

SPECIAL ZONING: JOHANNESBURG'S APPROACH

ULM Conference

*Incrementally Securing Tenure in Informal
Settlements*

29 January 2009

- Joburg's approach is premised on a recognition of the role played by informal settlements in providing fast and affordable accommodation.
- Seeks to intervene to remove the inefficiencies inherent in this informal mode of housing delivery.

What is intended?

...WHY REGULARISE?

- Permanent state of legal insecurity
 - Little incentive to invest in their physical environments
 - Causes policy conflicts, which results in poorly sequenced investment by the State
- Intention is to bring a level of security to residents and include informal areas into an appropriate regulatory environment; and
- To create an environment conducive to investment by the State and residents themselves

Programme Intentions cont..

- 'Fast track' or interim stage of providing recognition to occupants in identified informal settlements
- Two key elements
 - LEGAL RECOGNITION
 - PROVISION OF BASIC SERVICES
 - Note: Formalisation refers to the legal processes through which settlements are created and residents obtain security of tenure as opposed to full physical upgrading.
 - *THE FOCUS IS ON TENURE REFORM*
 - *SEEKING TO FORMALISE THE RIGHTS OF BENEFICIAL OCCUPIERS OF INFORMAL SETTLEMENTS*

MECHANISMS

- **Rezoning in terms of the City's Town Planning Schemes**
 - Bring informal settlements into the City's regulatory framework, while proceeding with the lengthier process of full, formal, legal establishment.

REZONING

- Located directly within the jurisdiction of the City, i.e. using an existing legal instrument
- Zoning description and related clauses in the City's 13 town planning schemes
- Broad-brush regulatory intervention

What is the zoning.....?

“Special for Transitional Residential Settlements”

- 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”

(1)The local authority shall prepare a draft layout plan

- A layout plan is a plan that indicates the sites upon which buildings/structures have been established and are used for human occupation and economic and other activities as depicted through the means and assistance of aerial photography and in consultation with the community

(2) Occupant permit for a residential unit

- Each occupier will be issued with an “occupant permit for a residential unit” that identifies him/her as the official occupant of the building / structure and indicates what activities may be permitted on the site. A register shall be kept by the appropriate department as designated by the City e.g. Housing or by the proposed Informal Settlement Unit (Such register may include information about dependants sharing the residential unit and uses existing on the site).

SCHEME CLAUSES

(3) Identification of social and community facilities, business services, access to the settlement and future services

SCHEME CLAUSES

(4) “Structure” is defined as any building or construction or premise that is intended or used for human occupation and use, irrespective of the material from which it has been manufactured or built.

SCHEME CLAUSES

(5) The number of buildings/structures which may be erected on the identified residential sites of the layout plan shall be restricted to one main dwelling and one subsidiary “backyard” unit per site unless the written permission of the local authority is requested on application

(6) BOUNDARIES

For any new structures, a minimum of one metre wide on all boundaries shall remain free of any structures. No solid walls may be used to define boundaries. Permeable fencing may be used if an occupant wishes to secure their site. This restriction may be relaxed on submission of a written request to the local authority.

(7) HEIGHT

The height of any structure on the residential sites shall not exceed one storey without the permission of the local authority, which permission may be declined, granted or approved subject to such conditions relating to the submission of a building plan as defined in Annexure SABS 0401 – Building Regulations for Informal Housing.

(8) COVERAGE

The coverage on all identified sites may not exceed 60%.

(9) CHANGE IN LAND USE

After the layout is accepted, the occupier of a residential site may apply in writing, to the local authority to permit new alternative land use on the site. Such application must be submitted in writing to the local authority by the identified occupier on the site as per approved register. The application must be accompanied by written confirmation from all registered occupants of all adjacent sites that they have been notified and indicate their support or no support for such application.

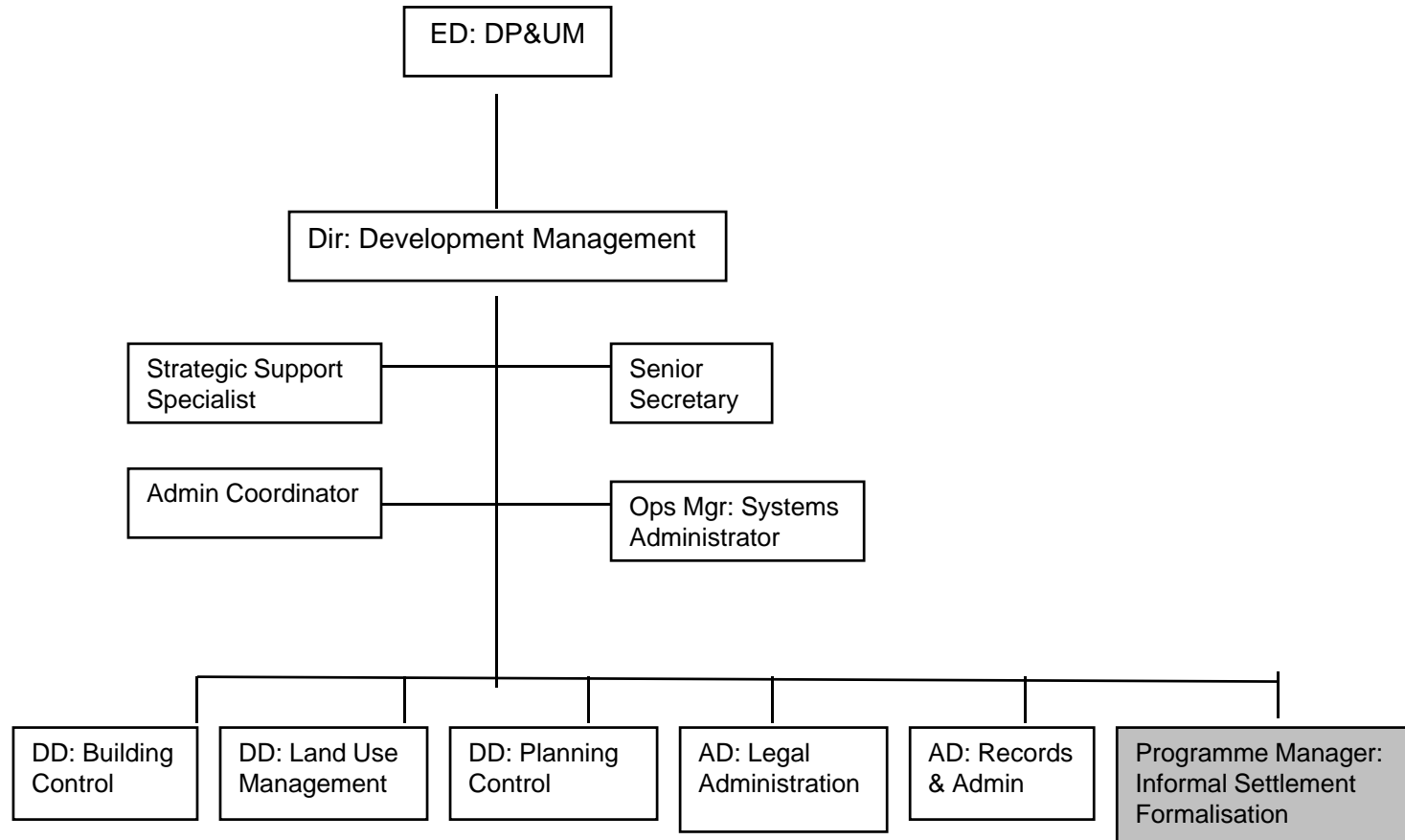
SCHEME CLAUSES

(10) If any site is used in contravention of these conditions the local authority may give the occupier notice in writing requiring him to rectify such condition or contrary use within a period of 30 days from such notification.

TIMEFRAMES

- This approach will take approximately 9 months to complete
- The City is in the process of finalising and placing the advertisements for the 'blanket' rezoning

INSTITUTIONAL



Tenure options?

- **While legal recognition provides a level of security, it does not confer the full bundle of defensible rights to land.**
- **Occupants will receive an “occupant permit for residential use” in the form of a certificate issued by the City and managed through a local register. This will afford occupants limited rights to occupy their site and pass it on to heirs but will not allow for sales transactions. On Council or state-owned land, the land is de jure still owned by the government and the occupants will have rights in land rather than full rights to land. The local register will be the mechanism through which the tenure security is managed by the City.**

THANK YOU