DRAFT POLICY FRAMEWORK ON A COHERENT AND INCLUSIVE APPROACH TO LAND FOR HUMAN SETTLEMENTS

2015

human settlements

Department:
Human Settlements
REPUBLIC OF SOUTH AFRICA

HDA
HOUSING DEVELOPMENT AGENCY

An agency of the National
Department of Human
Settlements

The Housing Development Agency (HDA)

Block A, Riviera Office Park,
6-10 Riviera Road,
Killarney,
Johannesburg, 2193

Box 3209, Houghton, 2041
Phone: (011) 544 1000
Fax: (011) 544 1007

Disclaimer:

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ABBREVIATIONS AND ACRONYMS

AG	Auditor General
APP	Annual Performance Plan
BEPP	Built Environment Performance Plans
BNG	Breaking New Ground
CBO	Community Based Organisation
CDOs	Community Development Organisations
CRLR	Commission on the Restitution of Land Rights
COP17	17th Conference of the Parties
DCOGTA	Department of Cooperative Governance and Traditional Affairs
DFI	Development Finance Institutions
DHS	Department of Human Settlement
DPW	Department of Public Work
DRDLR	Department of Rural Development and Land Reform
GDP	Growth Domestic Product
HDA	Housing Development Agency
HSDG	Human Settlement Development Grant
IDP	Integrated Development Plan
IRDP	Integrated Residential Development Programme
IUDF	Integrated Urban Development Framework
KPI	Key Performance Indicator
M&E	Monitoring and Evaluation
MFMA	Municipal Finance Management Act
MIG	Municipal Infrastructure Grant
NDP	National Development Plan
NGO	Non-Governmental Organisation
NHBRC	National Housing Building Regulatory Council
NHFC	National Housing Finance Corporation
NURCHA	National Urban Reconstruction and Housing Agency
NUSP	National Upgrading Support Programme
PHDA	Priority Housing Development Area
RDP	Rural Development Pro
RHLF	Rural Housing Loan Fund
SAMPI	South African Multi-dimension Poverty Index
SOEs	State Owned Entities
SP	Strategic Plan
SPLUMA	Spatial Planning and Land Use Management Act
USDG	Urban Settlements Development Grant
WBWS	Willing Buyer Willing Seller

GLOSSARY AND TERMINOLOGY

ALIENATION - The legal transfer of title of property to another owner, whether via sale or by donation, land availability agreement, land swop or lease.

COMMUNALLY HELD LAND - refers to all state land allocated to communities for settlement and associated uses. It covers informal land rights such as grazing, agriculture and burial portions that are fully recognised. Consent of the community by way of community resolution is required prior to development of communally held land. The Department of Rural Development and Land Reform is the nominal land owner.

CORE AND NON-CORE LAND - Section 5(1)(a) of GIAMA (No. 19 of 2007) provides a definition for core and non-core immovable property assets: "An immovable asset must be used efficiently and becomes surplus to a user if it does not support its service delivery objective at an efficient level and if it cannot be upgraded to that level."

DEVELOP - Improving or undertaking the development of land acquired by the HDA or the HDA giving subcontracts to developers to improve or to undertake the development of the acquired land by erecting buildings or structures for the purposes of housing delivery (HDA Act).

EXPROPRIATION - This refers to unilaterally acquiring ownership of property by taking away the owners' rights through a legislative process in terms of the relevant legislation.

IMMOVABLE ASSETS - Immovable property assets including raw land and beneficiated land (such as houses and buildings); GIAMA: Any immovable asset acquired or owned by government, excluding any right contemplated in the Mineral and Petroleum Resources Development Act, 2002

LAND ACQUISITION PLAN / LAND SUPPLY GROWTH PLAN - refers to a plan that covers portions of land to be acquired by provincial or national government over a seven to fifteen year period.

MUNICIPAL LAND - refers to land owned by municipalities, including municipal entities. The relevant disposal process is governed by the Municipal Finance Management Act and the Regulations promulgated thereunder. Municipalities are at liberty, in terms of the Act, to dispose of land, provided that such land assets are not required for the rendering of basic municipal services. In some instances, municipalities bypass this legislative requirement and dispose of land that is suitable for human settlements. Moreover, there have been instances where municipalities have disposed of municipal land and then bought it back at exorbitant prices.

PROVINCIAL LAND - refers to all state land that is vested provincially and administered in terms of the applicable provincial land administration legislation in the respective province. Provincial land also includes land owned by provincial state entities. A majority of state land in the provinces is managed by the provincial Department of Public Works or whichever department has been assigned the responsibility for management, depending on provincial configuration.

PRIVATELY OWNED LAND - refers to all land owned either by private individuals or private entities such as trusts and close corporations. Generally, land required to address the human settlement backlog is held in private hands. Willing seller willing buyer principles are applicable to the acquisition of privately owned land. In this case, value for money must be realised by commissioning at least two independent valuations, determining development potential of land, and assessing its development impact. Land expropriation must also be pursued in instances where land acquisition through reasonable means and by way of negotiation has failed.

RELEASE - Sale, lease or vesting of full or partial rights of land to a third party. The word is used interchangeably.

WELL LOCATED LAND - This is based on the well-located land continuum, defined as "land for human settlements that is suitably located geologically and environmentally, is integrated and in adequate proximity to economic opportunities, social amenities and transport infrastructure. This land is also aligned to applicable legislation, frameworks, plans and spatial targeting initiatives."

ZONING - A land use right conferred on a land entity in terms of an approved Town Planning Scheme or approved Amendment Scheme.

INTRODUCTION

This draft policy framework seeks to establish a balance between the human right to access and use land, and the creation and capture of value in the utilisation of land through the securing of property rights so as to allow for property market participation. This particular emphasis is in support of economic growth and prosperity.

1.1   BACKGROUND

Researchers and historians have argued that South Africa's challenging land distribution and settlement patterns are largely the legacy of colonial domination and the apartheid system under which land and housing were used as instruments for social segregation. Proclamations and laws enacted by both the Afrikaner and British regimes were specifically aimed at dispossessing African people of their land such that, by the time the Land Act of 1913 was enacted, South Africa was already moving in the direction of spatial segregation through land dispossession.

The 1913 Natives Land Act established so-called 'reserves', which represented only 13% of the land surface that could be owned by native Africans. This enactment laid the basis for other legislations such as the Black Administration Act, 1927, and the Development Trust and Land Act of 1936, which brought about the rights of Permission to Occupy (PTO). During the apartheid years, racial segregation further intensified with the introduction of numerous legislations promulgated to enforce racial segregation, including the Group Areas Act of 1950 and the Bantu Authorities Act of 1951. This resulted in massive forced removals and land dispossession that have culminated in an unequal distribution of wealth coupled with class division, inequalities, spatial differentiation and fragmentation.

Statistics indicate that land is required to house at least 2.5 million households representing the poorest percentile of the population living in dire conditions. Factors continuing to affect the delivery of integrated human settlements and housing include rapid urbanition, which is placing pressure on municipalities to deliver services; the high costs of land and development; lack of state capacity to support planning; integrated human settlements development, and the non-availability of public transport to facilitate greater urban efficiency for more competitive prospects for investment.

Further exacerbating the lack of available land is the pervasiveness of complex, inefficient and fragmented institutional frameworks and the rigorous process associated with acquiring land for the development of human settlements. It is against this background that the Department of Human Settlements established the Housing Development Agency (HDA) to support the process of land acquisition for human settlement and development through the assembly of state, private and communal land and release thereof for development.

In the five years of its existence, the HDA has adopted various methods to facilitate the release of land and properties. In spite of this, however, delays in turnaround time for the release of land, high costs of land, planning regulations and the rise of bulk infrastructure continue to challenge the establishment of sustainable human settlements. This is due to, among other issues, the policy vacuum that exists with regard to the handling of land development and, in particular, integrated human settlement. These challenges have together necessitated this policy framework, which must be compatible with other government programmes and be compliant with the PFMA and other applicable legislation.

1.2   THE PURPOSE AND GOAL OF THE FRAMEWORK

For South Africa, access to land and housing remain critical issues against which the country is measured and assessed both locally and internationally. The use, allocation and assembly of land are matters lying at the core of the spatial transformation agenda and that hold the capacity to drive economic growth; enable the upgrade of amenities, and improve the quality of neighbourhoods and communities. The use and allocation of land also limits the ability of the country to realise Constitutional obligations pertaining to land and housing. And because land is a finite yet fundamental resource in the pursuit of development and social upliftment, policies are required that will ensure its effective management if the demands of growing populations and climate change are to be met.

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Given the complex and diverse nature of these demands, this policy framework seeks to provide an adequate policy response and set a clear consolidated agenda for integrated human settlements.

1.3   DEVELOPMENT PROCESS AND METHODOLOGY

This document is designed to incorporate both the political process (necessary to facilitate ownership, acceptance and buy-in) and the technical component required to articulate substantive issues. It is developed in response to the goals of Medium Term Strategic Framework Outcome 8 as well as to some of the areas of Outcome 7. The HDA as an entity of the Department of Human Settlements is expected to deliver on this framework as part of its support to issues related to land acquisition and spatial transformation. To develop the key policy areas of the document, a series of literature reviews and evaluative and analytical research studies have been undertaken. A series of workshops, discussions and engagements with stakeholders is also expected to take place and will further refine the discussions contained in the document.

The process of development and consultation is expected to lead to the approval and adoption of the policy framework, which will be used to guide the sector's approach to land for human settlements. The key interventions contained therein will subsequently be incorporated into the White Paper on Human Settlements.

1.4   THE STRUCTURE OF THE DOCUMENT

The policy framework contains the following sections:

Section 1:   provides for the introduction of the policy framework. It also outlines the purpose and process of development as well as the methodology used in developing the framework.

Section 2:   details the vision, aims and objectives as well as the guiding principles underpinning the framework.

Section 3:   gives a socio-economic profile of the country as per Stats SA, highlighting the areas that have a direct correlation to human settlements.

Section 4:   presents the situational analysis of land for human settlements by providing a context for land with regard to the issues impacting on the delivery of integrated human settlements.

Section 5:   gives a detailed account of constraints to the creation of human settlements.

Section 6:   states the government's approach to land for human settlements, its response to the constraints presented, and proposes key interventions.

Section 7:   presents a very high level implementation plan for measuring performance. This still requires consultation and further development for increased practicality and implementability.

OBJECTIVES AND GUIDING PRINCIPLES

2.1   INTRODUCTION

In the period between 1994 and 2003, the Department of Housing took significant strides toward developing policies and strategies for housing delivery. The cornerstone of this early policy drive was dealing with the enormous housing backlog facing the country and addressing the desperation and impatience of the homeless; hence its emphasis on quantities of scale and the creation of an enabling environment. In 2004, with the introduction of the Breaking New Ground initiative, government shifted its policy focus from simply providing houses to creating integrated and sustainable human settlements.

2.2   OBJECTIVES [1]

This policy framework seeks to contribute toward achieving the following objectives:

- Ensuring adequate access to land and housing for improved quality of life and living environments[2]
- Establishing a broad framework to serve as a guide for future settlement, taking due cognizance of relevant spatial planning principles
- Creating settlements that are spatially integrated and proactive in terms of absorbing growth[3]
- Attaining a functional and equitable residential property market for both urban and rural areas
- Enhancing institutional capabilities for effective coordination of spatial investment decisions
- Ensuring that urban and rural settlements are developed and governed effectively and efficiently

2.3   GUIDING PRINCIPLES

This framework is guided and reinforced by the following principles:

2.3.1   The human right to access and use land

The human right to access and use land recognises that people need access to land to sustain their livelihood. It applies to new household formation, migrating households and vulnerable groups that may experience tenure insecurity and whose livelihoods may be compromised as a result.

2.3.2   Sustainability

The core principle of sustainability gives value to environmental, economic and social responsibility and also gives credence to integration and affordability. It is therefore key in guiding all forms of development. With this principle in mind, it is essential for the Department of Human Settlements to use all of its available means and resources to rehabilitate suitable and well located land identified for human settlements.

2.3.3   Planning

A planning process shall be undertaken for land acquisition in all provinces and municipalities, implying that all spheres will need to ensure that this planning is done at community, municipal, regional, provincial and national level. All plans brought forward will be translated into a Joint Multiyear Provincial and Municipal Land Acquisition Plan that will be formulated into a National Multiyear Land Acquisition Plan and approved by the Minister of Human Settlements. All plans will need to show alignment and linkages to the RSDF and SDF and also detail assessments such as spatial information in terms of geotechnical circumstances, water resources etc.

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[1] Objectives have been aligned to those of outcome 8
[2] It is with the understanding that it is with the improvement of the quality of life, through the provision of services, amenities that access to integrated human settlements can be achieved
[3] Green paper: Settlement Framework for the Western Cape Province, Department of Housing, undated

OBJECTIVES AND GUIDING PRINCIPLES

2.3.4   Finance and asset management: creating and capturing value

Building the value of land and property by creating and capturing value where property rights are held is important for the future prosperity of all. In the case of state land, asset management is a formalised obligation that is constantly being improved upon incrementally.

Land undergoing transfer or disposal must be given an appropriate value to ensure transparency and to avoid prejudice among affected stakeholders. It is important that value for money is attained with every land transaction processed. No unsuitable parcel of land should be acquired, and every state valuation must be authenticated through the Office of the Valuer-General.

2.3.5   Ring-fencing

It is imperative that all public and municipal land deemed suitable for the provision of sustainable human settlements is ring-fenced accordingly. Public and municipal land custodians should first offer suitably located land for human settlement purposes to the Department of human settlements prior to disposing of such land assets in the open market.

2.3.6   Collaboration

The identification and assessment of well-located land, the relevant planning process and the development thereof must be achieved within a collaborative and participatory framework that balances short-term value against the longer-term developmental objectives of different role players.

The Department of Human Settlements shall ensure the formation of partnerships to afford the private sector and other relevant stakeholders suitable incentives within government to enable the development of sustainable human settlements. In instances where there is competing public land for public use, this should be dealt with within the intergovernmental framework.

Communities will also need to be engaged about the suitability of certain land portions identified for acquisition. All unsuitable land must be mapped after consultation with relevant professional bodies.

2.3.7   First right of refusal

In cases involving the acquisition of public and municipal land, the Department of Human Settlements shall be offered a first right of refusal before a sale agreement is concluded. The process of acquisition of land for human settlements development must be fair, transparent and equitable, in line with the procurement legislation and procedures.

THE SOCIO-ECONOMIC PROFILE

3.1   INTRODUCTION

This section presents the socio-economic profile of South Africa in terms of statistics as contained in the 2012 Census Report of 2011 and the 2013 General Household Survey. This is done to provide a reflective analysis of how the demographics of South Africa continue to affect the proposed policies. The statistics provided are limited to those bearing directly on the delivery of integrated human settlements.

The report also presents a comparison of the statistics of the 2013 General Household Survey (GHS) and the 2014 Quantec data report.[4] This is intended to further illustrate the progress made so far in providing the relevant services.

3.2   DEMOGRAPHIC PROFILE

3.2.1   Population

As South Africa celebrates 20 years of democracy, the nation's population continues to grow in a corresponding manner. The 2011 Census recorded the country's population to be 51, 77 million, followed by a figure of 52, 98 million in 2013 reported by the GHS. In 2014, the Quantec data source reported the population to be 54, 01 million.

Table 1 below represents the figures according to province.

PROVINCE	CENSUS 2011	GHS 2013	QUANTEC 2014
Gauteng	12 272 263	12 728 000	12 914 813
Limpopo	5 404 868	5 518 000	5 630 470
Western Cape	5 822 734	6 017 000	6 116 323
Northern Cape	1 145 861	1 163 000	1 166 676
Eastern Cape	6 562 053	6 620 000	6 786 879
North West	3 509 953	3 598 000	3 676 276
Free state	2 745 590	2 753 000	2 786 751
Mpumalanga	4 039 939	4 128 000	4 229 325
KwaZulu-Natal	10 267 300	10 457 000	10 694 431
South Africa	51 770 560	52 981 991	54 011 944

The table above indicates that the country's population continues to increase, revealing a population growth of 1.4% in the year 2013. In the year 2011, Gauteng had the highest figure of 12 272 263 followed by KwaZulu-Natal province with 10 267 300. The Free State province had the lowest population with 2 745 590 inhabitants. The population figures recorded are consistent in all reports (i.e. Census, GHS and the Quantec report).

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[4] *The statistics presented in this report are not official government statistics. Only the statistics reported by Stats SA are official. And because there is a difference in the total population of South Africa presented in this report, this creates an overall discrepancy.*

THE SOCIO-ECONOMIC PROFILE

Table 2 below classifies the population according to sex and race, providing statistics from the GHS and the Quantec data reports.

Table 2 - Population per sex and race

Category	GHS 2013	Quantec 2014
Male	25 188 791	25 823 000
Female	26 581 769	27 982 000
Black population	42 284 000	43 555 112
White population	4 602 000	4 500 182
Coloured population	4 766 000	4 755 240
Indian/Asian population	1 329 000	1 337 952

Figure 1 indicates that the Free State had the lowest population growth rate of 0.1% in the year 2011 and 0.2% in the year 2013. Gauteng province had dropped from 2.7% to 2.1%. Nevertheless, the province continues to hold the highest population.

Figure 1 – Population Growth

3.2.2 [5] Poverty

Poverty is a complex, multifaceted phenomenon linked to hunger, unemployment, exploitation, lack of access to land, housing, clean water, sanitation, health care and schools. The basic forms of poverty present are reflected in various ways including lack of access to job opportunities and transport, food insecurity, crowded homes, usage of basic forms of energy, lack of access to social services, lack of adequately paying and secure jobs, and fragmentation of the family.[6] It is generally acknowledged that poverty is one of the most serious challenges facing post-apartheid South Africa.

The 2011 Census reported a decline in poverty between 2001 and 2011 as seen in the national headcount of people classified as being SAMPI poor from 17, 9% in 2001 to 8, 0% in 2011.This led to the country's SAMPI index score dropping from 0, 08 to just 0, 03. According to the report, the change was mainly driven by the noticeable headcount change rather than changes in the intensity of poverty experienced by the poor.

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[5] *All the poverty stats have been extracted from the Statistics South Africa (2014). Poverty Trends in South Africa: An examination of absolute poverty between 2006 and 2011, Report number 03-10-06*
[6] *See World Bank, 1994. World Development Report: Infrastructure for Development, Oxford University Press, Oxford and New York.*

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Poverty levels in the country have dropped since 2009, reaching a low of 45,5% in 2011 when applying the upper-bound poverty line. As shown in the table below, the statistics translate to roughly 23 million people living below the upper-bound poverty line. The number of people living below the food line also decreased to 10.2 million in 2011 from 15.8 million in 2009.

Table 3 - Poverty headcounts

Poverty headcounts	2009	2011
Percentage of the population that is poor	56,8%	45,5%
Number of poor persons (millions)	27,8	23,0
Percentage of the population living in extreme poverty	32,4%	20,2%
Number of extremely poor persons (millions)	15,8	10,2

In 2012, South Africa published a set of three national poverty lines – the food poverty line (FPL);[7] the lower-bound poverty line (LBPL), and the upper-bound poverty line (UBPL) – for use in poverty measurement across the country.

The report also indicates that, beyond decreasing poverty levels, the country has also been successful in reducing the gap of those remaining, as shown in the table below.

Table 4 - Poverty gaps (nationally)

Poverty gap	2009	2011
UBPL	27,9%	19,6%
FPL	11,6%	6,2%

The poverty gap is an indicator used to measure the depth of poverty nationally. The gap measures the average distance of the population from the poverty line and expresses this as a percentage of the poverty line. The smaller the gap, the easier it is for households below the poverty line to graduate out of poverty as they are closer to the line than before. While the figure indicates that the poverty situation is improving, inequality remains a serious problem in South African society. The Gini coefficient,[8] for instance, is calculated to be approximately 0, 65 - a figure based on expenditure data (per capita excluding taxes) and 0,69 based on income data (per capita including salaries, wages and social grants) in 2011. The Quantec data reported a figure of 0.669 for the year 2014.

3.2.3   Population group and poverty

There are significant differences in poverty levels between the different population groups in South Africa. In terms of poverty share, in 2011, more than 9 out of 10 (94,2%) poor people in South Africa were black Africans - a proportion that increased slightly from 2009 (93,2%). Black Africans living under the upper-bound poverty line were reported to be 54,0% in 2011. Meanwhile, the levels of poverty among coloureds has progressively decreased to 37,8% in 2009 and 27,6% in 2011, showing an overall decline of 34% during this period. The poor Indian/Asian population in 2011 was only 3,4%, while the poverty headcount for whites in 2011 was less than 1%.

The poverty gap also differed significantly among the different population groups. In 2011, the poverty gap for black Africans was 23.6% - almost twice as large as the gap for coloureds (9.6%) and significantly larger than that for Indians and Asians (1.0%) or whites (0,3%). Meanwhile, the severe poverty level of black Africans (13.1%) has been reported to be twice as large as that of other population groups at each point in time.

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[7] *The FPL is the level of consumption below which individuals are unable to purchase sufficient food to provide them with an adequate diet. The LBPL includes non-food items, but requires that individuals sacrifice food in order to obtain these, while individuals at the UBPL can purchase both adequate food and non-food items.*
[8] Gini coefficient is *used to measure the gap between the rich and the poor. It refers to a number between 0 and 1, where 0 indicates total equality and 1 indicates total inequality.*

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Table 5 - Poverty measures by population group

	Headcount		Poverty gap		Severity	
	2009	**2011**	**2009**	**2011**	**2009**	**2011**
Total	56,8	45,5	27,9	19,6	16,7	10,8
Black African	66,9	54,0	33,4	23,6	20,1	13,1
Coloured	37,8	27,6	15,1	9,6	7,7	4,5
Indian/Asian	11,6	3,4	2,1	1,0	0,6	0,4
White	1,5	0,8	0,6	0,3	0,3	0,1

3.2.4   Poverty levels by sex ratio and age

Poverty levels among males and females have also seen similar reductions since 2011. Since 2011, the level of poverty for females has dropped by 21% to 47,1% and by 20% to 43,8% for males (refer to table 4 below). Even though females remain more impoverished than males, the difference in the poverty headcount between males and females is visibly decreasing. This is evidenced by the fact that the difference in headcount between males and females decreased from 3,7% in 2009 and further decreased to 3,3% in 2011 as indicated below. In terms of poverty share, females made up the majority (53, 4%) of the poor in 2011.

In relation to age, the general trend shows that poverty levels drop as one gets older and begin to increase again from the age of 55 up to the age of 64. In 2011, about 55.7% of all children (those aged 17 and younger) in the country were living in poverty. Not only was the headcount highest in this cohort, but the poverty gap and severity of poverty measures were also highest in this sector as detailed in the table below.

Table 6- Poverty measures by age

	Headcount		Poverty gap		Severity	
	2009	**2011**	**2009**	**2011**	**2009**	**2011**
Total	56,8	45,5	27,9	19,6	16,7	10,8
0–17	68,5	55,7	35,2	24,8	21,5	13,8
18–24	60,5	50,7	30,1	22,1	18,2	12,2
25–34	49,0	38,7	22,8	16,2	13,2	8,8
35–44	43,9	35,0	19,9	14,1	11,3	7,5
45–54	43,5	33,6	19,9	14,2	11,6	7,7
55–64	45,4	35,0	21,0	14,4	12,1	7,7

The share of poverty for this youngest age cohort was also alarming. In 2011, children constituted 37,6% of the total population and yet almost half (46,0%) of all poor people in South Africa. The majority (50,7%) of youth aged 18 to 24 were also still living in poverty. In terms of poverty share, this cohort accounted for 15,3% of the poor in 2011. This meant that approximately six-tenths (61,3%) of all poor people were under the age of 25. While the levels of poverty were fairly similar from the age of 25 to 64 in 2009 however, levels [9] of poverty among the elderly (those aged 65 and older) were significantly low with 13.6% living below the upper - bound poverty line. By 2011, these high levels of poverty had substantially declined (the 55% decrease was the largest decrease for any age cohort) to where slightly more than a third (36,2%) of the elderly were living in poverty.

3.2.5   Education

 According to the 2013 statistics report by the Department of Basic Education (DBE), in the year 2013, there were 25 720 ordinary schools in South Africa. Within these, 12 489 648 learners were found. These pupils were educated by 425 023 educators. Out of the provinces, KwaZulu-Natal contained the highest number of learners (2 866 570) while the Northern Cape had the lowest number of learners (282 631) as indicated in table 5 below.
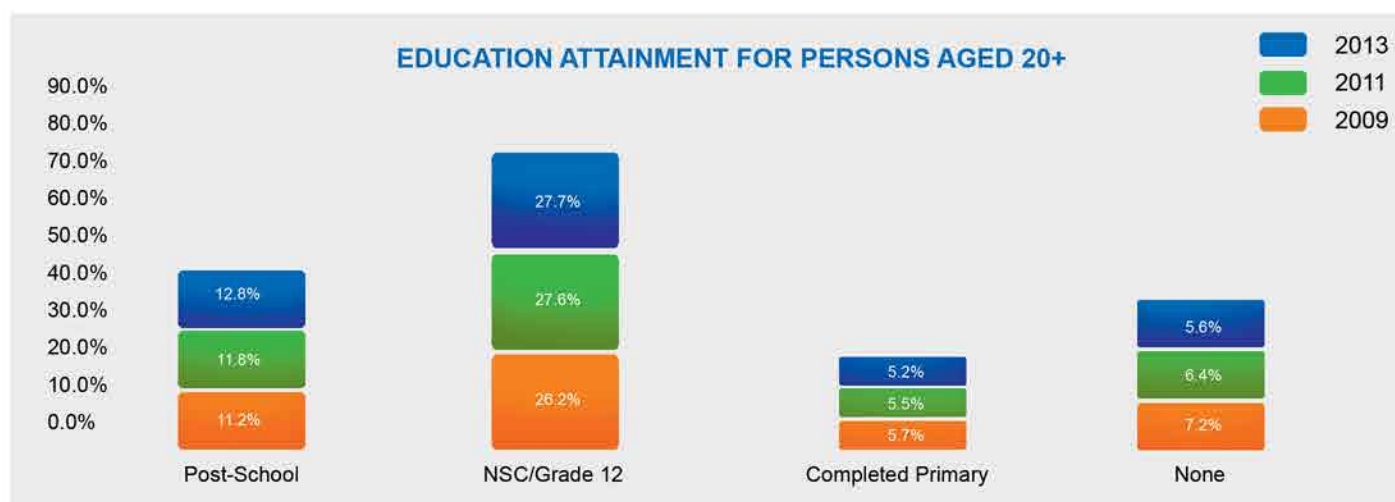
Table 7 - Basic Education

Provinces	Learners	Educators	Schools
Eastern Cape	1 938 078	66 007	5 733
Free State	664 508	24 475	1 396
Gauteng	2 129 526	74 823	2 649
KwaZulu-Natal	2 866 570	96 057	6 156
Limpopo	1 714 832	57 108	4 067
Mpumalanga	1052 807	34 936	1 885
Northern Cape	282 631	8 972	573
North West	788 261	26 194	1 606
Western Cape	1 052 435	36 451	1 655
South Africa	12 489 648	425 023	25 720

According to the figure below, educational attainment outcomes continue to improve with improved access to educational facilities and services. Among individuals aged 20 years and older, the percentage that attained Grade 12 as their highest level of education increased from 26,2% in 2009 to 27,7% in 2013. The percentage of these individuals who further attained tertiary qualifications also improved from 11.2% to 12,8% while the percentage of people with no education declined from 7,2% to 5.6% between 2009 and 2013.

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*Figure 2 – Education attainment (nationally)*

3.2.6   Health

During the 2013 GHS, nearly seven out of every ten (69,9%) households reported that they went to public clinics and hospitals as their first point of access when members fell ill or were injured. Most households (92,1%) went to the nearest facility of this kind. The report further indicates that 82,5% of households that attended public healthcare facilities were either very satisfied or satisfied with the service they received in comparison to 98% of households that attended private healthcare facilities.

3.2.7   Employment

According to data issued by Trading Economics (2015), during the first quarter (June 2015), the South African unemployment rate was at 26.4%. [10] The quarterly report by Statistics South Africa has recently corroborated this figure (26.4%). [11] In their census report, however, Stats SA reported the following figures (refer to figure 3 below).

Figure 3 – Unemployment rate

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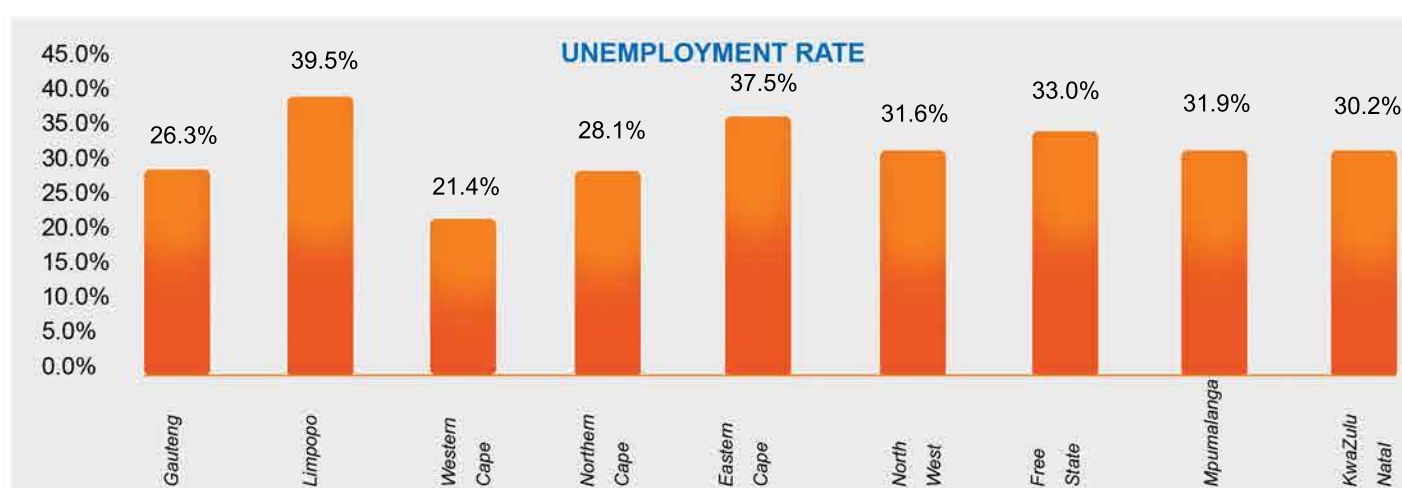
[10] See Trading Economics (2015). South Africa Unemployment Rate, http://www.tradingeconomics.com/south-africa/unemployment-rate
[11] See Stats SA Reports on website http://www.statssa.gov.za/?page_id=737&id=1

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By 2011, the level of unemployment in South Africa had fallen below 40%. However, due to their continuing rise, poverty and inequality continue to pose significant challenges. Gauteng, the economic hub of the country, has seen a decline in the unemployment rate from 43% to 32% while the North West has also recorded a decline from 42.7% to 31.6%. Only the Western Cape has an unemployment rate lower than the 25 per cent that is the average estimated percentage of the economically active population deemed to be unemployed according to the official definition of unemployment.

3.2.8   Housing

The current housing backlog in South Africa is reported to be 2.2 million and, while many interventions, programmes and institutions have been established to reduce this figure, there is little evidence to indicate the successful achievement of that goal. According to the GHS, the total number of households in 2013 was reported to be 15 108 000, while Quantec data reported a figure of 15 172 285 for the year 2014.

Table 8 – Total number of Households, per province

Provinces	GHS 2013	Quantec 2014
Western Cape	1 669 000	1 743 018
Eastern Cape	1 663 000	1 750 170
Northern Cape	304 000	311 419
Free State	863 000	839 816
KwaZulu-Natal	2 583 000	2 660 189
North West	1 140 000	1 119 468
Gauteng	4 323 000	4 129 410
Mpumalanga	1 127 000	1 133 798
Limpopo	1 436 000	1 484 997
South Africa	15 108 000	15 172 285

Table 6 above indicates that in the year 2013, Gauteng province had the highest number of households with a figure of about 4,3 million, followed by KwaZulu-Natal which had a total number of 2,5 million households. The province with the lowest number (304 000) of households was the Northern Cape.

Figure 4 – Types of dwelling, per province
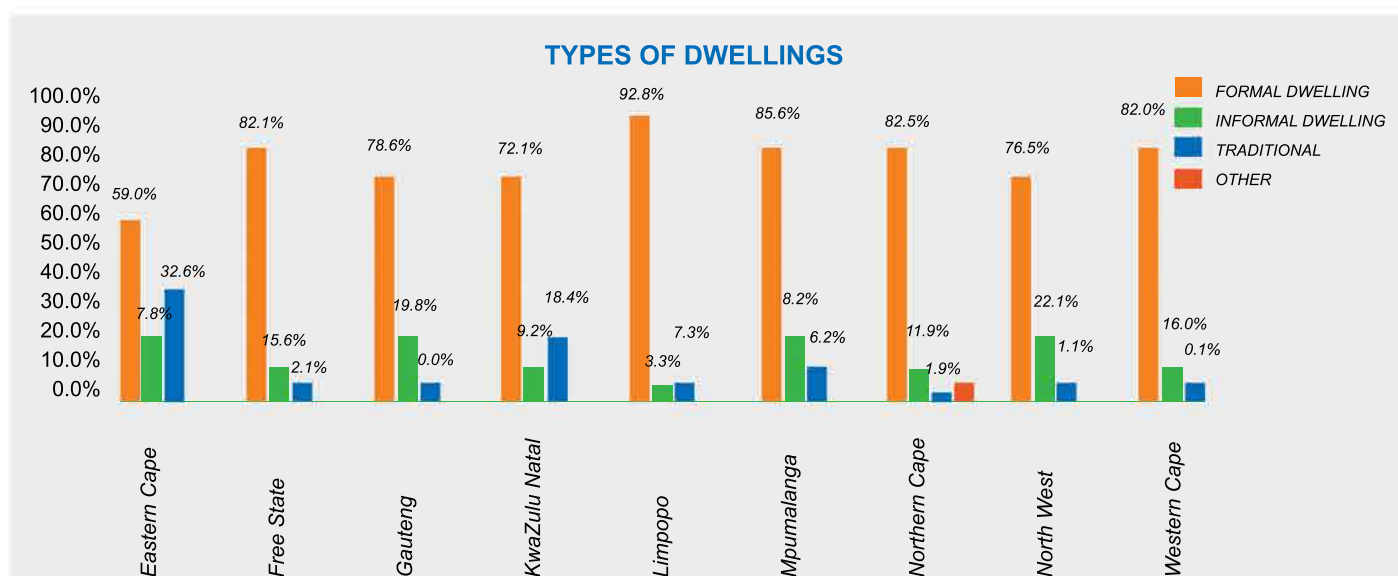
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Figure 4 above reveals that the majority of dwellings in South Africa are formal. In 2013, about 12% of households had 'other' forms of tenure arrangements. Limpopo has the highest (92.8%) level of formal dwellings and the North West province has the highest (22.1%) number of informal dwellings. This is followed by Gauteng province with 18.4%. Gauteng, however, had no form of traditional dwellings (hut or structure made of traditional materials), while the Eastern Cape had the highest number of traditional dwellings (32.6%).

Table 9 below indicates that South Africa as a nation is not highly dependent on cluster and town houses. People living in formal dwellings (brick and mortar structures) seem to occupy the dominant class of housing - about 9.4 million people were reported by the GHS to be housed in these type of dwellings in 2013. The number of clusters and town houses on the other hand ranges from 160 000 and 216 000 respectively.

Table 9 – Types of dwelling, 2013-2014

Type of dwellings	GHS 2013	Quantec 2014
Dwelling/ house or brick	9 426 000	9 822 572
Traditional dwelling	1 174 000	1 187 061
Flat or apartment in a block of flats	686 000	763 462
Cluster house in complex	160 000	594 492
Town house	216 000	594 492
Dwelling in backyard	488 000	450 129
Informal dwelling/shack in backyard	700 000	757 911
Informal dwelling/shack not backyard	1 358 000	1 333 895

Figure 5 - Formal dwelling ownership status, 2009-2013
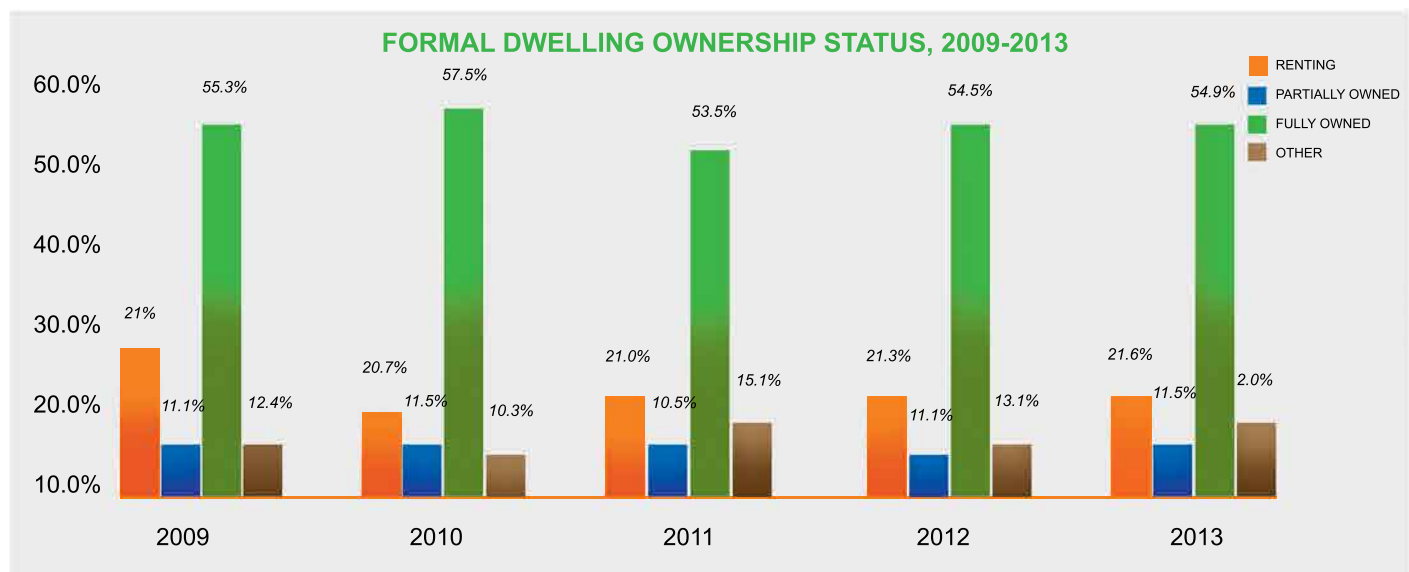
As per figure 5 above, the state of property (formal) ownership in South Africa is not stable - about 40% of formal dwellings are not fully owned. In the year 2010, the level of fully owned property was reported to be 57.5%, a figure that declined to 54.9% in the year 2013. The number of rented formal dwellings had remained steady but relatively low with a percentage of less than 30% throughout the years (2009-2013).

Meanwhile, the percentage of partially owned dwellings slightly increased by 0.4% from 11.1% in the year 2012 to 11.5% in 2013. Households that lived in 'other' types of dwellings remained the same in 2012 and 2013, while both 'traditional' and 'informal' dwelling categories experienced a decrease of 0,5% and 0,3% respectively.

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FIGURE 6   *FIGURE 7*

HOUSEHOLDS THAT RECEIVED GOVERNMENT HOUSING SUBSIDY, 2009-2013
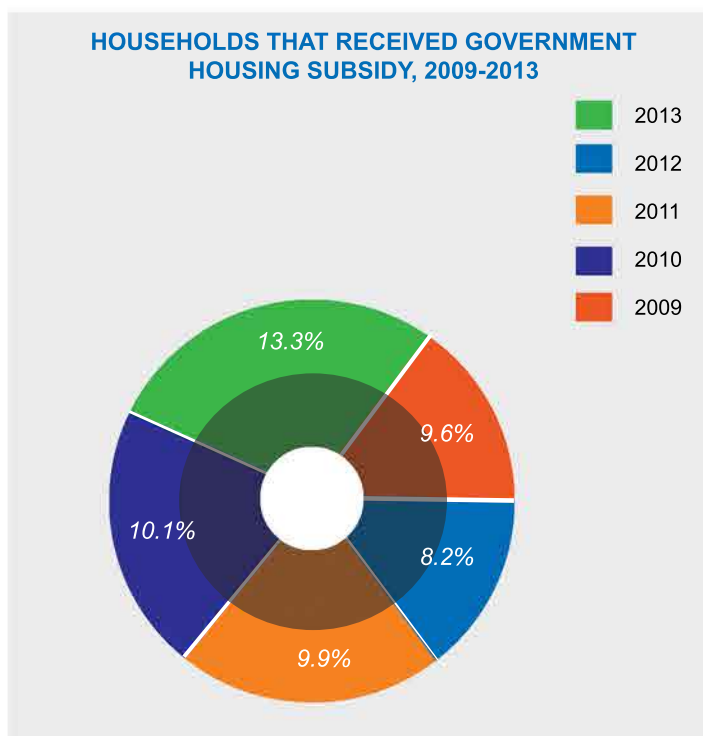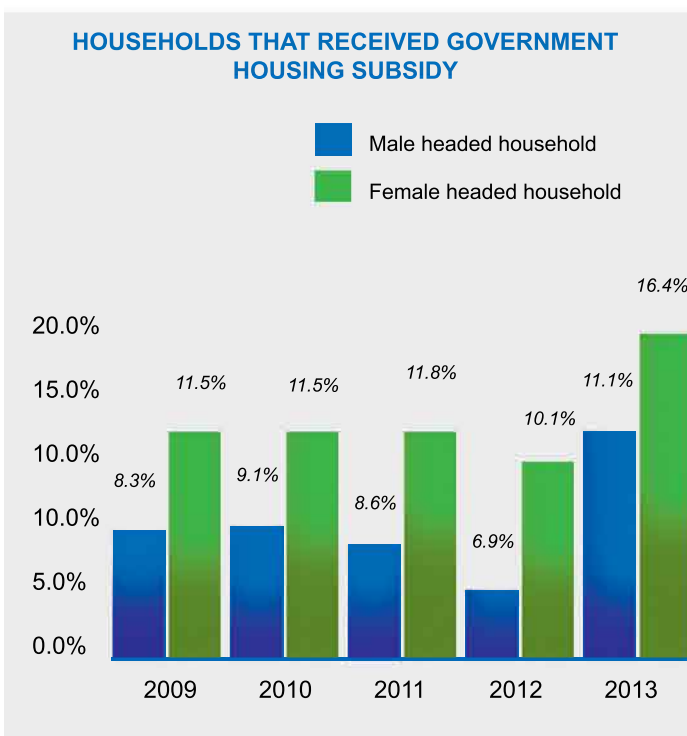

HOUSEHOLDS THAT RECEIVED GOVERNMENT HOUSING SUBSIDY

The number of households that have received government housing subsidies has fluctuated in the past 5 years. In 2013, 13,3% of households were living in 'RDP' or state subsidised dwellings. This figure had increased by 5.1% from 8.25 in 2012. However, in the year 2011, the number of households that received government housing subsidies was 9.9%. In 2010, this figure rose to 10.1%. It was also recorded that a higher percentage of female headed households (16,4%) received a government housing subsidy in comparison to male headed households (11,1%).

3.2.9   Transportation

In terms of public and state subsidised transport, the 2013 GHS report shows that 40,2% of South African households had at least one member who had used a minibus, sedan or bakkie taxi during the week preceding the survey. Provinces with the highest levels of use of minibus taxis were Mpumalanga (42,8%); Gauteng (43,2%), North West (42,6%) and KwaZulu Natal (42,6%). In comparison, only 7,2% of households had used the bus services in the preceding week. Only 1,1% of households in Mpumalanga used the bus. The use of trains was most common in the Western Cape (16,1%) and in Gauteng (7,8%).

3.2.10   Bulk Infrastructure and Service Delivery

On a national scale, the census report of 2011 indicates a positive growth in bulk infrastructure and in the provision of basic services. The percentage of households with flush toilets connected to the sewerage system was recorded to be 57% in 2011. Households with no toilets declined significantly from 13,3% in 2001 to 5, 2% in 2011. The proportion of households with access to piped water increased from 62,3% in 2001 to 73,4% in 2011.

•   Sanitation

The dominant type of sanitation utilised in South Africa was recorded to be flush toilets connected to a public sewerage system (8, 8 million), followed by pit latrines with ventilation pipes (2, 2 million) and, lastly, pit latrines without ventilation pipes (2,4 million) (refer to table 10 above).

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Table 10 - Types of sanitation facilities (nationally)

Type of sanitation facility	GHS 2013	Quantec 2014
Flush toilet connected to public sewerage system	8 891 000	9 105 353
Flush toilet connected to a septic tank	527 000	
Pit latrine with ventilation pipe	2 296 000	4 259 441
Pit latrine without ventilation pipe	2 456 000	
Bucket toilet	177 000	318 737
None	587 000	1 486 609
Unspecified	61 000	2 145

According to the GHS, the percentage of households with access to RDP standard housing was reported to be 77,9% in 2013 (refer to figure 8 below). The majority of households in the Western Cape (94,8%) and Gauteng (90,2%) had continuously accessed adequate sanitation, while about half of those in Limpopo (50,0%) and just under two thirds of those in Mpumalanga (62,7%) had adequate access. It is notable that access to adequate sanitation grew most rapidly in the Eastern Cape (+37,7 percentage points) between 2009 and 2013.

Figure 8 – Households with access to adequate sanitation, per province
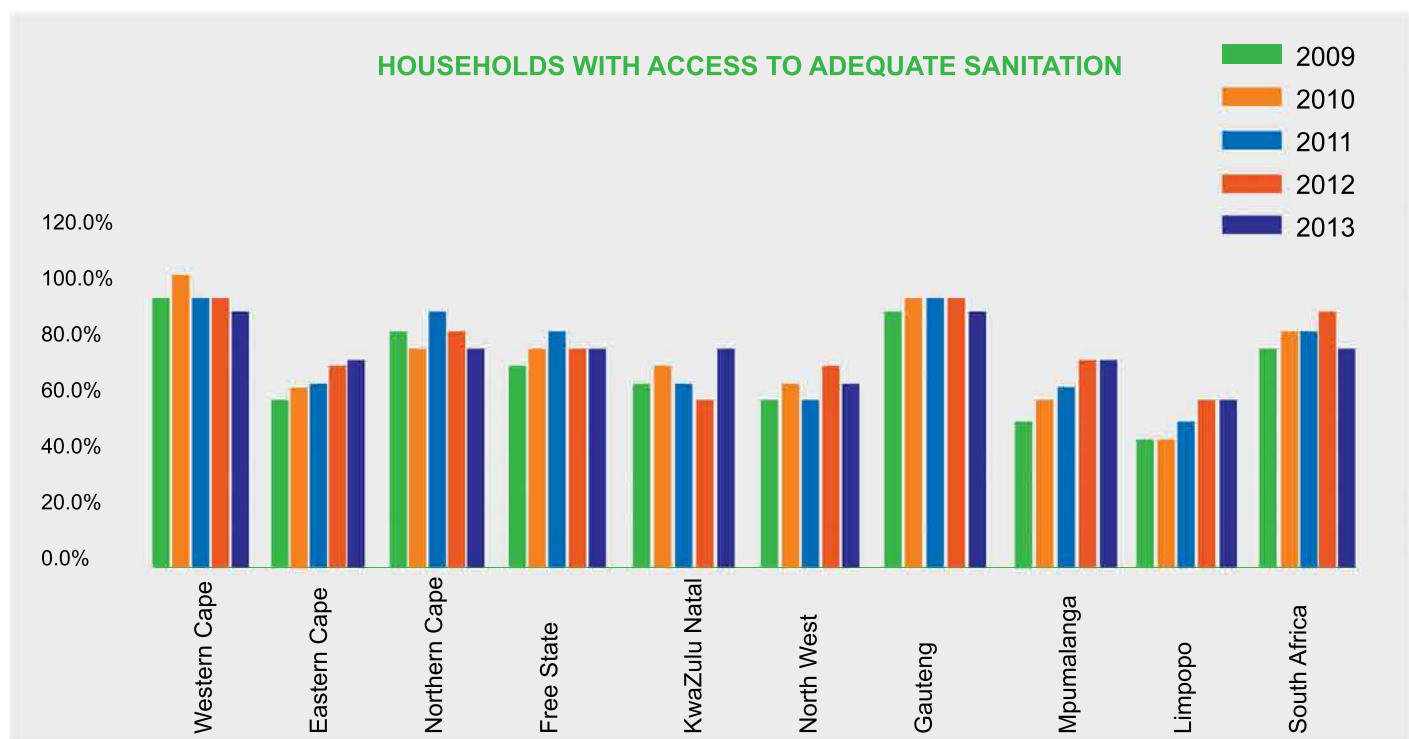
- *Water access and use*

Figure 9 below represents the proportion of households with access to pipe or tap water, whether off or on site, by province. As a matter of certainty, 89,9% of South African households had access to piped water in 2013.

The figure further outlines that there were very high proportions of households in the Western Cape (98,7%), Northern Cape (96,3%) Free State (96%) and Gauteng (95,9%) provinces with access to either off or on site water as compared to other provinces. The percentage of households with easy access to water in Limpopo declined from 84,0% to 77,5% between 2010 and 2013. As a result of this drop, Limpopo became the province with the poorest household access to water in 2013.

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Figure 9 – Households with access to water, per province (2009 – 2013)
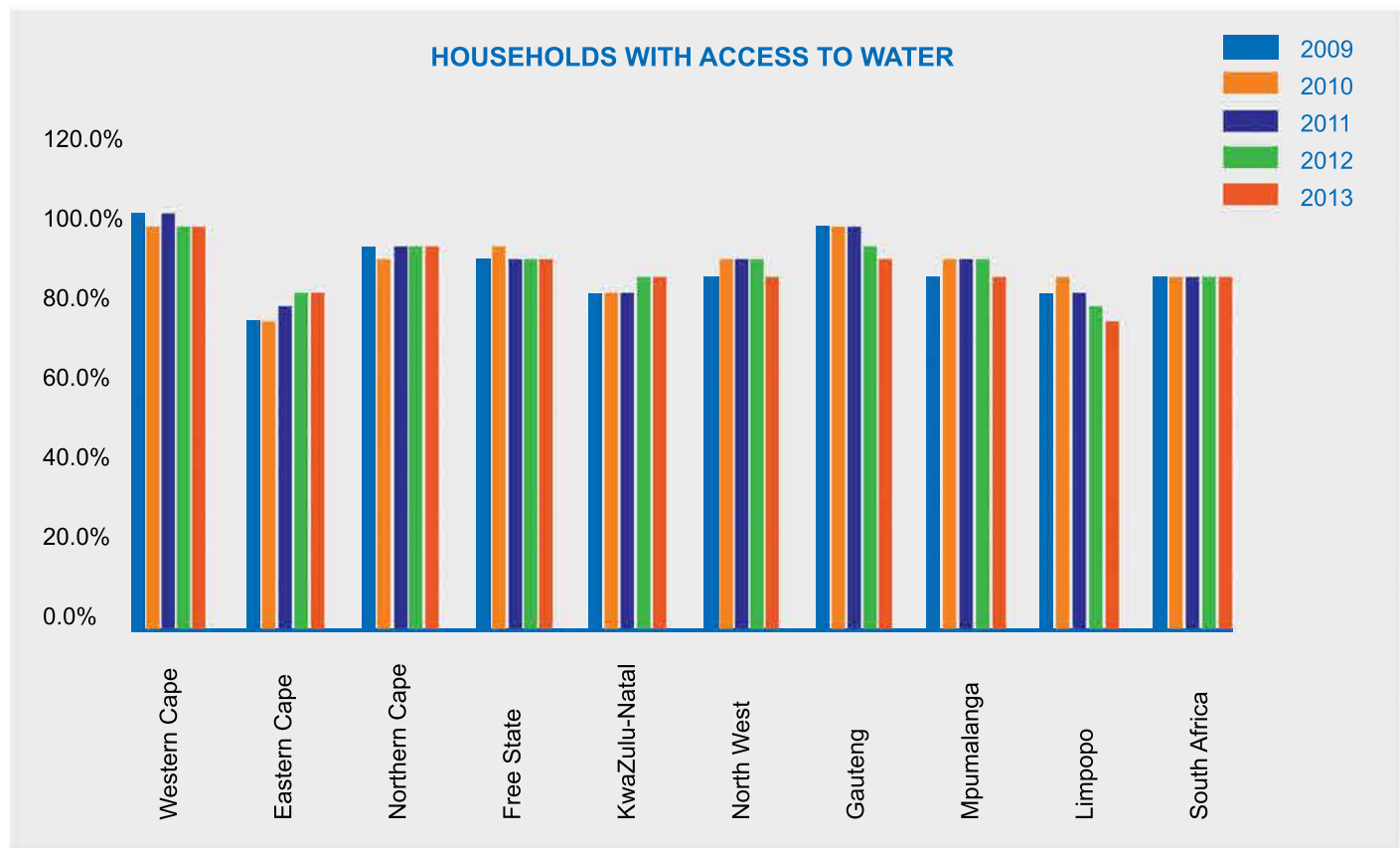
In addition, although general household access to water is improving, it was recorded that 4,2% of households still had to fetch water from rivers, streams, stagnant water pools, dams, wells and springs in 2013.

Table 11 - Sources of water (nationally)

Sources of Water	GHS 2013	Quantec 2014
Piped water in dwelling	6 845 000	6 987 250
Piped water in yard	4 051 000	4 133 443
Borehole on site	259 000	222 584
Public tap	2 290 000	1 781 427
Water-carrier/ tanker	230 000	214 750
Dam	42 000	636 412
Other	143 000	255 407

Table 11 indicates the total numbers of different sources of water found in South Africa. In 2013, the majority of South African households had access to piped water within their dwellings, with a recorded figure of 6,8 million according to GHS.

• **Energy**

According to the GHS, the percentage of South African households connected to the main electricity supply was 85,4% - about 13.4 million households.

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Table 12 – Sources of energy (nationally)

Sources of Energy	GHS 2013	Quantec 2014
Electricity from mains	13 418 000	12 847 266
Electricity from generator	14 000	
Gas	3 000	36 012
Solar	31 000	104 710
Candles	1 207 000	1 732 716
Paraffin	373 000	451 581

The main sources of energy used by households for cooking during the period between 2009 and 2013 are presented in Figure 27. The figure shows that the percentage of households that used electricity for cooking increased from 82.9% in 2009 to 85.4% in 2013.

Figure 10 – Household connected to the mains electricity supply, per province

HOUSEHOLDS CONNECTED TO THE MAINS ELECTRICITY SUPPLY
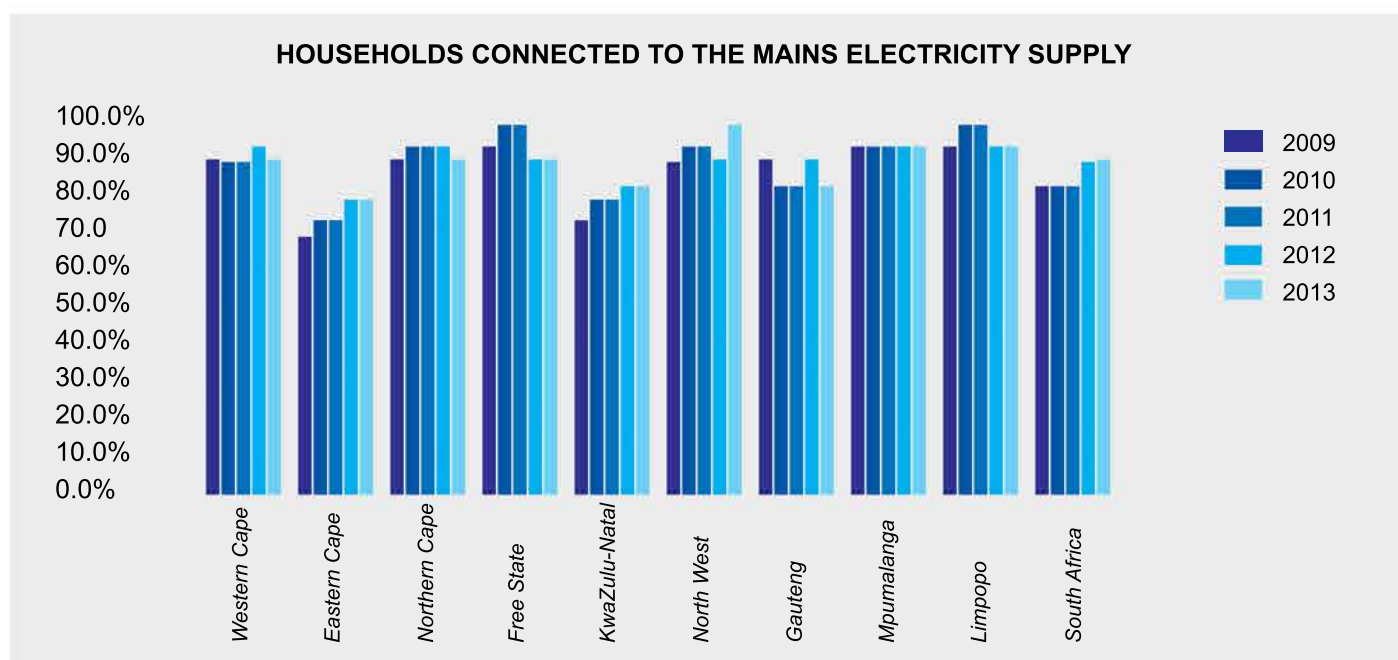
The decline noted in the Western Cape is almost certainly linked to the high influx of migrants and the creation of informal dwellings. Households in the Free State (91,7%) and Limpopo (90,3%) were most likely to have access to electricity, while those in KwaZulu-Natal (79,9%) and the Eastern Cape (81,3%) were least likely to have access.

3.3   CONTEXTUAL ANALYSIS OF INTEGRATED HUMAN SETTLEMENTS DELIVERY

This section provides a focused analysis of the socio-economic issues and key factors influencing the performance and delivery of integrated human settlements.

3.3.1 Prevailing land and housing conditions: A critical review

South Africa has a population of approximately 50 million people and is divided into nine provinces, the most populated of which are Gauteng (which hosts 22.3% of South Africa's population) and KwaZulu-Natal (which hosts 21.3% of the country's total population). The Northern Cape on the other hand has the lowest population density as shown in the following table.
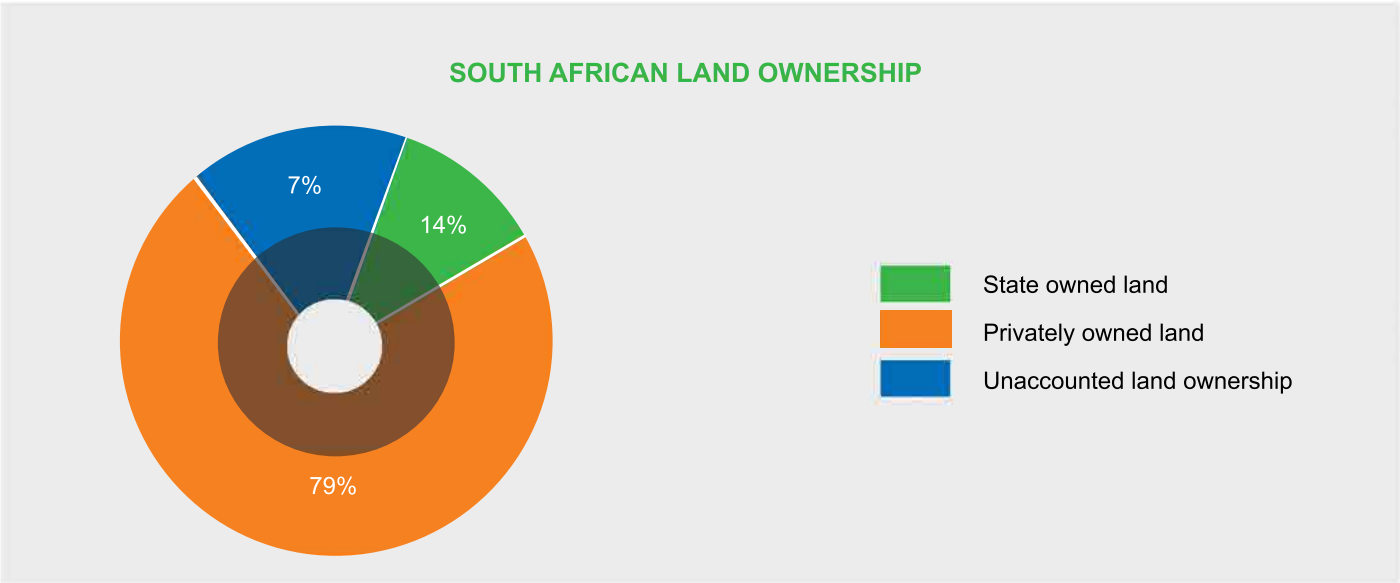
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Table 13

Provinces	Land area per square kilometre
Gauteng	16 548km$_2$
Limpopo	125 755km$_2$
Western Cape	129 462km$_2$
Northern Cape	372 889km$_2$
Eastern Cape	168 966km$_2$
North West	106 512km$_2$
Free state	129 825km$_2$
Mpumalanga	76 495km$_2$
KwaZulu-Natal	94 361km$_2$
South Africa	1 219 090km$_2$

The land area of South Africa is estimated to cover approximately 1,219,090 square kilometres (470,693 square miles), with nine provinces that vary in size and terrain profile, ranging from plateau, savanna, desert and mountainous profiles to coastal plains.

The current DRLD report shows that, of the 1 219 090 square kilometres that make up South Africa's land area, approximately 217 061 881 hectares are privately owned, 96 550 791 are state-owned and 8 360 529 hectares are unaccounted for. The majority (79%) of the country's land is privately owned, a significant percentage of which is owned by private individuals, companies and trusts as indicated below.

SOUTH AFRICAN LAND OWNERSHIP

- 7%
- 14%
- 79%

Legend:
- State owned land
- Privately owned land
- Unaccounted land ownership

The 2013 Land Audit Report by the Department of Rural Development and Land Reform estimates that at least 67% of land is owned by white commercial farmers, 15% forms 'black' communal areas (mostly state-owned), 10% forms other state entities (i.e. amenities, infrastructure and conservation areas) and the remaining 8% forms part of urban settlement areas.

In 1994, as a result of the apartheid system that had allowed land dispossession from black land owners, 83% of agricultural land was owned by whites and only 17% available to black people in the former homelands.

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The apartheid system had not only created racially skewed land ownership patterns but had also given rise to a dualistic agricultural system in which environmentally degraded arable land was situated in the former homelands and the highest-potential agricultural land [12] was used to develop a flourishing white-owned commercial farming sector. To address this large-scale dispossession, land reform became one of the state's main mechanisms for land redistribution with a commitment made by government to redistribute 30% of arable land by 2014. This promise would be delivered through land restitution (giving back land from which people had been removed, or by compensating them for their loss), land redistribution (providing redress by giving land) and tenure reform programmes.

By the end of November 2013, both the land redistribution and restitution processes had been very slow in changing land ownership patterns while the state of tenure reform also lay in shambles. It was estimated that "there were 9,149 outstanding rural claims which the Commission on the Restitution of Land Rights (CRLR) had not begun to process". Rural claims typically involve large communities claiming large areas of land, which are often high-value farmland. As a result, these types of claims take many years to resolve (i.e. to settle through negotiation or in the courts) and many more years to finalise (i.e. to implement the settlement agreements), potentially affecting over one million people who have been waiting for 15 years for their claims to be addressed. While most of the urban claims have been settled, they have had little impact on land ownership patterns as most beneficiaries have received monetary compensation instead of actual restoration of land rights due to development that has occurred in the respective areas.[13]

Tenure reform as the third leg of land reform has also continued to elude government's transformation efforts, having proved to be a very complex mechanism, especially with respect to the various types of tenures that exist in the country. It is estimated that, of the approximate 16 to 19 million South Africans living in rural areas, more than 90% are located on communal land.[14]

Over the years, tenure arrangements in the country - and specifically in rural areas - have predominantly become informal, particularly with relation to land administration and land use regulation. As a consequence, citizens residing in communal areas do not have secure tenure due to their land rights not being registered. They are therefore unable to sell, invest or use their land assets as collateral to obtain loans. Nevertheless, there is a legislative framework in place to provide some level of recognition of ownership, access to land and protection against eviction.

What this means in practice, however, and how it is to be enforced is unfortunately not always clear. Therefore, in the absence of a clear mechanism for implementing the current legislative framework (in the form of the Spatial and Land Use Management Act that deals with and untangles some of these issues) it appears that implementation will take a long time.

Pertinent challenges currently face the country's land management system, among which are the straddling of functions such as land use management and community participation across the three spheres of government. This results in duplication and inefficiencies in the system and also leads to high costs and rigidness with regard to the accommodation of communal tenures in rural contexts.

Unemployment remains one of the greatest challenges threatening the government's transformation agenda. The Statistics South Africa 2013 Household General Survey estimated that 25% of the economically active population is deemed to be unemployed according to the official definition of unemployment. Income levels are therefore generally low, with a small percentage of the population holding the major part of the wealth. Using the poverty line of $2 a day or R524 a month, this means that at least 45% of people in South Africa were living and continue to live below the poverty line. Many of these people are located in rural areas and are highly dependent on social grants for their survival.

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[12] *See 20 Year Review Report : DPME, 2014*
[13] *Statistics and some of the information on the restitution, has been extracted from a policy brief written by Gwebani A (2014) Gauteng Legislature Policy Brief: Will land redistribution ever happen? Vol 2 (13), pg. 8*
[14] *See Land Audit Report, Department of Rural Development and Land Reform, 2013*

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The lack of human development capacity in the country also limits the number of people able to participate in the economy and creates more dependency on government to provide services such as land and housing. The 2013 survey again estimated that most South Africans over the age of 20 years do not have a tertiary qualification, and at least half of this age group has not matriculated. This is coupled with the lack of availability of finance and the limited availability of affordable housing stock (and affordable well-located land) for low-income earners - factors that pose severe constraints to the delivery process.

Both the economic downturn and political turmoil affecting the rest of the region have together contributed to increased levels of migration into the country, resulting in increased housing and basic service backlogs. On this wise, the Presidency 20-Year Review Report estimated that in 1994, the urban housing backlog was 1.2 million houses, and was growing at a rate of 178,000 units per year, based on a race and ethnicity fragmented administration delivery system in separate racial localities. Approximately 1.5 million households were recorded to be living in informal housing in urban areas.[15] In 2014, the rate of urbanisation had far outstripped the pace of formal housing delivery and land released such that there was a dramatic increase in the number of informal dwellings from 1 186 000 in 2007 to 1358 000 in 2013.[16]

The Report also indicated that in 2004, only about 2 million people within South Africa's population of about 12.7 million households could afford to participate in the housing market. With the delivery of 5 677 614 formal houses by government and the private sector, there was a significant shift in 2014 with the number of people living in formal housing increasing from 64% in 1996 to 77.7% in 2011, a growth of 50% for the period. The formal housing market had trebled in value over a 20 year period to reach a collective value of about R4.036 trillion in 2014.[17] Despite the significant achievements made in housing since 1994, the Report argues that housing is still not at an acceptable scale and requires an urban development policy that will allow for a more incremental and holistic (incorporating livelihoods strategies) process to really grow the market.

Linked to the performance of the housing market is a failure to transfer title deeds to many subsidised housing beneficiaries. It has been argued that this is further preventing the participation of subsidy households in the formal property market. The major concern with this is the decrease in the rate of formal registration of newly built houses in the Deeds Registry - only 50% of subsidised home-owners are estimated to have title deeds. Title deeds play a crucial role as, without a title deed, an owner is prevented from trading their home, which limits choice, mobility and the development of a secondary market in low-cost houses. The result is a bottleneck as households are unable to move out of low-income homes into middle-income homes, and lower-income households are displaced to backyard shacks and informal settlements.

The challenges related to sustainable development - environmental biodiversity; social well-being; economic prosperity; good governance and spatial quality, challenges that contribute to the significant number of people deemed to be vulnerable and marginalised, have also been cited as factors contributing to poverty, lack of access to land and housing. Access to land, security of tenure and the provision of integrated human settlements have therefore been placed at the core of the government's developmental and transformational agenda, thus presenting critical policy questions that need to be answered.

A number of opportunities have emerged over the past 20 years that deserve special mention. Firstly, policy, legislative and institutional frameworks have been put in place to give direction to efforts focused on economic growth and to guide the structuring of spaces. The primary objective of all these efforts has been to provide a broad framework within which development may occur.

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[15] *This was quoted from the Stats SA, 1996 Census Report*
[16] *See Stats SA, General Household Survey Report, 2013. The figure excludes the informal settlement in the form of the backyard shacks*
[17] *See 20 Year Review Report : DPME, 2014 pg. 68*

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Where policy is concerned, the following motions and frameworks are of particular importance with regard to issues of access, coherence and integration:

- **The National Development Plan (NDP)** – this framework recognises the need to unlock well-located land, especially state-owned land, for affordable housing
- **Delivery Agreements** – these relate specifically to national policies and, specifically, to the goals of Outcome 8, as well as to land policies associated with the Outcome 7 Delivery Agreement
- **Breaking New Ground (BNG)** - calls for the acceleration of housing by presenting the delivery of housing as a key strategic measure for poverty alleviation; one in which property must be accessed as an asset for wealth creation and empowerment
- **Integrated Urban Development Framework (IUDF)** – proposes integration of urban areas and the transformation of the country's landscape to address the legacy of apartheid developments

Within the housing and planning environment, the following acts are particularly important with regard to addressing the issue of integrated sustainable human settlements. It should, however, be noted that this list is not exhaustive.

- **Housing Act, 1997** - sets out certain general principles relevant to the identification of suitable land for housing, while promoting the establishment, development and maintenance of socially and economically viable communities. It also sets out guidelines for the process of racial, social, economic and physical integration
- **National Environment Management Act, No. 107 of 1998** - advocates for the application of biodiversity planning principles in planning at all levels, emphasising sustainability as the key principle necessary for planning and development
- **Municipal Systems Act, 2000** - requires all municipalities to undertake a participatory process and develop integrated development plans (IDPs) to guide development at local government level
- **Spatial Planning and Land Use Management Act, 2013** - promotes development principles associated with spatial justice, spatial sustainability, efficiency and resilience

Secondly, the adoption of coordination, cooperation and integration strategies is critical to achieving integrated development. This is because it is widely understood and accepted that coordination, integration and co-operation underpin all efforts to develop sustainable human settlements. Integration must be attained at various levels: the integration of processes; institutional and management arrangements; role players and stakeholders; various affected sectors and physical aspects such as structures in the environment. Different parts and elements of the environment need to be integrated to ensure optimum performance and satisfaction of needs. The stakeholder engagement process should therefore create opportunities that would allow government to leverage value through various public interventions and role players and garner the active participation of communities.

And lastly, there are a number of programmes and instruments within government structures available to fund and support land initiatives. These include:

- **Built Environment Performance Plan (BEPP)** – this provides a single overview of a municipality's built environment as informed by the medium term capital investment strategy, plans, programmes and projects
- **Human Settlement Development Grant (HSDG) and the Urban Settlements Development Grant (USDG)** – these are two of the instruments given to provinces and metropolitan municipalities to provide funding for access to land and for the construction of human settlements
- **Integrated City Development Grant (ICDG)** – this provides a financial incentive for metropolitan municipalities to integrate and focus their use of available infrastructure investment in order to achieve a more compact urban spatial form
- **Settlement Production Land Acquisition Grant (SPLAG)** – this makes provision for both the settlement and agricultural production needs of rural land owners.

CONSTRAINTS TO THE CREATION OF INTEGRATED HUMAN SETTLEMENTS

Government continues to face a number of constraints that hinder access to land. This has resulted in a noticeable decline in the number of units built annually, as well as a failure to provide integrated human settlements. The following are some of the constraints that have been identified.

4.1   Poor coordination and non-alignment of policy and planning frameworks

The Constitution of the Republic of South Africa is the country's supreme court of law. Every policy, regulation and law must adhere to the principles of the constitution. In other words, in order to accomplish effective policy alignment, all policies must have an understanding of the constitution and observe the principles stated therein.

Given the adoption of the NDP as the country's long term vision, it is imperative that all policies be in alignment with its developmental agenda. There are, however, real challenges associated with the coordination and alignment of frameworks, policies and implementation within government.

Evidence has shown, for example, that poor coordination of projects results in duplication, reduced impact, wastage of resources, double dipping and roll overs.

4.2   Lack of capacity in local government to perform the developmental function

As South Africa is a unitary state, it is expected that national policies and frameworks should find resonance at local government level. At the same time, the need to address development challenges such as poverty, inequality and good governance in the municipal space has necessitated the development of policies that address development in a holistic manner. This primarily involves the adoption of the Integrated Development Plan (IDP) as a planning framework responsible for integrating all planning activities.[18] Through the IDP, local government is expected to take greater responsibility for the management of settlements within their jurisdiction, particularly in relation to service and infrastructure provision for the poor. Most municipalities have however performed poorly in terms of executing some of their developmental functions.[19] This lack of delivery has in turn been attributed to a lack of capacity by local government in the areas described below.

First among the major challenges facing local government is the perceived lack of credibility of Integrated Development Plans (IDPs) to give strategic direction to settlement management. It has been argued that, although they do have a spatial component, IDPs are not settlement management tools in and of themselves. There is therefore a need to clarify the relationship between IDPs and other related integrative frameworks such as the Spatial Planning and Land Use Management Act (SPLUMA) as wel as the Breaking New Ground (BNG) plan that seeks to transform the settlement patterns of the country.

Even though the intention of the different frameworks is the same, the fact that some policies are regarded as more strategic than others also tends to stoke competition among different spheres of government. This consequently culminates in unwillingness on the part of national and provincial sector departments to respond to local needs as outlined within the IDP. This unwillingness exhibits itself through non-participation in local government activities by some national and provincial sector departments. Some departments even go as far as refusing to provide the necessary funding and support required by local government to execute legislated actions. As a result of this, there is misalignment, lack of accountability and inefficient budgetary processes that in turn affect the implementation of projects. Because the IDP is seen as merely a technical exercise rather than a strategic one, there also tends to be a silo approach within municipalities "whereby individual departments in the municipality focus on accountability for compliance and their individual budgets instead of accountability for outcomes that require integrated planning and a pooling of resources to meet government's strategic objectives" .[20]

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[18] See Mpofu, Assessing the Impact of Integrated Development Planning (IDP) , 2012.
[19] According to the research done by the South African Institute of Race Relations in 2012, as noted by the Minister of Human Settlements, "out of all protests, experienced over the last five years, 20% of these have been attributed to the delivery of houses by the municipalities" (Budget policy speech by Minister Sisulu, 2014).
[20] See Financial and Fiscal Commission Report on the Public Hearings on Housing Finance, 2012, pg27

CONSTRAINTS TO THE CREATION OF INTEGRATED HUMAN SETLLEMENTS

Secondly, since the enactment of the Local Government Transition Act, 1993 [No. 209 of 1993] which brought about changes and transformed local "developmental and autonomous spheres of government", local government has been placed at the forefront of the country's development agenda. Consequently, through this legislation, the functions of municipalities have significantly transformed and expanded, which has meant that their resources and capacities have also needed to expand. This expansion has been reflected in the operational plans, budgets and organisational organograms of local government.

Thirdly, the issue of funding and financial viability in local government is a serious challenge that also affects the functioning of municipalities. Funding is typically insufficient, and viability is undermined by high servicing costs that arise from unsustainable settlement patterns as well as inadequate rating and billing systems within rural municipalities.

4.3   The unavailability and supply of well-located land

The unequal distribution of land and wealth in South Africa, coupled with class division, are reflections of the apartheid system that still represent ubiquitous issues in the country today. These issues are also key barriers that have contributed to the unavailability of well-located land for settlement and housing.

The availability of well-located land as a priority issue is therefore illustrated by the fact that both formalised and informal low-income housing developments are often poorly located on the periphery of cities. This is a relevant matter for consideration when one takes into account that location has various implications on several factors such as the amount of time spent away from home; the amount of time spent traveling to and from work opportunities, and the related cost implications of the above.

Even in the post-apartheid era, South Africa's residential areas continue to be segregated on the basis of race and social class. This has further encouraged the development of low income housing on the periphery of cities. Because the institutional framework has also predominantly favoured the delivery of free-standing units, coupled with the tremendous pressure to deliver at scale, there has been a trend toward the development of low-income housing developments on large tracts of land commonly located on the periphery of cities.

The lack of local land assembly strategies at local level is yet another issue that has further contributed to the unavailability of well-located land for integrated settlements. Land is a finite resource whose disposal should always be a last resort. There is however no clear policy framework at national or local government level to direct the land assembly process. Most municipalities simply do not have policies or strategies in place to deal with land assembly.

As a consequence, municipalities often sell vacant, well-located land that could have been reserved and assembled at a later stage for development or for the generation of additional revenue. The problem is further compounded by the fact that municipalities are sometimes forced to acquire previously owned but disposed land from new land owners at exorbitant prices.

4.4   The continued sprawling of settlements and informal settlements

The result of poor planning has been the proliferation of marginalised and disconnected settlements, the continued presence and growth of which has resulted in little or no access to services or infrastructure in many areas - a big challenge that limits access to land and the delivery of integrated human settlements. Spatially, current settlement patterns reflect a legacy of separation, targeted injustice and inequality. The persistence of these spatial patterns further hampers the sustainability of cities, towns and settlements.

Most cities in developing countries suffer from land market distortions caused by poor land development and management policies. These include poor planning, slow provision of infrastructure and services, poor land information systems, cumbersome and slow land transaction procedures, and under-regulation of private land development. This often leads to unplanned development of land, especially on the urban periphery.

CONSTRAINTS TO THE CREATION OF INTEGRATED HUMAN SETLLEMENTS

[21] Urban sprawl and low density housing schemes tend to contribute to unproductive and inefficient cities as poor households continue to be marginalised by distance and transportation costs. The lack of agglomeration in many urban centres also tends to undermine economic development and efficiency.

4.5   Land and development costs [22]

The cost of land and of its development is highly dependent on location. Factors such as suitability for purpose intended and physical aspects (topographical, biophysical, geotechnical) also have an impact on the cost of land. Where infrastructure costs are concerned, overall costs are largely driven by local market conditions that integrate costs of labour, material and transportation. At present, however, the policy does not consider the parameters for costs and subsidies and does not take into account the variation of land markets and infrastructure costs between localities and regions. For example, research done by the Bureau for Economic Research found that Gauteng generally had the lowest costs over the duration of 2013 while other provinces reflected costs that were between 10 and 30 per cent higher. The Eastern Cape generally reflected the highest costs.

The willing buyer willing seller (WBWS) policy generally contributes to the high cost of acquiring land. It is currently very expensive for an ordinary applicant and for government to acquire land since the grant structure usually only provides a small portion of subsidy for land purchase. The existing grant approach therefore limits any proactive strategy in which the state may purchase land for beneficiaries.

4.6   Slow processes in the acquisition and release of land for human settlements

To address the challenges created by the apartheid system and its legacy, the Department of Human Settlements established the Housing Development Agency in 2008 with the specific mandate of assisting to unlock and support the land acquisition process for human settlement development. The main objectives set out for the HDA were to identify, acquire, hold, develop and release well–located land and buildings and to provide project management support and housing development services.

The Agency has now been in existence for at least five years and, during this time, has adopted various methods for acquiring and releasing land and properties for the development of integrated human settlements. Despite achieving several successes toward these objectives, however, the HDA has had its share of challenges that impact on its ability to fast tracking land acquisition and release, including:

a)   Lack of capital funding to acquire land – This has resulted in the Agency's inability to always acquire the most suitable parcels of land where costs are high and/ or location of the land makes it difficult to acquire. Since its inception, the Agency has not been adequately capitalised to enable the acquisition of land in an open market.

b)   High land costs – Land, and in particular, well located land, is very expensive. Whether privately or publicly owned, its cost generally rises dramatically once it falls into the public domain. In South Africa, state owned entities are major owners of non-core land that is suitable for human settlements. One of the challenges with land or buildings owned by state owned entities, however, is that it must be acquired in a market-related transaction. This is because such entities must justify their balance sheets and are therefore unable to simply release land at nominal prices. As a result, funding is required.

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[21] *See Department of Human Settlement, Functions of the National Department of Human Settlement, the Vision and Mission. http://www.dhs.gov.za/content/521-vision-and-mission-national-department-human-settlements*
[22] *This is stated in the study commissioned by the Housing Development Agency in 2014 on Financial Perspectives for the development of the Land Assembly Strategy*

c) The lengthy process of state land acquisitions – The HDA faces the challenge of having to deal with lengthy processes of state land acquisitions for land acquired from the private and public sectors. In each case, different legal processes are involved. In the case of public acquisitions for example, the three major custodians involved at national level are the departments of Public Works (DPW), Rural Development and Land Reform (DRDLR) and other relevant state owned entities. At provincial level, land is held by the Housing Boards and various provincial state-owned entities. At municipal level, there is municipal–owned land, commonage, and assets of municipal entities that also necessitate market-related funding.

d) Communal land - In the case of communal land released for human settlements, compensation often presents a major issue. Despite land being owned by the state (i.e. DRDLR), Traditional Authorities often insist on monetary compensation before transfer can take place. Again, the process of releasing communal land to the HDA is fraught with delays due to:

i. Legislative requirements for significant discussions to take place as part of the process of garnering community consent. This is necessary because traditional authorities and communities are in control of the land

ii. Various community dynamics that take the form of informal land rights, e.g. grazing and agriculture, and the fact that the community must agree to the envisaged development

iii. Issues associated with security of tenure, including the tradability of the community's rights and their individual or communal ability to obtain tradability in the form of security so that they can obtain finance or mortgages

e) Registration of properties - In cases where the HDA operates on behalf of other state bodies and entities, the land must be registered in the Agency's name before it is released to another organ of state. The issues related to this include the expenses associated with conveyancing, land holding rights, and grey areas with the actual title deeds.

4.7   Slow delivery of the land reform process

The slow delivery of the land reform process presents a major constraint to development and spatial transformation. The restitution process has had very little impact on the overall transfer of land, particularly in urban areas as beneficiaries have in a high percentage of cases opted to receive monetary compensation. This has placed greater pressure on the redistribution programme to function as the key programme for land transfer. And, despite its track record, the process of attaining equity across the board has been fairly slow.

The current system is racially discriminatory and fragmented, lending from the spatial landscape of the country. While some level of success has been achieved in terms of providing and upgrading titles to freehold in urban areas, the situation in rural areas is that tenure reform has been painfully slow. Many residents have resorted to insecure or illegal forms of tenure - a potential source of conflict and an impediment to investment and development.

Tenure reform is largely directed toward addressing the poor state of land administration in communal areas of the former homelands as well as in coloured reserves. These areas comprise most of the land in the former homelands and hold nearly one third of all South Africans. They are also the sites of the deepest concentrations of poverty in the country.

Formalisation of tenure in informal areas has also been slow. As a result, many people living in urban areas continue to experience tenure insecurity in spite of access to some legal protection through anti-eviction legislation.

CONSTRAINTS TO THE CREATION OF INTEGRATED HUMAN SETTLEMENTS

4.8   Difficulties in aligning land use planning and management systems

Traditionally, land use management and the systems, devices and regulations involved in it were used in the service of racial and spatial segregation in South Africa (Bollens, 2005). The aims of the apartheid system were for the most part carried out through the dire efficiencies of the planning legislation and its implementation, which maintained spatial segregation and entrenched a racial hierarchy by reserving the provision of rights and services for the white minority.

Firstly, while policies on land, housing and social justice have been proliferated at national level, there has been little advancement and innovation in thinking and practice around land management at local and micro level. As a result, South African towns and cities continue to develop without an adequate framework for managing land development in a way that supports the goals of democracy, equity, efficiency and sustainability" (Ovens, et al, 2007).

Secondly, a lack of direction in the implementation of land management policies combined with the inadequacy of instruments at local level has weakened the ability of cities to capture land-value improvements resulting from public investments in transport infrastructure. It has also limited the ability to increase other forms of revenue as a way of increasing public transport funding, particularly for long-term operations. Overall, this has resulted in a relatively weak influence on the actual investment decisions of the private sector in particular.

Thirdly, evidence shows that land-use planning and management processes are often slow, in spite of legislated timeframes. This is due to the unequal capacity that exists within the different municipalities to cope with land management requirements. According to Berrisford (2006) this is due to a shortage of people with appropriate qualifications in land management to deal with the current demand. Those who are professionally qualified are often shuffled to other positions, leaving the least qualified to deal with complex policy and technical requirements for which they have neither training nor skill. The inability of those in planning departments to access newer legislation and to undergo training in its application and implementation subsequently affects the levels of available institutional capacity. Such training or support is frequently either unavailable or literally inaccessible to planners and land management professionals in smaller municipalities.

Fourthly, the national land management policy frameworks do not address the challenges and complexities of parallel and co-existing land administration systems in first and third world planning regimes. They do not take into account their different levels of need, cost and sustainability with regard to both formal and informal land use systems. This results in a contradiction between pending laws on land use management and communal land rights administration and management[23] that have further contributed to the lack of adequate land for human settlement as well as to weak land markets, land grabs, and conflicts over ownership.

As a fifth point, the unavailability, uncoordinated nature and inaccessibility of land information is also a prevalent constraint to the development of an efficient land management framework. In order to improve the management of land, there is a need for accurate, reliable and up-to-date information about land.[24] The challenge inherent in the provision of a uniform land management system is best captured in the statement: 'While there is recognition among officials that a rigid "one size-fits-all" system will not be appropriate in diverse environments; applying the same standards across all areas would not be feasible.[25]

[23] McIntosh Xaba & Associates (2003), Land issues scoping study: communal land tenure areas. Department For International Development (DFID) Southern Africa
[24] Kurwakumire, E. (2014) Digital Cadastres Facilitating Land Information Management , Department of Geomatics, Tshwane University of Technology, Pretoria, South Africa
[25] Ovens, W. Kitchen, F. Parnell, S. and Williams, A. (2007) Land management and democratic governance in five South African metropolitan areas: overview report

TOWARDS IMPLEMENTATION

5.1   INTRODUCTION

The use, allocation and assembly of land lies at the core of the spatial transformation agenda. This is because land is by far the key to driving economic growth, upgrading amenities and improving the quality of neighbourhoods and communities across the country. It is therefore of great importance that South Africa as a nation is able to realise the Constitutional obligations pertaining to the allocation of land and housing. In light of the complex and diverse nature of the problem statement and challenges addressed above, this framework seeks to provide an inclusive approach to addressing these constraints.

This section elucidates the government's overall approach to land for the creation of integrated and sustainable human settlements. The proposed outline is inclusive of both the supply and demand driven processes and is coherent to serve all segments of the market with a particular emphasis on the poor.

A brief overview of the demand and supply driven process is given in order to provide a better understanding of the logic of application as determined by the local context.

5.2   NEW APPROACH TO ENSURING COHERENT AND INCLUSIVE DELIVERY OF LAND FOR HUMAN SETTLEMENTS

The Concept Note on Human Settlement Spatial Planning Framework (2014) calls for efficiency in the development of the integrated human settlements sector. Integrated human settlements are envisaged to have been successfully attained when developments are responsive to the principles of "compact, connected and integrated" settlements. Such settlements are to be achieved through the application of the legislative (political and policy related), spatial (urban and rural area design) and financial components simultaneously. The approach adopted in this framework is therefore in line with these principles and is based on the following pillars.

5.2.1   Demand Driven

This refers to land and housing projects currently being driven by the people. Policy approaches toward the creation of opportunities for poor people will determine the direction taken toward accessing land and housing. The demand-driven process is expressed as part of the community empowerment approach whereby communities articulate their needs and preferences in relation to land and housing. In this context, both the empowerment and capacity building drives of communities are important factors necessary for the creation of sustainable human settlements. This has been evident through the successful delivery of houses through the People Housing Process (PHP), especially in terms of how such processes have allowed communities to identify and access well-located land.

An important component of the demand-driven process is harnessing the capacity of a community through skills development, training and social capital development programmes that have the potential to create sustainable employment opportunities and enable skills transfer. This is due to the fact that such programmes not only benefit the individuals concerned, but also yield benefits for the community at large.

It is important to note that the demand-driven process does not always elicit effective responses from the state as it does not necessarily lead to the supply of land or housing to would-be beneficiaries. This lack of inclusion can often lead to communities expressing their demands through land grabs and invasions, which could have a negative effect on planned development. Caution should therefore always be exercised.

5.2.2   Supply Driven

This process refers to the converse of the demand process whereby the availability of land is determined by factors such as the market, land banking, the grant system and government's top-down planning and decision making process.

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This process is sometimes perceived as part of a proactive approach in which the state purchases land for beneficiaries and for development projects on land that has already been identified. In cases where land has not been identified, acquisition often relies on landowners to make land available for sale. However, as mentioned earlier, the purchase of land at market price usually contributes to exorbitant prices (as per the willing buyer and willing seller principle). Non-interference with land markets also often leads to unwillingness by the state to expropriate.

In support of the supply-driven process, the subsidy grant system, together with the waiting list system, are some of the methods designed to assist with the selection of beneficiaries. Land holding or banking is regarded as part of the supply-driven process in which land is banked and later consolidated to provide for future settlements. Such processes are already well established in other countries.

5.2.3   Compact

The new approach is embedded in the principles of ensuring compact settlements, especially within the urban landscape. Compact settlements must demonstrate the following chracteristics:

• Definition of urban extent (which inadvertently increases land values)
• Increased density in urban areas (60 dwelling units per hectare results in viable public transport settlements)

Population migration has produced a strain on both infrastructure (housing, water, sewerage, transport, electricity supply) and the quality of life (community, security, open spaces, air quality). Where sustainable planning principles are adhered to, the compact approach is able to mitigate environmental, social, economic and transformation costs.

5.2.4   Connected [26]

The approach needs to demonstrate connected settlements in both rural and urban contexts. Connected settlements are those that result in the following outcomes:

• Deliberately restructured settlement patterns equal spatially transformed settlements
• Pedestrian and non-motorised prioritised environments lead to energy efficient settlements
• Landscapes with character
• Transit orientated development with differentiated mobility routes

5.2.5   Integrated

Key to the new approach is the ability to integrate the settlements that are being created. Such integrated settlements must demonstrate:
• Appropriate settlement types in different contexts (both urban and rural)
• Mixed use environments or whole neighbourhoods and villages
• Diversity and choice in housing options in every neighbourhood which equal freedom of movement
• Natural environment constraints and opportunities (climate, topographic features, conservation, agricultural potential)
• The balance of political objectives with local needs

5.3   KEY INTERVENTIONS

The proposed coherent and inclusive approach to land for human settlement will be achieved by pursuing the following seven key strategic interventions:

[26] *See, Concept Note on Human Settlement Spatial Planning Framework, HDA, 2014 for the definition on compact, connect and integration*

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5.3.1   Coordination and integration of development plans and strategies

Coordination must be attained at various levels, including the integration and coordination of processes; institutional and management arrangements; role players and stakeholders; various affected sectors and physical aspects such as structures in the environment. Government also needs to ensure that processes are in place to guarantee cooperation among departments, the private sector and communities. The stakeholder engagement process should also create opportunities that allow government to leverage value through various public interventions.

In a local context, this may be achieved through the prioritisation of integrated development plans as critical instruments for aligning strategic spatial planning. It may also be achieved by prioritising sound governance instruments that drive or place emphasis on municipalities (through their IDPs) as the single portal through which developments are coordinated. Coordination of activities such as the availing of bulk infrastructure, institutionalising project governance structures for decision making, and rallying stakeholder buy-in is critical to the success of this targeted approach. Government needs to ensure that there is cooperation and coordination among its departments, within the private sector and among communities for the creation of integrated human settlements to be successful.

5.3.2   Build the capacity of local government for appropriate land and housing delivery

In order to deal with some of these challenges, the following recommendations are proposed:

a)   A capacity development programme

The Department of Human Settlements must strengthen its strategic capacity development programme to develop capacity at local government level. It must also develop the capacity of non-profit role-players (CBOs and NGOs) to enable greater involvement in integrated housing delivery. This capacity development programme should be informed by a capacity assessment and will need to address all major capacity constraints. Where necessary, it will also need to encourage provincial officials to be seconded, thus enabling the transfer of skills to municipalities that require capacity. It would also need to develop and strengthen all strategic partnerships among role players in housing delivery and encourage the development of real partnerships with communities.

Moreover, the medium-term strategic framework obliges government to strengthen the capabilities of municipalities over the next five years so that housing grants and human settlement-focused grants are better integrated. This will necessitate the shifting of more responsibility for housing delivery to municipalities to improve delivery. The capacity development programme should therefore be aligned to the requirements of the accreditation process from level one to level three.

Whether a municipality is on level one or not, however, it should be able to perform the necessary functions adequately enough to enable it to graduate to the next level within a reasonable period of time. The goal is to have all South African municipalities performing at level three.

b)   Encourage the creation of incentives by municipalities[27]

Municipalities must be encouraged to develop incentives that allow for streamlined, cost effective and efficient processes to be in place. These could include:

- Application of a special raw land discount on public land that is being disposed of for fully or partially subsidised housing
- Accommodation of regional differences in land costs that would apply to the determination of subsidy eligibility
- Establishment of "residual land value" and the ranges within which land costs should be expected to fall

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[27] *See HDA, Position Paper: Financial Perspectives for the Land Assembly Strategy, 2013*

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- Promotion of use of "credits" as a facility for rewarding development in areas that already have existing bulk infrastructure in order to reduce strain on municipal financial running costs

- Exploration of the use of vouchers and certificates for low income residents to allow them to select affordable housing based on their choice of location and housing typology

- Introduction of financial benefits by local government to reduce the cost of providing affordable housing, including rate rebates, reduction in application fees and building inspection fees

- The NHBRC could also reduce the percentage of property value required for the enrolment of a housing unit etc.

- Government departments and municipalities responsible for land and taxation could also work together to develop instruments in infrastructure, which would help to recoup some of the costs of this investment to use for public benefit

5.3.3   Encourage spatial visioning of strategic areas to develop inclusive settlements

A comprehensive visioning and master planning process for strategic areas holds the power to bring together disparate pieces, including vacant sites and under-utilised buildings across the country, for redevelopment. At the same time, such a process will serve to strengthen existing private housing for commercial uses. Broad-scale visioning, local planning and development must also be encouraged for the future development of affordable housing as part of an integrated vision for a broader community. Such planning will help to anticipate land costs and some of the likely scenarios for leveraging private investment.
This will require the:

- Promotion of more compact settlements, particularly in urban and peri-urban areas

- Development of urban structures that will enhance public transport

- Demarcation of sustainable edges to urban settlements, particularly in the case of fast growing towns situated in environmentally sensitive areas or adjacent to high potential agricultural land

- Implementation of land use controls to deal with the inappropriate use and occupation of land, both formally and informally

- Addressing of land assembly issues to allow for future development planning

- Land assembly should provide strategies that are relevant to achieving the following:

i.   Giving context and strategic priority to land developments, acquisitions and transfers over a 15 year period, in line with the National Development Plan's horizon, which needs to be done through a Land Supply Growth Plan/ Land Acquisition Plan

ii.   Government's existing and proposed land holdings for the short, medium and long term need to be examined, including an analysis of why they will be important for the attainment of government's housing delivery objectives and targets (i.e. the 1.5 million for the 2014-19 period). This can be achieved via local strategic and spatial plans - typically municipal Spatial Development Frameworks, detailed precinct plans, Built Environment Performance Plans and Priority Housing Development Areas (PHDAs).

iii.   Determination of short, medium and long term targets and objectives for the land pipeline in consultation with the relevant stakeholders

iv.   Influencing the longer-term legislative and budgetary framework for land acquisition between spheres of government and organs of state

v.   Determining how proposed developments, as reflected in the Master Spatial Plan, represent an effective sector-wide response to opportunities and future land assembly initiatives

• [28] "Establishing a balance between economic, agricultural and other demands requires that environmental protection and enhancement be established as priorities for sustainable development.

This can be achieved by:

i.   Establishing a synergy between national sector policy measures

ii.   Balancing out the competition for water between agricultural and other socio-economic uses e.g. electricity, economic development, mining etc.

iii.   Drawing up rural development programs that are consistent with urban settlement policies and strategies

iv.   Introducing and enforcing appropriate measures for the protection of conservation-worthy areas that do not presently enjoy such protection

v.   Enforcing measures for the rehabilitation of land used for mining and promoting alternative uses for such land e.g. municipal dump sites"

5.3.4   Adoption of a National Land Supply and Assembly Strategy

As noted previously, in order for government to adequately plan for all required infrastructure development, the strategy on land assembly should be able to assemble land by ensuring that planning for envisaged land improvements and acquisition of land is undertaken in a strategic manner for future development (over the next 10 years & beyond).
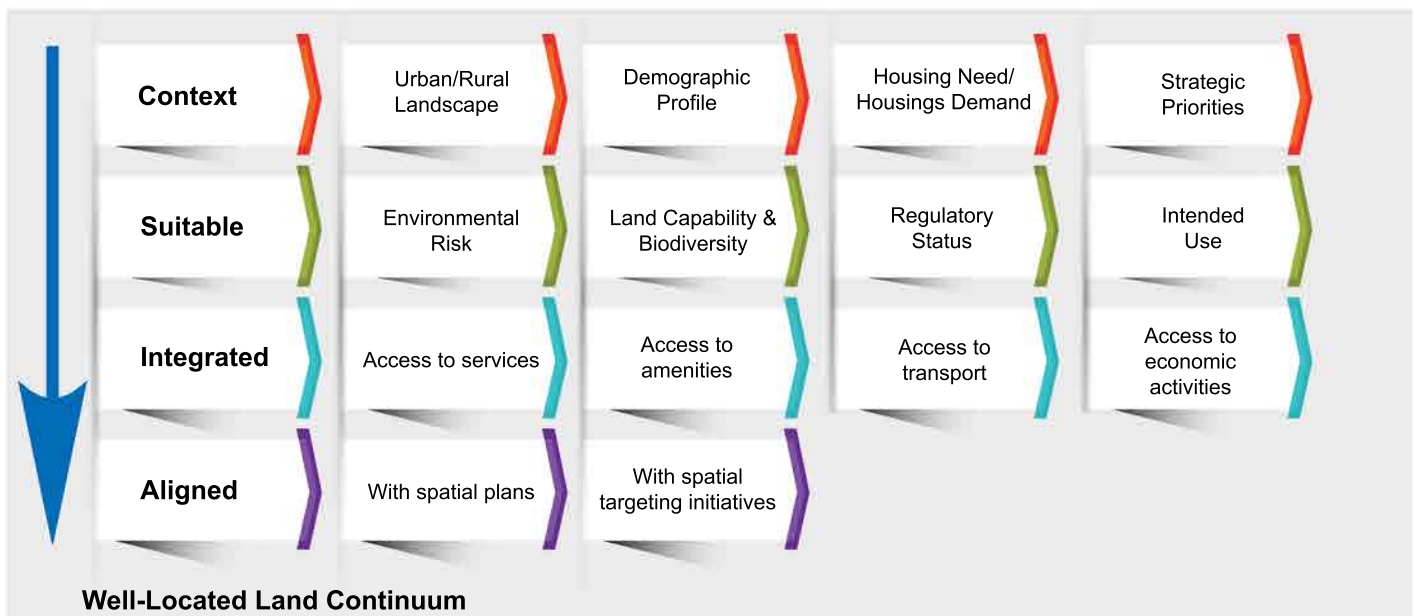
This could be achieved by:

a)   Assembling and bringing together disparate pieces, including vacant sites and under-utilised buildings across the country for development

b)   Encouraging municipalities to formulate a specific land policy as part of their integrated plan. This would show how vacant and under-utilised land will be developed and managed to achieve wider socioeconomic and environmental objectives. Ideally, this should be in alignment with the initial focus on well-located, vacant and under-utilised state-owned land to support affordable housing[29] initiatives.

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[28] *See Green paper: Settlement Framework for the Western Cape Province, Department of Housing, undated*

[29] *National Development Plan, 2009*

c)	Resolving all important land issues - each parcel of land should take into consideration (but not be limited to) the following:

- Determining the short, medium and long term targets and objectives for the land pipeline in consultation with the relevant stakeholders
- Influencing the longer-term legislative and budgetary framework for land acquisition between the spheres and organs of state
- Proposing strategic developments as reflected in the Master Spatial Plan, which should in turn respond effectively to opportunities and future land assembly initiatives

d)	All pieces of land to be acquired as part of the pipeline must go through a process of profiling to assess their suitability for human settlements. They must be responsive and subscribe to the well-located land continuum that consists of four dimensions, namely the context; the suitability of the land; the capacity of the land for integration, and its alignment with plans and spatial targeting initiatives as illustrated in the figure below:

Context	Urban/Rural Landscape	Demographic Profile	Housing Need/ Housings Demand	Strategic Priorities
Suitable	Environmental Risk	Land Capability & Biodiversity	Regulatory Status	Intended Use
Integrated	Access to services	Access to amenities	Access to transport	Access to economic activities
Aligned	With spatial plans	With spatial targeting initiatives		

Well-Located Land Continuum

e)	Securing the requisite approvals in support of land development may be achieved by:

- Addressing the issues of out-dated and inflexible zoning
- Fast tracking the requisite approvals to support land investment proposals
- Addressing the development viability issues
- Amending land use (i.e. building line relaxations, coverage, parking base, floor area ratio and density)

f)	In addition, municipalities must examine how poorer people access land and accommodation and develop ways to support and regularise these processes so as to provide more security.[30]

5.3.5 Strengthen the land delivery process

The land delivery process involves the identification, allocation, transformation and registration of undeveloped land into serviced land for residential settlement (land development) and is a critical component in the supply and delivery of human settlements.

[30] *See National Development Plan, 2009*

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It is recognised that policies for most of the issues in land delivery fall outside the authority of the national and provincial human settlements departments. However, given the key role that land delivery plays in the housing supply process, it is essential that a human settlement perspective informs the future development of the land delivery framework at national, provincial and local levels.

The components included in the scope of the land delivery framework are : [31]

- Land Use Planning
- Land Development and Land Use Control
- Land Registration and Tenure Systems
- Infrastructure, Services Standards and Tariffs
- Mechanisms for resolving conflicts in the land delivery process
- Release of State-owned Land

5.3.5.1   Simplify land-use planning and the land management system [32]

Planning legislation needs to include mechanisms for improving spatial planning, community access to planning processes and intergovernmental coordination around land management. Municipalities also need to be supported in the implementation of SPLUMA. To assist with the simplification of land use planning and the land management system, the following measures are proposed:

- The legal, institutional and technical elements of the system should ensure that property rights are well-defined, enforceable and transferable at low cost. They must also vary substantially as this has an impact on the establishment, maintenance and sustainability of the registry system

- To avoid inconsistencies in institutional reorganisation, all core functions need to be brought together into one organisation. Also, the adoption of consistent standards for records management and data models may be one approach to this challenge. A combination of the two strategies that involves an implementation of clear coordination guidelines supported by memoranda of agreement between the various institutions could be another approach to avoid supplication

- In an attempt to incorporate the administration of ownership registration in rural areas, the roles and responsibilities of traditional authorities in relation to those of municipal councils in communal areas needs to be clearly defined. The effective discharge of the developmental obligation of local government in such communal areas should also be ensured. In an attempt to delineate and decentralise the system, the following possible models for decentralising land administration functions could be used:

i.   A direct linkage of land administration services to the regional and/or local court system
ii.   A direct linkage to local administration and/or local government (decentralisation)
iii. Provision of land administration services through local representation and/or the offices of a central agency
iv.   The establishment of new, autonomous or semi-autonomous bodies such as Land Boards
v.   The devolution of land administration services to customary authorities

- Linkages to other land sector functions - the linkage between the core land administration functions and other public agencies or requirements should be carefully reviewed and a single strategy identified to incorporate steps into the registration process

- Establishment of regulations for communal areas on issues related to payment of rates and commercial and industrial property tax

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[31] *See National Development Plan, 2009. See Department of Housing, White Paper: A New Housing Policy and Strategy for South Africa, 1994 www.dhs.gov.za/sites/default/files/.../Policies_Housing_ White_Paper.pdf.*
[32] *See Burns, at el., (2008) Land Administration Reform: Indicators of Success, Future Challenges. Land Equity International Pty Ltd.*

5.3.5.2   Land development and land use control

Approaches to land development should take into account the important implications for housing delivery. This is because the land development process is a highly complex administrative process that requires clear and comprehensive regulatory frameworks. Within the human settlements context, all development processes should be able to accommodate and legitimise the entire scope of housing development processes.

Land use control on the other hand is implemented to prevent the haphazard development of land. This is achieved through land use regulations comprised of ordinances, codes and permit requirements. Currently, the SPLUMA provides the overall framework on how these regulatory controls should be implemented at national, provincial and municipal level.

In spite of this, clear guidelines on its implementation are still to be developed and consulted. It is however anticipated that the detailed approaches and guidelines provided will ensure that land development and land use control will accommodate a broad range of needs from a human settlements perspective.

The following objectives are proposed as the sector seeks to align and include its imperatives with those of land development in general:

- The Land Supply Growth Plan/ Land Acquisition Plan needs to provide a blueprint for sustainable growth while balancing the social, economic, environmental, and aesthetic desires of the populace. It should also provide and map out details for land-use control that satisfy broad objectives and prevent conflict in future development
- As part of the plan, land-use controls need to specify quantity and location of parcels for residences, business, agriculture, industry, utilities, community facilities, parks and points of recreation, traffic and transit facilities, as well as floodplains and potential hazard areas
- Municipalities should be encouraged to develop and enforce zoning regulations and ordinances in order to limit population density, noise, pollution, and to maintain the aesthetics of neighbourhoods. Part of the zoning regulations could include establishment of zoning boards within municipalities that would provide technical advice on the related matters
- Municipalities must comply with regulations on subdivisions by ensuring that submission of proposed developments conforms to the municipality's Land Supply Growth Plan/ Land Acquisition Plan
- Municipalities should be capacitated and instructed to develop and review their by-laws on building codes and certificates of occupancy. National government should also monitor the implementation and enforcement of the planning by-laws of municipalities and ensure punitive measures for those municipalities failing to comply
- Additionally, municipalities should be encouraged to develop regulations that provide guidance on the application of private land use controls to ensure that they do not infringe on any government law regulating land-use

5.3.5.3   Tenure reform - land registration and the tenure system

The question of tenure requires new attention and needs to support economic development. It is critical that the tenure system integrates well with the cultural, social and political heritage of South Africa, as well as its projected national strategic direction.

The overriding principle is that the land tenure system of South Africa needs to facilitate efficient land use while, at the same time, eradicating established inequalities and unequal opportunities.

Policy Interventions include the following:

- Land tenure reform needs to be simplified, clarified and speeded up. Government must ensure that a legislative framework dealing with this matter is in place and that the incremental approach to tenure in informal settlements is prioritised by municipalities

• Mechanisms for reducing costs around land registration and transfer need to be introduced for poorer people to ensure that transfers are concluded quickly and recorded properly in the formal land registration system. Delays in the backlog of the registration and transfer of RDP houses also needs to be addressed urgently

• Land audit and fragmented information on land must be addressed

• It is proposed that land tenure reform policy should be flexible and gradualist in its role with regard to traditional authorities. The role of local government in the administration and regulation of land in communal land areas and the measures facilitating the provision of services to communities on communal land should also be clarified.

5.3.5.4   Strengthen the land release and acquisition function for human settlements

Currently, the acquisition and release of state-owned land for human settlements continues to be a long and complex process, despite the establishment of the Housing Development Agency. The HDA therefore needs to be adequately capacitated to ensure that it is able to deliver on its mandate. The following interventions are proposed:

a) Capitalisation of the HDA - this would ensure that the HDA is able to buy the properties deemed suitable for developing integrated, sustainable human settlements. It would also speed up the process of land acquisition and release

b) Proactive evaluation of all properties by the relevant municipalities. Such a process would shorten the evaluation process necessary for government to undertake, subsequently facilitating faster approvals for land release

c) The Minister of Human Settlements needs to enter a binding agreement with the respective provinces so that they commit their grants to the HDA as the sole implementing agency for land acquisition

d) Expropriation is another release option available to the HDA to secure well located land. The HDA Act gives the Agency the power to request the Minister to expropriate land in accordance with section 25 of the Constitution and section 2 of the Expropriation Act, 1975 (Act No. 63 of 1975) (Republic of South Africa, 2006). This applies in exceptional circumstances where private land or land owned by public entities cannot be transferred to the HDA. The Constitution requires that, where property is expropriated, certain conditions apply to both the process and the amount of compensation paid as determined by the Office of the Valuer-General.

e) Consolidate and simplify the legislation governing the disposal of state land - A simplified and coherent piece of legislation is needed to manage the disposal of immovable state assets and should apply to all agencies including municipalities and state-owned entities (SOEs). This would enable a more equitable approach to the release of non-core land from SOEs to other government entities and enable the development of sustainable human settlements.

The application of such a framework should not however support only a profit motive, but should recommend compensation for state land on the basis of the principle of best value for non-core immovable property released for sustainable human settlements.

The HDA's access to state owned entities (SOEs) and state land will also strengthen its ability to provide a single national database of all public property, which would include SOE core and non-core as well as national, provincial and municipal property assets, thus addressing the fragmentation of public land information.

f) Properly define different roles and responsibilities in the land acquisition and release process. To enable this, the following measures are proposed:

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The following stakeholders shall participate in the application of the land identification and acquisition framework. Their roles and responsibilities shall vary as outlined below:

i.   National Department of Human Settlement

NDHS shall be responsible for:

- Providing a Master Plan for Human Settlement Development that will direct land acquisition
- Disbursing the annual grant funding allocations for land acquisitions
- Preparing a National Land Supply Growth Plan/ Land Acquisition Plan and supporting provinces and municipalities in packaging provincial and municipal multi-year land acquisition plans
- Receiving public written offers for land that is suitably located and can be utilized for human settlement prior to disposing of such land assets in the open market
- Leading the development and review of the policy framework and facilitating its implementation
- Supporting provinces and municipalities with implementation of the framework
- Evaluating plans and portions of land acquired or to be acquired (i.e. well located and strategically located land) and gauging the impact of acquisition in achieving the land related targets
- Assessing the performance of the Housing Development Agency with respect to releasing well-located land, rezoned land, and releasing land for new developments that target the poor and lower middle income households
- Providing an enabling environment for the Housing Agency and provinces to perform their functions

ii.   Provincial Departments of Human Settlements

Provinces shall be responsible for:

- Setting aside all pre-determined annual allocations for land acquisitions
- Consulting with their municipalities and developing a multi-year land acquisition plan for the province
- Ensuring alignment of land acquisitions to the Master Spatial Plan and provincial priorities
- Coordinating land acquisitions with the Housing Development Agency
- Ensuring value for money in land acquisitions
- Ensuring timely planning and development of acquired land
- Ensuring that land is utilised for the purpose for which it is acquired
- Keeping track of the implementation of the framework
- Entering into agreement with the Agency regarding land acquisition

iii.   The roles and responsibilities of municipalities shall involve:

- Identifying priority land parcels required for human settlement development
- Engaging communities during the IDP development process regarding land that is suitable for human settlement development
- Preparing multi-year land acquisition programmes in consultation with the province and submitting these to the national department
- Ensuring that land is acquired within an approved development framework
- Ensuring the timely planning and development of acquired land
- Ensuring that land is utilised for the purpose for which it is acquired

NB: Municipalities assigned human settlements development functions in terms of the national accreditation framework will perform roles and responsibilities similar to those of provincial departments of human settlements.

iv. Housing Development Agency

The HDA shall serve as a special purpose vehicle for assembling land and will be responsible for:

- Creating a central database of well-located land in order to provide a register of land considered suitable or unsuitable for the development of sustainable human settlements
- Creating and maintaining a system of classification and categorization of land according to ownership, best land use and functional market principles to enable spatial targeting by provinces and municipalities
- Making resources available for the fast-tracked release of well-located land for human settlements for poor and lower-middle income households
- Facilitating the identification and acquisition of land in line with national and provincial priorities and in accordance with the Master Spatial Plan in consultation with provinces and municipalities
- Developing, in consultation with provinces, a national multi-year land acquisition plan/ land supply growth plan
- Coordinating the land programme
- Identifying and acquiring strategically located land parcels required for national priority projects
- Streamlining processes and ensuring value for money in land acquisitions
- Undertaking land development monitoring on all acquired land
- Facilitating release of state land required for human settlements development

v. National Department of Public Works

The NDPW is the custodian of large tracts of state land countrywide and shall have the following responsibilities:

- Sharing details of its own land that is predominantly located in areas formerly administered by central government in the previous dispensation. This shall include land identified as well-located state property required for human settlements
- Considering individual requests for release of state land on an ad hoc basis
- Consulting other departments and entities and subsequently releasing land for human settlement development purposes
- Providing a simplified process for the transfer of property (eliminating red tape with respect to land release)

vi. Department of Rural Development and Land Reform

The DRDLR just like the NDPW is also the custodian of large tracts of state land that include agricultural land. The department is also the nominal owner of communally held state land. In the main, it owns land that is predominantly located in the areas formerly administered by self-governing territories or states (TBVC) as well as former homelands in the previous dispensation.

The roles and responsibilities of the DRDLR shall be to:

- Release land required for new housing and tenure upgrading purposes
- Consider individual requests for the release of state land on an ad hoc basis
- Consult with other client departments and subsequently release land for human settlement development purposes

vii. State Owned Companies

There are a number of SOEs such as Transnet, Eskom, Denel, the SABC and PRASA to mention but a few that own properties suitable for human settlement development. Such properties must however be non-core to the operations of the state entities.

TOWARDS IMPLEMENTATION

The roles and responsibilities of such entities shall be to:

- Provide the land asset registers and balance sheets of the entities that will provide market related value payable whenever such assets are released for human settlements
- Offer the Department of Human Settlements, inter alia in terms of the Department of Public Enterprises, a first right of refusal whenever such assets are disposed

5.3.6   Restructuring of the housing subsidy to improve land funding arrangements

The national housing subsidy ties affordable housing development expenditure (including land acquisition costs) for all sites to a specific value, regardless of location. The various subsidies have been compiled based on standardised lists of costs rather than on the basis of different variables specific to that particular context.

This could be achieved by:

- Examining the economic and financial sustainability of individual development projects in terms of costs and according to income that can be generated from such properties

- Application of a special raw land discount to public land that is being disposed of for fully or partially subsidised housing. The public sector and, in particular, local municipalities, must realise that when vacant land with low property rates is improved through the construction of subsidised housing estates, the rateable value increases and this increased income accrues to the local authority

- Accommodating regional differences in costs through grant formulas in the determination of subsidy eligibility

- Promotion of the use of "credits" as a facility for rewarding development in areas that already have existing bulk infrastructure. This should be done to encourage sustainable development and to reduce the strain on municipal financial running costs

- Streamlining the multiple sources of subsidies to reduce time and cost spent on funding applications as per the proposal to merge the National Urban Reconstruction and Housing Agency, the Rural Housing Loan Fund ("RHLF") and the National Housing Finance Corporation ("NHFC") into a single lending institution to create economies of scale

- Encouraging the use of project-based pro forma to determine acceptable land cost. In order to deal with the high costs of well-located land, land cost parameters can be determined by using a "residual land value" analysis as part of pro forma financial assessments on a project basis

5.3.7   Diversify site options to include redevelopment[33]

In cases where well-located vacant land is scarce and expensive, there are opportunities for "infill" and for the redevelopment of already built-up areas. Aside from conversions of government buildings, there are also options for converting private sector offices or other buildings that may be under-utilised and undertaking new construction as "infill" between existing built-up sites. There is also potential for the redevelopment of areas that are otherwise under-utilised or under-developed but otherwise well-located.

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[33] *See HDA, Position Paper: Financial Perspectives for the Land Assembly Strategy,*

"Brown field" redevelopment should be encouraged and should incorporate clear strategies for engaging all key affected stakeholders. The following strategies can be adopted to encourage buy-in from all stakeholders:

- Create opportunities to engage with existing property owners and residents not only as stakeholders but as equity financial partners

- Form non-profit community development organisations (CDOs) that can integrate community members on their governing boards

- Include affected stakeholders in the planning of the housing development project. When nearby residents have a say in planning, they are less apt to disapprove of the vision and of any affordable housing options. In some cases, it is better to engage in broader planning questions first and to then gradually introduce the concept of affordable (or mixed-income) housing to the planning process

- This process must also create opportunities that could allow government to leverage value through various public interventions. These could entail:

a) Using the value of well-located public land as a tool for leveraging the private sector's investment in affordable housing as part of mixed-income developments. As such, asset management plans for affordable housing would include public land and assets that can be used as leveraging tools

b) Using public infrastructure to leverage private investment in affordable housing. The power of these incentives is maximised where demand and supply intersect in the market

c) Exploring the potential for equity partnerships in mixed-income and mixed-use projects that could generate a return on investment

IMPLEMENTATION AND INDICATOR FRAMEWORK

It is of crucial importance that successes and failures in the implementation of this framework are measured. A set of Key Performance Indicators (KPIs) should therefore be developed by the proposed structure within the Department of Human Settlements as well as within the Metropolitan, District and Local Municipalities.

The KPI should be built on the aforementioned objectives; should be both quantitative and qualitative, and should be based on SMART (specific, measurable, appropriate, realistic and time bound) principles. Revisions of policies and actions should also be done on a yearly basis.

It should be noted that the implementation plan also provides a set of KPIs that could be used as a foundation for performance assessment, which is necessary for further research as it assists in the identification of appropriate and useable indicators.

The proposed co-ordinating mechanism within the Department of Human Settlements should therefore ensure that a set of Key Performance Indicators (KPIs) are redefined and reviewed on a yearly basis or when necessary as it would be responsible for monitoring the implementation of this framework.

Municipalities, on the other hand, will need to prioritise and ring-fence well-located land for integrated sustainable human settlements:

- Municipalities will need to develop short, medium and long term land needs outlines for human settlement in accordance with current and future housing needs
- Partnerships will need to be established with land custodians to ensure predictable release of land for human settlements
- Expropriation of the land mechanism should be encouraged in instances where land cannot be secured on reasonable terms

IMPLEMENTATION & MONITORING PLAN

CHALLENGE	INTERVENTION	HIGH LEVEL ACTIVITIES/ OUTPUT	PERFORMANCE INDICATORS	RESPONSIBLE
Lack of capacity in local government to perform the developmental function	Build the capacity of local government for appropriate land and housing delivery	• Conduct a comprehensive capacity assessment exercise to address all major housing delivery capacity constraints • Develop a capacity development programme • Implement secondment and transfer of skills to municipalities requiring capacity based on the assessment • Provision of capacity support in the implementation of critical infrastructure e.g. through engineers	• Level of quality (i.e. NQF) of the capacity development programme to address the major capacity constraints within municipalities • Number of provincial officials seconded to transfer skills to those municipalities requiring capacity • Number of critical skills provided • Number of municipalities capacitated to deliver on strategic function in relation to housing and land • Number of NGOs and portion of civil society engaged in enhancing involvement in local government • Number of private partnerships created to enhance delivery capacity	DHS/Provinces/ Municipalities
The unavailability and supply of well-located land	Adoption of a National Land Assembly Strategy	• Review the municipal spatial plans and frameworks to ensure that they are aligned to the Provincial Business Plan and Master Spatial Plan	• Number of municipalities supported financially in developing or reviewing spatial development frameworks • Percentage increase or decrease in the resources provided to municipalities for the development of a spatial framework in comparison to the previous year • Number of municipal spatial plans and frameworks reviewed • Number of Provincial Business Plans aligned to the Master Spatial Plan	DHS/Provinces/ Municipalities/ COGTA
		• Provide dedicated funding to develop and align SDFs and LUMPs	• Number of municipalities supported financially in developing or reviewing spatial development frameworks and LUMS • Percentage increase in the resources allocated to municipalities for the development of a spatial framework in comparison to the previous year	COGTA/Municipality/ DHS/DRDLR/NT
		• Conduct land audits to identify well-located land and development opportunities	• Number of hectares of well-located land identified • Number of hectares of well-located development opportunities identified	Housing Development Agency
		• Conduct feasibility studies and assess constraints of identified growth areas	• Number of hectares of land assessed and approved for acquisition • Number of hectares of land not approved in the identified growth areas with respect to physical or environmental conditions • Quarterly reporting to national and regional partners on the continuous assessment of the constraints of identified growth areas with respect to physical conditions	HDA

IMPLEMENTATION & MONITORING PLAN

CHALLENGE	INTERVENTION	HIGH LEVEL ACTIVITIES/ OUTPUT	PERFORMANCE INDICATORS	RESPONSIBLE
	Diversify site options to include redevelopment	• Develop a 15 year Land Supply Growth Plan/ Land Acquisition Plan (LSGP/ LAP) to support the spatial transformation agenda	• Quarterly progress report to national and regional partners on the progress being made with the 15 Year Land Supply Growth Plan/ Land Acquisition Plan; taking into account housing units yielded, potential decrease in housing backlogs, number of units and other housing opportunities being provided in relation to housing demand	Housing Development Agency
		• Acquire well located land and properties	• Number of hectares of land acquired from SOC • Number of hectares of land acquired from private owners • Number of hectares of land acquired from departments • Number of vacant sites, including vacant sites and under-utilised buildings, for redevelopment	
		• Identifying infill development opportunities (part of the 15 year growth plan)	• Reporting on the infill development opportunities identified or created (must include the land size and value) • Quarterly monitoring of the impact of development on the environment	HDA/Municipality/ Provinces
		• Set and encourage the use of appropriate planning controls to encourage minimum and higher densities identified for infill sites	• Report on standards proposed to municipalities to support them in developing appropriate planning controls that encourage minimum and higher densities identified for infill sites/areas	HDA/DHS/ Provinces/ COGTA
		• Support the re-zoning of identified urban consolidation or PHDAs, as well as offsite farm housing and agri-villages	• Number of critical skills provided to municipalities • Number of municipalities capacitated to deliver on strategic functions in relation to housing and land • Number of municipalities supported financially for the development and review of their spatial development frameworks • Percentage increase in the resources allocated to municipalities for the development of a spatial framework or LUMS in comparison to the previous year • Number of hectares facilitated for re-zoning and township establishment of human settlements, PHDAs or offsite farm housing and agri-villages	HDA/ DHS/ Provinces/

IMPLEMENTATION & MONITORING PLAN

CHALLENGE	INTERVENTION	HIGH LEVEL ACTIVITIES/ OUTPUT	PERFORMANCE INDICATORS	RESPONSIBLE

		• Prepare acquired land for development
		  - Project packaging and development
		  - Capital Investment Plan
			• Number of projects packaged and developed in well located land
			• Number of packaged and developed projects that have secured adequate funding and capital
			• Quarterly reporting to national and regional partners on the progress of the capital investment plan
			• Quarterly reporting on progress being made with the provision of infrastructure in designated areas
			• Quarterly monitoring of the impact of development on the environment
				HDA/ DHS/ Provinces/ Municipalities

The continued sprawling of settlements and informal settlements	Build the capacity of local government for appropriate land and housing delivery	• Develop a capacity development programme • Conduct a comprehensive capacity assessment exercise to address all major housing delivery capacity constraints • Implement secondment and transfer of skills to municipalities requiring capacity based on assessments • Provision of capacity support in the implementation of critical infrastructure e.g. through engineers	• Level of quality of the capacity development programme to address the major capacity constraints within municipalities • Number of provincial officials seconded to transfer skills to municipalities requiring additional capacity • Number of critical skills provided • Number of municipalities capacitated to deliver on strategic functions in relation to housing and land • Number of NGOs and portion of civil society engaged to enhance involvement in local government • Number of private partnerships created toward the development of delivery capacity	DHS/Provinces/ Municipalities
	Diversify site options to include redevelopment	• Develop a baseline and a demographic profile in the strategic locations	• Quarterly progress and monitoring report to national and regional partners on the changing baseline and demographic profile of the strategic locations • Quarterly reporting on progress made with the provision of infrastructure in designated areas	HDA
		• Identify infill development opportunities	• Number of infill development opportunities identified and created, which should include the land size and value • Number of hectares of land acquired from SOC • Quarterly reporting to the national and regional partners on progress being made with the provision of infrastructure in designated areas	HDA/DHS/Provinces
		• Support investigation and application of PHDA approach to the identified key strategic areas	• Number of packaged and developed projects in the identified key strategic areas as per the PHDA approach	HDA
		• Explore the potential for equity partnerships (PPP) in mixed-income and mixed-use projects that could generate a return on investment	• Number of equity partnerships (PPP) in mixed-income and mixed-use projects secured	HDA/Municipality

IMPLEMENTATION & MONITORING PLAN

CHALLENGE	INTERVENTION	HIGH LEVEL ACTIVITIES/ OUTPUT	PERFORMANCE INDICATORS	RESPONSIBLE

	Encourage spatial visioning of strategic areas to attain inclusive settlements	• Prepare acquired land for development
		  - Project packaging and development
		  - Capital Investment Plan
			• Number of projects packaged and developed on well located land
			• Number of packaged and developed projects that have secured adequate funding and capital
			• Quarterly reporting to national and regional partners on the progress of the capital investment plan
			• Quarterly reporting on progress being made with the provision of infrastructure in designated areas
			• Quarterly monitoring of the impact of development on the environment
				HDA/ DHS/ Provinces/ Municipalities

		• Develop a capacity development programme • Conduct a comprehensive capacity assessment exercise to address all major housing delivery capacity constraints • Implement secondment and transfer of skills to municipalities requiring capacity based on assessments • Provision of capacity support in the implementation of critical infrastructure e.g. through engineers	• Level of quality of the capacity development programme to address the major capacity constraints within municipalities • Number of provincial officials seconded to transfer skills to those municipalities requiring additional capacity • Number of critical skills provided • Number of municipalities capacitated to deliver on strategic functions related to housing and land • Number of NGOs and portion of civil society engaged in enhancing involvement in local government • Number of private partnerships created as part of creating delivery capacity	DHS/Provinces/ Municipalities
		• Develop a baseline and demographic profile in the identified strategic locations	• Quarterly progress and monitoring report to national and regional partners on the changing baseline and demographic profile of the strategic locations • Quarterly reporting on progress being made with the provision of infrastructure in designated areas	HDA
		• Identify infill development opportunities	• Number of infill development opportunities identified and created (this should include the land size and value) • Number of hectares of land acquired from SOC • Quarterly reporting to the national and regional partners on progress being made with the provision of infrastructure in designated areas	HDA/DHS/Provinces
		• Support investigation and application of PHDA approach to the identified key strategic areas	• Number of packaged and developed projects in the identified key strategic areas as per the PHDA approach	HDA
		• Explore the potential for equity partnerships (PPP) in mixed-income and mixed-use projects that could generate a return on investment	• Number of equity partnerships (PPP) in mixed-income and mixed-use projects secured	HDA/Municipality

IMPLEMENTATION & MONITORING PLAN

CHALLENGE	INTERVENTION	HIGH LEVEL ACTIVITIES/ OUTPUT	PERFORMANCE INDICATORS	RESPONSIBLE
	Encourage spatial visioning of strategic areas to attain inclusive settlements	• Create opportunities to engage existing property owners and residents as equity financial partners	• Number of hectares of land secured for readjustment	HDA/Municipalities
		• Develop the baseline and demographic profile in strategic locations	• Quarterly progress and monitoring report to national and regional partners on the changing baseline and demographic profile of the strategic locations	HDA
		• Conduct feasibility studies and assess constraints of identified growth areas with respect to physical conditions	• Number of hectares of land assessed and approved for acquisition • Number of hectares of land not approved in the identified growth areas with respect to physical conditions • Quarterly reporting to national and regional partners on the continuous assessment of the constraints existing within the identified growth areas with respect to physical conditions	HDA
		• Support the re-zoning of identified urban consolidation or PHDAs as well as offsite farm housing and agri-villages	• Number of critical skills provided to municipalities • Number of municipalities capacitated to deliver on the strategic function in relation to housing and land • Number of municipalities supported financially in developing and reviewing spatial development frameworks • The percentage adjustment in resources allocated to municipalities for the development of a spatial framework or LUMS in comparison to the previous year • Number of hectares facilitated for re-zoning and township establishment for human settlements, PHDAs or offsite farm housing and agri-villages	HDA/DHS/Provinces
		• Acquire well located land or properties	• Number of hectares of land acquired from SOC • Number of hectares of land acquired from private owners • Number of hectares of land acquired from departments • Number of vacant sites, including vacant sites and under-utilised buildings for redevelopment	
Land and development costs	Encourage the creation of incentives by municipalities	• Lobby for an application for a special raw land discount to SOEs for private land that is being disposed of for fully- or partially-subsidised housing	• Quarterly reporting on applications submitted for a special raw land discount to SOEs for private land that is being disposed of for fully- or partially-subsidised housing	HDA/DHS Provinces/NT

IMPLEMENTATION & MONITORING PLAN

CHALLENGE	INTERVENTION	HIGH LEVEL ACTIVITIES/ OUTPUT	PERFORMANCE INDICATORS	RESPONSIBLE
		• Accommodation of regional differences in land costs in the determination of subsidy eligibility	• Reporting on applications submitted to the DHS and on progress made in the accommodation of regional differences in land costs with respect to the determination of subsidy eligibility	HDA/NDHS
		• Establishment of 'residual land value' and the ranges within which land costs should be expected to fall	• Reporting on the proposals made for the establishment of 'residual land value' and the ranges within which land costs should be expected to fall	HDA/NDHS
		• Lobby for the use of 'credits' as a facility for rewarding development in areas that already have existing bulk infrastructure	• Reporting to national and regional partners on the proposals to be submitted to DHS and NT on the use of 'credits' as a facility for rewarding development in areas that already have existing bulk infrastructure	HDA/NDHS/COGTA
		• Explore the use of vouchers and certificates for low income residents to allow options of choice and location	• Reporting to national and regional partners on the proposals made to DHS that explore the use of vouchers and certificates for low income residents to allow options of choice and location	HDA
		• Lobby for the DHS to introduce a reduction in the percentage of property value required for enrolment of a housing unit	• Reporting to national and regional partners on proposals to be submitted to DHS for a reduction in the percentage of property value required for enrolment of a housing unit	HDA/ DHS/NHRBC
	Adoption of a National Land Assembly Strategy	• Review municipal spatial plans and frameworks to ensure alignment with the Provincial Business Plan and Master Spatial Plan	• Number of municipalities supported financially in the deveopment and review of spatial development frameworks • Percentage adjustment in the resources allocated to municipalities for the development of a spatial framework in compari son to the previous year • Number of municipal spatial plans and frameworks reviewed • Number of Provincial Business Plans aligned to the Master Spatial Plan	DHS/Provinces/ Municipalities
		• Provide dedicated funding to develop and align SDFs and LUMPs	• Number of municipalities supported financially in the development and review of spatial development frameworks • Percentage adjustment in resources allocated to municipalities for the development of a spatial framework in comparison to the previous year	COGTA/Municipality/ DHS/DRDLR/NT

IMPLEMENTATION & MONITORING PLAN

CHALLENGE	INTERVENITION	HIGH LEVEL ACTIVITIES/ OUTPUT	PERFORMANCE INDICATORS	RESPONSIBLE
		• Conduct land audits to identify well-located land and development opportunities	• Number of hectares of well-located land identified • Number of hectares of well-located development opportunities identified	Housing Development Agency
		• Conduct feasibility studies and assess constraints of identified growth areas with respect to physical conditions	• Number of hectares of land assessed and approved for acquisition • Number of hectares of land not approved in the identified growth areas with respect to physical conditions • Quarterly reporting to national and regional partners on the continuous assessment of constraints to identified growth areas with respect to physical conditions	HDA
		• Develop a 15 year Land Supply Growth Plan/ Land Acquisition Plan (LSGP/ LAP) to support the spatial transformation agenda	• Quarterly progress reports to national and regional partners on the progress being made with the 15 year Land Supply Growth Plan/ Land Acquisition Plan • Quarterly progress being made in terms of addressing housing backlogs; number of units and other housing opportunities provided in relation to demand, and changes in backlog levels	Housing Development Agency
	Strengthen land acquisition and the release function of HDA	• Lobby for the consolidation and simplification of legislation governing the disposal of state owned land	• Reports on proposals made for the consolidation and simplification of legislation governing the disposal of state owned land	DHS/DPW/DPE/NT
		• Capitalisation of the HDA	• Report on proposals for possible funding options for the HDA	DHS/ NT
		• Develop a binding agreement with provinces to commit grants to the HDA as the sole implementing agency for land acquisition	• Report on the resolutions made toward reaching an agreement with provinces to commit a grant to the HDA as the sole implementing agency for land acquisition	DHS/ Provinces
		• Conduct all negotiations with relevant stakeholders, including community members	• Report on the key resolutions and challenges faced with relevant stakeholders regarding land acquisitions	HDA/ DPW/ DRDLR/Provinces
		• Release land to the relevant institutions for the commencement of development	• Number of hectares of land released to municipalities • Number of hectares of land released to Provincial DHS • Number of hectares released to other national departments (other than DHS) • Number of hectares released to other provincial departments (other than DHS)	HDA/Province Municipalities

IMPLEMENTATION & MONITORING PLAN

CHALLENGE	INTERVENTION	HIGH LEVEL ACTIVITIES/ OUTPUT	PERFORMANCE INDICATORS	RESPONSIBLE
	Restructuring of the housing subsidy to improve land funding arrangements	• Examine the economic and financial sustainability of individual development projects in terms of cost and impact to communities	• Report on the research and analysis conducted on the economic and financial sustainability of individual development projects in terms of costs and impact on communities	HDA
		• Develop a framework to accommodate regional differences in costs in the grant formulas used to determine subsidy eligibility	• Report on the progress of the framework with regard to accommodating regional differences in costs of the grant formulas with respect to the determination of subsidy eligibility	HDA/DHS
		• Establishment of the Land Fund	• Report on the proposals submitted and processes engaged in for the establishment of the Land Fund	DHS/NT
		• Develop a binding agreement with provinces to commit grants to the HDA as the sole implementing agency for land acquisition	• Report on the engagements and resolutions made toward reaching an agreement with provinces to commit a grant to the HDA as the sole implementing agency for land acquisition	DHS/ Provinces
Slow Processes in the Acquisition and Release of Land for Human Settlements	Strengthen land acquisition and release function of the Housing Development Agency	• Lobby for the consolidation and simplification of legislation governing the disposal of state owned land • Capitalisation of the HDA • Develop a binding agreement with provinces to commit grants to the HDA as the sole implementing agency for land acquisition • Conduct all negotiations with relevant stakeholders, including community members • Appoint conveyancing services to deal with all legal prerequisites • Release land to relevant institutions for the commencement of development	• Report on the proposals made for the consolidation and simplification of legislation governing the disposal of state owned land • Report on the proposals made with regard to possible options for funding the HDA • Report on the resolutions made toward reaching an agreement with provinces to commit grants to the HDA as the sole implementing agency for land acquisition • Report on the key resolution and challenges with relevant stakeholders related to land acquisitions • Number of hectares of land released to Municipalities • Number of hectares of land released to Provincial DHS • Number of hectares released to other national departments (other than DHS) • Number of hectares released to other provincial departments (other than DHS)	DHS/DPW/DPE/NT/ Provinces
	Consolidate and simplify legislation governing the disposal of state land	• Develop or review the framework and legislation that would allow for a standard application of process and compensation for the release of SOE land	• Report on the proposals made for the consolidation and simplification of legislation governing the disposal of state owned land	DHS/DPW/DPE/NT

IMPLEMENTATION & MONITORING PLAN

CHALLENGE	INTERVENTION	HIGH LEVEL ACTIVITIES/ OUTPUT	PERFORMANCE INDICATORS	RESPONSIBLE
	Capitalisation of the HDA	• Provision of funding for land for the HDA	• Report on the proposals made with regard to possible options for the funding of the HDA • Report on the number of engagements and resolutions made toward the provision of funding for land for the HDA	HDA/DHS
	Proactive evaluation of all properties by municipalities	• Lobby for the development and enforcement of legislation to force municipalities to have up-to-date valuation registers	• Report on the reviews conducted to determine the compliance levels of municipalities with respect to updating valuation register data • Report on the number of engagements with municipalities relevant to the possession of up-to-date valuation registers • Report on the resolutions made in relation to the enforcement of legislation to force municipalities to have up-to-date valuation registers	DHS/COGTA
	Speed up tenure reform	• Develop and adopt the land tenure policy	• Report on progress made in the land tenure policy	DRDLR
Challenges experienced in the acquisition and release of land for human settlements	Proposals addressing the challenges include the following:			
• The lack of capital funding to acquire land	• Strengthen the land acquisition and release function of the Housing Development Agency	• Lobby for the consolidation and simplification of legislation governing the disposal of state owned land • Capitalisation of the HDA • Develop a binding agreement with provinces to commit grants to the HDA as the sole implementing agency for land acquisition • Conduct all the negotiations with relevant stakeholders, including community members • Appoint conveyancing services to deal with all the legal prerequisites • Release land to relevant institutions for the comencement of development	• Report on the proposals made for the consolidation and simplification of legislation governing the disposal of state owned land • Report on the proposals made to outline possible options for the funding of the HDA • Report on the resolutions made toward reaching an agreement with provinces to commit grants to the HDA as the sole implementing agency for land acquisition • Report on the key resolutions made and challenges faced with relevant stakeholders in relation to land acquisitions • Number of hectares of land released to Municipalities • Number of hectares of land released to Provincial DHS • Number of hectares released to other national departments (other than DHS) • Number of hectares released to other provincial departments (other than DHS)	DHS/DPW/DPE/NT/ Provinces
	• Proposal for the Minister of Human Settlements to have a binding agreement with the Provinces	• Develop a memorandum of agreement or a policy prescript that would compel the provinces to transfer their land allocations to the HDA for land acquisition	• Report on the engagements and resolutions made toward reaching agreements with provinces for the commission of grants to the HDA as the sole implementing agency for land acquisition	DHS

IMPLEMENTATION & MONITORING PLAN

CHALLENGE	INTERVENTION	HIGH LEVEL ACTIVITIES/ OUTPUT	PERFORMANCE INDICATORS	RESPONSIBLE
• High land costs	• Adoption of a National Land Assembly Strategy	• Review the municipal spatial plans and frameworks to ensure that they are aligned to the Provincial Business Plan and Master Spatial Plan	• Number of municipalities given financial support to develop and review their spatial development frameworks • The percentage adjustment in the resources allocated to municipalities for the development of a spatial framework in comparison to the previous year • Number of municipal spatial plans and frameworks reviewed • Number of Provincial Business Plans aligned to the Master Spatial Plan	DHS/Provinces/ Municipalities
		• Provide dedicated funding to develop and align SDFs and LUMPs	• Number of municipalities given financial support for the development and review of their spatial development frameworks • The percentage adjustment in the resources allocated to municipalities for the development of a spatial framework in comparison to the previous year	COGTA/Municipality/ DHS/DRDLR/NT
		• Conduct land audits to identify well-located land and development opportunities	• Number of hectares of well-located land identified • Number of hectares of well-located development opportunities identified	Housing Development Agency
		• Conduct feasibility studies and assess constraints of identified growth areas with respect to physical conditions	• Number of hectares of land assessed and approved for acquisition • Number of hectares of land not approved in the identified growth areas with respect to physical conditions • Quarterly reporting to national and regional partners on the continuous assessment of the constraints of identified growth areas with respect to physical conditions	HDA
		• Develop a 15 year Land Supply Growth Plan/ Land Acquisition Plan (LSGP/ LAP) to support the spatial transformation agenda	• Quarterly progress reports to national and regional partners on the progress being made with the 15 year Land Supply Growth Plan/ Land Acquisition Plan • Quarterly progress being made with regard to addressing housing backlogs; number of units and other housing opportunities being provided in relation to demand and changes in backlogs	Housing Development Agency

IMPLEMENTATION & MONITORING PLAN

CHALLENGE	INTERVENTION	HIGH LEVEL ACTIVITIES/ OUTPUT	PERFORMANCE INDICATORS	RESPONSIBLE
	• Strengthen the land acquisition and release function of the HDA	• Lobby for the consolidation and simplification of legislation governing the disposal of state owned land • Capitalisation of the HDA • Develop a binding agreement with provinces to commit grants to the HDA as the sole implementing agency for land acquisition • Conduct all negotiations with relevant stakeholders, including community members • Appoint conveyancing services to deal with all legal prerequisites • Release land to relevant institutions for the commencement of development	• Report on the proposals made for the consolidation and simplification of legislation governing the disposal of state owned land • Report on the proposals made with regard to possible options for the funding of the HDA • Report on the resolutions made toward reaching an agreement with provinces to commit grants to the HDA as the sole implementing agency for land acquisition • Report on the key resolutions and challenges with relevant stakeholders related to land acquisitions • Number of hectares of land released to municipalities • Number of hectares of land released to the Provincial DHS • Number of hectares released to other national departments (other than the DHS) • Number of hectares released to other provincial departments (other than the DHS)	DHS/DPW/DPE/NT/ Provinces
	• Restructuring of the housing subsidy to improve land funding arrangements	• Examine the economic and financial sustainability of individual development projects in terms of cost and impact on communities • Develop a framework to accommodate regional cost differences in grant formulas for the determination of subsidy eligibility • Establish the Land Fund • Develop a binding agreement with provinces to commit grants to the HDA as the sole implementing agency for land acquisition	• Report on the research and analysis conducted on the economic and financial sustainability of individual development projects in terms of costs and impact to communities • Report on the progress of the framework to accommodate regional differences in costs in the grant formulas for the determination of subsidy eligibility • Report on the proposals submitted and processes engaged for the establishment of the Land Fund • Report on the engagements and resolutions made toward reaching agreements with provinces to commit grants to the HDA as the sole implementing agency for land acquisition	HDA/DHS /NT/ Provinces
• Lengthy process of state land acquisitions	• Consolidate and simplify legislation governing the disposal of state land	• Develop or review the framework and legislation that would allow for a standard application process, and for compensation of released SOE land	• Report on the proposals made for the consolidation and simplification of legislation governing the disposal of state owned land	HDA/DHS/POE/NT
• Availability of urban, rural and communal land	• Speed up tenure reform	• Develop and adopt the land tenure policy	• Report on the progress made in the land tenure policy	DRDLR

IMPLEMENTATION & MONITORING PLAN

CHALLENGE	INTERVENTION	HIGH LEVEL ACTIVITIES/ OUTPUT	PERFORMANCE INDICATORS	RESPONSIBLE
	• Simplify land-use planning and the land management system	• Tenure legislation must define clearly the institutional and technical elements of the system and ensure property rights are enforceable and transferable at low cost	• Adoption of the tenure legislation	DRDLR
		• Acceleration of the upgrading (PTOs) and granting of title deeds for the houses delivered, both in urban and rural areas as well as in off-site farming areas	• The percentage adjustment of the upgrading (PTOs) • The percentage adjustment in the granting of title deeds for the houses delivered • Number of new title deeds granted for houses developed	DRDLR
		• Development of consistent standards for title deed records management and data capturing models, particularly for rural communal areas	• Report on the standards developed for title deed records management and data capturing models for rural communal areas	DRDLR
		• Develop clear coordination guidelines and memoranda of agreement between the various institutions to avoid supplication of functions related to land administration	• Report on the coordination guidelines between the various institutions to avoid supplication of functions related to land administration	DRDLR
		• Develop policy that defines roles and responsibilities of traditional authorities in relation to those of municipal councils in communal areas	• Adoption of the tenure legislation	DRDLR/ COGTA
		• Establish regulations for communal areas on issues related to payment of rates and commercial and industrial property tax	• Adoption of the tenure legislation	DRLRD/COGTA
• Slow registration of properties	• Consolidate and simplify the legislationgoverning the disposal of state land	• Develop or review frameworks and legislation that would allow for a standard application of process and compensation of the release of SOE land	• Report on proposals made for the consolidation and simplification of legislation governing the disposal of state owned land	HDA/DHS/POE/NT
• Slow delivery of the land reform process	• Simplify land-use planning and land management systems	• Tenure legislation must clearly define the institutional and technical elements of the system and ensure property rights are enforceable and transferable at low cost	• Adoption of the tenure legislation	DRDLR

IMPLEMENTATION & MONITORING PLAN

CHALLENGE	INTERVENTION	HIGH LEVEL ACTIVITIES/ OUTPUT	PERFORMANCE INDICATORS	RESPONSIBLE
		• Acceleration of the upgrading (PTOs) and granting of title deeds for houses delivered, both in urban and rural areas as well as in off-site farming areas	• The percentage adjustment of the upgrading (PTOs) and granting of title deeds • The percentage adjustment in the granting of title deeds for the houses delivered • Number of new title deeds granted for houses developed	DRDLR
		• Development of consistent standards for title deed records management and data capturing models, particularly in rural communal areas	• Report on the standards developed for the title deed records management and data capturing models of rural communal areas	DRDLR
		• Develop clear coordination guidelines and memoranda of agreement between the various institutions to avoid supplication of functions related to land administration	• Report on the coordination guidelines between the various institutions to avoid supplication of functions related to land administration	DRDLR
		• Develop policy that defines roles and responsibilities of traditional authorities in relation to those of municipal councils in communal areas	• Adoption of the tenure legislation	DRDLR/ COGTA
		• Establish regulations for communal areas on issues related to payment of rates and commercial and industrial property tax	• Adoption of the tenure legislation	DRLRD/COGTA
	• Speed up tenure reform	• Develop and adopt the land tenure policy	• Report on progress made with the land tenure policy	DRDLR
Non-alignment of Land Use Planning and Management Systems	Simplify land-use planning and land management systems	• Tenure legislation must define clearly the institutional and technical elements of the system and ensure property rights are enforceable and transferable at low cost	• Adoption of the tenure legislation	DRDLR
		• Acceleration of the upgrading (PTOs) and granting of title deeds for houses delivered, both in urban and rural areas as well as in off-site farming areas	• Percentage adjustment of upgrades (PTOs) • Percentage adjustment in the granting of title deeds for houses delivered • Number of new title deeds granted for houses developed	DRDLR
		• Development of consistent standards for title deed records management and data capturing models, particularly in rural communal areas	• Report on the standards developed for the title deed records management and data capturing models of rural communal areas	DRDLR

IMPLEMENTATION & MONITORING PLAN

CHALLENGE	INTERVENTION	HIGH LEVEL ACTIVITIES/ OUTPUT	PERFORMANCE INDICATORS	RESPONSIBLE
		• Develop clear coordination guidelines and memoranda of agreement between the various institutions to avoid supplication of functions related to land administration	• Report on the coordination guidelines between the various institutions to avoid supplication of functions related to land administration	DRDLR
		• Develop policy that defines roles and responsibilities of traditional authorities in relation to those of municipal councils in communal areas	• Adoption of the tenure legislation	DRDLR/ COGTA
		• Establish regulations for communal areas on issues related to payment of rates and commercial and industrial property tax	• Adoption of the tenure legislation	DRLRD/COGTA
	Speed up tenure reform	• Develop and adopt the land tenure policy	• Report on progress with the land tenure policy	DRDLR

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The Housing Development Agency (HDA)

Block A, Riviera Office Park,
6-10 Riviera Road,
Killarney,
Johannesburg, 2193

Box 3209, Houghton, 2041
Phone: (011) 544 1000
Fax: (011) 544 1007

HDA
HOUSING DEVELOPMENT AGENCY
An agency of the National
Department of Human
Settlements