal approval to enclose the neighbourhoods, the right to close the neighbourhood was never exercised. Reasons for not exercising the right to close the neighbourhoods are usually lack of funds to bring an enclosure into operation, maintenance fees and the cost of security guards.

*Implemented Approved (Legal)*

The dark Blue colour on the map (Figure 6) represents closed neighbourhoods that exist with the approval of the municipality. These are the legal enclosed neighbourhoods in compliance with the legislations and policies.

*Implemented Approved (Lapsed)*

The light Blue colour on the map (Figure 6) represents neighbourhoods in Tshwane which remained closed even after the two year temporary closure has lapsed. These are illegal enclosures.

*Implemented No Approval (Illegal)*

The Red colour on the map (Figure 6) represents neighbourhood enclosures in Tshwane implemented without the knowledge or the approval of the City of Tshwane council. This usually happens when a community was denied neighbourhood enclosure after an application was submitted to the municipality.

Figure 7 below shows that the eastern side of Tshwane has a larger number of illegal enclosed neighbourhoods than those that are approved by the municipality. A large percentage of the illegal neighbourhood enclosure is comprised of areas where the two year temporary enclosure approval has lapsed, followed by enclosed neighbourhoods which have never submitted applications for enclosure to the Tshwane municipality.

Figure 8 below shows the spread of the Gated Community phenomenon to the Southern parts of Tshwane. It also shows a number of neighbourhoods awaiting approvals from the council which shows that these developments are only popular in certain areas of the city.

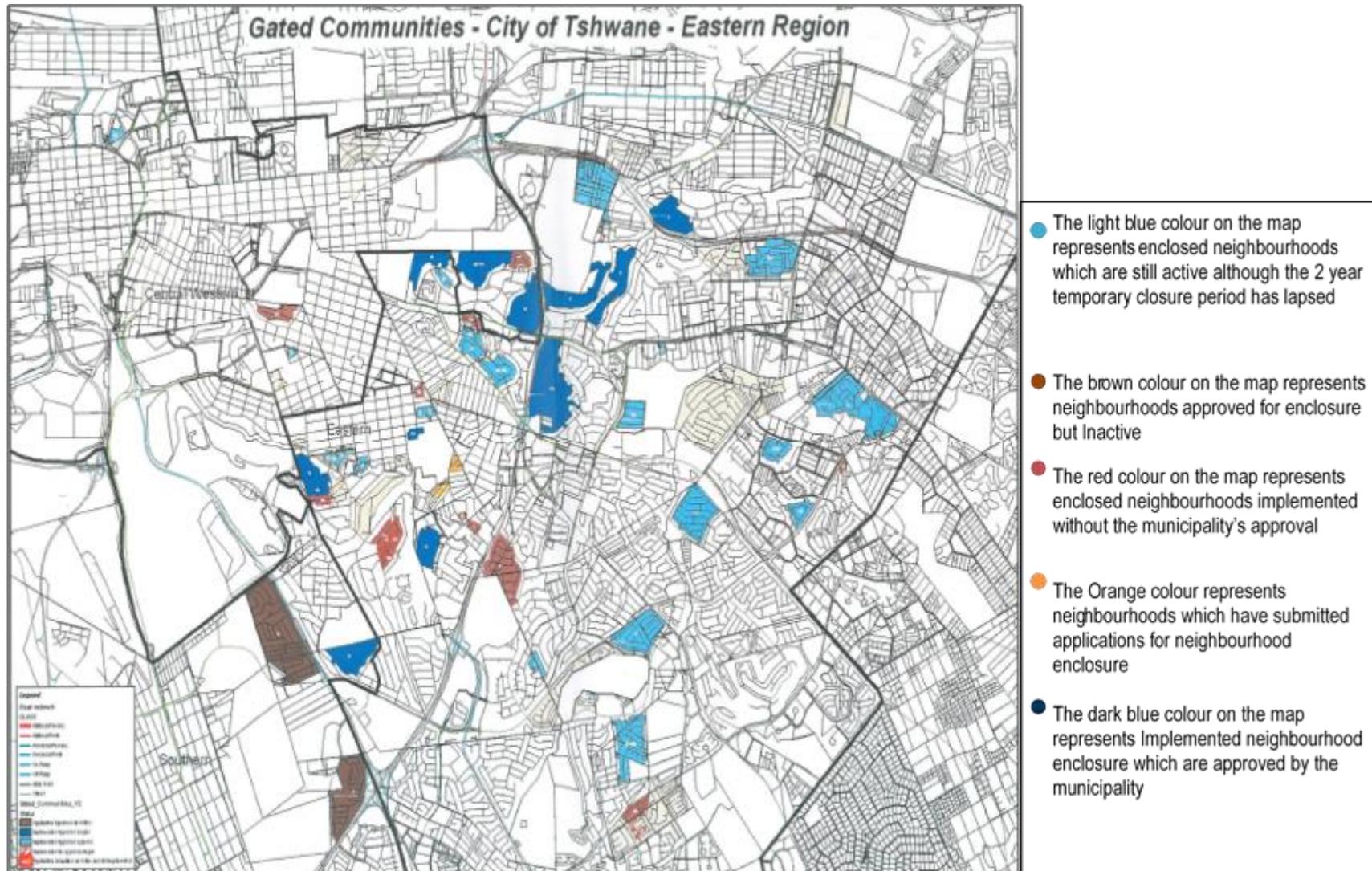


Figure 7 - Gated Communities in the eastern region of Tshwane Source: City of Tshwane, 2013

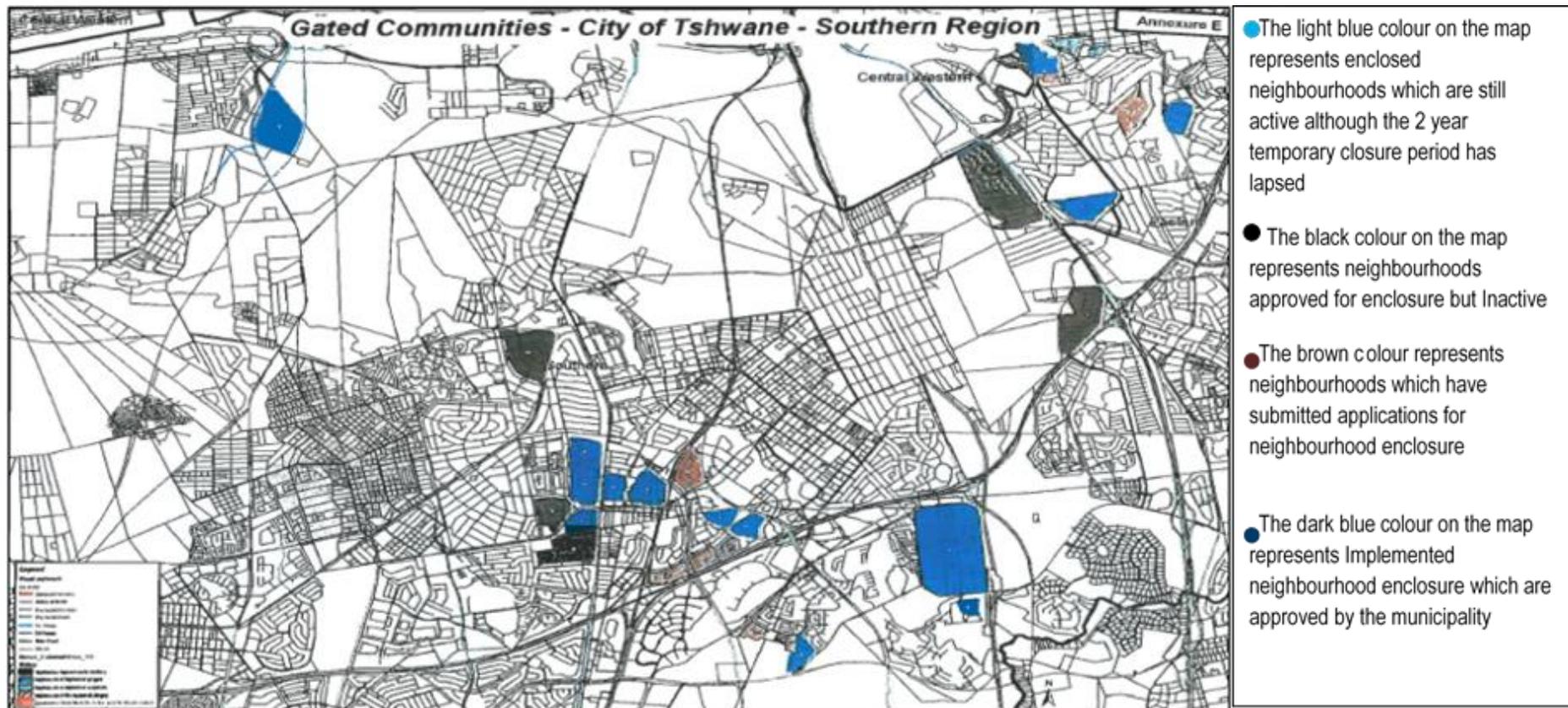


Figure 8 - Gated Communities in the Southern region of Tshwane Source: City of Tshwane, 2013

The municipality acknowledges that the maps above only include the enclosed neighbourhoods that the municipality is aware of, legal and illegal, whilst there are enclosed neighbourhoods that exist illegally without the municipality knowing anything about them. Some neighbourhoods adopt Gated Community practices without creating a gate/boom; instead, these neighbourhoods simply employ guards to observe unknown cars and individuals, requesting identity and reasons for visiting. These kinds of practices are not only illegal but they also make it difficult for municipality officials to track them unless reported by members of the public.

The above findings replicate the two studies done by Grant (2004b) and Gooblar (2002) showing that planners in local government often have difficulties confirming whether housing developments in particular neighbourhoods are gated or not gated. The studies reveal that planners are often not aware of the Gated Communities in their midst. The municipal authorities do not have an existing system to track Gated Developments in the municipality. Grant (2004b) explains that when researchers visited the Vancouver suburb for field assessments of these developments, it was realised that there were significantly more Gated Communities than those recorded in the municipal database. The number of Gated Communities recorded in the municipal database proved to be incomplete, and not entirely accurate (Gooblar 2002; Grant 2004b).

Tshwane municipality officials acknowledge that the demand for Gated Communities may exist from the public but the issue of the cost for closing should not be ignored. There are communities wishing to close their neighbourhoods but lack funds to do so. It is not easy to determine how many people want a neighbourhood enclosure if there are costs attached to the enclosure. A number of communities simply withhold their demands if there are costs that accompany the need. It is also said that there are a number of communities that approach the municipality with the desire to close their neighbourhood but when the costs for neighbourhood enclosure are explained to them, they suddenly lose interest. There are also communities in townships with the desire to enclose a neighbourhood but cannot do so because of the cost implications. A municipal official indicated that it is an unfair statement to say that the demand has decreased simply by looking at the figures, and it is believed that demand for Gated Communities will always exist. The municipal official explained that the question is not whether or not there is a demand but the question is whether they can afford to apply to close-off the neighbourhood?

All closed neighbourhoods in Tshwane are expected to pay a monthly fee to the council. Less than forty per cent of the closed neighbourhood in the Tshwane area are able to pay the expected monthly fees to the municipality. There are neighbourhoods in Tshwane that were previously classified as enclosed neighbourhoods by the municipality for a number of years but after a while the gating and the security guards were discontinued and the neighbourhoods became open again solely because the people residing in the neighbourhoods were unable to pay the required fees and maintenance costs needed to keep the neighbourhood closed.

This raises questions about the establishment of enclosed neighbourhoods and the requirements to do so. The following section discusses the process which leads to the establishment of neighbourhood enclosure in Tshwane, the legislation used, the applicable fee for application as well as other related matters regarding these establishment procedure.

#### **4.4 THE ESTABLISHMENT OF GATED COMMUNITIES IN THE CITY OF TSHWANE**

The City of Tshwane defines enclosed neighbourhoods as communities with controlled access through gates or booms, while security villages are defined as complexes or areas that were originally planned as enclosed neighbourhoods. Motivation for gating at the City of Tshwane is based on a strong perception that gating of neighbourhoods provides necessary protection from crime.

For the purposes of this study, more focus will be given to enclosed neighbourhoods due to their complex nature. Enclosed neighbourhoods are the most controversial; this form of Gated Community leads to restriction of access to public places, and changes the spatial form of the area, etc. The controversial issues related to neighbourhood enclosure are worth exploring. Enclosed neighbourhoods are dealt with by the Rationalisation of Local Government Affairs Act.

##### **4.4.1 The Rationalisation of Local Government Affairs Act**

The Rationalisation of Local Government Affairs Act (Act 10 of 1998) was designed to deal with issues of access restriction in public places for safety and security purposes in the Gauteng Province. This act is currently used to evaluate and assess applications for neighbourhood enclosure in the Gauteng province.

There are two options for road closure in Gauteng. The road can be temporarily closed in terms of the Rationalisation of Local Government affairs whilst it can also be permanently closed as stated in section 67 of the Local Government Ordinance. According to this act, road closure can only be granted for two years on the initial approval. Any enclosures that have exceeded two years and have not extended by applying for renewal or extension are considered illegal. According to the court of law, all applications must be considered. Rationalisation of Local Government Affairs Act stipulates that every Gated Development application lodged to the council should be considered and evaluated against the act.

#### **4.4.2 Tshwane local policy for Gated Communities**

Tshwane municipality is in the process of drafting a new policy which only applies to its municipal boundaries. Rationalisation of Local Government Affairs Act is said to be very specific about the requirements for an establishment of a Gated Community and therefore it is user friendly and the applicants do not face challenges with interpreting the policy. The council/municipality is not in any position to refuse considering a gated development application if it meets the requirements listed for the establishment of a Gated Community according to the Rationalisation of Local Government Affairs Act. Applications submitted to the municipality can never be evaluated in isolation from the dynamics of city integration. All applications in the municipality are evaluated taking into consideration the traffic impact and the principles of building a post-apartheid city and community in order to ensure that movement around the neighbourhoods is not compromised.

Gauteng previously had different ordinances that were used to guide developments. Some of the provincial ordinances that were used by municipalities include but not limited to, Transvaal Local Government Ordinance no.17 of 1939, as well as the Town-Planning and Townships ordinance no.15 of 1986 which is currently used at the City of Tshwane.

#### **4.4.3 Conditions for road closure**

According to the Gauteng Rationalisation of Local Government Affairs Act. No 10.1998, chapter 7, communities are allowed to apply for restriction of access in their neighbourhoods in order to assist towards achieving safety and security within neighbourhoods. According to the act, restriction of access should be seen as a trial period where effectiveness of the enclosure should be monitored.

#### 4.4.3.1 *The Application procedure*

There are two options for road closure in Gauteng. The road can be temporarily closed in terms of the Rationalisation of Local Government Affairs whilst it can also be permanently closed as stated in section 67 of the local government ordinance.

The following criteria are therefore used when considering applications for enclosed neighbourhoods

1. Restriction of access should not lead to fragmentation of particular neighbourhood,
2. Restriction of access should not stop or hamper the city's normal dynamic processes,
3. Restriction of access is not permitted in areas marked as urban cores,
4. Properties along routes that play an important role in structuring the city should not be included in restriction of access.

Prior to application, the applicant is expected to consult with the following departments;

- City Planning and Development department
- Traffic Engineering and Operations
- Development compliance department
- Crime prevention department: Metro police

According to chapter 7 of the Rationalisation of Local Government Affairs Act, 1998 (Act 10 of 1998), any person, body or organization is eligible to apply for restriction of access in a specific neighbourhood or area. An application should be accompanied by a statement which explains how the application will relate to the Regional Spatial Development Framework principles of that specific region. A statement should indicate the number of people affected by crime in an area. The application should also provide a description of the circumstances that led to the application as well as proof which shows that at least two thirds of the people in the area are affected by the circumstance that lead to the submission of the application. After the application has been approved by different metro departments, the application is then advertised and the public is given an opportunity to lodge objections. The municipality expects the applicant to display the notice/advert at a visible place where access is to be restricted. The notice can only be displayed after the city planning department has approved it. The notice should be displayed at an approved place for not less than 10 working days. The municipality evaluates all comments/objections received after the 30-day period stated in the notice has expired. The

municipality then approves or refuses the application basing their decision on the Rationalisation of Local Government Affairs Act and the municipality's evaluation criteria.

#### 4.4.3.2 Road network classification and access restriction

The roads that cannot be closed or restricted are as follows

- a) Primary routes (Class 1),
- b) Major arterials (Class 2),
- c) Minor arterials (Class 3),
- d) Local distributors (Class 4) unless an alternative route exists.
- e) Public transport routes

It should also be noted that access to municipal buildings, courts, emergency services, educational facilities, significant parks, recreational facilities and other regional facilities cannot be restricted.

Access to petrol stations, sewer pumps and libraries also cannot be restricted.

Restriction of access to Class 4 roads may be considered in favourable circumstances. A traffic impact study is also required before restriction can be considered.

Restriction of access is normally acceptable in the following roads

- a) Cul-de-sac.
- b) Access-only streets (Class 5) in residential and commercial

The application fees for neighbourhood enclosure according to the Rationalisation of Local Government Affairs act are calculated as follows:

- For the initial application:
  - 1-20 residential units R 7 000.00
  - 21-50 residential units R 22 000.00
  - 50+ residential units R 37 000.00
- Application for extension (after an initial term of two years has expired)
  - 1-20 residential units R 7 000.00
  - 21-50 residential units R 22 000.00
  - 50+ residential units R 37 000.00

#### 4.4.4 Conclusion

This section gave a short description of the socio-spatial analysis of the Tshwane area and the municipal processes of handling Gated developments. The municipality does not approve certain applications for neighbourhood enclosure due to the nature of the roads the community wishes to close. The information reflected on the maps shows that there exists a relationship between the demand for Gated Communities, location and income. Over sixty percent of enclosed neighbourhoods are found on the eastern region of the city, which is the region with the highest per-capita income as compared to the other parts of the city. The MSDP refers to the Eastern parts of Tshwane as the fuel injection of the city. When planners approve neighbourhood enclosure applications in these areas, they are accused of bias and showing preference to the affluent by enclosing them away from the rest of the population as they generate more revenue for the municipality. This places planners in a difficult position during the decision making process as they must consider the South African history of segregation and how the low income groups will react to the approval.

When an enclosed neighbourhood has been approved temporarily for two years, chapter 7 of the Rationalisation of Local Government Affairs Act, 1998 (Act 10 of 1998) requires that the municipality take the two years as a trial period to monitor the effectiveness of the enclosure. This is a challenging task as it requires planners to monitor if whether the purpose of the enclosure has been realised or not. The monitoring process would involve recording incidents of crime that occurred in the area within the two year period and compare them to the number of incidents that occurred before the enclosure. The planners would also have to rely on the information that the affected community will give them regarding whether the community found the enclosure to be effective, the communities may manipulate the information and only give the information which favours the enclosure. The process of monitoring has been deemed difficult if not impossible as it involved a wide array of issues. This makes it hard for planners to prove the effectiveness of the enclosures and therefore makes it impossible for them to make an informed decision on whether a temporary enclosure should be extended, terminated or made permanent. The following chapter therefore presents findings from the municipality officials regarding the challenges they face when assessing and approving Gated Community applications.



## CHAPTER 5

## 5 FINDINGS

This chapter presents the research findings in two sections. The first section is an analysis of the national, provincial and local policies in relation to Gated Communities in the City of Tshwane. Analysing policies and legislations related to Gated Communities makes it possible to know if the existing national, provincial and local legislations address the issue of Gated communities. The second section covers the findings in respect of what the municipal officials have to say about the issue of Gated Communities and the challenges they face whilst dealing with Gated Communities.

### 5.1 LOCATING GATED COMMUNITIES IN THE SOUTH AFRICAN POLICY CONTEXT

#### 5.1.1 Locating Gated Communities in the existing national policies, plans and strategies

##### 5.1.1.1 *National legislation affecting access restrictions*

There is currently no national legislation on enclosed neighbourhoods and security villages or national legislation used to regulate them in South Africa.

Before the year 2003, the South African Human Rights Commission (SAHRC) received numerous complaints from the public to investigate the legitimacy of enclosures and boom gates. As a response to the complaints, the South African Human Rights Commission facilitated a heated debate around the issues of neighbourhood enclosure and boom gates. As a response to the complaints, the South African Human Rights Commission facilitated a heated debate around the issues of neighbourhood enclosure and boom gates. The debate was a demonstration of concern and passion for this matter and how different sides of the story can be justified using the constitution as a basis for their arguments. Some argued that boom gates and road closures are a violation of human rights and not much attention has been given in investigating alternatives, whilst others had a dispute over whether road closures and boom gates actually reduce crime. Therefore the Human Rights Commission found it suitable to conduct a public hearing in order to resolve the matter.

According to the report published by the South African Human Rights Commission (SAHRC) in 2005 on road closures/boom gates, the decision reached as a result of the debate was that the constitution gives authority to the local authorities to implement legislations that allow closures.

The road closures/boom gates report received criticism after publication, and in response to the criticism, Jody Kollapen, the former commissioner of the SAHRC and now Judge of the High Court of South Africa said: “We had to be realistic and look at the law and strike a balance”. It was also indicated that human rights are subject to some exceptions and are not free from limitations.

The report acknowledges that boom gates cannot be seen as a long-term intervention as they are restrictive in nature. The decision was made acknowledging the reality that Gated Communities have existed for more than two decades. After a long informed process of considering all arguments and submissions, the commission was able to come with a number of findings and recommendations. The Commission made it clear that Gated Communities are not generally supported even where they are deemed acceptable, since they can further polarize our cities, cause social divisions and disturb the functionality of the city as a whole. The commission also explained that the use of road closures violates a number of rights and as a way of responding to crime and to the issue of Gated Communities; the Commission encouraged effective policy response from the local authorities. Although the SAHRC found that the constitution allows local authorities to apply legislations for closure, there were concerns that there is no adequate monitoring of the closures.

#### *5.1.1.2 Constitution of the Republic of South Africa (Act No.108, 1996)*

The constitution and the bill of rights require municipalities to develop and build the South African society. Although the constitution is deemed as being radical and revolutionary, there continue to be battles around its provisions, how they should be given effect to and how they should be balanced against each other. Any decision that is taken in South Africa as a way of balancing the security desires of one group against the freedom of movement of others should be taken in consideration of the constitution.

#### *Everyone has a right to equality (Section 9)*

This can be interpreted by saying that conditions attached to restrictions should be fairly applicable in poor areas, wealthy areas as well as industrial or business areas.

*Everyone has the right to freedom and security of person (Section 12 C) to be free from all forms of violence from either public or private sources*

This section of the constitution allows for everyone who feels threatened or in danger to take whatever reasonable measures to protect themselves from such threats.

*Freedom of movement, residence and the right to “enter anywhere” (Section 21)*

Section 21 of the constitution allows for free access to all individuals. This section of the constitution is adversely affected by the control of access to public spaces (RSA, 1996). It is important to note that prohibiting the development of Gated Communities may go against Section 12 of the South African constitution whereas section 9 and 21 of the constitution is against the development of Gated Communities. It is also very clear that Gated Communities affect the rights protected by section 21 of the constitution. Section 21 of the Constitution allows freedom of movement and the right to enter everywhere, whilst Section 12C gives everyone a right to security of person. It is very important to take these opposing rights into account. Communities in favour of Gated Communities and those wish to apply for enclosed neighbourhoods use section 12C as their motivation for enclosure, by stating that the constitution gives them a right to take reasonable measures to protect themselves when feeling threatened or in danger whereas communities and individuals who wish to object to Gated Communities use section 21 to state the constitution gives them a freedom of movement and the right to enter anywhere.

The South African constitution gives two opposing groups, those for Gated Communities and those against, a firm legal basis for their argument. When a constitution of the country provides for opposing rights that relate to space, it creates a conflicting situation for planners. Planners are confronted with a situation where they are expected to please the opposing groups as the constitution allows for both groups to exercise their rights. Planners criticized for a number of issues, including not applying the above mentioned sections of the constitution.

*5.1.1.3 Spatial Planning and Land Use Management Act, 2013 (SPLUMA)*

The South African planning framework for Spatial Planning and Land Use Management is provided for by the Spatial Planning and Land Use Management Act No.16 of 2013. The newly approved legislation in South Africa aims to correct spatial fragmentation, racial inequality, segregation and unsustainable settlement patterns etc. However, the SPLUMA does not make mention of Gated Communities. The newly approved legislation does not make any reference to, “neighbourhood enclosures”, or “security estates”. Gauteng is the only province in SA which makes provision for road closure at provincial level, for security purposes.

*The SPLUMA aims to address spatial and regulatory imbalances to address past spatial and regulatory imbalances; to promote greater consistency and uniformity in the application procedures and decision-making by authorities responsible for land use decisions and development applications*

*(Spatial Planning and Land Use Management Act No. 16, 2013:2).*

According to the SPLUMA, all development principles set out in chapter 2 of the act are applicable to all organs of the state and all authorities that are responsible for the implementation of legislations regulating the use and the development of land, the principles are as follows;

- a) The principle of spatial justice requires local authorities to redress past spatial imbalances, address the inclusion of persons in areas they were previously excluded.
- b) The principle of spatial sustainability requires that the planning system in municipalities results in communities that are viable.
- c) The principle of efficiency requires local authorities to make decisions that minimise negative financial, social, economic and environmental impacts
- d) The principle of good administration requires that all spheres of government ensure an integrated approach to land use and land development
- e) The principle of spatial resilience requires that spatial plans, policies and land use management systems should be flexible to ensure sustainable neighbourhoods (SPLUMA, 2013:15-16).

The development principles of the SPLUMA require planners to address past spatial imbalances, ensure inclusion, create viable communities, make decisions that minimise negative impacts in the environment etc. These principles can be difficult to achieve simultaneously in certain environments but the SPLUMA requires local authorities to achieve the objectives of the development principles. The principle of good administration requires planners to have an integrated approach to land use and land development, but this can be a challenging process for Gated Communities as South Africa does not have a national policy that regulates these developments, leading to inconsistencies. The five principles discussed above are directly linked to Gated Communities as the act requires local government officials to exercise justice, efficiency, good administration, spatial resilience and spatial sustainability

whilst processing every development application, this includes Gated Community applications despite their challenges.

### **5.1.2 Locating Gated Communities in the existing provincial policies, plans and strategies**

#### *5.1.2.1 The Rationalisation of Local Government Affairs Act, No 10 of 1998*

The purpose of the act was to enable communities to apply for restriction of access to public places for security and safety purposes. These applications are directed to and handled by the local authority. Chapter 7 of this act is used as the predominant means of implementing access restrictions in different areas in Gauteng. All councils in Gauteng are obliged to comply with the relevant sections of the act. The policy discusses the security alternatives that can be used before choosing Gated Communities as an ultimate method of security.

*The security alternatives discussed within the act are as follows:*

- a) Protecting property by ensuring that it is occupied at all times.
- b) Dogs and Electronic burglar alarms monitored by a security organisation
- c) Increased street activities and visible, effective police force
- d) Poverty reduction

The policy acknowledges that the above ideal scenario is unlikely to be achieved in the immediate future. The act stipulates that the above measures should be explored and implemented before considering Gated Communities as a solution, and only when proof is given that those measures were unsuccessful, will the restriction of access be taken into consideration. The act describes private sector crime prevention measures as desirable, provided they do not interfere with the public rights. These measures include employment of security guards, provision of secure property boundaries. However the construction of boundary walls is considered undesirable as it hinders observation of criminal activities. Section 43 of the act authorizes a municipal council to restrict access as a way of enhancing safety and security in an area.

#### *5.1.2.2 Local government and housing strategic plan 2009 – 2014*

The local government and housing strategic plan was designed to define the housing market in South Africa and the underlying issues that affect the housing market thereof. The strategy is

also meant to expose the economic crisis rooted in the housing market in Gauteng which is characterized by a dramatic gap between housing prices, location and the incomes. It reveals a mismatch between places of residences and where jobs are located. The department of Local Government and Housing aims to make a meaningful contribution towards provision of cohesive, sustainable and integrated communities in the Gauteng province.

This five year plan has the capacity to make a great change in the housing market of South Africa. It is important therefore to find out what the Local Government and Housing Strategic Plan says about Gated Developments since the main aim of the strategy is to find ways of building integrated and sustainable communities in Gauteng whereas Gated Communities have the potential to make ways of building sustainable and integrated cities difficult if not impossible. The strategy exposes a number of reasons why there is a dramatic gap between housing locations and incomes and also reveals why there is an increased mismatch between places of residences and places of work but Gated Community developments were not mentioned amongst one of the causes of such disparities and lack of integration within the housing market.

The Local Government and Housing Strategic Plan does not mention of Gated Developments and how they impact the housing market in Gauteng. One would expect Gated Communities to be discussed on the strategic plan since research shows that they have the ability to threaten cohesion and integration in the province. Reasons why the strategy does not make mention of the Gated Development are unknown; one can only assume that it could be because those involved in the formulation of the strategy are not necessarily aware of the impact that Gated Communities can have on the integration that the strategy aims to achieve. Another reason could be that they may be aware but have done a research on the impact of these developments to conclude that they do not have an impact or the impact they have is very minimum.

#### *5.1.2.3 Local Government Ordinance (Ordinance 17 of 1939)*

The Local Government Ordinance put the control of public roads in the hands of the council. Section 63 of the Local Government ordinance gives the council the rights to control, manage and repair public roads for the benefit of the public. The act requires all roads to stay open at all times. Section 66 of the Local Government Ordinance allows the council to close a road for temporary uses. This caters for traffic engineering provision in order to control motor access to

major roads and shopping malls. Section 67 of the ordinance empowers the council to close a road permanently. The closed area must be separated from the road completely by creating an erf/a plot with a new zoning. After an erf or a plot has been created, that specific parcel of land is no longer considered as a road but it becomes a normal parcel of land that can be sold or built on. Section 67 is being used for security access restrictions but it is usually applicable for major commercial developments since there are costs involved.

#### *5.1.2.4 Gauteng Spatial Development Perspective (GSDF)*

The Gauteng Spatial Development Perspective is not a policy document but a strategic and integrated provincial plan aimed to provide direction for development projects that take place in the province within the context of a lasting perspective. The strategic document was put together after a realisation of the need and the importance of having a provincial spatial perspective since the province deal with similar land use and housing issues. The GSDF provides a spatially referenced structure for public and private investment. The structure should indicate areas opportunities in terms of different kinds of housing developments etc. The GSDF is also able to provide a multi-dimensional analysis of the Gauteng residential patterns, followed by the normative reading of the study in terms of the challenges the residential patterns present in meeting its goals of achieving equality, integration and sustainability in the province. The GSDF acknowledges that there are extremely low density residential estates in the Tshwane area which are problematic for the policy framework. Low density developments cause an urban sprawl and unsustainable urban densities in the city. This unsustainable residential trend causes a number of issues in the cities including, long commuting hours by private cars, the need for new road infrastructure to extend to these areas and displaced settlement patterns which costs the municipality large amounts of money.

#### **5.1.3 Locating Gated Communities in the existing Tshwane municipal policies, plans and strategies**

As Tshwane municipality has a number of policies and urban strategies aimed to restructure and provide for the facilitation and enforcement of development measures, it is therefore important to analyse the extent to which these policies and strategies address the issues of Gated Communities.

Growth and Development Strategy for the City of Tshwane

The Tshwane growth and development strategy is intended to cover some elements of a comprehensive development plan of the city. The strategy is meant to promote social inclusion and provide ways of mitigating spatial risks in the municipality. The rationale for developing a growth and development strategy for the municipality is to deal with developmental challenges that are facing the municipality, region and South Africa as a whole. The Growth and development strategy makes no mention of Gated Communities probably because these developments are not identified as spatial risks in the city.

#### *5.1.3.1 Tshwane Town planning scheme*

The Tshwane Town-planning Scheme, 2008 is adopted in terms of section 18 of the Town planning and Townships Ordinance, 1986. In terms of Section 19 of the Ordinance the general purpose of a Town-planning Scheme is: "Shall be the coordinated and harmonious development of the area to which it relates in such a way as will most effectively tend to promote the health, safety, good order, amenity, convenience and general welfare of such area as well as efficiency and economy in the process of such development. The Tshwane town planning scheme does not discuss Gated Developments in any clause. It can be assumed that Gated Communities are not included in the town planning scheme since they are governed by other laws of this country. The town planning scheme does not offer procedures on how to handle Gated Developments.

#### *5.1.3.2 Tshwane Metropolitan Spatial Development Framework 2012(MSDF)*

A spatial development framework is required by the Municipal Systems Act (MSA) (Act 32 of 2000). A spatial development framework is supposed to reflect and implement the spatial development principles set out in the DFA (Act 67 of 1995). An SDF is described as a core component of a municipal social, spatial, economic, institutional vision. In short, In order to achieve the desired spatial form of a municipality, an SDF is essential. An SDF proposes spatial interventions that successfully address specific spatial issues facing the municipality. It also assists towards the achievement of the desired spatial form in a municipality. It is also supposed to address the spatial inefficiencies. An SDF should be able to sufficiently address the spatial inequalities and inefficiencies. A credible SDF corrects spatial patterns that promote marginalization and segregation; it also corrects the spatial patterns that benefit few in the expense of the poor. An SDF is responsible for spatial restructuring. An SDF must set out clear objectives that will result in the desired spatial form of the municipality. According to the

Municipal Planning and Performance Management Regulations, 2001, a municipality is required to have strategies and policies which reflect the desirable land-use patterns and nature of developments the municipality aims to promote. An SDF is also supposed to indicate which development patterns are undesired in a municipality and which areas require strategic intervention. Gated Developments are described as part of the present day development patterns (MSDF, 2012: 31). The MSDF explains that Tshwane is perceived as liveable and therefore a significant number of people choose to reside in Tshwane and work in Johannesburg. As a result of this mobile urban community, the residential areas in the southern and former south-eastern parts of the metropolitan areas have expanded and spread beyond the borders of Tshwane. A large number of these developments take the form of security villages and residential estates.

From the above statement one becomes aware of that the municipality is aware and informed about the Gated Community trend which is spreading in the city but there is no clarity if such developments are perceived as a threat to the urban form. All that the above statement says is simply that the municipality is aware of the increased demand for Gated Communities and the municipality is aware that such a trend is yet to spread further to other areas in the municipality. Tshwane Metropolitan Spatial Development framework 2012 does make mention of the major regional influences on the spatial development of the municipality. The major influences include the proximity of the municipality to Johannesburg and the PWV2 national road. According to the Tshwane SDF, a significant number of Tshwane residents work in Johannesburg and this has contributed to the extension of residential developments in the former southern eastern and the southern parts of Tshwane, this has led the development to expand beyond the borders of Tshwane.

The MSDF further explains that a majority of the residential developments are residential estates and security estates. The south-eastern parts of Tshwane are directly linked to the Johannesburg's way of living, in terms of the kind of housing options, natural settings and lifestyle options. Johannesburg and Pretoria are interlinked and it is therefore not easy to separate City Of Johannesburg planning issues from those of Tshwane, therefore as Gauteng is a global city region it is expected to have a uniform way of handling development issues, this includes planning issues. This also includes the issue of Gated Communities. If the issue of Gated Communities is of significance in the Gauteng area one would presume that these two municipalities have interlinked strategies that handle Gated Communities and the challenges

that accompanies these developments thereof. The City of Tshwane, City of Johannesburg and City of Cape Town are some of the top cities in South Africa with a large number of Gated Communities.

The City of Tshwane municipal strategies, including the MSDF do not discuss any linkages of its development issues with those of the city of Johannesburg. The lack of such interrelationship within neighbouring municipalities makes it problematic to tackle common challenges that municipalities face. Although Gated Communities are said to be trending from COJ unfortunately these two neighbouring municipalities have different strategies and they handle development applications differently from each other. This is lack of alignment of cross border issues also has an impact on the image of the province as a global city region. The development of Gated Communities in the east of Tshwane which is in the border of COJ and COT does affect value of the properties and also affect the way residences perceives their neighbourhood and it can also encourage residence of another municipality to desire the same kind of neighbourhood style. Although these developments are of the same kind in both municipalities the way they are dealt with differs from one city to another and the regulations are also different. There is no relationship between the Tshwane Spatial Development Framework and that of the City of Johannesburg in terms of spatial planning issues.

Figure 9 illustrates the linkage between Johannesburg and south-eastern parts of Tshwane defined by Gated Communities.

Gated Communities in CoJ  
in relation to built-up areas

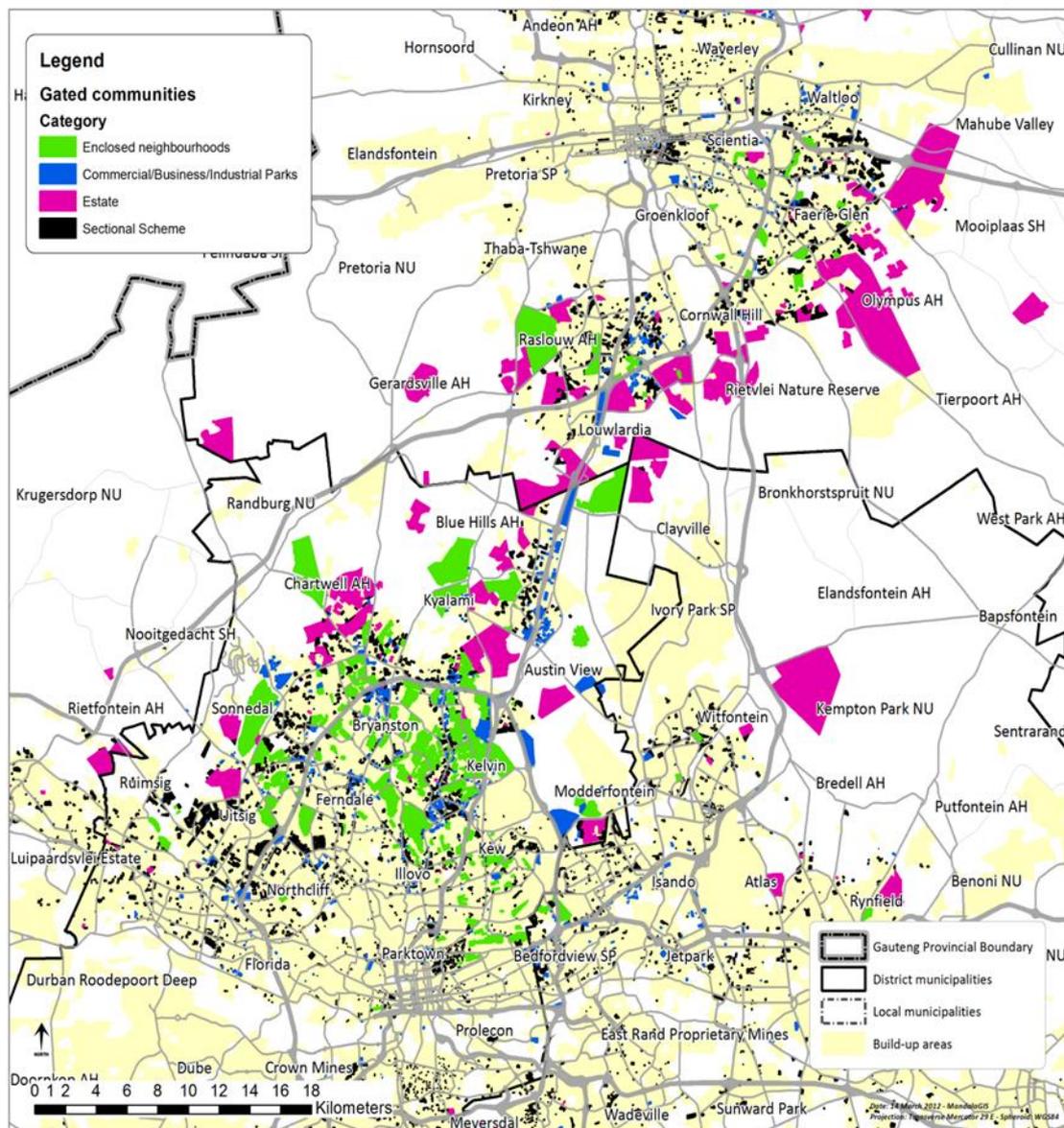


Figure 9 - The belt of Gated Communities in Gauteng from Johannesburg to south-east Tshwane Source: (Landman and Badenhorst, 2012:28)

5.1.3.3 A Macro Perspective on Residential Densities and Compaction for Tshwane

The macro perspective document addresses Gated Communities and the impact they might have on the Tshwane area. The macro perspective says that “new forms of economic segregation are emerging in the form of North American-style ‘edge cities’ with mega-shopping/entertainment centres, walled suburbs, gated communities and golf estates”. It is also said that the response to Gated Developments from local and provincial government has been unclear and debatable. Although these developments are able to boost property investments, they do not support the municipal strategies and policies to integrate the urban areas. There is

also limited investment by the private sector in areas like former townships whereas there is an increased enthusiasm to invest in walled suburbs, golf estates and Gated Communities.

#### 5.1.4 Conclusion

South Africa has no national legislation on the establishment and regulation of Gated Communities. There was a national debate in South Africa in 2005 facilitated by the South African Human Rights Commission regarding issues of enclosed neighbourhoods after receiving complaints from the public on whether they are constitutional or not. The conclusion of the debate was that enclosed neighbourhoods are constitutional and local authorities are the authorised people to manage the enclosed neighbourhood application processes and implement policies that assist them with the process of decision making. The analysis of the international trends in different countries on the ways they deal with Gated Communities in the literature review section makes it easy to see that many countries around the world are facing legislative challenges. National strategies of countries such as Jamaica and Istanbul show that these countries are currently experiencing difficulties with the management of Gated Communities but no national policy or guidelines have been drafted as an indication of concern. The City of Tshwane MSDP explains that the municipality is aware of the trend but not much has been done in response to that to the trend and the negative impacts it has in the city. The macro perspective on residential densities and compaction for Tshwane, acknowledges the challenges brought by Gated Communities but ways of remedying the mentioned challenges were not discussed. Orange County and Watauga County have gated community ordinances that are meant to specifically deal with Gated Developments in their cities, the ordinances make an indication that Gated Communities are not all evil if implemented at appropriate locations within specific national guidelines to ensure uniformity and integration. Orange County and Watauga County face fewer challenges related to gated developments. When there is no national policy in place to handle a certain issue provinces and municipalities automatically take the authority to respond in their own way. Whether SA is also in the process of establishing such a similar approach is uncertain but Orange and Watunga County supports arguments which say having effective measures in place to regulate Gated Communities can minimise challenges they bring. Some of the cities belong to countries categorised as a developed countries but they have not held a national debate on Gated Communities or formally recognised them despite their existence though these countries have advanced in so

many ways. It shows that this challenge is a global challenge that affects planners from both developing and developed country.

## **5.2 MUNICIPAL RESPONSES TO GATED COMMUNITIES IN TSHWANE**

The following section discusses the municipal responses to the issue of Gated Communities based on semi-structured interviews conducted with the municipal officials in order to get a range of views of the municipal officials' towards understanding the challenges faced by planners in municipalities in relation to Gated Communities as well as to understand why there is seemingly low response or little mention of these developments in policies in spite of their demand. In order to find answers to the research question a number of questions had to be asked in order to facilitate a discussion which makes it possible to understand why planners in municipalities handle issues the way they do and the challenges they face whilst doing so. This section also gives planners perspectives on why certain Gated Community development applications get approved and others get rejected, in order to understand the complexity of the process of assessing application. The misconceptions from the public about Gated Communities and the planning process are also discussed in this chapter. The chapter aims to engage planners in a discussion about their work in relation to Gated Communities in order to understand the dynamics and challenges of being a planner responsible for Gated community applications in the municipality.

### **5.2.1 Power and Politics**

(Forester 1999; Hillier 2002; Albrechts 2003) argue that politics and planning are intertwined. This is also evident in the City of Tshwane. Planners make decisions that are later reversed because of the influence of politics. In Tshwane, this is confirmed by one of the most prominent stories in relation to Gated Communities; the story involved the approval of Lynwood Manor security village a number of years after it was rejected by the city council's city planning committee. Lynwood Manor was one of the most controversial of the seven residential areas which had their development applications denied in 2006. The city council's city planning committee was forced to reverse their decision because of the political influence of the Freedom Front Plus which played a leading role in continually pressurising the metro council to allow the security village to be approved. The case of Lynwood Manor received more attention also due to a cruel murder of Ms. Cathy Odendaal in October 2007. Ms Cathy Odendaal was murdered in her home shortly after the community had been denied approval to implement a

security village. In 2010 Dr Conrad Beyers, member of the appeals authority and a Freedom Plus councillor made a call to the metro council to get rid of any unattended obstacles so that other applications for security villages could be processed speedily. After the community was given the go ahead Beyers was quoted saying “why is it necessary for people to die and communities have to fight long court battles before their basic rights are acknowledged?” A resident in Lynwood Manor expressed that “This confirms the municipal council may not make uninformed decisions, but that the right to safety clearly weighs heavier than the ill-conceived decisions made by the municipal council.” The application was not approved initially due to a number of objections from those who live outside the area. The objections included that those who live out of the community will be expected to use alternative routes and that the development may cause traffic congestion. The story is not only political but also emotional as it was a result of the murder of a woman in her own home. This supports a statement by Forester (1999) which says that planners may at times make certain decisions at the request or pleasure of politicians. Planners decisions are influenced by a variety of external issues, politics included, this does not make the work of a planner very easy to do. Planners make decisions that most politicians don’t usually agree with, politicians then use their influence to reverse the decisions of the planners or to ‘undo’ the work of the planners. Tshwane has a population of over 2.9 million people and 210 elected councillors responsible for making decisions whilst New York City with a recorded population of over 8.5 million has only 51 councillors. New York City is the most densely populated major city in the United States and it has over three times the Tshwane population size but fewer councillors as compared to Tshwane. This shows how complex the process of decision making is in the City of Tshwane as there are a large number of councillors involved in the process of making decisions regarding Gated Communities. The larger the number of councillors, the harder it is for planners to make decisions that make all parties happy.

### 5.2.2 Socio-political and economic dynamics

For a council to operate there are only three places where the council gets the money, firstly, the council gets a share on the national revenue fund, secondly provincial revenue fund, thirdly, rates and taxes. Municipalities are expected assume full responsibility for its funding. The revenue of the municipality is raised from electricity, water provision, and property rates. The value of the property determines the amount of income that goes to the municipality. Property rates in a municipality are based on the value of the land, improvements or buildings. The value

of a property is based on the market value of a property .Property rates are based on the combined market value of a property, as explained in the Municipal Property Rates Act and the City of Tshwane property rates policy.

Different categories of property are levied using different rates. Properties are put in different categories based on zoning. When properties in a neighbourhood are of high value, it is of a benefit to the municipality as it is of a benefit to the owners of the properties. When neighbourhoods are considered safe and attractive, it increases the value of the properties around the neighbourhood which also increases the income of the municipality. This has an influence on the decision making in Tshwane as planners sometimes approve high quality neighbourhood development applications in order to promote financially sustainable neighbourhoods which not only generate revenue for the municipality but also promote economic development. This information from the municipality supports an argument by (Grant, 2004b; Thuillier, 2005 and Mckenzie, 2005) which says that sometimes local governments find it difficult to refuse Gated Communities due to the ability of these communities to increase the municipality's tax revenue without depending entirely on municipal resources. When property values increase, it not only benefits the municipality in terms of higher rates and taxes but also contributes towards self-sustainable communities, which is one of the objectives of planning. It is the role of planning to improve the quality of neighbourhoods and to promote economic development. When a neighbourhood is unsafe, people have no interest in buying properties in the area, leading to a decrease in property values in the neighbourhood. This makes the work of a planner complicated because if planners do not allow people to make their communities safe, the value of properties will decrease, resulting in people moving to other areas, further leading to unsustainable and deteriorating neighbourhoods.

Municipal officers believe that if there was a good balance between government and private security companies in terms of security provision in South Africa as opposed to the private security companies being viewed as the only reliable service provider, then perhaps the number of Gated Communities will be minimal. Therefore since such matters are complex, then the weighing up of rights is necessary because it is theoretically easy to dismiss Gated Communities as unsustainable but if there was a good balance between the government provision and that of the private sector perhaps the situation could be different. South Africa has a very high rate of crime, and planners cannot exclude this social problem when making planning decisions, this includes decisions related to Gated Community applications. Urban

integration and access to public spaces is of deep concern but the extraordinarily high crime rates should not be ignored and it is therefore a serious matter for public policy. The national and the provincial government have not been able to find a solution to the issue of crime in South Africa, leaving planners vulnerable as communities approach them for solutions. Unless crime is calmed or combated in a community, it is unlikely to achieve the full potential of sustainability (Landman, 2012b:239). Mabin and Harrison (2006) argue the realities of crime in South Africa make it difficult for the local councils to have a strong position on the matters of Gated Communities yet. Crime, demographics, poverty and many other social issues do have an influence on the planning process. It is for these reasons that planners make hard decisions in relation to Gated Community applications, decisions many may not agree with, because they have to consider the lives of people and also the issue of crime in the country.

South Africa is a post-apartheid country. Black people were excluded from accessing certain areas under the rule of apartheid. As a result of the South African history of segregation, whenever people are restricted from entering certain spaces, they are quickly reminded of the painful history of apartheid. Sometimes people do not even want to understand that some restrictions are for safety reasons; they quickly feel discriminated and marginalised.

The municipal official explained that most people who oppose Gated Communities usually do not have much information on what it means when an enclosure has been granted on a certain neighbourhood. Some members of the community usually have the misconception that when a neighbourhood is enclosed, it means people who do not live in that neighbourhood are not allowed. Municipal officials explained that most people fail to understand that they are still allowed to access a neighbourhood even though it may be enclosed. People believe that a boom gate is meant to prevent people from accessing a certain neighbourhood, while in reality it only controls and restricts access. This misunderstanding is sometimes a result of the South African history where some people were excluded from certain areas; people live with such painful reminders making it difficult for them to understand planning procedures and processes. With the South African history, planners in the municipality are then supposed to take people's realities, histories and sensitivities into consideration when making planning decisions. This supports the study by Forester (1999) which says that democracy is painful; citizens bring painful histories during the planning process making it impossible for a planning process to be free of the historical legacies of pain and suffering as citizens bring issues of racism and displacement in the planning process.

### 5.2.3 Theory versus Practice

An interview with an official responsible for processing development applications at the City of Tshwane brought into clarity that the municipality finds it easier to permit security estates in the city than road closures. Security estates are developed under the process of township establishment, the process of township establishment provides for shortened procedures for the establishment of townships in South Africa. Township establishment in the Gauteng province is done through the Town-planning and Township Ordinance 15 of 1986. Planners understand the process of Township establishment and its regulations, making it easier for them to assess the applications for security estates. Security estates are said to be straightforward developments which presents very few negative impacts in the city. There is also hardly any opposition towards the development of security estates from the general public. Since security estates are originally planned as private spaces with gates or walls, the developers are expected to ensure that the design is in alignment with the neighbourhood design. Specifications and procedures used for the establishment of a township are also followed in the evaluation of a security estate application. An Erf or a plot zoned for access purposes is created at the point of access to provide access to the residents. There are certain design guidelines that should be incorporated within the plans of the security estates that make it easier for these developments to be more integrated and linked to the rest of the city. Security estates have not caused many problems for the municipality and there is very little to discuss about them. Planning students learn about township establishment in universities, they are prepared and equipped with the processes and procedures of township establishment, but can the same be said about enclosed neighbourhoods? The future is often impossible to predict but theory requires that planners prepare for it. How easy is it to prepare for the future of the city and deal with the challenges accompanying these applications, when enclosed neighbourhoods are of complex nature. But according to the planning theories, planners should always ensure that all development designs promote planning principles such as, access, equity, safety, sustainability and integration. Planners' decisions are meant to be guided by principles, theories, policies, SDF's and IDP's etc. but how much are they able to implement in practice given the issue of crime, poverty, high unemployment rates, power and different pressures from communities and politicians etc.

According to the municipal official, enclosed neighbourhoods are the most controversial and problematic for the municipality. Neighbourhoods were planned holistically with linkages and

specialised networks. When a boom gate is erected in a neighbourhood, it automatically causes an unplanned/unintended spatial divide which changes the spatial arrangement of the neighbourhood leading to maintenance issues, delaying emergency vehicles such as ambulances and fire fighting vehicles and compromising the rights of people who don't reside in the neighbourhood to access the public spaces freely. The municipal official added that one of the reasons why approving road closure is a complex process for the municipality is because the road to be closed has no title deed since it never belonged to anyone in the initial general plan. When a township is established using the 1986 ordinance on a general plan, a public road is established. According to section 63 /17 of the 1939 ordinance, the control and the management of the road becomes a responsibility of the council but the council does not own the road, it only gets vested with the council. The road becomes a public place and by virtue of section 63 of the ordinance, the community and the citizens get a common right of use. The value of the roads is with the council, it is an asset to the council. It is an asset in the council's asset register. The council holds it on behalf of the community. Therefore it is not an easy matter to quickly just transfer the road to the hands of the community for them to own it and restrict other people from using it while they are still paying rates for the road.

Many applications for road closure received in the municipality are usually a result of safety concerns. Communities believe that safety and security can be achieved after a neighbourhood has been enclosed. It was also clarified that it is very important to fully understand that the need behind both types of Gated Developments is the same and therefore the municipality cannot dismiss or ignore the neighbourhood enclosure application since both communities are in need of a safe environment. Although the circumstances of neighbourhood enclosure are more difficult and complicated than those of security estates, they are dealt with knowing that the need is the same and therefore at the end of the day both communities are entitled to peace of mind. What decision should the council take on areas that are already established but need security? The municipality is aware of the potential negative impacts that result from Gated Communities and it is also aware of the public fears of crime, cases of robbery and murder in the neighbourhoods. People from the communities usually express their fears and lack of faith towards the government when applying for neighbourhood enclosure. People find the government incapable of handling complex security problems in the neighbourhoods. Although there are government institutions such as the South African Police Service (SAPS), which are meant to ensure safety and security for citizens, the communities do not fully trust in the government institutions. Communities resort to Gated Communities and private security

companies for refuge. According to the planning theory and its principles, planners should ensure safety but they should also promote access, when two planning principles taught in planning literature are in direct opposition then planners face the dilemma of which principle should take priority.

#### 5.2.4 Emotions and planning

A municipal official who sits in the hearing for Gated Development applications explained that, because the issue of Gated Developments is not an easy one and the municipality is expected to make a choice on whether an application should be approved or rejected, the council is forced to weigh up the rights. On one side the community has a right to be safe and secure, on the other hand people out of the neighbourhood have the right to access public infrastructure. If a community is able to prove a strong case that their lives are in danger whereas those who are in opposition of the development have only one reason for opposing which is wanting to access the road because they pay for it or simply just because it is their right, then the municipality will make a decision that favour of the community in need of safety and security since the lives of people are of a bigger value. This does not mean access is not important, it simply means that the municipality is forced to weigh rights. Frequently, local authorities do not approve applications solely because reasons given for the applications were inadequate. There have been applications that have been dismissed in court because of the “total lack” of valid reasons. The municipality weighs up the right to public access which is the individual right against the community’s right to safety and security. The council is only a custodian, it does not own the road, and it only holds it on behalf of the community.

“You cannot argue that a person’s right to access weighs heavier than a person’s right to life”, a town planner in Tshwane municipality explained. Although the constitution gives people rights to access, people often neglect the fact that every right comes with an obligation. If one person’s right to access leads to other people’s property getting stolen and loss of lives then it is important for the council to weigh the situations. The municipality has to examine what case weighs heavier in terms of individual rights to access to a road and the community’s rights to protect themselves since they believe the government is failing to protect them. In a well-balanced society, communities should be able to rely on the government to protect them but if the communities still feel vulnerable despite the government security provision then they are allowed to protect themselves using other means. The above statement by the municipal Town Planner supports the research done in Malaysia on individual non-gated residential areas in

Putrajaya by Abdullah (2007) which shows that when government fully provides for safety and security there is no need for Gated Communities from the public. Putrajaya is a city in Malaysia which has not adopted the Gated Communities approach. For instance in some other countries, people have not adopted Gated Developments as part of their communities because the government provides the necessary safety and security and therefore private sector is not involved in safety and security. But in South Africa the private sector got involved since people do not find the government as responsive as it should be. From a planning point of view, this kind of a scenario creates spatial complications for planners because an attorney who has a home office and lives in a neighbourhood that is getting converted into an enclosed community faces problems when a neighbourhood is now enclosed as the arrangement fails to make provision for the clients who need services from the attorney, which leads to a clash of business rights and individual rights. It affects the spatial pattern in that the municipality granted an attorney business rights long before the community submitted an application to close the neighbourhood. According to the town planning scheme, the attorney has a right to run his business from home and his clients have the right to enter into the neighbourhood during business hours but the rest of the community also has a right to be safe and secured if they are under threat. The municipality then faces a dilemma in determining where to close the road and whose rights are commercially viable when the rights are weighed.

One of the policy writers in the municipality explained that planning is never fair and has never been fair; there is rarely a development of any kind that takes place without a party objecting. There is nothing wrong with objections, they only make planning holistic. Objections are part of planning and have always been. When affected parties object it gives the council a platform to explain reasons that led to an application for a development of that sort, it clarifies issues, because usually people object due to lack of understanding of the impact that a development has or lack thereof. The human component is the most sensitive as it involves dealing with people's emotions and their rights. The problem with Gated Developments is not the new developments referred to as "Security Villages", but the old developments that have public infrastructure whereas the residents seek to close the neighbourhoods. So far the municipality has not had a problem with dealing with the gated development applications using the Rationalisation of Local Government Affairs Act, No. 10 of 1998. It clearly lists the conditions under which a gate should be granted and the procedure to be followed.

One of the Planners in Tshwane explained that it is very important for the public to understand that neighbourhood enclosures are approved under strict conditions. The council never approves an application for neighbourhood enclosure unless there is a proven need from the community. Neighbourhood enclosure applications are processed on a particular set of facts and if a community has not proven its case in terms of the rationalisation act then the gate will not be granted. The Rationalisation of Local Government Affairs Act, No. 10 of 1998 requires a community to present a strong case which proves that the community is really under threat and they have tried other means of protecting themselves and failed. If the community fails to prove the kind of methods they have tried using to protect themselves and the number of cases of crime they have faced, then their case is considered weak. The same applies to a neighbourhood that will bring forth evidence of two robbery cases in cases per year; the council does not consider that a strong case and therefore neighbourhood enclosure will not be granted. This does not mean all applications that get submitted in Tshwane are always considered valid; some of them are just a desire, rather than a need. Some communities submit applications for neighbourhood enclosure without any sort of justification for the application. The municipality does receive applications that lack consideration for other people, applications that are concerned chiefly with their own benefits. Such applications never present any evidence of security threat or whatsoever; the council also has ways of determining whether an application is logically and factually sound. Self-serving applications are usually overridden.

One of the town planners at the municipality argued that

*“If people are getting murdered and properties are getting stolen on a monthly basis then would one still argue that free flow of movement and integration is so important that it actually outweighs the right to live? Sometimes the value of integration is small as it gets compared to the value of human life”.*

Officials also explained that though planning principles are important, one cannot just look at planning principles alone and neglect other aspects when considering applications. An official who has been processing Gated Developments applications for over a decade explained that

*“Without lessening the importance of the town planning principles, what decision would you take when a 91 year old woman is sitting in a hearing crying because she*

*has been raped in her house because of compromised security system? What would you do?"*

Hillier (2002) talks about the “stunts” members of the communities use to receive approval for development applications. Such stunts include crying, protests and so on, planners are expected to be prudent, effective and make a decision which makes spatial sense without their judgement being clouded by “stunts”, on the other hand, Forester (1999) argues that planners should act more sensitively and be more attentive to needs and emotions of the communities.

#### 5.2.5 The Spatial and Policy Framework

What makes security estates more desirable than neighbourhood enclosure? When a developer submits an application to develop a security estate, it is carefully considered against the planning principles, the RSDF, MSDF, and IDP, relevant planning and development policies, relevant housing policies and other strategic documents. When security estates are planned, it is first ensured that its spatial component fits with the surrounding areas. These types of a Gated Community work better and there are very few spatial complications associated with them. Security estates are planned and therefore all measures are put in place in order to ensure sustainability and integration. One of the officials argued that “Security estates are forward planning whereas neighbourhood enclosure is backward planning.” It could be argued that neighbourhood enclosure is backward planning as it requires a neighbourhood that was previously designed as open and accessible to everyone to now be closed off from the rest of the neighbourhood and start operating as a Security Village for security reasons.

It is also backward planning in a sense that neighbourhood enclosure is an attempt to fix unsafe community by taking what is already there to create an imitation of a Security Village whereas it could have been designed as a security estate in the first place. Backward planning is difficult to correct because people in open neighbourhoods desire a similar lifestyle to those who reside in Security Villages and instead of moving to Security Villages to fulfil the need of safety, they choose to rather apply for neighbourhood enclosure. The planning principles still apply to both kinds of Gated Communities but while it is easy to apply those principles to a new kind of development, trying to apply planning principles on an old neighbourhood while trying to balance the rights of an individual to access to those of safety and security is a difficult process. The policy gives a guideline that when evaluating Gated Community applications, all planning principles have to be applied because approving a boom gate changes a spatial pattern of an

area. This process is not equal to rezoning; it is just an installation of a gate but it has the ability to change a spatial pattern of an area.

“Approving a neighbourhood is not entirely a town planning decision but the impact is town planning” says a municipal official. Approving a boom gate changes the organisational arrangement of the area. The problem is not so much spatial, the problem is how to cover all related issues and all parties, including individual rights and not compromise integration. Approving enclosed neighbourhood is not an easy decision to make for the city council.

Planning principles are easier to apply when rezoning a property than when approving a boom gate. An evaluation of these applications becomes a spatial evaluation and all principles have to be applied without ignoring the law. The evaluation entails looking at the Rationalisation of Local Government Affairs Act, the planning principles and also how it will best embrace the rights of everybody involved and those affected. Unlike in enclosed neighbourhood the road in a security estate is not owned by the council or the public and it will never be that way, this makes Security Villages a less complicated issue in the city. Private roads are easy to deal with. But roads in enclosed neighbourhoods are paid for by the public through rates and taxes so the public always has a problem with being restricted to drive or walk through a road they are paying for. Policy makers are expected to correct the past issues and also plan for the future but how much of the spatial mistakes of the past is planning able to correct and how fast? As planners and policy makers draw new policies to address spatial imbalances of the past, are communities cooperative and willing to wait for change or do they cause tensions and make the work of the planner more challenging?

Gated Community applications have to be dealt with on their merit, municipal policies and also the influence of politics. The Gauteng Rationalisation of Government Affairs Act emphasises that the community must prove that if the community is able to prove that there is a security threat in the neighbourhood then there is no court in the world that can prevent the council from granting neighbourhood enclosure. The issues of Gated communities are complicated because the Gauteng Rationalisation of Government Affairs Act which regulates Gauteng road closure issues fails to clarify on issues of spatial planning, integration and the powers planners have in relation to the issue of neighbourhood enclosure. Unless a new Act that deals with gating is drafted, communities will continue exercising their right to close neighbourhoods using the Gauteng Rationalisation of Government Affairs Act as their legal position.

*“The council cannot say they discourage Gated Communities, it depends on the evidence and the merit, are you telling me that a councillor will not support a closure if his people are being killed? Spatial planning is important but it does not outweigh lives and people’s rights to live”*

said a municipal official.

When security estates are planned, it is first ensured that the spatial component fits with the surrounding areas. These types of a Gated Community works better and there are very few spatial complications associated with them. Security estates are planned and therefore all measures are put in place in order to ensure sustainability and integration. Conditions for approving a Security Estate in a neighbourhood are very straightforward because Security estates do not take away public resources which were once shared amongst the community; they do not lead to a closing down of any public roads. These kinds of applications are not demanding and easy for developers to understand. All that a council is expected to do is to ensure that all conditions are met; the development is in alignment with the surrounding neighbourhoods and must also see to it that the security estate has access to a public road. Another thing a municipality must do is to ensure that the property has servitude so residents can have access to a public road.

The municipality acknowledges that from a spatial planning point of view, Gated Communities and street closures could be damaging to the structure of the city as far as accessibility, image, integration of people, and community relations are concerned and building a post-apartheid city. However, the Gauteng Rationalisation of Government Affairs Act grants people an opportunity to apply for restriction of access and a municipality has no choice but to adhere to the law. Tshwane municipality approves Gated communities in a well thought-through manner given the potential conflict between the relevant provisions of the act and the municipality spatial vision of the city.

The municipal officials explained that the municipality is not in any way reluctant because they do deal with Gated Communities in a way that does not compromise people’s rights. The council does not choose to close the road; the work of the council is reactionary. The demand does not come from a council but from the community. The council deals with it in terms of the legislation, the reason why the municipality does not deal with it in terms of the MSDF is simply because it is not entirely possible. A MSDF focuses on regions and what is taking place in

specific regions but the municipality cannot predetermine where gated applications are going to be but they can only deal with submitted applications at a time.

The main reason why Gated Communities are not discussed fully in the municipal plans is because municipalities cannot predict which neighbourhoods feel threatened now and which ones might be threatened next year. The municipality can only explain crime trends in certain areas of Tshwane based on the South African Police Service Statistics (SAPS) but the municipality cannot decide in advance if a certain neighbourhood might apply for closure. There are some areas in Tshwane that have high rates of crimes, one would assume that such areas are in a verge of applying for a neighbourhood enclosure, but this is not always the case. On the contrary, a neighbourhood perceived as the safest might be the one applying for neighbourhood enclosure. This makes it impossible for the municipality to include Gated Communities within their future plans since circumstances are unforeseeable and differ at all times. Applications for Gated Communities are based on different kinds of facts and they are still likely to change. An SDF or IDP can only discuss areas in Tshwane where Gated Communities seem to be trending but the municipality cannot predict and predetermine if communities around the area are ready to embrace the trend or if they prefer neighbourliness without restrictions.

#### 5.2.6 Summary

Findings show that Gated Communities are mostly problematic and controversial. Most applications received by the municipality are a result of security concerns. The municipality is aware of the potential negative impacts that result from approving these applications but it is also aware of the cases of residential robbery and murder in South Africa which makes it difficult for planners in the municipality to have a firm position in the issue.

The municipal officials are also aware that there are positives brought by Gated Communities in the neighbourhoods, this include safe, cleaner neighbourhoods accompanied by higher property values which benefits the owners and the municipality, high property value generates more income to the municipality through rates and taxes.

In complicated situations during the hearing of Gated Community applications, the municipality is forced to come into a decision by weighing the rights of the applicant with that of the objector. Applications with no clear basis on safety and security are not approved. Permission for neighbourhood enclosure is granted carefully whilst considering the city as a whole. Traffic and

pedestrian movement issues are some of the negative implications evident at the City of Tshwane. The municipality is in the process of drafting a new Gated Community policy which may lessen the tensions of Gated Communities in the future, the relevant stakeholders are being included in the process.

Despite the apparent conflict brought by enclosed neighbourhood developments, planners in municipalities ultimately responsible for these developments appear to be somehow powerless to resist their growth. Enclosed neighbourhood developments are complex in nature and there are many factors that complicated the task of being a planner in a municipality. Planners have the responsibility of ensuring the safety of the neighbourhoods without changing the spatial pattern of the city. Some of the factors that make the work of a planner more complex include but not limited to serving politicians, members of the communities with clashing social identities and arguments. After twenty one years of democracy in South Africa, the planning process is still not free from the painful historical legacies. Policies, legislations, strategies, guidelines and planning theory form important planning instruments. They serve to assist planners during decision making processes. But using these instruments tend to be difficult as it is not always easy to implement certain plans or certain strategies due to oppositions from the public, politicians or the socio-economic complexities.



## CHAPTER 6

## 6 CONCLUSION

### 6.1 KEY ISSUES

Findings present the challenges planners face in relation to enclosed neighbourhood developments whilst they attempt to make decisions that make spatial sense, make communities happy and also beneficial to the city in a long run. Findings show that emotions, politics, policy framework, socio-economic issues and the policy framework play a huge role in the decision making process.

Despite the growing number of Gated Developments in the City of Tshwane, there is still dispute about their relevance. Some believe that they are an effective crime reduction mechanism whilst others argue that they cause segregation and that there is little evidence to prove that indeed they are effective in crime reduction.

Planners often find themselves at the centre of these issues and they have to decide whether to approve or not to approve these development applications. Planners are often accused of having little or no response to these disputes and are criticized for the decisions they make.

The objective of the study was to explore the challenges planners face in relation to neighbourhood enclosures. The objective was realised in terms of the key issues that affect the decisions of planners directly. These are; pressures from politicians, emotions from community members, the spatial framework/legislation, and the painful reminders of apartheid they have to consider during decision making as well as the socio-economic issues such as the high rates of crime and poverty in Tshwane.

The data gathered presented a number of issues and also supported the findings of different studies discussed in the literature review. There are issues in South Africa which are also being experienced internationally and also some issues which support the literature review. This section provides a summary of the main issues at the City of Tshwane in relation to Gated Communities.

#### 6.1.1 Power and Politics

The literature review shows that planning is a very political process and planners deal with political issues in most planning decisions they make. It is evident from the findings that

planners make decisions that politicians may not agree with but due to the power of politics in the municipal area, planners are made to reverse their decisions and plans. Political parties play a major role in the planning processes of the municipality; leaders of certain political parties continually put pressure on planners into processing certain applications speedily before the actual evaluation process. When residents are not given the answers they want, they usually make life difficult for the planners by taking them to court and newspapers. Refused applications for neighbourhood enclosures usually end up as a political issue, planners are often accused of incompetence and disregard for people's safety. When there is a struggle between planning and politics in Tshwane, it often results in the domination of politics over planning when they clash in practice. Politics has played a significant role in place making and implementation.

#### 6.1.2 Socio-political and economic dynamics

Crime is a conspicuous issue in South Africa, it does not only affect residents and businesses but it also affects the municipal decisions. Planners are unable to make pure planning decisions without considering social issues like crime. When an application for enclosure in a high crime neighbourhood is rejected, planners receive complaints and threats, accusing them of being inconsiderate and insensitive, even if an application is rejected due to the negative impact it may have on the overall spatial form. People are not concerned about the spatial impact of their applications, but planners are again blamed for the negative impacts that may result if they approve the application. The issue of crime in South Africa and the impact it has on the decisions made by planners is supported an argument by Mabin and Harrison (2006), they argue that South Africa's crime realities make it almost impossible for local councils to have a firm views on the matters of Gated Communities at this stage.

The post-apartheid history of South Africa is also an obstacle to the planning processes, because people see Gated Communities as another form of segregation and exclusion from opportunities and therefore as a new form of apartheid in the city. Planners are also required to deal with issues related to the history of South Africa and the emotions evoked thereby, failing to do so leads to bias and misunderstandings. Planners are accused of being ignorant when they fail to include the history of the country in the decision making process. Bornman (2005) and Parnell and Mabin (1995) acknowledge that South Africa's history of urban segregation left people with painful reminders which are difficult to separate from the planning process today. The complex political history of South Africa as well as the socio-economic challenges such as

crime and poverty has a direct impact on the decision-making process of Gated Communities. Historical legacies will always be part of South Africa's planning process and planners often find themselves unprepared for such complexities.

### 6.1.3 Theory versus Practice

The expectations of the public are usually unrealistic as the public is uninformed about all the complex issues that planners have to take into consideration during the process of assessing enclosed neighbourhood applications. Members of the public see planning as a pure technical process which only requires planner to make a simple decision of either just approving or rejecting an application. Although there are many theories on how planners should handle urban problems, adapting these theories to the city's circumstances can be a daunting task given the South African complex urban realities, political and institutional challenges. Certain theories work in specific cities or specific cases but they might not work somewhere else. With high rates of crime and poverty together with the political dynamics of this country, is spatial integration an easy task? Theory forms an important part of the planning process but it is not always able to solve the problems planners face as it is usually difficult to make a decision that pleases all members of the public happy.

### 6.1.4 Planning and Emotions

Communities usually have emotional stories and scars from crime and it is a challenge for planners to ignore such emotions in order to make a fair decision. At the same time planners should not ignore the feelings of the people they serve. In such issues, planners are expected not to make emotional decisions and at the same time they are expected to disregard people's emotions. Forester (1999) argues that planners should act more sensitively and be more attentive to needs and emotions of the communities whilst retaining their objectivity. In public hearings, community members bring the issues of rape and murder that has taken place in their neighbourhood to their friends, family members etc. as a result of crime. In these emotional cases where community members emotions to receive support and approval for their applications for neighbourhood enclosure, planners end up making decisions that favour the communities to avoid protests, criticisms, political and media interventions etc. This makes it clear that planning is not as straightforward as many would assume, planners are sometimes forced to make decisions that go against their wishes to make politicians or members of the public happy.

#### 6.1.5 The spatial and policy framework

The main objective of the study was to understand the challenges faced by planners in relation to decision-making regarding neighbourhood enclosures in the City of Tshwane. It is therefore important to understand what the national, provincial and local policies used in South Africa to regulate and guide Gated Communities say about Gated Communities in order to find out if they address some of the challenges that Gated Communities bring for planners. Policies and regulations, when implemented effectively, can make the work of those responsible for certain processes easier. Gated Developments flourished at a faster pace than legislative transformation in the City of Tshwane. The absence of national policy in South Africa exacerbates debates around the issue of Gated Communities as it leaves planners in a position where they make decisions which can be easily criticised as there is no national policy to support the decisions of planners and to protect them from political pressures. At the current moment, South Africa does not have a specific legislation that governs Gated Communities in the country. There is no coherent and uniform approach by municipal authorities in South Africa in regard to Gated Developments. The findings of this study shows that the absence of a national policy on Gated Communities leads to a lack of consistency for provinces and municipalities. This can entail that developments may not always occur within the main planning policies and the vision of the country. Since the government has very limited options in terms of crime prevention, there is a need for a collective action in terms of providing measures for interventions that people consider as solution for crime, e.g. Gated Communities. The absence of a national policy to deal with Gated Communities results in inconsistencies that only make the planning practice more perplexing.

A number of the municipal plans and strategies do not include Gated Communities as part of the plans; this could indicate that the municipality does not consider Gated Communities a major issue deserving attention on the municipal urban policies at this point and time. When Gated Communities are not considered within the larger urban development context it is impossible to fully understand the impact they can have on the overall urban system. What is evident from the provincial policies and strategies is that they all aim to address and resolve a homogenous set of challenges. The research also shows that municipal officials are very much aware of the tensions around the issue of Gated Communities. It is also evident from the findings that the municipality is not in any way ignoring the rights of the public to access the enclosed neighbourhoods but it is also obliged by the constitution to protect citizens from

externalities. The planners face a challenge of making the cities a safe place to live without violating the rights of others to move freely and also without compromising the urban form.

There are a number of countries discussed in this study that have legislations and ordinances in place which regulate all issues of Gated Communities in the entire country. These are good examples of how issues can be aligned to reduce controversies in relation to these kinds of developments. The study also shows that where there are countries with no single policy in place, developments emerges without being approved. This shows that there is a contagion in relation to lack of proper national incentives to deal with Gated Community developments throughout the world. The problem is not only affecting South Africa but it is global.

## **6.2 IMPLICATIONS FOR PLANNERS**

This study has shown that neighbourhood enclosure causes a number of challenges in the city for planners and local governments as they were not designed holistically with their surroundings. Enclosed neighbourhoods threaten the principles of town planning such as inclusive and integrated neighbourhoods, promotion of pedestrian access, accessible open spaces, mixed-income developments etc. Some Gated Communities exist without the knowledge of the town planners and the municipalities, resulting in more urban problems. Planners face numerous challenges in relation to the decision making procedures. The decisions planners make are often politically influenced, planners deal with issues of power, politics and emotions. Not much attention has been given to the challenges planners face around the world in relation to Gated Communities, this study reveals that planners deal with more challenges whilst trying to integrate communities and promoting safety for residents. Planners are still to face more challenges in relation to Gated Community developments and it is going to take a while before it is acknowledged that planners are under tremendous pressure and are in need of support. Planners play a major role in shaping the spatial form of the city. The decisions planners make are therefore critical for the sustainability, efficiency and effectiveness of the city. The findings show that the challenges face prevents them from performing their duties without external influences. If such challenges persist, our future cities may not necessarily be a reflection of the planners' decisions but a reflection of the challenges they face when performing their duties.

### 6.3 IMPLICATIONS FOR SPATIAL PLANNING IN TSHWANE AND SOUTH AFRICA

In terms of the data obtained, most enclosed neighbourhoods in the city of Tshwane are found on the eastern region of the city. Continuing to allow citizens to physically position themselves in one side of the city in a post-apartheid country that consistently promotes integration and inclusion in the city opposes the urban integration objectives and constantly remind people of the past imbalances. Such patterns are also a result of the property market; this is evident all over the world. Planners all over the world are facing a challenge of trying to integrate income groups. Many facilities such as schools and shops tend to also be located in high income areas catering for high income groups making it difficult for the lower income residents to get by. On the other hand, these high income areas are also areas of employment for the low income residents. This situation will only increase frustration among planners as they will be accused of allowing segregation in the city.

The data obtained also shows that there are a number of illegal enclosed neighbourhoods which exist even with the municipal knowledge. The municipality does not forcefully remove booms/gates upon finding out about their existence unless a complaint from the general public or politicians is submitted to the municipality. The municipality has not experienced serious problems as a result of illegal neighbourhood enclosure, but should the trend spread to all areas of the city, whenever a neighbourhood experience crime, what they perceive as a “solution” may be to close the neighbourhood off to prevent further crime; this can result in major complications for municipalities and local officials. Rights to access will be violated and mobility will be compromised, causing more problems to the municipality. This may hinder the city from achieving accessibility and pedestrian-friendly neighbourhoods contributing to more fragmentation. Tshwane just like most municipalities in South Africa is not equipped to carry out new responsibilities and complications that these unplanned/illegal enclosed neighbourhoods may bring. Most South African municipal officials lack relevant training and expertise in handling these developments. The strategies and plans produced by most South African municipalities lack specificity and interventions. This only shows that planners in South African municipalities are not prepared for a sharp rise in the demand for Gated Communities and the spread of illegal neighbourhood enclosures.

The subject of Gated Communities has not been ignored in the local government as many would assume Planners and municipalities are aware of the tensions but reluctant to develop legislations to address these developments. The findings show that planners in municipalities

may not necessarily be reluctant but conflicted by opposing views and challenging issues. Planners have to strive to be fair and objective at all times. Planners have a responsibility to consider the South African socio-economic issues such as crime, inequality, poverty, historical legacies etc. during the process of decision making. There are numerous issues that have a direct impact on the decisions planners make that most members of the community are not aware of resulting in planners sometimes facing undeserved criticisms. The decisions planners make are a reflection of the community's preferences rather than their own. Persistent high levels of residential robbery and burglary in South Africa will make it impossible for town planners and municipalities to have a firm position regarding enclosed neighbourhoods i.e. refuse neighbourhood enclosure. There is a need for planners, municipality and the government to understand what the public needs, if Gated Communities are a solution to the South African higher levels of crime and if they should be accepted as a new fact of urban life so that planners can focus on minimizing the negative impacts whilst optimising the returns.

Another issue which makes the task of a planner more complex is the presence of illegal enclosed neighbourhoods in the city. Illegal enclosed neighbourhoods do not only pose threat in the spatial pattern but they also make planning impossible to do as planners are expected to prevent the negative impacts of the developments they are not aware of their existence. This worsens the challenges that planners are already facing.

The absence of national legislation which addresses Gated Communities in South Africa may cause more spatial problems in the future. If developing a national legislation is not prioritised, what happens when the demand for neighbourhood uncontrollably spread to the rest of the provinces in South Africa?

#### **6.4 CONCLUDING REMARKS**

The main aim of the study was to explore the challenges faced by planners in the City of Tshwane as a result of Gated Communities. The planning practice is complicated on its own but Gated Communities makes planning even more complex. Planners face pressures that the public does not understand, the public usually have opposing demands and planners are expected to meet all their demands. When planners do not meet the demands of the public for Gated Communities, they are said to be inefficient and insensitive, when they approve certain Gated Communities, they are accused of violating the rights of access for others. Politicians use their power and influence to interfere with the planning decision making procedures.

Planners also have to deal with the painful reminders of apartheid in the city of Tshwane as South Africa is a port apartheid city. The study was able to achieve the objective of exploring the challenges planners face in local government when dealing with the Gated Community processes.

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# APPENDICES

## APPENDIX 1

### **Semi structured interview questions to the city of Tshwane municipality officials**

Semi structured interviews were used in order to facilitate a discussion; this offered an opportunity to stimulate a debate in order to frame professional opinions.

The questions are as follows:

1. What are the possible reasons why the municipality has been reluctant to respond to the issue of Gated Communities within their policies and plans?
  - a. Is it an institutional issue?
  - b. Is it a management issue?
  - c. Is it because municipalities view Gated Communities as non-threatening to the urban form?
  - d. Are people scared of addressing the issue of Gated Communities?
  - e. Open question (Any other possible reasons?)
2. Are the municipality officials aware of the tensions around Gated Communities?
3. Are there any negative implications of Gated Communities that are evident within the Tshwane?
4. Does the municipality wish to allow more Gated Developments in the future? Or does it plan to discourage such developments?
5. Does the municipality have measures or tools that are used to regulate and keep track of Gated Communities?