

## EXECUTIVE SUMMARY

### Land Use Management and Democratic Governance in the City of Johannesburg

#### Case Study: Diepkloof

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## 1. BACKGROUND

Diepkloof is the eastern suburb of Soweto, approximately 15km south west of Johannesburg.

Diepkloof was established in 1959, mainly as a resettlement township to accommodate forced removals from elsewhere in what is now the greater Johannesburg region (particularly Alexandra). In line with Apartheid policies of the time, residents were not permitted to own the land or houses on the land in Diepkloof.

The original intention was to settle Diepkloof according to specific ethnicities; however this was not properly implemented and today, even though certain areas of Diepkloof are nicknamed according to their predominant ethnic group – Shangaan, Zulu or Sotho – areas are effectively mixed.

There are three distinct ‘parts’ to Diepkloof:

- 1) The ‘old’ settlement (Zones 1 to 6, established in 1959) – generally lower income.
- 2) The new settlement (Diepkloof Extension, Phases 1-3, established in the 1980s) – generally middle income.
- 3) The informal settlement (Motsoaledi, established post-1994) – low income.

## 2. RESEARCH METHODS:

This study is built around field research that was undertaken to bring out both community and administrative perspectives and understanding of formal and informal methods of land use management taking place in Diepkloof.

Data for this study was collected through:

- A literature search on Land Management in Johannesburg and Diepkloof, including the relevant Land Management legislation and plans.
- Interviews with relevant city officials, whose work relates to Land Management and Administration.
- In-depth interviews with members of the community living in Diepkloof, using both a structured questionnaire and through separate unstructured formal discussions.

### 3. INSTITUTIONAL ENVIRONMENT

Diepkloof falls within administrative region 10 of the City of Johannesburg; when combined with region 6 this is known as the Greater Soweto Area (RSDF 2006/7). Under the recent renaming of administrative regions, regions 6 and 10 are known as Region D.

The City of Johannesburg's Regional Spatial Development Framework (RSDF) has identified a number of land management issues in Region D; of these, the following may apply to Diepkloof:

- The area lacks a variety of uses and facilities (such as social amenities).
- Residential use is the most dominant land use.
- There is a lot of informal business activity, especially Spaza shops, taverns and shebeens.
- There is overcrowding, with certain areas consisting of large numbers of backyard shacks.
- There is a need to address illegal uses in order to establish a balance between good planning practice and need for local economic development.

One of the most important current land management-related projects being undertaken by the City is the Soweto Land Regularisation Project, managed by the Johannesburg Property Company (JPC), a Municipal-owned entity. The Regularisation Project is aimed at formalising property rights and ownership within Soweto, including the transfer of existing houses (such as many of those in Diepkloof Zones 1-6) into the names of long-term tenants, who had previously been denied ownership by the Apartheid government. Other projects in the area include the Hostel Redevelopment Project (converting former single-sex hostels to family units) and the Elias Motsoaledi Housing Project (providing housing for the residents of the Motsoaledi informal settlement).

The Regularisation Project appears to have been largely successful, with the majority of title deeds transferred to owners in Diepkloof. The Hostel and Motsoaledi Projects have however been much slower in rolling out. In the case of the Hostel Project, this has led to some dissatisfaction on the part of the Diepkloof residents – largely because of poor communication from the administration about planning and implementation (and delays in both) of developments. In the case of

the Motsoaledi settlement, although little change has been effected in the settlement itself, residents appear to be happy simply to be recognised by the administrative authorities and believe that improvements or developments will follow in good time.

The JPC is also behind the development of the Diepkloof Business District (DBD), which is aimed at integrating commercial and business land uses in previously residential-only townships. The DBD is a 10ha area of Council-owned land situated in Diepkloof Zone 4 and is already home to a community centre and clinic.

#### **4. ACCESS TO LAND**

Historical access to land in Diepkloof was at a formal level, with stands or houses being assigned to [relocated] families by the then-Apartheid government. Diepkloof is characterised with semi-detached units, a majority of which have backyard shacks. These shacks provide valuable income for home owners, but also address the growing need for housing in the study area. Charges range from approximately R150 per month for a shack and R250 to R300 per month for a backyard room.

Disputes between landlords and tenants (regarding rentals of backyard shacks) are dealt with by a tribunal system, which was initiated in 2005. This system combines formal and informal procedures. The Housing Department has three Tribunal Officers in the vicinity of Soweto who see to complaints on a case-to-case basis and try to solve these disputes locally. If complaints cannot be resolved locally then it is referred to the Provincial Tribunal, which is a more formal system. The Housing Department keeps a record of all cases, and compiles case records on a monthly basis and reports how many of these have been resolved and how many have been referred to the Provincial Tribunal. These are reported to the Provincial Department on a quarterly basis. Street and Ward Committees as well as councillors also monitor the charging of rent for backyard shacks and rooms in terms of the services (electricity, water) provided and quality of the structure.

The Apartheid-era housing allocations in the original Zones 1-6 have now largely been transferred into private ownership (through title deeds) as part of the Regularisation Project. The few remaining title deeds that have not been transferred are due to waiting for the original owners of the homes, usually elders who have gone off to the farm areas to return with proof of title deeds. The Housing Department has assisted and advised residents to come forward with relevant documentation so as to transfer title deeds to the respective owners.

Ownership of land in Diepkloof Zones 1-6 is therefore accessible now only through purchase or inheritance or rental of a property.

The hostels, located in Zone 6, were built by the Apartheid government to house large numbers of single male migrant workers, in the form of shared dormitory space within a room or hall, and communal toilets and kitchen facilities. These are being redeveloped as family units for rental or allocation. The City has indicated preference to access these units will be given to former hostel residents. A Hostel Register showed approximately 2 900 households in the Hostels; about half of these (1 400) were single member households, predominantly male.

Diepkloof Extension, one of Soweto's most affluent suburbs, offered formal property ownership from the date of its establishment; land in this suburb is, therefore, only accessible through purchase, inheritance or rental. Unlike in Zones 1-6, it is not common for property in Diepkloof Extension to be sublet (i.e. backyard shacks).

The area of the Motsoaledi informal settlement was illegally occupied by its residents; currently, the Municipality has allocated numbers to the main shack on each stand and noted the residents' details. Ownership or residency may not be sold or passed on and no new shacks or residents are permitted. There are 1 289 informal settlement structures/stands. As a result of the registration of stands/structures, zero growth has been achieved in Motsoaledi.

There is no more land either for housing development or for sale as stands in Diepkloof.

## **5. KEY ISSUES**

### **Backyard Rentals**

Because of the limited access to housing in Diepkloof, and as a means of earning an income, the practice of renting out backyard dwellings or even a portion of the house to a tenant is common in Diepkloof. This has led to significant overcrowding, with resultant problems including reported high incidence of sexual abuse within homes.

Conflicts between landlords and tenants may be resolved with the assistance of a tribunal system facilitated by the Housing Department with apparent success.

### **Provision of Housing**

Since its establishment, there has been a certain prestige attached to living in Diepkloof – possibly because of its close proximity to Johannesburg. As a result there has always been a high demand for housing. Today, much of this demand comes not from new residents wanting to move to Diepkloof but from existing residents wanting to move out of crowded family homes or backyard shacks.

Although there is no significant vacant land for development in Diepkloof, a high-rise residential development was proposed on a small portion of available Council land.

The proposal was opposed by older members of the community, and this has led to bad feelings from younger residents who have no alternative accommodation solutions.

### **Home Enterprises**

Owing to the absence of formal commercial and business space in Diepkloof, there is a prominent informal business community where entrepreneurs operate from their homes. In many cases the services provided by these enterprises are not only necessary but have a positive impact on the community, providing employment and income opportunities. However, a number of private businesses extend into and interfere with access to public space in Diepkloof. Because of the business' close proximity with residential space, certain activities such as nightclubs or shebeens are seen as having a negative influence on the community, especially on the youth.

### **Informal Land Economy**

Diepkloof residents expressed distrust of formal property sale and purchase systems and/or institutions, specifically the role of banks in the finance and facilitation of such purchases. Banks were seen as a) unwilling to provide finance to the poor and b) party to driving down agreed-upon property prices. As such, the majority of property sales and purchases in Diepkloof Zones 1-6 are conducted through informal channels.

Property in Diepkloof Extension is sufficiently expensive to necessitate the involvement of banks, in order to provide mortgage facilities.

Property in the Motsoaledi settlement is not privately owned and may not be traded by the residents.

## **6. FINDINGS**

- The process of transferring ownership (of houses) to residents in Diepkloof has established a positive relationship between the Municipality and the community, as well as achieving economic empowerment of certain residents. This trust relationship should provide a solid foundation for future dealings between both parties.
- The Diepkloof community embraces the informal system for property transactions. The administration needs to introduce the formal system in such a manner that the residents see the benefits (if there are any) of this system, as compared to informal means of land transfer.
- Because of the lack of available land for development, it is difficult to access land in Diepkloof. This has led to resentment on the part of many young residents. The authorities need to revisit the proposal to develop high-rise

buildings in small open spaces within Diepkloof as there still is a demand for housing in this area. However, it is acknowledged that such a project would, in all likelihood, not provide a long-term solution as the movement of backyard residents to high-rise units would simply create a new group of backyard tenants who would, in turn, expect housing in the future.

- In Motsoaledi and the Hostels, the Municipality needs to communicate more effectively with the community about slow administration procedures so that both parties can reach a sense of understanding.