

EMAKHAZENI LOCAL MUNICIPALITY
STRATEGY FOR ADDRESSING ILLEGAL LAND USES AND INFORMAL SETTLEMENTS



Prepared for:

Nkangala District Municipality
2 A Nkangala District
Municipality Middelburg
1050

Telephone: 013 249 2000

Fax: 013 249 2032

Email: matjijaat@nkangaladm.gov.za

Prepared by:

Skotane Development Consultants
Fancourt Office Park
Cnr Felstead & Northumberland
Ave North Riding
2169

Telephone: (011) 704 0447

Cell phone: 078 319 3419

Email: info@skotanedevlopment.co.za

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SECTION A: BACKGROUND AND INTRODCUTION

DEFINITIONS

“Illegal” means any land and/or buildings which is used for a different use or under different conditions as specified or as provided for within the Land Use Scheme.

“Legal” means all existing land use rights, which are deemed to be legal in terms of the Land Use Scheme.

“Non-conforming Use” means an existing land use that was lawful in terms of a previous Town Planning Scheme, but which does not comply with the current Land Use Scheme.

“Municipality to determine” means any land use or zoning which are undetermined. The responsibility of assigning a land use right to a property or erf zoned undetermined will be the responsibility of the Local Municipality, except when a land owner can provide proof of the existing approved land use rights or zoning of the property.

“General Plan to be re-drawn” means such township area (In this case Pilgrims Rest) where the current General Plan of the area does not represent the layout of the actual township on the ground. For the cadastral layout of such an area to accurately represent what is on the ground a General Plan for such township will have to be re-drawn.

SECTION A: INTRODUCTION AND BACKGROUND

1. General Background

Skotane Development Planners (Pty) Ltd was appointed by Nkangala District Municipality to develop a land invasion and illegal land use strategy document for the Emakhazeni Local Municipality. This project is undertaken as per the specified project in the Nkangala Integrated Development Plan 2021/22.

The purpose of this strategy, as highlighted under heading number 6 of this document is to give direction of how to prevent, illegal land uses, including land invasion and informal urban development, especially through the use of adequate and sustainable means of land use control and good governance. This strategy is supported by the Constitution Act 108 of 1996 as section 26 states that the local government has the responsibility to take reasonable legislative and other measures, within its available resources, to achieve the progressive realization of the right to have access to adequate housing. This follows Chapter 8 of the National Development Plan 2011 which deals with Sustainable Human Settlements and identifies a number of interventions aimed at transforming spatial arrangements and spatial governance in South Africa. One of these seeks to recognize the role played by land invasion and illegal land uses in South Africa, and to address and enhance interventions by developing a range of tailored responses for the purpose of curbing the issue at hand.

This strategy also takes into consideration of the Prevention of Illegal Eviction and Unlawful Occupation of Land Act 19 Of 1998 protects both occupiers and landowners by providing for the prohibition of illegal eviction on the one hand and procedures for eviction of unlawful occupiers on the other. It prohibits the landowners from evicting occupiers and/or demolishing their homes without a court order, which the courts may issue after consideration of various factors including rights of the elderly, women, and children; length of stay; and availability of alternative land for relocation.

It is important to note that rights to land and property also include the right of use. However, the right to use may be limited through public land-use regulations and restrictions, sectoral land use provisions, and various kinds of private land-use regulations such as easements, covenants, etc. Many land use rights are therefore in fact restrictions that control the possible future use of the land. Land-use planning and restrictions are becoming increasingly important as a means to ensure the effective management of land-use, to provide infrastructure and services, to protect and improve the urban and rural environment, to prevent pollution, and to pursue sustainable development. Planning and regulation of land activities cut cross tenures and the land rights they support. These issues become still more important as the world become still more urbanized.

2. Contextual Background

The Emakhazeni Municipality is one of six (6) local municipalities located in the Nkangala District and is situated on the eastern side of the Nkangala District

Municipality (Refer to Figure 1 for the location of the municipality). The N4 National Route, known as the Maputo Corridor, traverses through the southern part of the Municipality. Route R540 connecting Belfast, Dullstroom and Lydenburg is an important tourism route serving the North Eastern side of the municipality. It consists of one major node which is Belfast and three secondary nodes that include Machadodorp, Waterval Boven and Dullstroom. This area also has smaller rural nodes which include Wonderfontein and Stoffberg. The economy of Emakhazeni Municipality is dominated by widespread commercial agriculture (mainly maize, fruit and vegetables) and livestock farming. Opportunities for local beneficiation of raw agricultural resources are not fully exploited and there are no major industries in the municipal area. Mining activity is gradually intruding the municipal area from the south. There are several natural features impacting on land use development in the municipal area with a high number of irreplaceable biodiversity areas and significant natural areas acting as tourism attractions – especially to the east along the escarpment.

In summary, according to the Emakhazeni Sector Plan on Land Invasion (2020) the Emakhazeni Municipality consist of 8 Wards with a total population of 48 147 people representing about 13 722 households at an average household size of 3, 7 people per household. Ward 3 and Ward 6 have the highest population. 20% of the population have no schooling and only 4% have a tertiary qualification. 70% of the houses in the municipality are formal brick houses and about 10% are classified as informal dwellings.

With the above contextual background, it is important to note the Municipality has challenges of land, for the purposes of building Sustainable Human Settlements and therefore experiences mushrooming of informal settlements and land invasion. All land invasions and informal settlements within this municipality are within the urban edge as illustrated on the Emakhazeni Spatial Development Framework.



Figure 1: The study area, Emakhazeni Local Municipality, Nkangala District, Mpumalanga
Source: Municipalities of SA

3. Understanding illegal land use and informal development

An **illegal land use** occurs when a piece of land and/or building is used by an owner for a different use or under different conditions than specified or provided for in the land use scheme. In general, the scheme provides for different use zones (zoning) which permits certain uses under each use zone. For example, if a property is zoned "Public Open Space" the property may only be used for Public Open space or any other use as stipulated under primary uses of the zoning table. If the owner now uses it for a dwelling unit, it becomes "illegal" and inconsistent with the provisions of the use zone i.t.o. the land use scheme.

Informal development may occur in various forms, such as squatting, where vacant state-owned or private land is occupied illegally and used for illegal slum housing; or it may appear through informal subdivisions and illegal construction work that does not comply with planning regulations such as zoning provisions, or through illegal construction works or extensions on existing legal properties. It is important to distinguish informal settlements and informal development. According to the OECD definition Informal settlements are:

- Areas where groups of housing units have been constructed on land that the occupants have no legal claim to, or occupy illegally; and
- Unplanned settlements and areas where housing is not in compliance with current planning and building regulations (unauthorized housing).

4. Purpose of the Strategy

The purpose of this strategy is to, addresses the main issue of how to prevent, illegal land uses informal urban development, especially through the use of adequate and sustainable means of land use control and good governance. The Strategy also provides a Land-Use Management System (the Planning Control System) of various sectoral interests balanced against the overall development objectives of the Land Use Scheme, thereby form the basis for regulation of future land-use through planning permissions, building permits and sectoral land use permits according to the various land-use laws.

SECTION B: SITUATIONAL ANALYSIS

1. Statistical Overview

1.1 Types of illegal land uses

The Emakhazeni Integrated Development Plan 2018-2022 identifies the following illegal land uses within the Emakhazeni area:

- Illegal occupation of land for residential purposes (informal settlements)
- Illegal dumping sites
- Illegal structures
- Illegal mining
- Illegal taverns

Zoning	Land Use	Total
Residential 1	Informal Settlements	31
Public Open Space	Informal Settlements	20
Total		51

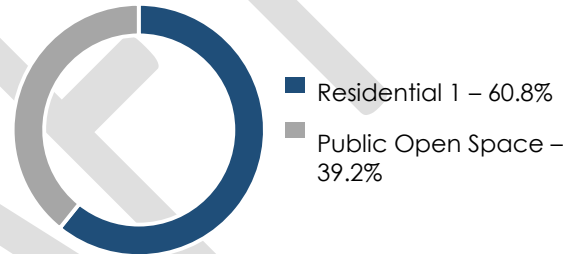


Figure 2: Illegal land use types

Land Use Status

Status	Total
Illegal	55
Legal	18385
Unknown	55
Total	18 495

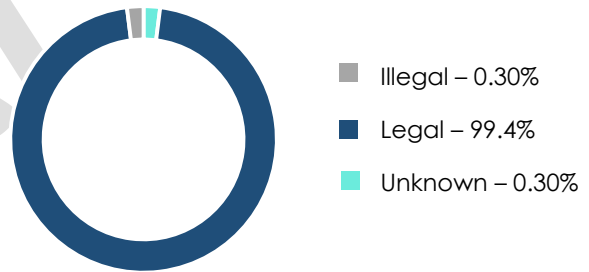


Figure 3: Land Use Status

1.2 Informal Settlements – Land invasion

List of Informal settlements identified in the Emakhazeni Area

Settlement name	Property description	Ownership of the land	Number of households	Period of invasion	Municipal Interventions
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1.Shushumela informal Settlement	Re of Portion 1 of the farm Grootsuikerboschkop 124 JT (Outskirt of Sakhelwe)	ELM	275	5 years	To formalise. Surplus to be relocated to Ext. 2&3 Budget required: R5,3 million (Medium Term).
2.Enkanini Township	Enkanini township Emthonjeni	ELM	119	5 years	Formalised in 2014, currently building RDP houses. There are few encroachments on the outskirts close to the railway line
3.Etimbile	Etimbileni (Re of Portion 137 of the farm Doornhoek 344 JT)	ELM	36	2019	Need to be formalised in situ. Budget required: R,1 million (Long term).
4.Sgwabula	Sgwabula (Re of Portion 137 of the farm Doornhoek 344 JT)	ELM	504	2019	The Sgwabula area will be formalised in-situ in line with the 282 erven on the existing layout plan. The surplus need to be relocated to a new site. The challenge of Emgwenya Unavailability of govt. owned land for human settlement
5. Ezintabeni	Ezintabeni-Emgwenya-Re of Portion 137 of the farm Doornhoek 344 JT	ELM	294	2018	Should be formalised in situ on the existing 83 stands. <ul style="list-style-type: none"> ▪ 140 additional households need relocation. ▪ High density development option ▪ Budget required: R10,6 million (Long term)
Total households			1509		

1.3 Reasons for land invasion

- Rapid urbanization and a high in migration from the surrounding rural municipalities due to favourable economic and employment opportunities tied to the mining sector in Emakhazeni, subsequently aggravating the land scarcity.
- Land available is not accessible to residents because it is often expensive and therefore people opt to invade land which is suitable and can address their needs
- Land is not accessible to residents because the ownership of land is often privately, or state owned and the processes of releasing and donating of land are slow.
- Residence in these municipalities also do not have access to suitable land, which is close to economic and social opportunities, therefore people invade areas which are most suitable for them to reside in.
- The insufficient delivery of housing stock creating housing backlogs and therefore presenting the option of land invasion favourable for local residents.
- No suitable and affordable housing options for residents, this result in local residents building illegal structures on unauthorised land for the duration of their working period.

1.4 Housing Status Quo

According to the Mpumalanga Sustainable Human Settlement Master Plan (2013) the Emakhazeni Local Municipality had about 10 827 formal houses and 2895 informal houses in 2011. The 2895 informal houses comprised 736 traditional structures, 812 backyard units, and 1350 structures in informal settlements. The table below summarises the above information per each of the eight (8) wards in Emakhazeni.

Local Municipality Wards	Total Formal	Informal			Total Informal
		Traditional	Backyard	Informal	
Ward 1	1467	30	72	33	135
Ward 2	754	361	30	50	441
Ward 3	1692	2	47	36	85
Ward 4	1371	81	148	192	421
Ward 5	1436	83	132	295	510
Ward 6	1532	79	163	494	736
Ward 7	1568	9	112	126	247
Ward 8	1007	91	108	124	323
Total	10827	736	812	1350	2895

Source: Statistics South Africa (Mpumalanga Sustainable Human Settlement Master Plan)

Housing in the Emakhazeni Local Municipality

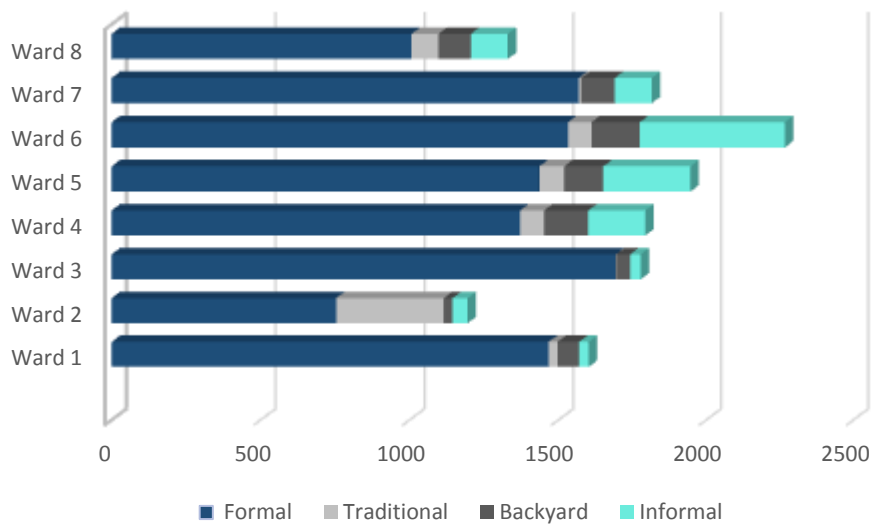


Figure 4: Housing types in Emakhazeni

1.5 Housing Backlog

According to the Emakhazeni IDP, the municipality has a house backlog of 3 200 housing applications as per the municipal housing database. It must however be indicated that the database has not been updated for quite some time.

The Emakhazeni SDF indicates that wards 5 and 6 (Emgwenya and eNtokozweni) represent the largest housing backlog (510 and 736 units respectively).

According to the Nkangala Human Settlement Strategy the housing waiting list in the Municipality comprises the following:

Area	Number of applicants
Siyathuthuka	2001
Emgwenya	890
Emthonjen	1050
Sakhelwe	760
Total applicants	4710

1.6 Illegal dumping sites

The 2011 census statistics information revealed that 4, 29% of households (589) have no rubbish disposal whereas 71, 74% of households (9 844) receive a weekly collection, 19, 38% of households (2 659) make use of their own refuse dump and 4,59% have refuse disposal by other means less than a weekly collection service which equates to 630 households. It was further noted in the 2016 Community Survey that refuse collection decreased from 71,7 % to 56,3%. The decrease can be attributed to the break-down of refuse collection fleet and the lack of back-up fleet.

The municipality has managed to rehabilitated 80 dumping sites within a five (5) year period from the 2017/18 – 2021/22 financial year. The following is a breakdown of the identified and rehabilitated dumping sites per financial year:

- 2017/18 – 16 dumping sites
- 2018/19 – 16 dumping sites
- 2019/20 – 16 dumping sites
- 2020/21 – 16 dumping sites
- 2021/22 – 16 dumping sites

Illegal dumping sites in the Emakhazeni area are caused by challenges experienced with the provision of waste collection services to informal and yard dwellers due to inaccessible roads by compactor trucks.

1.7 Illegal mining, taverns and structures

Statistics not available.

2. Legislative Overview

2.1 Emakhazeni Land Use Scheme, 2020

The Emakhazeni Land Use Scheme, 2020 was gazetted and published on the 26th of June 2020 and the scheme operates as a tool used by municipality to guide and manage development according to the vision, strategies and policies of the Integrated Development Plan (IDP) and Spatial Development Framework (SDF), and in the interests of the general public to promote sustainable development and quality of life. The general purpose of the Emakhazeni Land Use Scheme is to create coordinated, harmonious and sustainable development of a municipal area in such a way that it efficiently promotes health, safety, order, amenity, convenience and general welfare, as well as efficiency and economy in the process of development within the municipal area.

The scheme has been prepared in terms of the Section 24 of the Emkhazeni Spatial Planning and Land Use Management by Law, 2015. The scheme clearly puts measures and controls in place for how land may be used. Section 1.1.4 clearly states:

“ 1.1.4. Whether or not land is registered in terms of the Deeds Registries Act, 1937 (Act No. 47 of 1937), the land may be used only in accordance with the land use rights held in terms of the Scheme. All conditions included in a title deed of a land parcel within the Local Municipality supersede the land use rights granted by the Emakhazeni Land Use Scheme.

1.1.5. A Register of Land Use Rights shall be the definitive source of the land use and development rights of a property”

Therefore, the scheme sets out the conditions and rights of each property within the jurisdiction of the Emakhazeni Municipality with a legal binding with land owners and citizens to adhere to the rights and conditions specified for each land parcel as contemplated in Section 1.1.16 of the Scheme that states:

"1.1.16. the use of all land included in the area of this Land Use Scheme shall be controlled by the Land Use Scheme. No land or building may be used for any purposes other than that permitted in this Land Use Scheme, and its binding to all persons and the State"

2.3 Emakhazeni Spatial Planning and Land Use Management By-Law, 2015

The land use scheme is supported by the Emakhazeni Spatial Planning and Land Use Management by Law, 2015, when it comes to dealing with illegal land uses. When a land use is exercised that is not permitted by the land use scheme, this is seen as a contravention of the municipal by-law. In the case of such contravention, SPLUMA stipulates that a municipality has the following powers:

- To appoint an inspector that can enter the property with the aim of ensuring compliance to the land use scheme;
- To apply to a court for an order:
- To interdict any person from using land in contravention of its land use scheme;
- To authorize the demolition of any structure erected on land in contravention of its land use scheme, without any obligation on the municipality or the person carrying out the demolition to pay compensation; or
- To direct any other appropriate preventative or remedial measure.

2.3 Emakhazeni Land Invasion Sector Plan, 2020

The Emakhazeni Land Invasion Sector Plan is a Plan highlighting the status quo of land invasion cases in the municipal area and also indicates the interventions made by the municipality to curb land invasions, the below figure 2 is a snap shot from the document which indicates the area which is invaded and the interventions made and required by the municipality.

The document further indicates the management of illegal occupation of land by the municipality. It indicates that Management of Illegal Occupation of Land will be conducted in terms of the "Control and Management of Informal Settlement By-Law" for the Emakhazeni Local Municipality.

It further states that should residents fail to co-operate and refuse to vacate the site or stand, the municipality will immediately institute the necessary legal procedures to

obtain an eviction order as contemplated in sections 4, 5 or 6 of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 1998, [Act No. 19 of 1998] or any other applicable law.

IMMEDIATE AND FUTURE INTERVENTIONS			
AREA	SERVICES RENDERED	MUNICIPALITY INTERVENTION	REQUIRED FUTURE INTERVENTION
Madala (Emakhazeni old location) – not an informal settlement	<ul style="list-style-type: none"> • 250 serviced stands • 250 not serviced 	<ul style="list-style-type: none"> • Formalised the area • Serviced stands • 500 RDP houses under construction 	<ul style="list-style-type: none"> • Servicing the remaining stands • Budget required • Those who qualify will be allocated. • Budget required: R17 million (Short Term).
Sgwabula (Mgwenya – Waterval Boven)	<ul style="list-style-type: none"> • 282 serviced stands 	<ul style="list-style-type: none"> • Formalised area • Allocated 282 stands • 321 available serviced stands at Gugulethu since 2018 	<ul style="list-style-type: none"> • Relocation of 222 households to Gugulethu. • Awaiting DHS to allocate RDP houses • Budget required: R15 million (Long term).
Ezimileni (Mgwenya – Waterval Boven)	<ul style="list-style-type: none"> • 36 serviced stands 	<ul style="list-style-type: none"> • Most have been relocated to Gugulethu 	<ul style="list-style-type: none"> • Need to be formalised <i>in situ</i>. • Budget required: R,1 million (Long term).
Ezintabeni	<ul style="list-style-type: none"> • Communal taps (but there are illegal water connections affecting flow). • Electricity. • Sewer in some of the households 	<ul style="list-style-type: none"> • Communal taps (but there are illegal water connections affecting flow). • Electricity. • Sewer in some of the households 	<ul style="list-style-type: none"> • Should be formalised <i>in situ</i> on the existing 83 stands. • 140 additional households need relocation. • High density development option • Budget required: R10,6 million (Long term)
Enkanini	<ul style="list-style-type: none"> • 119 serviced stands 	<ul style="list-style-type: none"> • 119 serviced stands and RDP houses allocated • 110 stands allocated 	<ul style="list-style-type: none"> • 9 households need to be allocated RDP houses. • The 9 households to be moved to Emthonjeni Ext 4. • Budget required: R1,4 million (Short term).
Shushumela - Dullstroom	<ul style="list-style-type: none"> • Water, sanitation and electricity (partially) 	<ul style="list-style-type: none"> • Municipality is installing services in Sakhelwe Ext. 2 for possible relocation. 	<ul style="list-style-type: none"> • To formalise part of Shushumela. The surplus to be relocated to Ext. 2&3 • Budget required: R5, 3 million (Medium Term).

Figure 5: Snapshot from sector plan indicating interventions by municipality Source: Sector Plan, 2020

The Emakhazeni Local Municipality has also adopted the following intervention mechanism for to deal with illegal occupation of land:

- There are law enforcement officers who are constantly doing monitoring.

- It is recommended that Emakhazeni Local Municipality establish and maintain an Informal Settlement Resident Register of all residents in informal settlements in the municipal area.
- Establish comprehensive informal settlements monitoring GIS and database - The ELM should establish a comprehensive database and GIS system for all informal settlements in the municipal area.
- The Department of Human Settlement through the National Upgrading of Informal Settlements has developed upgrading plans dealing with informal settlement for the Municipality.
- Municipality must service land and sell to community members who afford to build their own houses. More resources will be required.
- Further, the Department of Human Settlement must complete all the 297 incomplete RDP houses in Ext 6, 7 and 8 in Siyathuthuka to avert land invasion. The project started in 2012 and not completed to date.
- Furthermore, the Department of Human Settlement must annually allocate RDP houses and municipalities must be ready with serviced stands and beneficiaries to enable the Department to complete houses on record time

2.4 Emakhazeni Integrated Development Plan, 2018-22

Land invasions and informal settlements

The Municipality is experiencing an alarming increase in its population due to the perceived existence of employment opportunities within its area of jurisdiction. This increase in population is creating a huge demand for housing which the Municipality together with both the National and Provincial Department of Housing is unable to cope with. The Municipality has limited control over the land within its area of jurisdiction as most of the land is privately owned and mostly agriculturally and environmentally sensitive. This makes the planning of new human settlements; coordinating of housing delivery; and the planning of the expansion of settlements a serious challenge.

The Emakhazeni Local Municipality therefore suffers from the mushrooming of informal settlements and land invasion. There are a couple of reasons for the invasions but the most common ones are: political interest, commercial interests, influx of people evicted from surrounding farms, unavailability of government owned land for human settlements. In response to this, the municipality has made it a priority under its human settlement and property development plans.

Housing delivery in the Municipality is currently the competency of the Mpumalanga Provincial Department of Housing and the Emakhazeni Local Municipality is only playing the facilitating role. In Sakhelwe (Shushumela) 60 shacks were recorded, in Emthonjeni (Enkanini) 250 units of informal settlement erupted but that area has since been

formalized and caters only for 118 stands with the difference of 132 still residing in the illegal part of the settlement. With the high demand for housing in Emgwenya, Gugulethu will not be enough to address the current housing challenges in Emgwenya.

Emakhazeni as a whole has a backlog of 3 200 housing applications as per the municipal housing database. It must however be indicated that the database has not been updated for quite some time. More land need to be identified to deal with the challenge. The municipality has, through human settlement, built Community Residential Units in both Entokozweni and Emgwenya which assist in alleviating the housing challenges in both areas.

The municipality has beneficiaries who were approved houses but the actual houses have not been built. The Municipality managed to complete 421 houses in Siyathuthuka ext 6 and 8. Another project for Siyathuthuka extension 8 for 104 units that has been put on hold due to illegal occupation of land by community members will be commencing as all the challenges have been resolved. Another development has commenced where 240 houses are being constructed by the department of Human Settlement in Siyathuthuka. The municipality has been relying on Human Settlement Department for houses. The focus was on RDP houses. Other housing interventions are required to address the backlog. The municipality aims to implement projects like Finance Linked Subsidy and also make land available for those who want build for themselves.

Strategies identified by the municipality to address land invasion and informal settlements:

- Conduct inspection in all built environment within ELM in terms of NHBC and NBR standards
- Lobby department of Human Settlement to allocate housing units to address the housing backlog at Emakhazeni (Enkanini, Madala, Gugulethu and Sakhelwe ext. 2).
- Acquire more land for human settlement purpose around Emakhazeni's area of jurisdiction.
- Solicit the assistance DARDLA & DHS in purchasing other parcels of land for future developments

Illegal dumping sites

Emakhazeni Local Municipality is striving to provide 100% of households with access to waste collection services, there are still challenges experienced with the provision of waste collection services to informal and yard dwellers due to inaccessible roads by compactor trucks. This ultimately contributes to increased illegal dumping sites. The challenge of extending refuse removal services to the farming communities is proven to be a daunting task because of lack of access as many farming communities reside on privately owned land, as well as the lack of equipment and personnel.

The Municipality does not have sufficient equipment for waste management. The current waste collection vehicles are aging and frequently experience breakdowns.

80% of the vehicles are older than 7 years and generally needs repairs to keep it running.

Strategies identified by the municipality to address illegal dumping sites:

- Integrated Waste Management Plan
- Deployment of additional skips or bulk bins at strategic locations across the towns and settlements to minimize illegal dumping.
- Adopt a spot programme that will aim to prevent illegal dumping within their specific area.
- Illegal dumping areas should be cleared and the cleared waste must be taken to the relevant waste disposal site.
- Launch clean-up campaigns to assist with clean-up operations.
- Skips should be placed at "illegally dumping hot spot areas", as well as signage to try and prevent further illegal dumping in these areas once cleaned.
- The Municipality must establish waste drop off facilities for the communities to drop of their recyclables in order to avoid sending recyclables to the landfill sites and also to reduce the illegal dumping of waste by the residents.
- Waste management by-laws must be enforced and penalties associated with illegal dumping of waste must be strengthened to deal with illegal dumping within the municipality.
- Programmes were developed for the CWP to assist with illegal dumping sites.
- The Waste Management by-laws have been promulgated.
- There is a need to appoint peace officers for enforcement of promulgated by-laws. The municipality is lacking resources to extend services into the rural communities.
- Two new compactors were procured in December 2016 to help alleviate some of the challenges on collection.

Illegal taverns

The Emakhazeni Integrated Development Plan highlights the challenge of incorrect approval of taverns to operate in communities as an illegal use. The IDP further stipulates that the municipality must intervene in the elimination of illegal taverns. No strategies are put forward in this regard.

Illegal mining and structures

The IDP only makes reference to illegal mining and structures in the SWOT analysis. The IDP does not elaborate on what structures are deemed illegal nor where the illegal activities are taking place. No strategies are put forward in this regard.

2.5 Emakhazeni Spatial Development Framework, 2015

The Emakhazeni SDF 2015 highlights housing and expansion plans of the municipality to accommodate the growing population. The plans are intended to address land invasion through earmarking land for housing developments.

The urban footprint in Emakhazeni will have to be expanded by 124 ha to accommodate all land uses associated with the increased population. From the population projections the municipality will require an additional 1283 residential units to accommodate the 4234 new residents, and the urban footprint will expand by an additional 110.8 hectares of land by the year 2030.

Emakhazeni is therefore in dire need of additional housing stock. Infill development, densification as well as the expansion of the residential area should be supported. In principle, infill development and densification within the existing urban footprint and incremental expansion of the footprint of the town should be supported rather than the continued development of 'estates' beyond the boundaries of the town.

The entire northern section of the town (north of de Clerq Street) is earmarked for residential densification and infill development. Mixed income typologies are encouraged. Belfast X3 which catered for Gap market and middle income housing is a good example of immediate expansion of the urban footprint that should be encouraged. The Municipality has lodged an application with Department of Land Affairs to purchase Portion 8 of 11 east of the golf course to develop as an Inclusionary Housing project (bonded housing).

The layout plan for the additional 500 Madala area to the north was approved and will cater for residential units CRDP and Gap market. Expansion of Siyathuthuka through the addition of Extensions 9 and 10 to fill the buffer strip between Siyathuthuka and Belfast Town should now be priority. Private developers are interested to undertake the development and this could be done as a public-private partnership which comprises RDP, Gap market and middle income bonded housing as well as rental stock (CRU funded). Council also bought 11ha of land just north-east of the township, which is meant for low cost rental units for government workers. Lastly, Council bought a large portion of land north-west of Siyathuthuka which is meant for communal grazing purposes, and this area is therefore earmarked for agricultural expansion.



Figure 6: Local Spatial Development Framework for Dullstroom and Sakhelwe

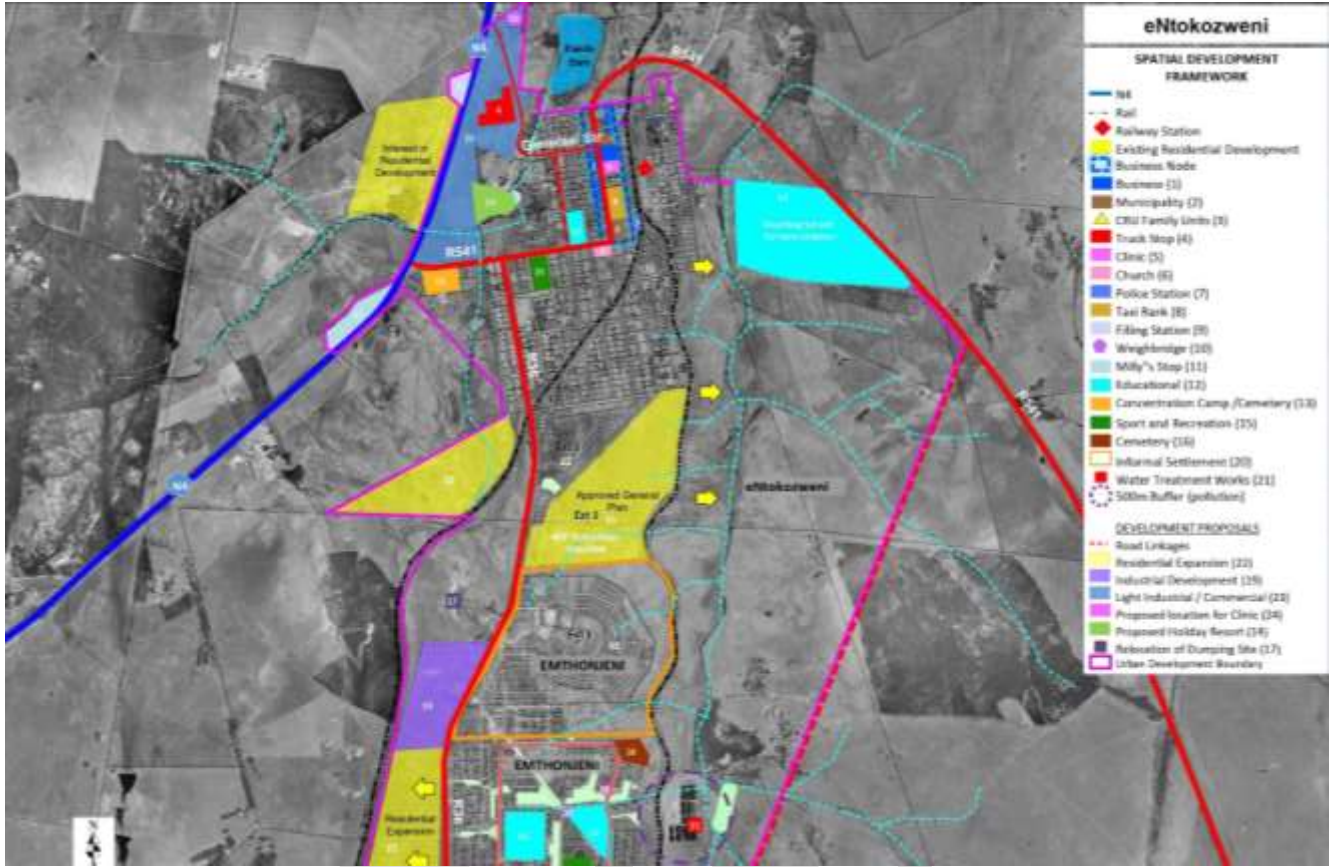
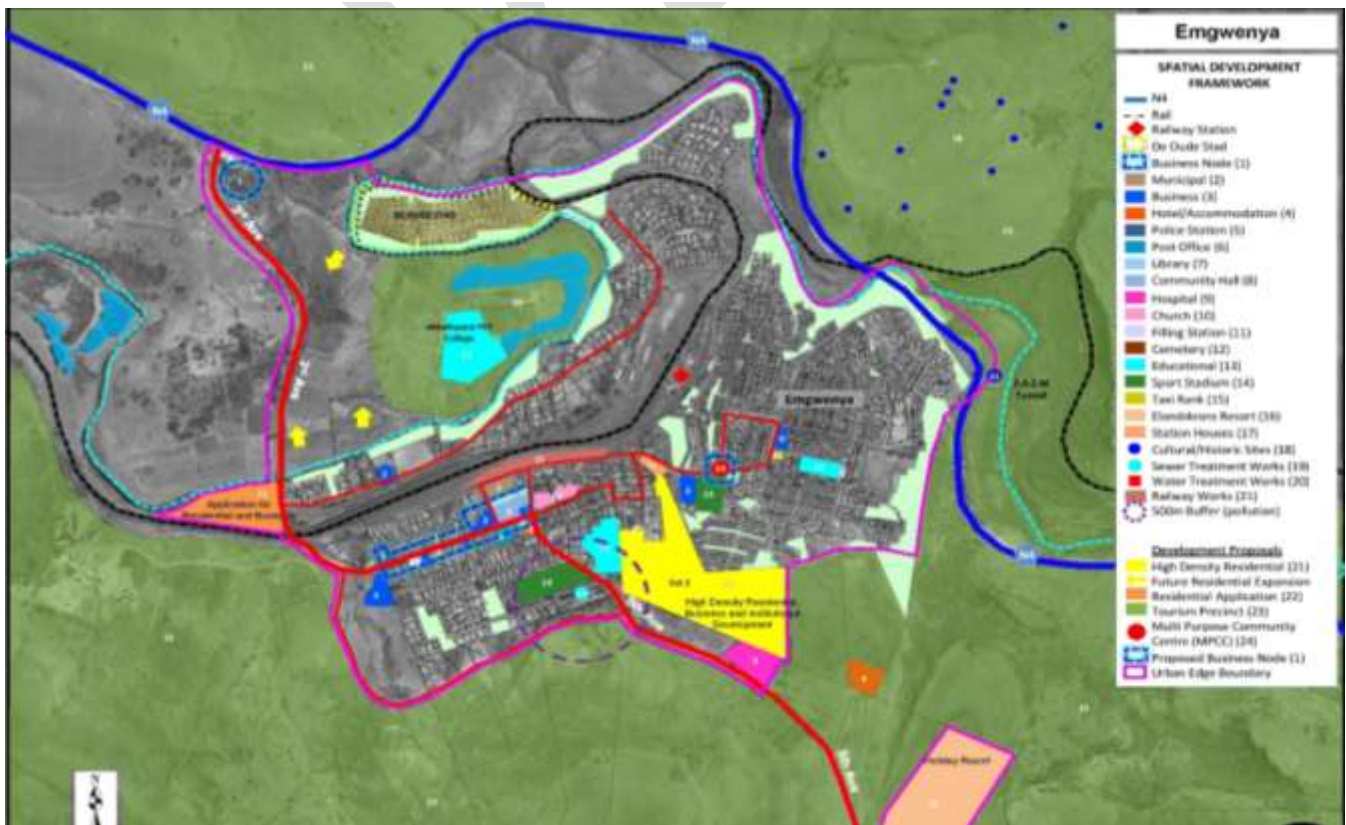


Figure 7: Local Spatial Development Framework of Entokozweni



SECTION C: ISSUES, OPPORTUNITIES AND CONSTRAINTS

Issues	Opportunities	Constraints
Land invasion and increased informal settlements	<ul style="list-style-type: none"> ▪ Conduct inspections and land audits. ▪ Lobby department of Human Settlement to allocate housing units to address the housing backlog ▪ Acquire more land for human settlement purpose. ▪ Solicit the assistance DARDLA & DHS in purchasing other parcels of land for future developments 	Land Scarcity Rapid urbanization and a high in migration due to economic and employment opportunities tied to the mining sector in Emakhazeni.
Increased illegal dumping sites due to: <ul style="list-style-type: none"> ▪ Inaccessible roads to informal settlements and yard dwellers for compactor trucks to collect waste. ▪ Aging equipment 	<ul style="list-style-type: none"> ▪ Waste Management by-laws. ▪ EPWP and CWP initiatives to assist with cleaning of illegal dumping hot spots. ▪ Place skips or bulk bins at strategic locations across the towns. ▪ Have clean-up campaigns to assist with clean-up operations and awareness. ▪ Enforce waste-management by-laws and penalties associated with illegal dumping ▪ Place signage at dumping sites. 	Lack of equipment for the management of landfill sites and cleaning of illegal dumping sites.
Housing Backlog	<ul style="list-style-type: none"> ▪ Update the database. 	Housing database has not been updated for quite some time.
Illegal taverns in the Emakhazeni area	<ul style="list-style-type: none"> ▪ Deploy land use inspectors to investigate cases of illegal taverns. ▪ Reflect illegal taverns in the illegal land use by-law together with penalties for the offence. 	Lack of data – information available is not adequate as it does not provide the number of illegal taverns nor their place of location
Illegal mining and structures	<ul style="list-style-type: none"> ▪ Deploy land use inspectors to investigate cases of illegal taverns. ▪ Reflect illegal taverns in the illegal land use by-law together with penalties for the offence. 	Lack of data to understand the status quo around mining and illegal structures.

SECTION D: OBJECTIVES

1. Normative principles

The major points of departure for this strategy in order to support the municipality's Integrated Developmental role are:

- The Land Use Management System must further support the developmental approach and Spatial Development Framework of the municipality;
- Illegal land use must be eradicated. The main reasons for strict enforcement of the LUMS and for it to exist are:
 - To provide effective protection to both the natural environment and members of the public from negative impact of land development and land use changes/rezoning. Thus to promote the health, safety, good order, amenities and general welfare as well as the economy offered to people in urbanised society through zoning of land use;
 - To provide a reliable degree of certainty to developers, members of the public and all spheres of government to a shared and consistent understanding of the scale, extent and nature of permissible land development in the municipal area. Furthermore, to promote the proper and efficient exploitation of land as an important resource;
 - To provide a basis for the public to negotiate with developers and investors to achieve development outcomes;
 - To provide for the municipality to value land and so to determine an appropriate and fair rating of the land.
- Discourage the phenomenon of "urban sprawl" in urban areas and contribute to the development of compact towns and cities;
- Encourage environmentally sustainable land development practices;
- Promote sustainable land development in that land use should:
 - Promote the establishment of viable communities;
 - Promote the sustained protection of the environment;
 - Meet the basic needs of all citizens in an affordable way;
 - Ensure safe utilization of land by taking into consideration factors such as geological formations and hazardous undermined areas.

2. Strategic objectives (Policy making level)

- The municipality must determine the real extent of illegal land uses. This will provide the necessary information in order to make the necessary management decisions;
- The municipality must put a clear and realistic program of action in place to deal with illegal land uses i.r.o. the Emakhazeni Land Use Scheme area. This program must be agreed upon between all parties concerned with the project in order to determine realistic targets;

- The municipality must also consider a long term strategy how to deal with illegal land uses i.r.o. new areas to be added under control of a town planning scheme;
- The municipality must be able to measure performance in order to see if illegal land use increases or decreases. This will further inform the budgeting process in order to secure sufficient resources for this action
- The municipality must focus on those areas and type of illegal land uses where the maximum results are possible;
- The municipality must put a comprehensive and multi-disciplinary strategy in place to deal with all aspects of illegal issues, such as illegal land uses and occupation of buildings/land, since they effect each other;
- Initiate a process and campaign whereby the general public, councillors and top management are informed about the impact of illegal land uses and why it is necessary to enforce land use regulations. Initiate a process of discussion with provincial government on the issue pertaining to the dualistic planning system in order to ensure that the municipality has autonomy over land use control.

3. Operational objectives (Management level)

- Appoint a project management officer responsible for co-ordination of the complete project (illegal land uses);
- Appoint a project Steering Committee responsible for steering of the project (illegal land uses) and which will be able to report back to Council structures in order to measure performance, obtain resources and inform the public of the progress and issues in this regard;
- Introduce a system (Interdepartmental co-ordinating committee) whereby all the different SBU's are involved in the handling and co-ordination of various illegal issues, namely illegal land uses, illegal buildings, dumping, illegal occupation of land and unsafe buildings and living conditions etc
- Undertake a comprehensive land use survey in the whole area covered by the town planning scheme in order to determine the real extent of illegal land uses. This will provide the necessary information in order to make the necessary management decisions;
- Assign experienced professionals and/or staff (permanent and/or consultants) in order to deal with illegal land uses and to compile a detail program of action;
- After results of the survey is submitted, a clear and realistic program of action should be submitted to the Steering Committee on how the illegal land uses will be reduced and what resources are required to meet targets;
- Define the roles of the different parties involved and assign clear tasks.
- Secure sufficient resources by means of finances to deal with illegal land uses and actions to support the project;
- Introduce proper channels of communication with the media in order to report the progress of combating illegal land uses to the general public which will also count as deterrent for other owners who are using property illegally.

- Introduce a logging system whereby reported cases are properly recorded and whereby the process can be managed and monitored;
- Clearly defined procedures and channels of communication should be introduced in order to expedite the legal process
- Introduce a system where consent uses granted are monitored in order to ensure that conditions are being complied with;
- Apart from all the above (new) strategies, the current system must be maintained in order not to create an extensive backlog of cases and ensure continuity.

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SECTION E: STRATEGY

The strategy proposes a local approach of Integrated Land Use Management in addressing the issue of illegal land uses which is based on the following fundamental principles:

- (a) Comprehensive Planning
- (b) Monitoring Change
- (c) Administration
- (d) Participation
- (e) Financial Penalties



1. COMPREHENSIVE PLANNING

The term comprehensive planning relates some key characteristics:

- The planning document (including policies, land-use plans, and planning regulations) should cover the total jurisdiction of the municipality. This will ensure a holistic approach to policies and decision making.
- The planning document should include the preconditions and the land-use policies, as well as the land-use plans (zoning maps etc.) and the land use regulations. This will ensure that the actual land-use regulations can be linked to policies and discussed as political decisions.

Such comprehensive planning may be carried out at several local levels in which land-use management includes control of land-use in both urban and rural areas as well as management of natural resources. Control of land use may be executed through the planning regulations at various administrative levels and is often supported by land-use regulations within the various sectors such as agriculture, environmental protection, water catchments, transport, etc.

1.1 Urban Planning Control

Urban planning normally includes zoning of the urban areas into various areas of use, such as residential housing, retail, light or heavy industry, offices, public space such as parks etc. detailed regulations are then imposed within the various zones to determine the development opportunities in terms of minimum size of parcels, building density, heights of buildings, etc. Such regulations may be further detailed in development plans including schemes for new subdivisions with a detailed lay-out for e.g. a new residential neighborhood.

Other planning regulations and may include regulations for minimum size of parcels, maximum building density in residential areas, maximum building heights (density policy) etc. Such general regulations for subdivision and housing development are very effective to control development in areas where detailed planning regulations do not apply.

1.2 Building Permit Control

Most planning regulations are mainly reactive in the sense that they determine the possible future use of land. The control of actual development such as construction works, is normally exercised through the issuing of a building permit (or planning permission) prior to commencement of any construction work.

The administrative process of issuing a building permit normally includes a check of the development proposal against adopted planning regulations, land-use restrictions, sectoral land-use provisions, and various regulations such as building by-laws including detailed regulations for safety and quality of the constructions.

The system of building permit control should then act a kind final check in the planning control system and ensure that any new developments are consistent with adopted planning policies and land-use regulations and restrictions.

1.3 Building Permit Control

The crisis of urban management is well known, but planning and development issues in rural areas are just as significant. Rural planning systems are complicated by separate

systems of demarcation of site by Traditional Leaders and sectoral planning which manage resources such as soil quality, landscape qualities, raw materials and water accessibility. Ideally, these sectoral controls should be integrated into the comprehensive spatial plans to form the basis for rural land use administration.

The rural zone development provisions are intended to prevent uncontrolled land development and should consist of regulation such as the Demarcation of Site in Traditional Areas Policy and issuing of development permits (Traditional Use Permit or Development on Communal Land Permit)

2. MONITORING CHANGE

Monitoring change entails the process of conducting a detailed land use survey, conducting the land audit, identify a number of illegal land uses. The following process can be followed to rectify this. Identify illegal use. This can happen as the result of a land use survey or land audit, or can be the result of a complaint from a member of the community. Note that if it is the result of a complaint – the municipality should investigate first.

A collective responsibility, built by trust between local government and the community, to monitor all developments will ensure that the majority of developments are formal. This may require the need for anonymity when members of the public challenge developments

3. PARTICIPATION

If citizens are not directly engaged in their local land use control activities, then the political decision making will not be truly legitimate. Citizens who cannot influence changes to their local environment will tend to reject the official land use control procedures and turn their backs on ensuring a sustainable local environment. This lack of participation and transparency can also potentially lead to an increase in corruption and illegal development.

Therefore, it is essential that citizens / communities have a genuine opportunity to have a say (a dynamic process of dialogue) on a development plan or proposal which affects them and that officials and politicians listen to what they say and reach a decision in an open and transparent way, taking account of all views expressed. If the process ensures transparency and inclusivity, then even difficult decisions may be easier to be accepted by all parties involved.

Contravening Land Owners

In a case where by a land owner has been identified to have contravened with the land use scheme by practicing illegal land uses in his / her property the following procedures should be undertaken:

- **Invite the owner** or other person within a specified time to make written representations on the notice. If the owner supply written proof that he/she is exercising a legal right (e.g. an old zoning certificate) the municipality should withdraw the action.
- The owner submits an application to rectify the land use and follows the process of that application as is necessary (e.g. an application for consent or rezoning or departure etc.)
- If the application contemplated above is not successful, the owner should cease to exercise the land use. The municipality can consider enforcement litigation:
 - ✓ the municipality may apply to the High Court for appropriate relief, including orders compelling the owner or other person to;
 - ✓ demolish, remove or alter any building, structure or work erected in contravention of the scheme, and rehabilitate the land concerned; and
 - ✓ cease or modify conduct in contravention of this scheme, to comply with this scheme, or to address another impact of the contravention.

4. ADMINISTRATION

The administrative elements of managing illegal land uses entails the issuing of contravention notices. The municipality may serve a notice on an owner or other person if there are reasonable grounds for believing that the owner or other person is in contravention of the land use scheme. The notice should contain the following information:

- description of the property/land unit in question;
- describe the conduct that lead to the contravention of the scheme (in other words, what is the illegal land use);
- indicate which provision of this By-Law, condition of approval or other provision the
- conduct contravenes (refer to the specific scheme clause or land use table in the
- scheme clauses);
- instruct the owner or other person to cease the unlawful conduct and to comply with
- the scheme.
- state that a failure to comply with the notice constitutes an offence and indicate the penalties;
- state that, in the event of non-compliance with the notice, the Municipality may take one or more of the following measures:
 - ✓ if relevant, take steps to withdraw an approval for a temporary

- departure/consent or an approval granted for a limited period of time;
 - ✓ apply an administrative penalty;
 - ✓ apply to a competent court for appropriate relief including the costs of the application; and
 - ✓ institute a criminal prosecution;
- advise the owner or other person of their right to apply for rectification of the contravention. This should include what the rectification process will involve (e.g. a rezoning application).

5. FINACIAL PENALTIES

Municipalities can consider penalising a property owner if he/she contravenes the municipal land use scheme. The following can be considered in terms of financial penalties:

An owner and/or other person are guilty of an offence if such owner or person:

- contravenes or fails to comply with a:
 - ✓ decision taken or a condition imposed or deemed to have been taken or imposed by the Municipality in terms of this By-law or any other law relating to land development;
 - ✓ provision of the Land Use Scheme or amendment scheme;
 - ✓ uses land or permits land to be used in a manner other than permitted by the Land Use Scheme or amendment scheme;
 - ✓ uses land or permits land to be used in a manner that constitutes an illegal township as defined in terms of the provisions of this By-law; etc
- alters or destroys land or buildings to the extent that the property cannot be used for the purpose set out in the Land Use Scheme or zoning scheme.

Any person convicted of an offence in terms of this By-law, shall be liable to a fine not exceeding R5 000 or as may be determined by a Court of Law or to imprisonment for a period not exceeding 12 months or both such fine and such imprisonment. A person convicted of an offence under the by-law or land use scheme who, after conviction, continues with the action in respect of which he/she was so convicted, is guilty of a continuing offence and liable to a fine not exceeding R5000, or upon conviction, to imprisonment for a period not exceeding three months or to both such fine and imprisonment, in respect of each day for which he/she has so continued or continues with such act or omission.

6. ILLEGAL LAND USE TARRIF

Cities and towns grow in wealth and size through investments in land and property. For municipalities, this value is the base of their primary source of tax income, which is used to provide basic services and perform their functions. The Municipal Property

rates Act (2004) specifies that a municipality must compile a register of all properties in the municipality which also include the value of those properties. This is called a valuation roll. The value of a property is determined by looking at the following factors:

- The value of any license, permission or other privilege granted in terms of any legislation;
- The extent and value of land and buildings (referred to as “immovable property” in the act);
- What the land and buildings are used for (legal or not).

Each municipality compiles a tariff policy (in terms of the MFMA Municipal Finance Management Act) which includes, among other, a property rates tariff applicable to land. This tariff is applied to the value of the property to determine the property rates amount payable on a monthly basis to the municipality (note that certain rebates can be applied to certain property classes e.g. RDP houses, or old age homes etc.). The table below provides an example of tariff for each category of property.

Category	Tariff (Rand)	Monthly Property Rates
Agricultural Residential	0.005878	R490
Agricultural Business	0.018287	R1 524
Farming	0.001632	R136
Residential	0.006531	R544
Business and Commercial	0.018287	R1 524
Mining land	0.018287	R1 524
Public Service Infrastructure	0.001632	R136
State	0.009796	R816
Public benefit	0.001632	R136
Education	0.001632	R136

In this example, a residential property valued at a R 1 000 000 pays R 544 every month in property rates. A business valued for the same amount pays almost three times as much due to the higher tariff applicable to that category. Municipalities should consider amending their tariff policies to make provision for illegal land uses.

The example below (based on City of Johannesburg) introduces an illegal use tariff. In this scenario, a property owner will pay more than R 2000/month (if the property is worth R 1 million) if he/she is exercising an illegal land use. Using this method may force the property owner to try and “legalise” his land use rights in order to avoid paying the elevated property rates bill per month.

Table 12.2: Introduction of illegal land use tariff Category	Tariff (Rand)	Monthly Property Rates
Residential	0.006531	R544
Business and Commercial	0.018287	R1 524
Illegal use	0.026124	R2 177

7. STRATEGY ON UPGRADING OF INFORMAL SETTLEMENTS

7.1 Introduction

The Policy section looked at why upgrading of informal settlements is important and broadly what the municipality hopes to achieve through upgrading. This Strategy looks at how the municipality will go about upgrading informal settlements. Accepting that informal settlements are a reality and are not easily going to go away, and noting the policy prescripts from national government to support informal settlement upgrading, the following strategy will be followed to upgrade informal settlements in the Emakhazeni Local Municipality. The point of departure is following priority interventions that the municipality will undertake to upgrade informal settlements:

1. Introduce Incremental Settlement Areas
2. Expand the locally administered land tenure system
3. Implement planning and basic development
4. Implement a development support programme
5. Coordinate incremental upgrading interventions

After summarizing these priority interventions, the strategy steps back a little and looks at how upgrading of informal settlements is undertaken at the following two scales:

1. The scale of the municipality as a whole where informal settlements are allocated to rounds or years for when planning for upgrading will take place (see section 13.3.1 for more information); and
2. The scale of each informal settlement, where the following five phased upgrading process will be implemented (this process is described in more detail in section 13.3.2 of this document and in Annexure 5 dealing with upgrading phases):
 - a. Phase 1: Preparing for development
 - b. Phase 2: Basic development
 - c. Phase 3: Development support
 - d. Phase 4: Consolidation
 - e. Phase 5: On-going development

7.2 Priority interventions to upgrade informal settlements

This section unpacks the following four priority interventions which the municipality will undertake to upgrade informal settlements:

1. Introduce incremental settlement areas – so as to acknowledge that informal settlements exist, and put in place the legal base from which further upgrading development interventions can follow.
2. Implement a Locally Administered Land Tenure system – so that household's basic tenure rights are recognized and to recognize the citizenship of households; as well as to facilitate the administration of the upgrading process.
3. Implement planning and basic development - so as to address household's basic needs and their dignity as a first step towards longer term upgrading.
4. Implement a development support programme – so that the broad developmental needs (e.g. education, health and safety, employment, etc.) can be met for people living in incremental settlement areas.

7.2.1 Introduce Incremental settlement areas

It is proposed that the municipality designates informal settlements as Incremental Settlement Areas (ISA's). These ISA will give expression to the clauses in the Spatial Planning and Land Use Management Act (SPLUMA number 16 of 2013) which states that municipalities, in their Spatial Development Framework Plans should "identify the designation of areas in the municipality where incremental upgrading approaches to development and regulation will be applicable" (in section 21 (k)).

The municipality will acknowledge that people are living in informal houses within these ISA's and commit to the progressive upgrading of these areas on the understanding that through a participative process, some households will need to be relocated and some will be able to remain. The underlying land use zoning of these areas will not be affected.

Rules will be developed for these areas for dealing with:

- Who can live in these areas through a locally administered tenure system (see the next priority intervention area, section 13.3.2 dealing with a locally administered land tenure system for more on this.)
- What land use can be undertaken and what buildings can be built on this land. The municipality will acknowledge that people are residing / living on this land in temporary shelters. The Municipal's planning department in their land use zoning scheme, they should cater for a new zoning category for „Public housing zone”.

7.2.2 Implement a locally administered land tenure system

Within ISA's as described in the previous section, the municipality will put in place mechanisms to manage both:

- 1) who is able to stay within these ISA's; as well as
- 2) what they are able to do and what buildings they are able to erect.

From a tenure's perspective, the municipality will follow a phased/ incremental approach to securing tenure for households, starting with Recognition of Occupation where the housing department will record the names of all people living in shacks in ISA's. At this stage the Municipality is not giving the people in these areas the right to stay on the land (as in some instances the land may not even be owned by the municipality, and the necessary environmental and other planning processes have not been undertaken) but merely recognizing that they are on the land, and committing to work with them to either upgrade them where they are or move them to more appropriate land.

The municipality will work towards keeping a list (with ID numbers etc.) of who is staying on a particular shack together with a geo-referenced point for the shack. Households will be able to obtain a „card“ proving that they have been recorded on the occupation list. In future, once the municipality has ensured that they have ownership of the land or they at least have some agreement with the existing land owners of the land that the households can stay in the area, and that they have satisfied appropriate environmental and other planning legislation, then the municipality may issue households with some form of Permission to Occupy certificate. This certificate will highlight certain rules by which people need to abide when staying on the land.

Over time these permissions to occupy certificates can be converted to lease agreements, or even to individual title, after the necessary planning and township establishment processes are completed. This creates a whole new set of functions that the municipality is expected to perform that they would not have performed in the past. The new activities that the municipality would be expected to perform as a result of implementing this locally administered tenure system include:

- Identifying and keeping records of shacks/ plots within informal settlements and ISA's
- Identifying and keeping records of households within informal settlements and ISA's
- Providing and keeping records of who has been issued recognition of occupation certificates indicating which plot they are recognized as occupying
 - Administering and keeping a paper trail of any changes to records and recognition of occupation certificates as a result of, for example:
 - Changes in who is occupying plots
 - Changes in land use of plots
 - Changes in buildings constructed on the plot
- Providing and maintaining changes to Permission to Occupy certificates in instances where the municipality is able to give occupation rights to

households.

- Dealing with disputes as a result of failure on the part of households (and the municipality) to follow the rules associated with the locally administered tenure system. The municipalities Human Settlements Department is already keeping records of the following type of information:
 - Shack count surveys listing who is living in various informal settlements at the time of the shack count
 - who is living in municipal rental accommodation
 - who is on the municipal housing waiting list

This Locally Administered Tenure System will be an extension of this work. The municipality will develop more detailed procedures for this system that specifies the roles and responsibilities of the municipality and other role players (like the community leadership and ward committee and councillor) in managing this Locally Administered Tenure System

7.2.3 Implement planning and basic development

In order for informal settlements to be placed on the path of long term upgrading, the municipality needs to organize itself in such a way that they are able to:

1. Conduct the necessary participative planning to identify what actions they will take for the upgrading of each informal settlement; and
2. Manage and oversee the implementation of the agreed on upgrading and developmental actions, in a way that accommodates learning and adaptation in the upgrading process. These two steps – planning or preparing for upgrading; and basic development - are the first two phases of upgrading approach as described in more detail in this report under the section on upgrading in phases at settlement scale.

Informal settlements that are being planned at the same time as part of a Round of Upgrading of informal Settlements should be allocated to smaller clusters or groups of informal settlements to make it easier for the municipality to engage with the leadership of each informal settlement in terms of the Provincial Department of Human settlements such areas have been categorized into PHSDA's. A cluster of informal settlements would be about 5 informal settlements that are located relatively close together making it easier for the leadership of these settlements to attend cluster planning and steering committee meetings. The cluster steering committee will play a role both in the planning and implementation phase. The following considerations need to be taken into account when undertaking this planning and implementation within a round of informal settlements.

7.2.3.1 Planning

One of the first activities that gets done as part of phase 1 of any round of informal settlement upgrading is the development of upgrading plans following community

participation procedures.

The municipality needs to establish a multi-disciplinary socio-technical team to facilitate this process. Examples of the type of skills needed on this team include:

- Town planners
- Social facilitators
- Socio-economic surveyors
- Environmentalists
- Engineers
- Conveyancers

The town planners and social facilitators are the main role-players with the other team members playing a more supportive role. This team can include municipal officials and/or consultants appointed by the municipality. The town planning department within the municipality will play the coordinating role for this planning team. Each informal settlement community should also elect its own informal settlement committee to represent the community in the upgrading process. It is important that the community representatives participating in the planning cluster meetings report back to their respective informal settlements. Special attention needs to be given to monitor and provide support to informal settlement representatives to ensure that they are adequately reporting back and getting mandates from their communities.

The socio-technical team and the community representatives should then form a settlement planning steering committee. This steering committee is then responsible for undertaking the planning exercise for the informal settlement. The informal settlements in a round can be clustered into groups of about 4 or 5 informal settlements that are close together and combined meetings can be held with these clusters and the technical team to reduce the number of meetings. Ward committee members as well as ward councillors affected by the upgrading process should also be invited to participate in these clustered planning steering committee meetings. The following are examples of the type of activities that form part of this participatory planning exercise:

1. Conduct technical situation analysis
2. Conduct community situation analysis.
 - a. Undertake asset mapping to determine what assets the community has access to that can be built on.
 - b. Conduct a community visioning exercise
3. Develop community plans for:
 - a. Physical interventions (for basic development)
 - i. Proposed phased infrastructure and services interventions at the settlement scale
 - ii. proposed phased infrastructure and services interventions at a wider neighbourhood scale
 - b. Development support interventions

- i. Household support (housing saving and loans, advice in building own houses, etc.)
 - ii. Business support (small business training and access to small business finance, etc.)
 - iii. Community support (e.g. early childhood development, home based care, etc.)
- c. What future consolidation and upgrading actions could be undertaken. Note however, that the initial upgrading plan does not have to go into details as to how these future consolidations and upgrading interventions will be undertaken. Such detailed planning will be undertaken at the time of the upgrading.

4. Based on the community situation analysis, the community plans and the technical information, the socio-technical team can then produce a draft upgrading plan. The content of this draft upgrading plan should include:

- a. A layout plan showing where initial interventions will take place.
- b. An engineering services report with budget
- c. A tenure administration report
- d. An implementation and management framework
- e. A programme and a budget

5. The draft plan is then circulated to municipal departments and other government departments for comment and feedback. The draft plan is adjusted based on this feedback.

6. This plan is then presented to the community for their comments and approval.\

7. The community approved plan is then presented to the municipality for approval. Once approved, the necessary funding MUST BE SECURED and the plans implemented.

7.2.3.2 Implementation

The planning team established in phase 1 (the Preparation phase) within the municipality and with outside role players like officials from other government spheres and departments together with community representatives should evolve to become a revised socio-technical team to implement the plan that was developed during the preparing for development phase. During the implementation phase, the cluster committee will continue to play a role in overseeing the implementation of the plans that have been developed.

Further more detailed upgrading planning may also need to be undertaken. The implementation committee will be active for a long period of time, starting from the basic development phase, continuing through the development support phase and into the consolidation phase. The main participants of the implementation cluster committees from the municipalities side will depend on what activities are being

undertaken; for example, if communal toilets are being constructed the engineering department will be involved, while if small business training and support is being discussed and provided, the Local Economic Development department will be present.

This Implementation team could include for example:

- Programme / project managers
- Social facilitator
- Other socio-technical skills as required by the plan (e.g. engineers, town planners, land surveyors, conveyancers, architects, organizational development specialists, conflict resolution specialists, etc.)

The same representative committee from the community that was involved in the planning process should form part of this programme implementation steering committee. It is important to make sure this committee regularly gets mandates from and reports back to the community, including conducting regular elections for the committee. The same clustered arrangement of informal settlements from a particular area should also be maintained, with ward committee and ward councillors also invited to these clustered implementation steering committees.

The role of this implementation team is to:

- Make sure that projects that are identified in the planning exercise are implemented according to the necessary steering measures as appropriate
- Deal with any challenges that emerge during implementation
- Identify and follow up any opportunities for additional upgrading intervention
- Oversee any further planning that may be necessary for follow up interventions identified
- Plan for and conduct any review and monitoring exercises to learn lessons from previous interventions
- Feed information from the implementation process into larger scale oversight and incremental settlement steering committees and forums
- Share their experiences with and learn from other communities that are also involved in upgrading processes.

These clustered implementation steering committees will continue to play a role long into the future as the upgrading process continues over time. In parallel to participating in these cluster steering committee meetings, the leadership of informal settlements need to also attend and participate in the municipal ward committee process. It is within and through ward committee structures, and the Integrated Development Planning (IDP) process that the municipality undertakes its short and medium term planning and project steering activities.

7.2.4 Implement a development support programme

in the upgrading of informal settlements (or any incremental settlement development approach) government needs to support and help people to help themselves, as described in phase 3: the development support phase (see the „phase 3: development support“ section in section 13.3.2.3 below and see annexure 5 which deals with the upgrading phases). This requires the municipality to perform very different roles and functions from what it is used to in conventional land servicing and housing (top structure) RDP type housing development approaches. The Development support programme can be broken up into two broad categories:

1. Housing support – to help households to build their own houses.
2. Development support – to help different groups within informal settlements (and neighbourhoods generally) to improve their conditions.

7.2.4.1 Housing support

In informal settlement upgrading processes (and incremental settlement processes in general) the provision of the top structure often comes much later in the settlement development process, in phase 4 - the consolidation phase.

Basic services, basic tenure and development support phases occur earlier on in the process. During the development support phase, the role of government in housing development is to support households to build their own homes. This requires a very different mode of operation from government in the way that housing products are provided.

Housing support functions include for example:

- Provision of examples of building plans
- Training in house construction
- Para legal advice in how households can enter into contracts with small builders
- Establishment of a bulk buying support system
- Establishment and management of construction tool libraries
- Acting as „gateway“ or „switchboard“ through which the private sector, social institutions, employers and others can channel donations, such as second hand building material etc.

The skills profile of the housing department within the municipality at the moment is not geared towards the provision of these types of housing support services. The Municipality must, therefore, establish, within the upgrading informal settlements section, a housing support unit to provide this type of housing support services.

The municipality will consider the establishment of a centralized housing support office that can act as a one stop shop for all housing support related services, from both a housing consumer and a housing producer perspective.

7.2.4.2 Development support

Upgrading of informal settlements is not just about basic services and housing; it is about upgrading the overall lives of all groups and people living in that area. As part of its development support function the municipality will also need to re-look at how it supports other groups and sectors like, for example:

- Community leadership through skills training and space for meetings, etc.
- Small business owners and unemployed through small business advice, training and support, etc.
- Drug addicts and recently released prisoners through rehabilitation programmes
- Youth through youth programmes □ People with HIV/Aids through HIV/ aids programmes
- Aged through old age homes and programmes for aged.
- Cultural and sports groups through facilities and special cultural and sporting programmes
- Savings clubs and stokvels through financial training and advice.

The Upgrading of Informal Settlements section of the Municipal Human Settlements Department will play a coordinating function in this broader upgrading initiative, but the actual work that will need to be undertaken will be undertaken by other relevant departments at both the municipal, provincial and even national level.

How the municipality will coordinate these development support services and functions within the municipality will be picked up on in more detail in section 13.4 dealing with Institutional arrangements.

7.3 Upgrading strategy at two scales

These priority interventions are drawn from the processes as described in this section that looks at how upgrading of informal settlements will be undertaken at the scale of the municipality as a whole and at the scale of each informal settlement. The municipality will address the Upgrading of Informal Settlements at two scales:

1. At the scale of the municipality as a whole the municipality will allocate informal settlements that will be upgraded to rounds of upgrading where each round signifies the year in which the planning for upgrading will start for a given set of informal settlements; and
2. At the scale of individual informal settlements, each set of informal settlements that has been allocated to a round will be upgraded in a 5 phased upgrading process.

7.3.1 Municipal scale – allocate settlements to rounds

The Municipality will allocate informal settlements to rounds (or years) within which participatory planning will start. In order to achieve this the municipality will:

1. Conduct a rapid review of all informal settlements

2. Demarcate all informal settlements as Incremental Settlement Areas (ISA's) so that the people living in these areas can have some security of tenure and be treated as citizens of the Municipality, and to lay the foundation for all future upgrading processes.
3. Allocate ISA's to rounds, within which the upgrading phases and process as described in section 13.3.2 dealing with Upgrading Informal Settlements at the scale of the settlement can be followed, in a way that addresses people's dignity and basic needs as a first step towards longer term upgrading.

7.3.1.1 Conduct a rapid review of all informal settlements

The Municipality will conduct a rapid review of all informal settlements across the whole municipal area, including those in urban, peri-urban and rural areas. This review will build on and not repeat the rapid reviews that have already been conducted.

The planning department will start by circulating within the municipality a list and map of all informal settlements based on studies that have been conducted as well as any new information on new informal settlements.

The planning department will then take the lead in establishing a rapid review team which will be made up of representatives from appropriate municipal departments such as planning, engineering, human settlements, environmental, disaster management and land administration. This team will have the task of:

1. Identifying the necessary basic information relevant to each informal settlement including:
 - a. Who owns the land
 - b. What its present zoning status is
 - c. What plans there are for the land
 - d. What bulk services are available in the area including: water, sanitation, roads, electricity. etc.
 - e. How many shacks are on the land?
2. Determining a recommended outer boundary for each informal settlement
3. Recommending what category the settlement should be allocated to.
These categories include:
 - a. Relocate: Those informal settlements that need to be relocated.
 - b. Remain: Those informal settlements that can remain and be upgraded where they are.
 - c. Combined Relocate and Remain: Those informal settlements where there will be a combination of relocation and remaining, depending on local conditions (e.g. on steep slopes, close to streams or under power lines)
4. Recommending interim emergency interventions for each informal settlement while the residents of the informal settlement wait for further planning and upgrading to take place. This could include, for example,

provision of communal toilets and water points.

5. Classifying all informal settlements to determine the extent to which the settlement falls within a likely environmental „hotspot' area. Environmental hotspots include:

- a. On steep slopes
- b. Within unique vegetation area
- c. Close to river / watercourse
- d. Within priority water catchment area
- e. Within or close to biodiversity areas

7.3.1.2 Demarcate incremental settlement areas (ISA's)

The draft list of informal settlements with proposed outer boundaries that will be produced by the rapid review team will then be circulated to all departments within the municipality for comment. After an agreed comments period this set of maps of informal settlements with outer boundaries should be finalised and be used to designate Incremental Settlement Areas (ISA's).

These designated Incremental Settlement Areas will also be categorized into the three categories listed earlier:

- Relocate
- Remain
- Combined relocation and Remain Issues relating to the land ownership status of the land, and bulk services availability in the area should not be taken into account when determining whether to demarcate an area as an ISA. The process of transferring land ownership and accessing bulk and connector services will be part of the plans that get developed for the upgrading of these areas.

8 Conclusion

The Policy and Strategy on Informal Settlement Upgrading in Emakhazeni Local Municipality represents a fundamental shift in the way that the Municipality will respond to the approximated informal settlements within the municipal boundary, moving from an approach which sought to eradicate informal settlements by moving informal settlement residents into new RDP houses to an approach where the municipality will upgrade, where possible, these settlements where they are. In order to achieve this, shift the municipality will start by recognizing the existence of these informal settlements and then consciously provide basic services and amenities through a phased and incremental approach. The long term upgrading goal is for all residents of informal settlements to be accommodated in fully fledged integrated, sustainable human settlements.

This Policy and Strategy builds on the current “regularization” approach where the municipality has already started to provide informal settlement residents with access to basic services, and in addition proposes a new approach of making (semi) serviced land available to accommodate the ever growing number of people needing accommodation. At the same time, the management of new land invasions, especially by people seeking to jump the housing queues, will be firmly controlled using the existing land management policy.

The Policy and Strategy also identifies the strategic interventions that need to be made for these informal settlements to be upgraded. It sets out a programmatic approach to systematically deal with all informal settlements over a period of time that requires long term commitment from the political and administrative leadership. The institutional arrangements are clearly defined and the roles and responsibilities of all role players are outlined to make the Policy and Strategy an achievable goal.

The final responsibility now rests with the Council of the Emakhazeni to adopt the Policy and Strategy and to implement the recommendations emanating from it.

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