

EXECUTIVE SUMMARY

Land Use Management and Democratic Governance in the City of Johannesburg

Case Study: Diepsloot

Authors: Rebecca Himlin, Hermine Engel & Malachia Mathoho

This study was funded by Ford and Urban Landmark,
and co-ordinated by CUBES and PlanAct.

1. BACKGROUND

Diepsloot is one of the few places in the north of Johannesburg targeted to meet the demand for housing by the poor. Diepsloot was established in 1994, with the resettlement of Zevenfontein residents to Diepsloot West, which was proclaimed a Less Formal Township. The Council expropriated the first piece of land to accommodate displaced families from Honeydew who were allowed to settle on the Rhema Church farm in Sunnyside. A second expropriation was undertaken by Council in 1996 to resettle land invaders of the Far East Bank in Alexandra and displaced families from plots in the Randburg area. The new residents were located in the newly created Diepsloot reception area.

Planned development processes were negatively impacted by the forced relocations of large numbers of residents from informal settlements (mainly) in Alexandra township (in 2001), overwhelming efforts to meet the housing demand. Further in-migration and population growth has led to a large number of shacks being erected in the available space within Diepsloot, often on marginal, flood-prone areas. Meanwhile, high-income development has encroached from the south, further limiting available physical space to meet development needs.

According to a social survey conducted in 1999, the largest proportion of the community had come from Alexandra (42%), followed by Skotipol (15%) and Randburg (14%). Most households were forced to move (29,5%) and others moved to be closer to their work (26,9%). Others stated they moved to Diepsloot to look for work or housing opportunities. Since the vast majority of people originated from the surrounding areas, Diepsloot is understood to have initially reflected the local housing crisis rather than rural-urban migration. The vast majority of households (98,25%) surveyed at the time stated they did not want to move. The informal settlement population in Diepsloot is now an estimated 23 000 families.

2. RESEARCH METHODS

The study is based on information obtained through a qualitative enquiry including:

- Interviews with City officials;
- Interviews with ward councillors;
- Focus group discussions with community based organisation leaders and representatives;
- Interviews with community residents;
- Site visit observations;
- A literature review including City planning documents, previous studies and media sources.

3. INSTITUTIONAL ENVIRONMENT

Diepsloot currently falls under the jurisdiction of the Johannesburg Metropolitan Council – Region A (wards 95 and 96), and is located on the far north-east boundary of the city. It is approximately 30km north of Johannesburg Central, 20km north of the Sandton CBD, situated to the west of the Ben Schoeman (N1) freeway which is the main north-south link between the Tshwane and Johannesburg metropolitan areas. It is thus situated in a “transition zone” between the urban areas of Johannesburg and Tshwane. The area is bordered by the Mogale/Tshwane Highway (N14) in the north, William Nicol Drive (R511) in the east and the Diepsloot sewer works to the south. Diepsloot falls within Urban Development Boundary area.

It is largely surrounded by agricultural land, but is also located about 6km from Lanseria airport, the Kya Sands industrial/commercial area and the retail centres of Northgate and Fourways – all mainly upper-income facilities with limited public transportation routes. The explosion of development in the north in the Johannesburg-Midrand-Tshwane corridor has led to very high land costs in areas in close proximity to Diepsloot such as Dainfern, Fourways and Midrand.

Processes initiated in the 1997 by the then-Northern Metropolitan Local Council (NMLC) recognised the permanence of the settlement at Diepsloot and initiated appropriate responses in this regard. This included the identification and development of land to accommodate de-densification of the existing settlement, and to transfer residential stands in Diepsloot West to legitimate tenants. In 1999 a Development Framework was drawn up for the Diepsloot/Olievenhoutbosch area.

Owing to a lack in the Council's capacity to develop specific stands (as part of the de-densification project) a Council resolution was obtained to involve outside

developers. Elcon, in a joint venture with the NMLC, developed approximately 3 800 stands, with 1 000 further stands developed through Mayibuye funding.

4. DEVELOPMENT PLANNING

The Regional Spatial Development Framework (RSDF) sets out two key objectives for the area: firstly to ensure the “socio-economic integration, consolidation and long-term sustainability of Diepsloot and Extensions” while “recognising it as a marginalised community”; the second objective is focused on the provision of housing and security of tenure.

Guided by the Growth and Development Strategy (GDS), the RSDF has identified a number of key interventions; these include some of the key issues identified below as well as: investment in the construction of roads, to link Diepsloot to economic opportunities; housing development that supports densification (such as 2- and 3-storey walk-ups); looking for integrated governance solutions between various government departments and between the Cities of Johannesburg and Tshwane.

The City’s Department of Development Planning and Urban Management recently prepared a set of recommendations and their possible implications for Diepsloot’s development, as part of the Upgrading of Marginalised Areas Programme (UMAP).

The City is currently in the process of establishing a partnership with the Development Bank of Southern Africa (DBSA) in terms of the DBSA’s “Sustainable Communities Programme” which identified Diepsloot as one of six pilot communities in the country. This development has necessitated a process of including the DBSA’s projects into the City’s Development Programme for Diepsloot so that strategically both planning priorities are taken into account. A joint steering committee (CoJ/DBSA) is considering projects so that the City’s capital investment programme for Diepsloot in terms of basic infrastructure and services can be implemented. It is explained that the DBSA’s projects are of such a nature that they are not generally within the mandate of local government to deliver (such as recycling projects), and so will serve to augment the City’s plans.

In terms of housing specifically, the City and Provincial Departments of Housing and the City’s Directorate of Development Planning and Facilitation (DPF), collaborated in 2006 in the “Spatial Planning and Housing Framework for the Northern Areas of the City of Johannesburg” to identify the housing challenges on the northern peri-urban fringe of the City.

The CoJ’s Housing Department attempted to introduce a system of shack counting, as a way to take stock of the current housing backlog and control the increase of shacks in the settlement. However the whole process failed along the way, as the machine used to count and issue bar codes for registered shacks ‘got

lost' – some people said it was stolen. Subsequently, bar codes that had been places on shacks were removed or stolen; [non-official] individuals also 'sold' new bar codes to shack owners.

5. ACCESS TO LAND

While there are both formal subsidised housing developments and informal settlements in Diepsloot, the majority of people (about 76%) live in informal settlements and in backyard shacks. The area is divided into the following settlements:

- **Diepsloot West**, the original formal township, accommodates 1 124 households in formal houses; in addition, an estimated 3 900 households live in backyard shacks.
- **Diepsloot West Extensions 1, 2, 3, 5, 6, 7 and 9**, the Elcon Joint project, have developed into formal townships accommodating 6 015 households.
- The **Mayibuye Housing project**, Extension 5, consists of 737 residential units on serviced land established mainly to house people displaced by the de-densification of the reception area.
- The **Diepsloot Reception area**, known as Diepsloot West Extension 8, is home to more than 7 000 households living in informal structures
- Interviewees have also indicated a new area, **Diepsloot West Ext 12**, where some people from Extensions 3 and 8 have been relocated.

Land for housing was mainly proclaimed through the Township Ordinance of 1985, with at least one parcel proclaimed through the Development Facilitation Act (DFA). The housing that has been developed is on the 'one house, one plot' planning layout.

The City's 2006-7 Regional Spatial Development Framework (RSDF) indicates a total of about 17 000 informal structures in the Diepsloot settlement area, in comparison to about 6 000 formal residential units (including 737 informal structures on serviced land in Diepsloot Extension 5).

In most parts of Diepsloot, residents have not had to pay any fee to obtain a site or shack. The practice of 'shack farming' has been stopped by the ward councillor, on the basis that it is illegal to rent out a space in an informal settlement where the occupant does not have formal rights to the land. However where formal housing has been developed (and where site owners have legal title deeds for their sites), the practice of renting out space for shacks is commonly accepted. Renting spaces for shacks is also common amongst those who have been provided with serviced stands, targeted for upgrading through the People's Housing Process.

There are three types of housing currently in Diepsloot: two government-subsidised delivery programmes – the People’s Housing Process (PHP) and RDP houses; and privately developed bonded houses. The 2008/9 plan for PHP housing development will be implemented in Extension 3 and will move to Extension 7 from there.

6. KEY ISSUES

Available Land

Diepsloot has been the product of mass relocations and resettlement, driven by a government attempting to deliver on the RDP promise of housing for all. By employing a strategy of involuntarily relocating large numbers of people, specifically from informal settlements in the much better-located Alexandra township, government also incurred a stronger obligation to these residents. At some point, the demand for accommodation overwhelmed the State’s capacity to make good on this.

A critical shortage of land is indicated, with Diepsloot requiring “an area twice the size of the current settlement only to accommodate the existing backlog in the area and to de-densify the informal settlement”. Yet expansion possibilities are severely limited.

Diepsloot is located on the northern edge of the city’s urban development boundary (UDB); currently most land within the UDB has already been planned for and is in the process of being developed. Land speculation and exploitation of the Development Facilitation Act (DFA) for rapid land release for high-income development in the Fourways/Dainfern areas bordering Diepsloot have effectively closed off channels for accessing more land for low-income settlement.

Western expansion is blocked by the Diepsloot Nature Reserve; northern expansion is considered undesirable because of potential community division and safety risks caused by the N14 highway; expansion to the south is constrained by rapid private development occurring between Dainfern and Diepsloot. However, one piece of land (referred to as Diepsloot South) is owned by the CoJ and is seen to be ideally located as an expansion possibility. The area to the northeast of Diepsloot, currently beyond the urban growth boundary, is also experiencing development pressure given its strategic location connecting Johannesburg and Tshwane.

The area also faces environmental challenges, since the informal settlements are largely located within the Jukskei floodline. It is particularly dangerous for people living there during heavy rains and flash floods. The informal settlement also poses an environmental hazard due to waste entering the water.

Poverty & Unemployment

Unemployment levels are reported to be at about 54% (among the potential labour force), with 73% living below the poverty line. The vast majority of people (47 506) were reported to have no monthly income (combined figures for wards 95 and 96). In terms of annual household income, 9 519 households had no annual income and the average range of those households earning an annual income in the two wards were estimated to be between R9 610 and R19 200 per annum.

Limited economic opportunities are an issue for Diepsloot residents, since many current employment opportunities are not labour-intensive and instead require a skilled labour force. It is not clear to what extent people from Diepsloot have secured employment in the neighbouring affluent areas.

Services & Infrastructure

There are insufficient bulk water facilities to supply the area, and water shortages are common. Diepsloot also experiences poor water pressure as a result of capacity problems with the Olivedale sub-district trunk mains; the latter is reportedly linked to rapid development in the area and the subsequent increase in water demand.

In the informal settlement areas, households make use of communal (chemical) toilets and taps. There are serious sewage problems, attributed to the sewer network operating at a lower standard than conventional networks. The problem is compounded by poorly constructed manholes. Together, these result in an overflow of raw sewage into the streets of Diepsloot. Storm water runoff causes major problems to the local road network, as it drains to the south (towards the Northern Waste water treatment works) and infiltrates the sewer network.

The informal areas in Region A are serviced by a regular waste removal system with weekly bag pickups transported to 100 skip containers. Yet the problem of indiscriminate solid waste dumping and burning in the area is an issue that requires urgent redress since it poses a major health risk.

Community Facilities

Four primary schools have been developed in the area, but there are no secondary schools. Other community facilities include ten churches, one library, three community centres, and one political party office. Two informal playgrounds provide limited space for some recreational activity. The area is serviced by two clinics, and the nearest hospital is located about 25km away. The distance to the nearest police station is 10km and 20km for the fire station and post office.

Transport

There are no bus stops or railway station in the area, hence the mini-bus taxi serves as the main means of transport. A taxi rank has been provided in the northern part

of the settlement; it is used to some extent as an initial pick-up point, but pick-ups along the route remain the more popular way of securing customers within this competitive business. It has been reported that there are also illegal taxi ranks. The problem is linked to limited consultation with taxi owners during the planning phase; as a result, the legal taxi ranks are not utilised.

Informal Trading

Informal businesses predominate along streets that form the major taxi routes, but because of fierce competition these are largely survivalist enterprises. There are currently no specific bylaws for the area regarding informal business enterprises, but City officials indicated the City is in a process of creating bylaws to regulate informal business enterprises in Diepsloot. There are also formal business developments in the area (hardware stores and supermarkets along Informal Settlement Road). While initial plans included a centrally located commercial/retail area, the project was unable to successfully negotiate for the identified land with the private owner. A shopping centre has only recently been developed in the southern tip of the settlement along William Nicol Drive.

Community Participation

A 2005 COURC study indicated only one residential committee established in the community; however a 2001 study (unpublished) by Planact highlighted the work of the Diepsloot Community Development Forum (DCDF), which brought together representatives and leaders from different political and social organisations in the area. The purpose of the DCDF was to represent and serve the community. It functioned through a decentralised system, with wider community involvement facilitated through street and block committee representatives. It was also reported that most political parties were involved in the DCDF. At the time of the report the DCDF had a strong support base and was recognised by a range of role players, including City officials, as the “legitimate” voice of the community.

The DCDF had introduced a shack numbering system and a registration and housing application process with allocation criteria reportedly “applauded and accepted by the entire community”. The forum was quite active during the period it received support from Planact, prior to the election of ward committees, and was highly praised by City officials for its role in development processes in the area.

Reports indicate that the DCDF was disbanded when the ward committees were first elected, as the ward councillor was then only willing to work with the ward committee structure.

With the exception of the Community Policing Forum and Mothopele (a CBO based in Ward 95), other CBOs in the area appear weak and lack centralised representation or interaction. In interviews, Diepsloot residents indicated they were not aware of new developments taking place in and around the area; many also

expressed dissatisfaction with the limited community consultation in the development process. In contrast, the councillor is positive about communication with community organisations and is satisfied with their level of participation.

7. FINDINGS

- The now-valuable location of Diepsloot has made additional land prohibitively expensive [for low-cost housing developments], and also places speculative pressure on land within Diepsloot itself, with residents concerned about further relocations. It is undisputable that more land is needed simply to accommodate those still living in informal dwellings in Diepsloot, but will high-value land be provided to house the poor? It is essential that the City comes to terms with a process that clearly outlines its priorities, and high amongst those should be access to land by the poor. Current tensions between the City and Province around plans for the area also need to be resolved for any joint planning to occur around solutions to benefit the poor.
- Because of the evident social instability in Diepsloot, it is essential that the Municipality plans for adequate services, policing, schools and economic opportunities – and these should be planned first, with upgrading of housing happening in a second phase.
- Community institution building, consumer education, and strengthening governance at community level must also be a priority concern. While residents do make some attempts to self-regulate land management processes and to benefit economically from their access to land, these attempts are characterised by a lack of access to information, regulation and mechanisms for conflict management around land issues. There is worrying evidence from the case study that residents of Diepsloot are not well-informed and are involved in decisions that may fundamentally affect their future, and there is a level of confusion that could easily inflame further conflict. Broad consultation should receive first priority in any solution for Diepsloot's future that might hope to benefit the poor.