



Urban LandMark



“From Land Rights to Property Markets” Conference. August 2008

Support and Capacity Building to a Selected Municipality- Support to the City of Johannesburg

MAKING URBAN LAND MARKETS WORK FOR THE POOR

Support and Capacity Building to a Selected Municipality

- Introduction
- The Scope of Work and Methodology
- Areas of Support
- Land Use Management
 - Special Zoning - Town Planning Schemes
- Tenure Rights
 - DFA
- International Experience - Brazil

Support and Capacity Building to a Selected Municipality

Introduction

- Long support period and only going to highlight key aspects
- Focus on recognition and land tenure regularisation
- Explain the innovative mechanism developed by CoJ for recognition
- Link to Brazilian experience



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The Scope of Work

PHASE	METHODOLOGY AND DELIVERABLES	TIMEFRAME
Phase 1	Inception Report, Project set up, sign contracts	End October 2007 (6 November 2007)
Phase 2	Analysis and Identification of Target Areas; Literature Review; Reference Group Meeting.	November 2007 – Mid December 2007
Phase 3	Support Programme Detail: Work Plan for Phase 4 and include international best practice	Mid January 2008
Phase 4	Support CoJ	Mid January 2008 – March (August) 2008
Phase 5	Write up material for Summit; Present at Summit	April (August) 2008



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City of Johannesburg, Planning Department
grappling with issues such as:

- How to recognize informal areas?
- How to meet the Millenium Development Goals?
- How to bring areas into the ambit of city governance?
- How to get the areas on a trajectory towards full upgrading?
- If one uses interim measures what are the longer term implications?



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Target Support Areas

Discussed and agreed two focus areas:

- **Land use management in informal areas:** application of the Town Planning Scheme in informal areas
- **Regularisation of settlements and tenure in particular:** not full upgrading with housing and services

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Target Support Areas

Land use management in informal areas:

Apply first year ULM research

Review integrated Town Planning Scheme

Discuss urban management issues

Discuss application of special zones

Further international research – Brazil and
ZEIS

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Rezoning of Informal settlements

Zone	“Special for Transitional Residential Settlements”
Scheme Definition	This zoning applies to land upon which informal settlements are established by the occupation of land and provision of residential accommodation in the form of self-help structures and some ancillary non-residential uses

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Rezoning of Informal settlements

Scheme Clauses	Layout plan – aerial photography and consultation
	Issue occupation permit Register of occupants and uses
	Identification of non-residential uses, density and erf size
	Flexible pro-poor definition of structure



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Rezoning of Informal settlements

Scheme Clauses	Regulation of number of structures – main dwelling plus one
	Regulation of side spaces, building lines – 1 metre (health and safety)
	Regulation of height – 1 storey

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Rezoning of Informal settlements

Scheme Clauses	Coverage restricted to 60%
	Permission for non-residential uses (simple rezoning) – apply and get neighbour consent
	Enforcement – notification of contraventions

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SUMMARY OF TOWN PLANNING SCHEME INTENDED IMPACT

- Recognition
- No removals
- Consultation
- Register of occupants and certificates
- Governance and regulation
- On trajectory towards full formalisation

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Formalising Tenure Rights

The Special Zoning is a governance approach and does not formalise land tenure

The **DFA** has many provisions that deal with informal situations, including:

- Land development with exemptions
- Investigations into informal settlements
- Registration arrangements – initial ownership
- Confirms status of ‘beneficial occupiers’

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Land development application – full township establishment: Use Chapter 5 – Section 30 (1) (a) where exemptions can be granted for developing informal areas along with Section 42 investigation of the informal area

Tenure Regularisation: Using Chapter VII to register initial ownership and then upgrade the tenure later – not tested

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Brazil did not have the tools they currently have when they underwent massive urbanization in the 1980's.

City Statute of 2001- tools for urban development, urban management and tenure recognition and regularisation

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Urban Management Tools

ZEIS - Special Zones of Social Interest: flexible standards for zoning, building and tenure until it is fully part of the City

Tenure Tools

Special Usucapion: like prescription. If lived on land uncontested for 5 years then can obtain occupation rights

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Lessons for the City of Johannesburg

Pro-poor approaches are possible

Flexibility and modest standards need to
apply

Recognition of informal areas can take
many forms - no removals, formalising
the layout plan, registering residents
and providing occupation rights

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Lessons for the City of Johannesburg contd

Need to have strong public participation

Need to have local offices in the
informal areas

Need to be able to upgrade tenure status

Need to tackle on a mass-basis

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Conclusion

CoJ is trying a new, innovative way to give recognition to informal areas, to regularise tenure and set the areas on a trajectory to becoming fully legal 'suburbs' of Johannesburg

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Thank You



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