R C Juries-Whiteman¹ & M M Campbell²

Home-based businesses: Issues and problems with specific reference to Bloemfontein

Abstract

There is a high occurrence of home-based businesses in Bloemfontein (Free State) and in other cities and towns in South Africa. With the new role of local authorities as 'developmental local government' and their responsibility for local economic development, home-based businesses may be revised and a fresh, integrated approach be followed to assist in writing a new policy for improving the ability of such enterprises to contribute towards the local economy in Bloemfontein. The Bloemfontein Town Planning scheme (no 1 of 1954) with its high standards of land use, is not the ideal management document of land use to stimulate home-based development. Contrary to this, Annexure F of the Black Communities Development Act that is still used to control development of land use in Mangaung, makes provision for the use of a portion of a residential property for business purposes without applying for the approval of the local council. Annexure F is therefore a far less sophisticated scheme, with less participation and rudimentary protection of rights.

Keywords: home-based businesses, Bloemfontein, local economic development.

TUISONDERNEMINGS: KWESSIES EN PROBLEME MET SPESIFIEKE VERWYSING NA BLOEMFONTEIN

Bloemfontein (Vrystaat) en ander stede en dorpe in Suid-Afrika word gekenmerk deur 'n hoë voorkoms van tuisondernemings. Met die nuwe rol van plaaslike owerhede as 'ontwikkelings- plaaslike regering' en hul verantwoordelikheid vir plaaslike ekonomiese ontwikkeling, kan daar opnuut na tuisondernemings gekyk word. 'n Nuwe, geïntegreerde benadering kan gevolg word met die skryf van 'n beleid om sulke ondernemings se vermoë te verbeter om tot die plaaslike ekonomie van Bloemfontein by te dra. Die Bloemfontein Dorpsaanlegskema (no 1 van 1954), sowel as die meerderheid van ander dorpsaanlegskemas met hoë grondgebruikstandaarde, is nie die ideale grondgebruiksbestuurs-dokument om tuisondernemings te stimuleer nie. In teenstelling hiermee bepaal Bylae F van die Wet op die Ontwikkeling van Swart Gemeenskappe, tans in gebruik vir grondgebruikbeplanning in Mangaung, dat 'n gedeelte van 'n wooneiendom vir sake-doeleiendes gebruik mag word sonder om by 'n plaaslike owerheid aansoek te doen. Bylae F is dus 'n veel minder gesofistikeerde skema wat minder deelname verg waar die beskerming van regte baie elementêr is.

Sleutelwoorde: tuisondernemings, Bloemfontein, plaaslike ekonomiese ontwikkeling.

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1. Introduction

One of the biggest challenges facing the new South African government and its people is the need to address the serious social and economic problems, for example mass poverty, gross inequality and a stagnant economy. According to a household survey conducted in 1995, the unemployment rate was as high as 47% in the Northern Province, 24% in the Free State, 29% in Gauteng and 17% in the Western Cape (Reconstruction and Development Programme (RDP) 1995: 17). Indications are that unemployment is on the increase.

Since its inception in 1994, the Government of National Unity has been striving to rid South Africa of apartheid. The Government had to change all aspects of the lives of South African citizens for the better. In order to do this, many laws and policies had to change (RDP 1995: 1). These changes also had far-reaching and profound implications for planning. The Constitution of South Africa (Act 108 of 1996), the Development Facilitation Act (Act 67 of 1995), new planning laws passed by some of the provinces and various national documents of sectorial legislation that imply planning have influenced the legal context of spatial planning since 1994.

The White Paper on Local Government is crucial, as it places municipalities at the centre of planning for better human settlements. The new municipal planning system seems to be formed on the concept of 'developmental local government' (Green Paper on Development and Planning, 1999: 9). Developmental local government emphasises integrated development planning as a tool for realising the vision of developmental local government.

The National Development and Planning Commission and the Department of Land Affairs, which made valuable contributions to the evolution of post-apartheid planning law and policy in South Africa, believe that the function of spatial planning is of considerable national importance. Positive, creative planning is needed to address the failure of the apartheid planning system to protect the rights and to meet the needs of the majority of South Africans. "The current distorted settlement pattern found in many places will not correct itself automatically, nor will it be addressed by default" (Green Paper, 1999: 19).

The Government of National Unity has also emphasised that local authorities should take responsibility for local economic development (LED), and should follow an integrated approach

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to spatial planning. Within this mandate, local authorities should address issues such as unemployment, the informal sector and the development of SMMEs (small-, medium- and microenterprises). The Bloemfontein Local Council (LC) should, therefore, look at the problems of unemployment and embark on interim strategies such as support for home-based enterprises through an integrated approach (co-operation from other departments within the Council and departments at Provincial Government level). The Bloemfontein Local Council should thus assume a facilitative role rather than the present control and regulatory function, and at the same time protect the rights of all residents within a neighbourhood. This is not an easy task, as public opinion has always been a big challenge for planners.

The term "home-businesses" entails the following, according to the City of Tygerberg Zoning Scheme: the primary use for the premises is "dwelling house", while "house shop" (1999: 5.1.2 a and b) is a consent use, where occupational practices are limited to 40% of the total floor area. The Toronto Metropolitan Council encourages working from home and the sectors in which male and female workers were employed in general (clerical, service, professional occupations, etc) reflected the structure of the labour force (Bassios, 2000). For the Kimberley Local Council the term "residential business" includes "any trade, business, profession or action, which is required to pay a levy to the Diamantveld District Council, from which a physical income is aenerated, and which is conducted from a residential zoned site" (Odendaal, 2000). Activities, which cause disturbances such as noise, traffic congestion, air pollution or a lowering of aesthetic standards, are not allowed on residential properties (Kimberley Executive Committee minutes, 08-03-1999). As these local authorities made provision for deviations from existing zonings there appears to be a reasonable understanding for the need to create self-employment as well as to preserve the neighbourhood quality.

Some of the functions of the local authority include the following: to process applications for home-businesses; to investigate complaints and contraventions of the town planning scheme; to co-ordinate and process applications in terms of special consent of uses permissible in terms of the town-planning scheme; and to co-ordinate and process applications in terms of the Removal of Restrictions Act (Act 84 of 1967). Those persons who perform these "illegal" activities are forced to cease the activities. In many cases the local council cannot offer these residents an alternative for generating income. Such restrictive actions seem

to contradict the proposed function of facilitating and supporting SMME development. The question is whether the local authority is applying an integrated approach towards planning when it shuts down home-businesses without offering alternative options for generating income.

With the new role of local authorities as 'developmental local governments', and their responsibility for local economic development, the policy regarding home-based businesses should be revisited and an integrated approach be followed in writing a new policy for improving the ability of such enterprises to contribute towards the local economy in Bloemfontein.

In a survey on home-businesses in Bloemfontein conducted by Kemp in 1997, it was found that a former white suburb, Universitas, had a higher incidence of home-businesses than Joe Slovo, an informal area, despite Joe Slovo's much higher unemployment rate. It, therefore, seems that most homebusinesses are started simply to supplement the household income. This research paper examined this issue in order to determine whether this assumption is true. Interviews were conducted with home-based business owners whose businesses were approved by the Bloemfontein local authority.

In a study (Tsikoe & Mokhotso, 1995) done on home-based enterprises and specifically spaza shops³ in Rocklands, a township adjacent to Bloemfontein, it was found that socioeconomic factors influence the establishment of spaza shops and that spaza shops can assist in raising the quality of life of the majority of the population in low-income settlements. The study concluded that spaza shops will remain an integral part of township life, and that town planners need to pay careful attention to accommodating them (Tsikoe & Mokhotso, 1995).

The availability of references was an important factor that determined the completion of this study. Information for the study was gathered from the following sources: previous studies in the field; unstructured conversations with residents in the study area; structured questionnaires; literature studies; interviews with knowledgeable people in the field, and the Internet.

³ Home-based enterprises providing consumer goods to the immediate surrounding community.

2. Urban planning legislation

It is said that the South African system of urban management and urban planning practice has been "severely criticised on a number of issues by mostly academics at Enalish universities" (Oranje, 1995: 22), but that the criticisms never had an impact beyond the academic institutions. The close link between apartheid and urban management only exacerbated this problem (Oranje, 1995: 22). Despite criticism, the town-planning scheme is still central to planning in South African towns and cities. The Townships Ordinance (No 9 of 1969) of the Free State may require a local authority to prepare a town-planning scheme. Chapter III of this Ordinance states "that the scheme shall have for its general purpose the co-ordinated and harmonious development of the area to which it is to apply (including, where necessary, the re-layout and redevelopment of any part thereof, which has already been subdivided and built upon) in such a way as will most effectively promote the health, safety, order, amenity, beauty, convenience and general welfare of such areas as well as the efficiency and economy in the process of such development" (Townships Ordinance of the Free State No 9 of 1969).

Simplified versions of these town-planning schemes were later introduced to urban townships. An example of these simplified versions is Annexure "F" which controls the use of land in Mangaung. In terms of Annexure "F", for example, single dwellings can be used for any other purpose and residents do not have to apply for permission from the local authority to run a business from home. The same rule applies in Tygerberg (Cape Town) and Kimberley (personal interviews with A Abrahams, City of Tygerberg, 2 June 2000 and L Odendaal, City of Kimberley, April 2000).

3. The settlement pattern and land development management in South Africa

Tod Welch (1995: 40) is of the opinion that planning practice in South Africa reflects two influences: stereotyping and ethnocentrism. The reason for this could be that the human settlement pattern in South Africa is primarily characterised by racial, socio-economic and land use segregation. Large dormitory towns and other settlements developed as a result of displaced urbanisation. These spatial environments are inconvenient and have no function for the majority of citizens as they generate enormous amounts of movement with great costs

in terms of time, money, energy and pollution. Settlement patterns make the provision of efficient and viable public transportation almost impossible, making servicing costly to the public revenue, and amenity potential has been destroyed, poverty and inequality have been aggravated, and opportunities for individual entrepreneurship have been dissipated (Department of Land Affairs, Green Paper on Development and Planning: 7).

No one has an absolute right to develop and use land under South African law. Land can only be developed or used subject to the law's restrictions. Cloete (1976: 241) refers to the "police power" of government units to limit the rights of individual property owners in respect to their property. The justification of the "police power" is said to be the protection of the general welfare of all people in the regulation of public health, morals and safety. The ideal is for the law to only regulate those aspects of land development and land use that are necessary, either to achieve particular strategic objectives or to minimise the negative impacts of land development and land use changes on neighbours and the public in general. If this ideal can be achieved, equal levels of protection and service delivery can be provided to all South Africans, irrespective of whether they live in a township, a suburb or a village.

According to the Development and Planning Commission (1999: 47), land management has two key goals. The first goal is to provide effective protection to both the natural environment and members of the public from the negative impacts of land development and land use change. Furthermore it should attempt to ensure a continually improving spatial environment, particularly in terms of the quality of the public space. The second goal, according to the Commission, is that it must provide a reliable degree of certainty to developers, members of the public and all spheres of government so that there is a shared and consistent understanding of the scale, extent and nature of permissible land development and land use within a specified time period. Both these goals are believed to be essential for the operation of an efficient and fair land market.

4. A survey of home-based businesses in Bloemfontein

An investigation of home-businesses in Greater Bloemfontein was conducted with the approval of its council. A questionnaire was used to investigate the nature of these businesses as well as the attitudes of their neighbours towards them. The 'neighbours' in the survey did not necessarily reside immediately next door to home businesses, but lived within close proximity to such enterprises. The period from January 1996 to May 2000 was chosen for the survey since the local authority saw a dramatic increase in the number of illegal businesses, as well as applications to run home-based businesses. During this period the municipality also appointed two inspectors whose task was to prosecute transgressors of the town planning scheme.

A list of respondents was obtained from the local authority. Respondents completed the questionnaires during home-visits. Two different sets of questions were compiled. The first set was for homebusiness owners and the second set for their immediate neighbours as well as for people who live in close proximity to home-based businesses. Most questions in the questionnaires were multiplechoice questions.

5. Research findings

The majority of home-business owners in Bloemfontein are Afrikaans-speaking, whereas only fourteen per cent are Sothospeaking. Most of the businesses in the survey had a member in the family who earned a formal income (64,3%) while 35,7% of the households had no income. Table 1 indicates the monthly income of the households. Half the candidates who were interviewed mentioned that they earn more than five thousand rand per month. The businesses that were interviewed included the following: hair salons (14,3%), tuck shops/house cafés (28,6%), beauty salons (21,6%), dressmakers (7,2%), doctor's consulting rooms (7,2%), occupational therapists, (7,2%), graphic designers (7,2%) and an art and frame studio (7,2%).

Income per month	Percentage
< R 1 000	7.14%
R 1 000 - R 2 000	21.42%
R 2 000 - R 3 000	14.29%
R 3 000 - R 4 000	7.15%
R 4 000 - R 5 000	0%
> R 5 000	50%

Table: 1: Income composition

Slightly more than half of the home-business owners do not employ additional staff and 28% employ two people. A total of 85,7% of the owners had to pay increased rates and taxes due to

their business while 71,4% of the home-businesses reported an average monthly increase of R350-00 in their water and electricity accounts. The majority felt that the increase was not justified.

Most home-business owners (92,85%) indicated that they did not experience problems with their neighbours, and were of the opinion that the city council was effective in controlling neighbourhood quality. Only 7,15% indicated that they experienced problems with their neighbours. The respondents also felt that all people should be allowed to run a business from home, provided that these businesses comply with the regulations for land-use (Juries-Whiteman, 2000: Table 16).

People start businesses from home for different reasons. The most frequently mentioned reason was financial gain and cutting down on business overheads. Security issues and the convenience of working at home were also mentioned. Many of the home-businesses in the study were survival businesses, in other words they depend on the profits generated from the business to meet their financial commitments. Many of the women had not worked regularly for an employer, but due to hardships and inadequate income of breadwinners, these women were forced to supplement the household income. Some of these business owners had lost their jobs or retired early due to ill health (unstructured interviews with home-business owners in Survey 2000). Seven per cent of the respondents reported that they had purchased their house for the purpose of running a business in close proximity to a shopping centre in order to take advantage of the excellent business location. Some people stated that they could keep an eye on the children at home. Home-businesses are effective in reducing theft, since people spent more time at home.

Surprisingly, a large number of home-business owners, although dissatisfied with the regulations regarding land use, were not interested in playing a more participatory role in the formulation of control regulations regarding land use. Less than half of the respondents (42,85%) were interested in participating in the process. Only seven per cent of those who are interested want total decision-making powers and 21% only want to give their opinion.

Professional activities, artisans, administrative offices, educational uses and retail activities were considered to be very compatible with residential activities. Activities such as panelbeating, spray-painting, welding, garden refuse and furniture removals, construction companies, kombi and car taxi operators, boilermakers, shebeens, taverns and pool and game centres were rejected outright (Juries-Whiteman, 2000: Table 23).

6. Responses of neighbours of home-based businesses

Neighbours were generally very tolerant of approved homebusinesses (Juries-Whiteman, 2000: Table 2-6). A large majority (79%) of people who were interviewed felt that people should be allowed to run a business from home (Juries-Whiteman, 2000: Annexure B). Some of the respondents reported that they had not been informed of their neighbour's intention to start a homebusiness. The following complaints were received from people residing next door to home-based businesses:

- Traffic problems
- Lack of adequate parking facilities on premises
- Untidy backyards
- Window displays attract unwanted people
- Safety risk
- Noise
- Congestion of people
- Resale value of house was negatively affected
- Air pollution (Juries-Whiteman 2000:Table 10).

Even though 50% of the respondents reported that they were familiar with the regulations, 36% said they were not sure if they were satisfied with the regulations, and neither did they display the willingness to be involved in the formulation of regulations regarding land use (Juries-Whiteman, 2000: Annexure B).

The responses regarding non-residential activities on residential properties, were very similar to those of home-business owners (Juries-Whiteman, 2000: Table 14). The most unwelcome businesses were: veterinary surgeons, boilermakers, panel beaters, spray painters, welders, warehousing and storage, construction companies, taverns, pool and game centres, shebeens and garden refuse and furniture removals. Architects, dressmakers and after-school lessons were the most favoured businesses. The following uses were also regarded as permissible: doctors, physiotherapists, engineers, financial services, photographers, hair salons, nail art studios, beauty salons, television repairs, computer repairs, real estate agents, day-care facilities, crèches, computer training and courier services.

7. Recommendations and conclusion

The survey indicated that the state of the economy largely determines the number of people who would start a homebusiness. Several of these home-business owners are likely to return to formal work once the economy improves. This is particularly true of people who do not have a profession. Professionals are more likely to start a business from home out of choice, to cut down on overhead business expenses and to gain tax benefits. Some of the businesses could not afford the high rentals in an office complex or in the CBD and some had to downsize the company and no longer needed space for staff members,

Many home-business owners were starting a business for the first time and many were of the opinion that a new business should be started at home until it outgrows the maximum permissible size of a home-business.

There was a considerably big income gap between professional home-based businesses (doctors) and artisans or non-skilled home-businesses (such as hair salons and tuck shops). On average, people are more tolerant of professional homebusinesses than of non-professional home-businesses. Wealthy businesses were more likely to contravene town planning scheme regulations in terms of the size and number of people employed. They also more frequently used the entire house for their businesses and were said to contravene the National Building Regulations. Since capital is not a problem for these enterprises the buildings can be maintained and the necessary physical changes can be made.

Home-businesses such as crèches and day mothers, ballet schools, nail studios and hair salons were reported to have difficulty in providing sufficient parking for clients. Vehicles were often parked on the pavements and lawns of neighbouring properties.

Although most people might prefer the security of a well-paid job with benefits this is not always possible, not only because people are not well educated, but also because the South African economy has been unable to create adequate productive employment opportunities to absorb net increases in the labour force. Therefore growth strategies should focus on increased productivity, macro-economic stability, local economic development, job creation and creating new economic opportunities. Most SMMEs cannot afford the high rentals and are forced to move from the CBD or offices and shops in suburban shopping centres to their homes. This not only leads to neighbourhood invasions, but also to the urban decline of the vacated areas. The loss of people and jobs often leads to vandalism of vacant buildings and increased crime rate.

Possible solutions include: area or areas that can be identified in Bloemfontein and be made available to entrepreneurs at lower, affordable rates with less strict town planning controls. Applications for home-based businesses should be considered on the basis of policy and principle rather than rules and regulations alone.

The inputs of the Department of the City Treasurer are important in determining the payment of rates and taxes which should be lower in areas identified for the development of home-businesses in order to stimulate development. This department should also be aware of the new approach towards local economic development and should be able to influence policy in this regard.

The records at the Bloemfontein Municipality indicated that many of the complaints received from residents were about noise generated by welding, the repair of cars and fumes from spray-painting. Notices have been served on many car mechanics in the poor neighbourhoods of Bloemfontein (Smith, personal interview 2000). Government departments and the local authority can meet and identify government buildings which are not in use or which are only partially used and which are adequate for the use of individual car mechanics who do not have the means to rent industrial premises.

Careful attention should be paid to the aesthetic quality of such premises as well as the direction of the wind and adjacent uses. The width of the road should allow for free and safe movement. An abundance of trees and bright coloured paint can be added to soften the hard appearance of these places, and waste should be removed on a regular basis to prevent pests and disease.

Taverns and taxi operations also received an unfavourable rating by people in the survey. The survey was in fact conducted mostly among residents in the suburbs where the Bloemfontein Town Planning Scheme was applicable. The municipality should be proactive and compile certain guidelines for handling applications for such uses.

Kombi taxis are mostly owned and operated by people residing in Mangaung and Heidedal. The plots in these areas are very small and the streets narrow. Kombis are parked and often serviced on these premises and particularly on the pavements, because of the small plots. This not only causes traffic problems, but also threatens the safety of children in the area and affects the general appearance of the neighbourhood. Not much can be done about the existing plots. Planning of future townships should take such factors into account when determining minimum plot sizes. With the integration of Mangaung's town planning scheme into the Bloemfontein Town Planning Scheme, careful attention should be paid to such practical issues and control of such industries. The opinion of neighbours in the immediate vicinity of such enterprises will guide the decisionmakers.

In many of the older suburbs in Bloemfontein, title deeds of residential properties restrict the use of these properties for business purposes. The Bloemfontein Town Planning Scheme requires these restrictive conditions to be removed by means of an application in terms of the Removal of Restrictions Act. At present, the cost of such an application is R2 000 at the Provincial Government and R480 at the local authority. This means a total cost of R2 480 during the year 2001. The areas with title deed restrictions are generally the older areas and more often than not, the less wealthy neighbourhoods. The nature and the extent of the home-businesses in these areas are low incomegenerating industries. In many instances, the small profits generated from these home-based activities do not justify the cost of such an application. The result is that most of these enterprises are practically illegal.

It is suggested that candidates with a title deed restriction be allowed to apply for a home-based business. Should this be approved, the approval should only be valid for one year, after which the applicant has to re-apply for permission. Such an approval will be 'conditional' and will be subject to certain conditions, which will only be valid for one year. The applicant has the option of applying for the removal of restrictive conditions during the mentioned twelve-month period and can then be issued with a letter of 'final approval' once the application for the removal of such conditions has been approved by the Provincial Government.

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It may be concluded that home-based businesses are facing two possible scenarios. The negative scenario is that planning at local government level fails to understand and implement the concept of 'local economic development', 'integrated development planning' and 'developmental local government' and continues to use old planning tools and approaches which fail to address the needs of a rapidly changing society. This along with a further decline in the economy will lead to more contraventions of the town planning scheme, the creation of slum areas, higher crime rates and urban decay.

The positive scenario is that if all role-players adopt a more tolerant attitude, a spirit of community, and a vision of financial independence gained through combined efforts of various roleplayers, South Africa can change into a success story. "Economic development cannot be dissociated from the development of society as a whole. It depends on the active participation of everyone, and this can only be achieved through smoothly running institutions and the wholehearted support of individuals and groups. Development embraces not only economic growth, but also any other processes contributing to generate a life which people themselves define as a better one" (Uphoff, 1972: 21).

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