Urban land: space for the poor in the City of Johannesburg?

Summary of findings of a 2007 joint Planact/CUBES study on Land Management and Democratic Governance in the City of Johannesburg
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The study on land management and democratic governance in the City of Johannesburg consisted of the following commissioned work, referenced for producing this booklet:


Hoosen, F. and Mafukidze, J., 2007: Report 1: Land Management and Democratic Governance Issues in Diepkloof, Johannesburg, Commissioned by Planact and CUBES, Ford Foundation Project


Ovens, W., Kitchin, F., Parnell, S., and Williams, A., 2007: Land Management and Democratic Governance in Five South African Metropolitan Areas: Overview Report, commissioned by Urban LandMark, Planact and CUBES, with Ford Foundation Funding.

Land Management and Democratic Governance

Despite the progress that has been made in developing new ideals for post-apartheid planning, there is a lack of innovative thinking and practice around land management. As a consequence, South Africa’s towns and cities continue to develop without an adequate framework for managing land in a way that supports the goals of democracy, equity, efficiency, and sustainability.

Looking specifically at Johannesburg, a case study approach was used to highlight some of the key land issues that impact on the poor, and to reveal some of the dynamics in which land management is occurring in different areas of the city. It was important in each case to consider what was happening in terms of its impact on democratic governance. That means that the relationship between citizens and government around planning and decision-making processes involving land was considered.

The overall question that framed the study was:

What might a land management system look like that takes seriously questions of inclusive citizenship, rights to land, and social vulnerability?

Different settings within the city were chosen for the case studies, to try to represent some of the diversity and complexity of land issues in the urban environment. These were:

- **Diepsloot**: post-apartheid township developed to house the poor—mainly through building housing using the national Housing Subsidy Scheme (houses often referred to as RDP houses); large informal settlement population as well
- **Diepkloof**: formal township consisting of ‘council houses’ developed during apartheid; large population residing in backyard shacks
- **Kliptown**: a heritage site, where the historic Freedom Charter was drafted—tourism and retail attractions developed recently: housing consists of a few formal structures surrounded by large informal settlements, and newly-developed social (rental) housing
- **Fourways**: fast-growing, high income settlement and retail/commercial uses
- **Hillbrow**: inner-city, multi-storey residential buildings and some commercial uses, social services, etc.

What is Land Management?

Land management is a broad term that refers to a set of processes that deal with the:

- acquisition of land,
- continued rights to the land,
- regulation of the use and development of land, and
- trading of land.

Objectives for the use of land in a post-apartheid, developmental state include:

- to change the segregated patterns of land use that stem from apartheid—where racial groups were separated from one another and townships developed for ‘non-white’ population groups had inferior infrastructure and services;
- to ensure that housing promotes physical, social, economic and institutional integration of South African society;
- to translate reconstruction and development policies into appropriate and realistic on-the-ground development;
- to create a favorable climate for investments in development from both government and non-governmental sectors; and
- to ensure that well-located land is allocated specifically for affordable housing alternatives.

“..People always need land and want to be guaranteed that they will not be removed from it.”—councilor from Diepsloot

How is Land Managed?

Land is managed either formally or informally. The formal systems are characterized by:

- legal, regulated channels managed by governmental authorities;
- a great deal of bureaucracy, delays, often high costs, and problems in dealing with issues that fall outside existing policies and regulations;
• system biased towards owners of land and property, but use of land and property can be regulated by government.

On the other hand, informal systems are characterized by:
• extra-legal channels that are mainly used by people with an immediate need for land, and who do not have the financial capacity to buy or rent through formal channels;
• a more flexible and responsive way to address people’s needs, informal networks are often utilized for access to land and to address governance within communities;
• instability and lack of regulation, rights are less secure or not acknowledged at all by the formal system.

In Johannesburg, both formal systems and informal systems happen simultaneously and within the same areas.

An Overview of Johannesburg

Johannesburg is South Africa’s economic powerhouse and its most populous metropolitan area. The metro area covers 1,644km² and is dominated by vast areas of predominantly residential land use, radiating outwards from a series of established economic nodes.

It is a rapidly growing city, with a population in excess of 3.2 million. The growth rate is 3-4% per annum resulting from natural increase as well as in-migration from surrounding areas within and outside the country. Although the impacts of AIDS may slow this growth by 2015, the magnitude of this population increase has given rise to considerable demand for land within the City of Johannesburg.

Because a large portion of the migrant population is poor and unable to access the formal urban economy (formal employment, formal housing and services, formal land market), they enter at the margins of society (informal economy, informal settlements, and over-crowded rental accommodation in the inner city). This explains why informal settlements are experiencing significant growth. In fact, it is estimated that between 150,000-220,000 households in Johannesburg live in informal dwellings.

Not only do many informal settlements lack adequate housing, sufficient basic services, and safe and reliable transport linkages, but they are also often located in the periphery of the city, at a considerable distance from employment opportunities and other social and recreational amenities.

The CoJ’s land challenges however do not only relate to poor and vulnerable residents. Over the past twenty years, because of disinvestment in traditional nodes such as the city center (CBD) and investment in new centers in the north such as Sandton, the city’s economic and physical profile has dramatically altered. While some reinvestment is now occurring in the CBD, private sector development had largely turned its attention northwards, resulting in the rapid construction of new business and residential properties. This development has consumed vast amounts of underutilized or undeveloped agricultural land, thus reducing the land available for settlement by low income populations.

The map (see inside cover) shows that the poorer residential areas of the city have higher densities (that means more people living within a particular space), and are farther from areas of commercial development, while high income residential areas are generally low-density (using up more land per person) and in proximity to commercial development. Despite policy intentions, there is no evidence that Johannesburg is achieving more integrated settlement patterns.

Issues identified in the overview study of Johannesburg

Issues of land and the role the government plays in allocating, acquiring or permitting land to be developed are very complex. Both the municipality and the province play important roles in managing land to meet the different demands on land resources in the city. An overview study of Johannesburg looked specifically at the government’s role, and found that the different institutions involved in managing land did not operate with overall agreed strategic goals in mind, leading to a very piecemeal approach. In fact, even different agencies within the same municipality may dispute how various pieces of land might be utilized. And the conflict between the municipality and the province over planning for land use and development were found to be so serious that the City of Johannesburg had actually gone to the Constitutional Court to ask for confirmation of what they saw as their Constitutional mandate to be at the centre of land use decisions in their jurisdiction.

For the poor, very few options for residential settlement are available, and most of those are through the national Housing Subsidy Scheme, administered by the province, and based largely on the one-house, one-plot delivery method. This has defined the pattern for land use for low income settlement: although plots are usually approximately 250 square metres, much less than for a typical high-income
suburb, building single-family subsidy housing still takes up a lot of land, given the numbers of poor people that still need to be housed and the shortage of land in urban areas. Johannesburg has an active housing department that works to get these housing projects off the ground. But the municipality’s own company, the Johannesburg Property Company, which manages all city-owned land and property, was seen by many municipal officials as part of the problem—the institution was not seen to be proactively identifying land for settlement by the poor.

In terms of acquiring land that would give access to the poor, there were problems identified with the Development Facilitation Act (DFA), which was designed to rapidly release land to meet the nation’s goals of providing housing and services to the poor. In fact, in Johannesburg, the DFA was more often used by developers of high income housing and commercial development, and in the municipality’s view, this had the effect of fast-tracking high income, uncontrolled development. One way in which the municipality tried to control this was by developing an Urban Development Boundary (UDB), so that they could refuse development applications beyond the boundary, to limit urban sprawl and the need for expensive infrastructure that the city would have to put in to service these outlying areas if developed.

**Case Studies**

Information from the different case studies further illustrates some of the tensions around land management issues, and some of the implications for the poor.

**Diepsloot Case Study**

**Background**

Created in 1994, Diepsloot is one of the few places in the north of Johannesburg that was developed based on specific plans to allocate land for housing the poor. It is an area close to high income residential and commercial development in areas such as Sandton, Midrand and Fourways, and it is also surrounded by agricultural land, a nature reserve, a major highway, and a piece of city-owned land, the use of which is currently unresolved.

Diepsloot was initially comprised of a ‘reception area’ for people relocated, sometimes forcibly, from other areas—primarily Alexandra and several area informal settlements. People initially erected shacks, while housing was developed for them through the subsidy scheme. Diepsloot became a model of fast-paced delivery, which later gave way to a ‘dumping ground’ approach that impeded further development.

There is for instance, a squatter camp in Extension 3 (ward 95) where residents feel that “the government has totally turned a blind eye on us.”

**Challenges**

Diepsloot’s original development plans were to accommodate 8-9,000 families from relocated areas, and about 6,000 houses were actually developed. Current estimates are that from 17,000 to 20,000 people in Diepsloot are living in shacks in any available space in Diepsloot, many below the floodline, such that the informal settlements now represent 76% of Diepsloot's population. According to the city, it would take an area more than twice the size of Diepsloot to house these people (assuming the typical one-house, one-plot model).

The lack of available land in the area is due to limited expansion possibilities compounded by the Urban Development Boundary (UDB) which is at the very edge of Diepsloot, preventing development beyond this line. The UDB is an issue of contention between the city and the province, which is urging the city to allow development outside of the UDB, in the corridor connecting Joburg to Tshwane. But there is no indication that this proposed development would benefit the poor. There is also controversy within the various city departments and institutions as to the fate of a piece of city-owned land south of Diepsloot, with some officials strongly motivating that this should be developed to house Diepsloot’s poor, as it is the only available space near Diepsloot which could be used.

One interviewee said, “I have never thought of applying for a government-subsidized house” and another indicated, “I have no idea where to go to start the whole process”.
Another challenge in the area is the lack of community participation in planning processes. Many residents feel that they are not consulted enough and that they do not have the knowledge to participate in decisions that affect them. Despite inadequate accommodation, lack of services and the danger of being close to the floodline during heavy rains and flash floods, many informal settlement residents do not want to move from Diepsloot and rumours of relocation have sparked protests.

“We do not have enough information at our disposal about when and how these meetings are happening. We need education to help us understand what we have to do in the situations about community development. We need to be invited to these meetings so that we can participate but it is not happening, this is my first time to be in a meeting where we are discussing land issues.”

Current Developments

There have been some studies commissioned by the municipality to determine the necessity and/or cost effectiveness of expanding the city’s UDB in areas experiencing development pressure such as Diepsloot.

Diepsloot’s current development plans center around establishing the area as “a sustainable human settlement that is spatially integrated into the CoJ”. This includes plans for basic infrastructure, a new shopping complex (completed) newly built schools, community halls, a clinic and RDP houses.

Diepkloof Case Study

Background

Situated south west of the city of Johannesburg in Soweto, Diepkloof was a resettlement township made up of ‘council houses’ for people relocated from Sophiatown and Alexandra in the late 1950’s. Many of the original residents or their children are still there, and it is seen as an ideal location on the western border of Soweto due to its proximity to the main transport routes into Johannesburg. Despite this, the area has a relatively high unemployment rate as compared to the neighboring suburb Orlando West. Diepkloof is also characterized by informal activities such as spaza shops, shebeens, and taverns, and backyard shacks.

Challenges

While Diepkloof has very limited available land, the population has risen over the past four decades and continues to grow. Housing shortages leave many living in crowded houses, shacks and backyard rooms, resulting in lives devoid of privacy and more at risk for health issues. Overcrowding however is not only the result of housing shortages but it is also seen as a survivalist strategy for those renting backyard shacks or rooms and thus underscores the problem of high unemployment in the area.

Moreover, there are conflicts about development plans in Diepkloof. On one level, residents, do not always share the same perspectives and interests, and therefore do not approve of the same plans. For example, older residents that have been in the area for a long time have opposed the development of flats. On the other hand, younger residents who are seeking homes feel that this would benefit them and other home seekers.

Land in Diepkloof was mostly council-owned, but residents benefited from the Land Regularization Programme (see below), in which ownership was transferred to the occupants. However, the study revealed that many people sell their houses informally without bringing in banks or transferring title formally. This mainly happens because people distrust banks and formal institutions and do not want to deal with delays. Some people interviewed noted that the banks seriously under-valued their homes, and they could get higher prices from buyers not utilizing banks, illustrating that the banks are not aware of real market prices in the area.

“Selling one’s house through the bank is self-defeating. The bank people strut around the yard and go from room to room looking for fault. At one house they said the paint stinks, the durawall was collapsing and a danger to society, the pavement was rough and destructive to shoes. The owner of the house ended up looking like a fool and feeling mocked he chased them out of the yard.” In another
reported case, a man from Zone 6 revealed “one person agreed with her intending buyer that R75 000 was a fair price for her house before the buyer brought in the bank which was supposed to fund him. Later on he brought in his bank and its evaluators could not settle for anything more than R35 000”.

Current Developments
The Johannesburg Property Company (JPC) has been undertaking a Land Regularization Programme, which seeks to audit, verify and transfer council-owned property to occupants, mainly in disadvantaged township areas. An important part of this process was a ‘Land Tribunal’ which turned out to be a relatively successful way to resolve disputes about the legitimate occupants of the housing to be transferred.

JPC is also involved in the Diepkloof Business District (DBD) project, which aims at reshaping the township from a residential township to a mixed use development in order to develop economic nodes within Soweto. In addition, the city and province are cooperating on programmes to rehabilitate and upgrade backyard shacks, and are attempting a hostel upgrading process (without much success to date).

As stated by the project manager of the DBD project, Mr Alan Dinnie, “Soweto is starting to attract serious investment” this is so due to the “number of well-established developers who are beginning to show a growing commitment to economic development in Soweto” (Dinnie in Prop Talk: 2006:5).

Fourways Case Study

Background
Fourways is a mixed-use area located in northern Sandton. It is one of the fastest growing areas within the Johannesburg metropolitan area. As an affluent area, it is mainly characterized by formal developments such as upmarket shopping centers, hotels, low rise office development, and ‘luxury’ residential complexes.

Fourways is divided into three distinct sections separated from each other by major roads and each section is managed as large single-use developments by the owners of the properties. Although the area is serviced by public transport (both bus and minibus taxi services), the urban planning of Fourways was designed around car owners and therefore, the area lacks pedestrian connections between sections as well as street lights, adequate taxi ranks and lay-bys.

Challenges
There is a perception amongst residents that the municipality is not extending infrastructure and services fast enough to meet the demand, but the city did not have enough control over the pace of development, as development rights were secured through the DFA without adequate attention to the city’s planning processes. Much of what should have been public space or infrastructure has been privatized as a result, as developers have had to fill that function for the residents they have wanted to attract—most ‘public’ space is actually within gated communities and shopping centres.

“Developers don’t give any open space to Council because they don’t upkeep it. Instead the open spaces are included into the development site and are zoned as private open space—this has an impact on the poor.”—Developer in Fourways.

Many lower-income people have built up informal trading businesses along road reserves and vacant lots in proximity to the developments, catering mainly for the low income retail workers in the shopping centres, and unregulated taxis are common as a form of transport for these workers. While high-income residents feel this contributes to problems of traffic congestion and safety, and the traders are often harassed by authorities, these activities actually cater for the poorer sectors of the economy. This is not ‘seen’ or accounted for in planning in the area.

Housing demand of a higher income range has pushed up land prices, limiting the possibility of lower income housing development within the area as land prices are very high. Despite this, some of the open spaces, particularly those along the river bank, are now being used by the poor, who cannot afford high transport costs to work or to their trading sites. These small pockets where people are residing
overnight are not taken into account in planning processes, are subject to health and safety issues, and lack basic services.

A total lack of attention to the needs of pedestrians puts the (mainly) low income pedestrians at risk, and traffic problems remain a headache for those traveling by car or taxi. Open space is inaccessible or is not maintained.

There is not enough communication between government and area stakeholders. Even property developers, who have managed to make the system work in their favor, complain that the city’s centralized planning system does not give them enough access to decision-makers.

“We need to improve the public environment. We are not making the same progress with regard to public space. We need to create more public space. We need to provide more public space for people to enjoy.” —private developer

But there is also not enough attention to getting concessions from the developers that would improve the public environment (such as land devoted to house the poor, public parks that would be maintained by the developers, additional funding for infrastructure, etc.).

Current developments

It is unclear how the concerns highlighted in the study are being addressed by the municipality—interventions specific to the needs of low income workers in the area don’t seem to have featured in the city’s plans at all, and the developers continue to ignore these needs. There is no indication of affordable housing being developed in the area, which would cater to the needs of a workforce that would benefit from being closer to their jobs. Further upgrades to bulk infrastructure depend upon the needs reaching a certain threshold before this could occur, although some infrastructure (like stormwater systems) are being upgraded incrementally. The city’s spatial development framework hopes to guide further densification and consolidation of the existing nodes, and curb further sprawling development.

Hillbrow Case Study

Background

Hillbrow was established in the 1890s as a predominantly residential neighborhood for whites. However, in the late 1970’s, many whites left the area to take advantage of new loans being offered for first-time homeowners in the suburbs. At the same time, because of a severe housing shortage in Coloured, Indian, and Black areas, the high vacancies of Hillbrow began to fill up with these populations, despite the prohibitions stipulated by the Group Areas Act. This situation caused rents to increase because landlords could exploit the vulnerable status of illegal black tenants, which led to subletting and overcrowding, and as a result, buildings began to deteriorate rapidly.

Because of good transport links, job opportunities in and around the area, as well as an array of accommodation at various affordability levels, Hillbrow continues to experience waves of new residents, many from neighbouring African countries. The area is now one of the densest urban areas in the world.

Hillbrow has also become an area of intense informal trading, where street traders are found everywhere, as they provide a valued retail amenity to local residents by selling relatively cheap goods in an area with few formal retail establishments. Crime is a serious problem in Hillbrow today, and better-managed buildings invest heavily in security measures. Due to a degraded public environment, some buildings provide a number of shops and services within the building.

Most property transactions in Hillbrow are done formally and involve the buyer, the seller and the municipality. There are also a large number of formal renters. That being said, other urban actors who cannot afford any of these transactions have devised alternative ways to access space:

- There are those squatting in deserted buildings with no municipal services;
- There are those in deserted buildings paying rentals to a “building hijacker”, who intimidates the occupants into paying, and simply pockets the money collected;

“Another issue is that the developers profile is not in synch with a planner’s profile. Town planners need to be more assertive and should be better at dealing with the public... One needs to understand the developer in order to control them, not be desk workers... The winners are the developers. The losers are the poor.”—private developer
• There are those who live in buildings operated by slumlords making their money by overcrowding and deferred maintenance, and paying minimal amounts to CoJ to keep services running.

High rental costs compared to income often compels a renter to seek out subtenants who will share the cost of the rent. Often one household will inhabit each room of a flat, instead of inhabiting a whole flat. Although such practices might be ascribed to tenants in buildings with less strict management controls, there is evidence that this sub-letting is also being allowed even in well-managed buildings.

The Trafalgar report acknowledges that inner cities are indeed gentrifying and this has significant consequences for the poor: “What has emerged (from the 2006 report) is the extent to which the growing demand for quality inner city accommodation is creating pockets of gentrification and displacing the poor. While the demand brings with it long-awaited impetus for renewal, it also has the effect of moving the problem of accommodating the poor...” (Trafalgar 2006)

Challenges
Management of the public environment in Hillbrow by the city of Johannesburg is difficult and can be a drain on revenue because many people such as informal traders or those paying rent to slumlords or squatting in buildings do not contribute to the tax base of the municipality. In addition, property owners have to recover the high cost of management services (security, maintenance, municipal services) from their tenants, which pushes up rents, making access by the poor difficult. There have been no solutions developed by government that have yet succeeded in making high-density, inner city housing permanently available to the poor—this may require ongoing operational subsidies which are simply not available through any housing programme.

Hillbrow also faces challenges concerning community participation. Although large landlords and their respective groupings had a presence in providing input at the city’s Inner City Summit in 2007, some observed that the community was mostly left out of the planning process.

Current Developments
The city’s vision for Hillbrow is a mixed-income and mixed-use area. However, the focus of city plans for residential development has been on the refurbishment of derelict buildings and their conversion to flats aimed at predominantly middle-income residents due to a growing demand for quality inner city accommodation.

This situation is creating pockets of gentrification and displacing the poor. Evictions in the inner city, by landlords who acquire properties to refurbish them, and by the city who at times declares buildings unfit for human habitation, are common. The Wits Centre for Applied Legal Studies (CALS) and a few other legal service organizations do attempt to assist tenants who are facing evictions, but there has been little commitment by government to provide alternative accommodation to the poor.

The COHRE Report (2005) ... argues that these buildings fulfill an important urban function: “Living in inner city slums is not primarily a lifestyle choice or an attempt to evade the law. It is one of the few options open to very poor people.” (2005:48)

Kliptown Case Study
Background
Kliptown is particularly well-known for its historical significance as the place where the Freedom Charter was adopted in 1955 by the Congress of the People, organized by the ANC and other anti-apartheid organizations. Established in 1903, it is regarded as one of the oldest urban settlements in Johannesburg to accommodate people of various racial groupings. The area is surrounded by several Soweto...
townships including Eldorado Park, Pimville and Dlamini.

Kliptown is described as a mixed-use district, with Freedom Square, now called the Walter Sisulu Square of Dedication, at its centre—here, newly developed retail facilities and tourism infrastructure, as well as social housing units, have been developed by the Johannesburg Development Agency. Land use in Kliptown is further characterized by a mix of informal and formal trading. There is also some light industry, including scrap-yards and hardware wholesalers, that offer employment. Transportation is accessible by rail and also minibus taxis, for which a taxi rank was recently developed. There is one public golf course serving as recreational space, though this land is being considered for other uses due to the lack of developable land in the area.

Much of the Kliptown area, however, is made up of informal housing in the form of shacks, accounting for an estimated 85% of all housing units in the area—close to 9000 households reside in the informal settlements. Conditions in the informal settlements are very poor with minimal lighting, communal mobile toilets and communal taps, a lack of educational facilities, poor access to clinics, police stations and fire stations, no roads or recreational spaces. One of the largest settlements, named Freedom Charter Square, is located on the floodplain of the river, cut off from the rest of Kliptown by the railway line.

“I’m born and bred in the area and I rely more on piece jobs available here.... I’m not prepared to be relocated to any other area outside Kliptown as I see Kliptown as an area with more opportunity.”

Challenges

Although the area has seen a huge injection of funds towards its heritage status and related tourism and business developments in the last few years, the majority of residents still do not have access to decent accommodation and services.

A commitment to house most of the informal settlement residents within the Kliptown area was made, and these residents have what is known as a ‘B-form’ indicating this special status. But not enough land is available in the immediate area to keep this promise with the current one-house/one-plot settlement plan. While one phase of RDP housing has been built, housing development for the poor has progressed at a very slow pace, suffering from several delays due to the failure of contractors appointed to build the housing, and the logistical difficulties of the relocation plans. Much movement in and out of the settlements has progressed in the meantime.

“We have people who leave their shacks and rent better backyard rooms while keeping their shacks in the squatter camp. They keep their shacks just to reserve their space in the RDP housing waiting list. It’s a pity that there are people who sell their shacks without giving buyers appropriate ownership documents. In the end, buyers will be left nowhere when RDP houses are issued.”

Moreover, the community does not feel it has participated enough in drafting development plans and many residents feel that housing delivery has not effectively met the community’s need for affordable housing as most of the residential development has focused on middle-class rental (social housing) or rent-to-buy units, which are unaffordable to most Kliptown residents.

Current Developments

Kliptown has been included as one of the city’s special urban renewal projects, which seeks to increase tourism and to develop the area as major heritage site and economic node. Retail facilities, a museum and even a hotel have been developed as part of the Walter Sisulu Square of Dedication development. But the inability to address the fundamental needs of the area’s poor remains the greatest challenge—it is unclear whether inclusive approaches that benefit the poor will be prioritized as the city pursues its urban regeneration agenda in Soweto. The poor have reason to doubt this, and there have been protests coinciding with the opening of the luxury hotel.

“We feel unimportant as the government does not consult us in the planning process in our area. They come to us with a ready-made plan which is also non-negotiable. We therefore feel it’s also useless to make inputs if we are asked to do so”.
## Findings and Recommendations

### Findings

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<th>Findings</th>
<th>Recommendations</th>
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<tr>
<td>Land scarcity inhibiting access by the poor</td>
<td>• Develop and drive city-wide strategy to allocate and acquire adequate land for settlement by the poor, with close attention to the need for well-located land – requires flexibility in terms of price on land purchases;</td>
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<td>• Land being used in higher income areas such as Fourways for low rise development takes up precious land and reinforces apartheid era segregation;</td>
<td>• Innovate higher-density settlement solutions accessible to the poor – requires consideration of operating subsidies (instead of once-off capital subsidies as only option);</td>
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<td>• The Urban Development Boundary may not be an adequate tool to prevent sprawl and may disadvantage the poor by driving up land prices and preventing undeveloped land to be utilized for settlement by the poor;</td>
<td>• Innovate/incentivise/require medium and high-density mixed-use development for higher income populations; streamline processes to cut the time required to develop and transfer land and housing – requires consideration of transfers of secure sites prior to housing development, allowing for incremental housing development (such as People’s Housing Process);</td>
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<td>• Lack of innovation to proactively identify and/or purchase well-located land accessible to the poor.</td>
<td>• Relax Urban Development Boundary to meet specific social goals, prioritizing accessibility of land by the poor</td>
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<td>• Lack of innovation regarding higher-density housing development that is affordable to the poor (still mostly using one-house/one-plot RDP development).</td>
<td>• Accelerate access by the poor to land for settlement in proximity to economic nodes;</td>
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| Lack of economic opportunity for low income groups                        | • Increase mixed use development within poor areas to stimulate economic growth, but at the same time attend to needs of the poor for land for housing; |
| • Factors that contribute to this problem are distance of living areas from jobs, lack of accessible and affordable transport, and inadequate skills; | • In areas of new investment, ensure displacement protections for the poor, and ensure locals benefit from jobs created; |
| • Low income groups are active in creating their own economic opportunity informally – although this is often of a marginal/survivalist nature. | • Provide spaces for informal economic activities in all areas of the city, and support their growth and development; |
|                                                                                                    | • Develop policies tolerant of using residential housing for income generating opportunities. |

| Land accessed through informal means                                             | • Recognize the rights of current residents and where no imminent threat exists, institute in-situ upgrading wherever possible; |
| • People do not have security of tenure and are vulnerable to exploitation, high rents, poor services, and eviction. | • Encourage backyard shacks as a viable means of accommodating the poor, but develop/expand programmes to upgrade backyard rooms to permanent structures over time; |
| • Selling and transferring properties informally occurs frequently, creating problems when interacting with formal systems (such as housing waiting lists, city billing, deeds office, etc.) | • Ensure that evictions do not take place without extensive consultation, development of alternative accommodation options, and due process; |
| • Areas accessible to the poor are often very degraded environments with few services, are poorly managed, and are often dangerous with high crime rates. | • Improve systems to facilitate land/occupancy transfers, build in more flexibility into housing waiting list systems, and roll-out comprehensive education programmes |

| Private development not contributing to public benefit                         | • Service and regulate living environments where the poor live to uphold minimum safety and health conditions, invest in transport, policing, and social services. |
| • Currently, the private sector is often able to develop and manage land without regard for the needs of the general public as is the case in Fourways and Hillbrow. | • Improve city capacity to ensure private developers are acting within appropriate planning and development frameworks that encourage the balance between economic growth and improved living for all; |
| • Both large commercial developers and private actors such as small-scale slumlords and building hijackers can take advantage of the lack of capacity within the city to manage/ enfore health and safety standards and secure public benefits. | • Include provisions in all development proposals that require developers to contribute land, housing units, and/or public space that would directly benefit lower income groups. |
| • Tools to gain concessions from developers to meet social goals in the public interest are inadequately developed | |
Lack of community participation/governance issues

- Community leaders and residents often feel that they are not consulted appropriately and sufficiently;
- Development plans are mainly top-down approaches that not only cause conflicts within the community, but they also may not meet the community needs;
- This creates a lack of support for development plans, leading to social conflict. It is unclear how decisions are being made within the municipality – there is apparently no criteria that gives strategic guidance on land use decisions.

Problem of planning and coordination

- While certainly many instances of healthy inter-governmental cooperation do exist, there are also many instances where municipal and provincial priorities do conflict, creating unnecessary competition for land resources, taking time to resolve, and also interfering with bottom-up planning approaches.
- Between departments or agencies within local government there exist competing priorities, which again are costly in terms of time spent to resolve, and which appear to be too separated from democratic processes (being mainly in the hands of officials).

Change is needed to promote pro-poor solutions in land management.

The general findings of the study clearly indicate that the poor continue to be excluded at an institutional level from land access in South Africa. This suggests that there has been a failure to rid cities of outdated land management practices and policies impacting on land management, as well as difficulties in implementing new practices. However, with national level intervention to develop new policy approaches, political will to address the needs of the poor, and institutional reform to implement new systems and practices, the situation could be dramatically re-shaped and the benefits in terms of strengthened democratic governance in the urban environment would be immense.

“Is the CoJ going to intervene in pro-poor housing, or allow free market forces to operate? There should be some intervention now, since in 20 years time there will no longer be gaps for poor people to come into the city. What must the private sector do?” (Minutes of Inner City Summit and Charter Process: Residential Stakeholder Meeting 3).