Urban LandMark
working towards improving access to land and property rights

TENURE SECURITY FACILITY SOUTHERN AFRICA PROJECT

Incrementally securing tenure in informal settlements / slum upgrading in Southern Africa

Advisory Support Services – Technical Report

Incrementally securing tenure in Cape Town: Informal Settlement Transformation Programme pilot project in Monwabisi Park

June 2013

About Urban LandMark

Established in 2006 with funding from the UK's Department for International Development (DFID), Urban LandMark works to find remedies to the problems that have made urban land markets dysfunctional and habitable land unaffordable.

Our initiatives aim to shift policies and practice to improve access to well-located urban land by making markets as well as land planning and management systems work better for poorer people, and giving meaning to the right to land.

Urban LandMark plays a catalytic role by using research to inform policy, and by promoting dialogue between key stakeholders – government, the private sector and civil society – to find effective solutions to prevailing obstacles in accessing urban land markets.

About the Tenure Security Facility Southern Africa Project

Urban LandMark established the Tenure Security Facility Southern Africa project in 2012 to provide specialist technical assistance and advisory services on tenure security within slum upgrading initiatives in Southern Africa, and share lessons learnt with others in the region. The work aims to contribute to improved access to land for poorer people, which in turn contributes to improved livelihoods, active citizenship and asset creation.

The Tenure Security Facility extends and expands on work Urban LandMark has undertaken since 2006. This work has made a significant contribution to recognising the need for incremental tenure in the slum upgrading process and thinking about how this should occur.

The Tenure Security Facility partnered with Sustainable Urban Neighbourhood (SUN) Development for the work in Monwabisi Park, Khayelitsha, Cape Town.

Lauren Royston managed the advisory support services which were provided by **Gemey Abrahams Consultants** in Johannesburg. This Technical Report was written by Gemey Abrahams.

About Sun Development Services

Sustainable Urban Neighbourhood (SUN) Development is an NGO that has been providing development support in Monwabisi Park since 2010. The development support spans many areas and is based on the Violence Protection through Urban Upgrading (VPUU) approach, which addresses crime prevention through an integrated programme that marries institutional crime prevention approaches with social and situational approaches. This methodology has been applied in Monwabisi Park.

Acknowledgements

Glossary

CAP – Community Action Plan

CoCT – City of Cape Town Metropolitan Municipality

CoJ – City of Johannesburg Metropolitan Municipality

DF – Development Framework Plan

DFA – Development Facilitation Act, Act 67of 1993

GIS – Geographic Information System

GPS – Global Positioning System

LEAP - the Legal Entity Assessment Project

LIS – Land Information System

LFTEA – Less Formal Township Establishment Act 113 of 1991

LUPO – the Cape Land Use and Planning Ordinance, 15 of 1986

MIG – Municipal Infrastructure Grant

PBDM - Planning and Building Development Management

SNA – Safe Node Area

SNAC - Safe Node Area Committee

SPLUMB – The National Spatial Planning and Land Use Management Bill

SRP – Spatial Reconfiguration Plan

SPUD - Spatial Planning and Urban Design Department

SUN – Sustainable Urban Neighbourhood Development

TRSA – Transitional Residential Settlement Area

TSF - Tenure Security Facility Southern Africa Programme

Urban LandMark - The Urban Land Markets Programme of Southern Africa

USDG – Urban Settlements Development Grant

VIP – Ventilated Improved Pit Latrine

VPUU – Violence Protection Upgrading Unit

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Report on Informal Settlement Transformation Programme (ISTP) pilot project in Monwabisi Park

1. Introduction

The Urban Land Markets Programme of Southern Africa ('Urban LandMark') Tenure Security Facility Southern Africa Programme 2012, supported by Cities Alliance and with co-funding from UKaid, developed a project to provide targeted advisory services on incrementally securing tenure in slum upgrading in five sites in Southern Africa. The work of the Tenure Security Facility (TSF) builds on work previously undertaken by Urban LandMark since 2007.

Urban LandMark developed an approach to incrementally securing tenure[1] in informal settlements. The approach advocates working with existing, practical mechanisms that allow land tenure to be secured and upgraded over time through a concept of 'recognition'. When authorities 'recognise' a settlement, through various interventions, a settlement can become more secure. The idea of tenure security can be illustrated on a continuum where one end is a state of great insecurity and fear of removal of the settlement through to a state of great security where the settlement is developed by authorities in a formal development process. The moments along the route between these two ends of the continuum represent different states of security, usually related to actions of the authorities and the community. Most informal settlements can be located along this continuum.

The Tenure Security Facility Southern Africa Programme (TSF) has developed this concept further by identifying different routes that settlements may take to secure tenure. The routes represent actions that lead to more secure tenure for occupants and include:

- Resisting evictions;
- Understanding local land management systems - understanding how communities access land, how they hold it, trade it and manage it;
- Tenure dialogues involving the community, stakeholders and the municipality with a view to building greater understanding of tenure;
- Locating tenure within an upgrading project as a 'stream' or element to be specifically addressed - tenure is often a difficult concept to discuss with communities and officials but it is an important element a wider upgrading approach in slums or informal settlements. It is also one that is usually overlooked by authorities and does not feature explicitly in incremental processes. This is because in the conventional approach to development, there is one 'model' or one 'supply channel' of tenure – freehold rights that are granted on individual sites at the end of a formal development process. It is therefore seldom conceptualised as something that can be incrementally provided;
- Strengthening existing land management practices in communities – this can help build community structures and make them more capable of engaging with authorities;
- Administrative recognition mechanisms – these are mechanisms used in a community that are recognised by authorities and in so doing, provide more secure tenure to the settlement;
- Legal recognition mechanisms – these are mechanisms that have a legal or statutory basis and are used to provide recognition to settlements.

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[1] See Incrementally Securing Tenure: An Approach to Informal Settlement Upgrading in South Africa, April 2010. Available at www.urbanlandmark.org.za

What the approach does is place tenure more centrally or even just more explicitly in an overall incremental upgrading approach. So, the approach seeks to understand, to build on and to increase the supply channels (or routes) of officially recognised tenure. It builds on the notion that tenure is recognised in many ways by authorities. The approach is illustrated in the diagram below:

Figure 1: The TSF approach to incrementally securing tenure[2]
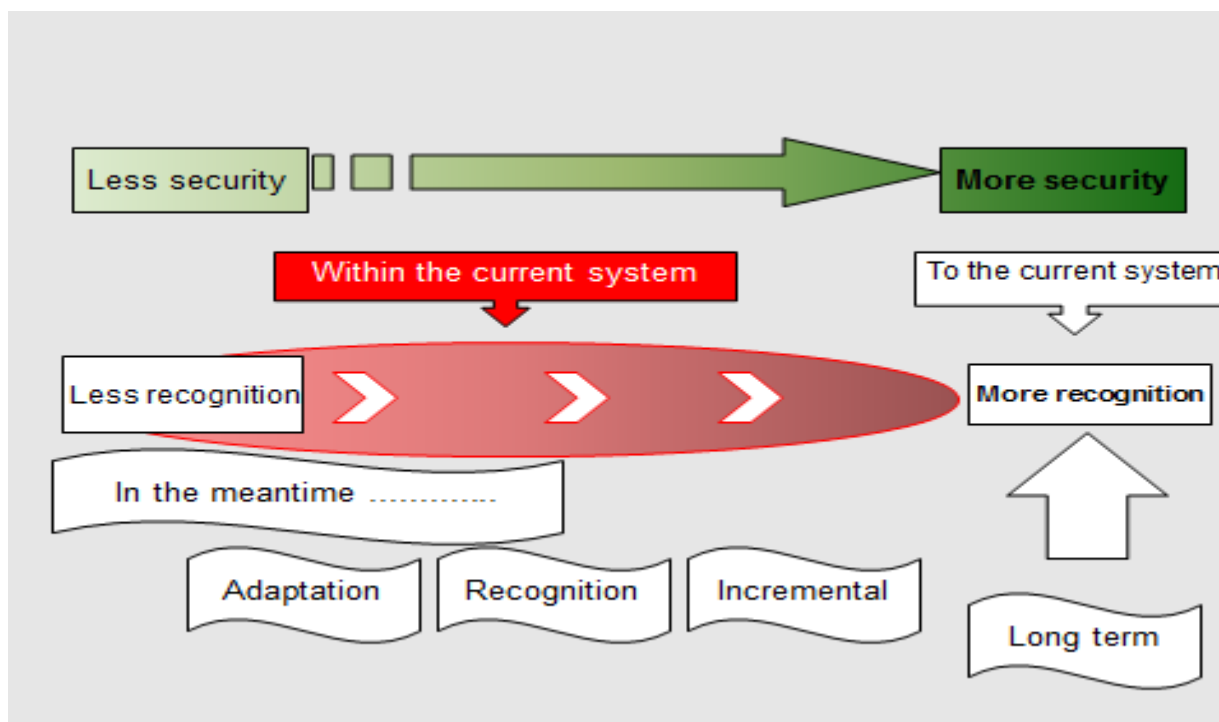
The five sites that are the focus of this wider study provide knowledge and practice of the seven routes mentioned above. The status of tenure security in each case study may also be at different moments along this continuum.

Monwabisi Park is an informal settlement situated in Khayelitsha in the Cape Town metropolitan area close to Mitchell's Plain, about 34 kilometres from the City centre. According residents it was established late in 1996 after a call by President Nelson Mandela that people should move out of backyards and become part of formal urban planning processes. People decided to occupy the open space and initially referred to the area as Endlovini (meaning "river of sand"), before changing the name to Monwabisi Park in 1997. The new name refers to the joy that informed the community's optimism that this would be the start of a better life.

Initially only 1 000 houses were built in Monwabisi Park and the area was used by thugs as a dumping site for stolen vehicles and dead bodies. According to residents, two proposals were tabled by the City of Cape Town municipality to forcefully remove households to Durbanville or Kraaifontein, and some houses were demolished. In response the community formed the SANCO Jabavu (Local) branch in 1997 to defend their rights and resist removal. In 1998, under the presidency of Thabo Mbeki, people were promised basic infrastructure like water, toilets and electricity.

Today Monwabisi Park is home to 24 000 residents and comprises approximately 6 470 structures on 64 hectares of land. The area extends over four large erven – three owned by the City of Cape Town and one by the Western Cape Province. The area forms one of the pilot projects of the Violence Prevention through Urban Upgrading (VPUU) programme which is being implemented by Sustainable Urban

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[2] This illustration is adapted from an unpublished presentation by Lauren Royston for URBAN LANDMARK on 21/05/2013 titled "Reflections on the work of the Tenure Security Facility South Africa project".

Management (SUN). The VPUU programme is a collaboration of the City of Cape Town and the German Development Bank (KfW) which improves low income neighbourhoods by focusing on violence protection in Safe Node Areas (SNA).   It undertakes upgrading through integrated planning design and implementation. Monwabisi Park is one such SNA and is in the process of upgrading and formalisation through the submission of a land use planning application (subdivision and rezoning) to the City of Cape Town. Through this process, the settlement will gain legal recognition and tenure security will be enhanced. On the tenure security continuum, the settlement would then be positioned towards the secure end of the continuum, as shown in the diagram below:
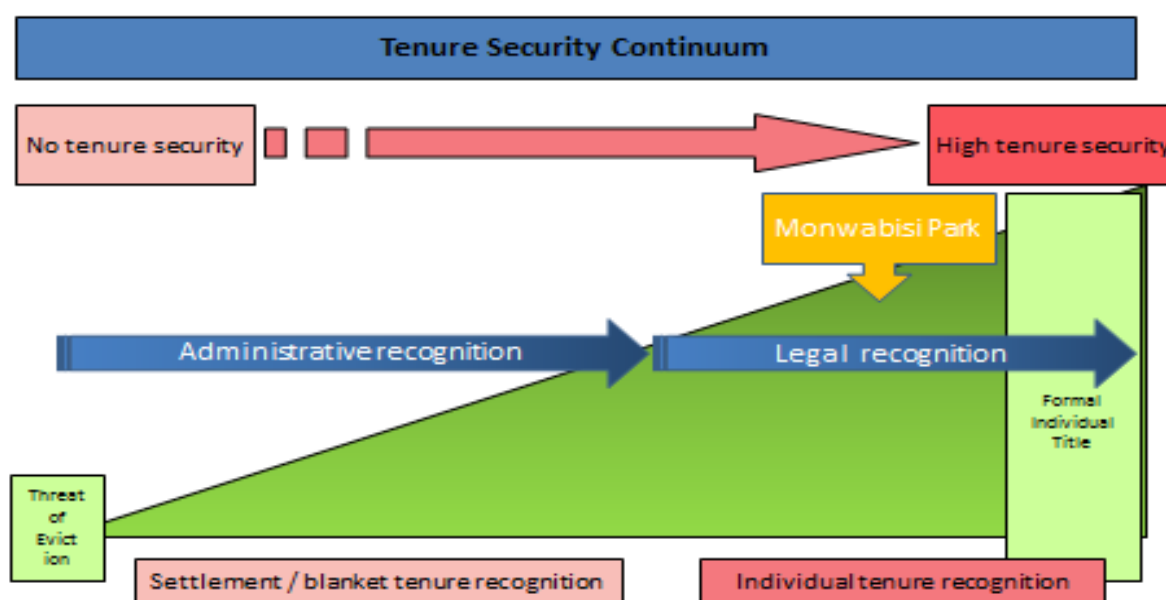
Figure 2: The Tenure Continuum and where Monwabisi Park could be located

Urban LandMark had previously collaborated with Sustainable Urban Neighbourhood Development Services (SUN) on a tenure security strategy for Monwabisi Park informal settlement. This began in October 2010 and extended into 2011. Even before the involvement of Urban LandMark, the community of Monwabisi Park, assisted by SUN had developed a Community Action Plan (CAP) that had identified, *inter alia*, the delivery of improved services and secure tenure to all households. The CAP was visionary and comprehensive and to achieve many of the upgrading goals, the area needed to have a legal status so that the City could invest in social and services infrastructure in the area. Support in the form of technical advice was offered by Urban LandMark on incrementally securing tenure (administrative mechanisms) and on legal recognition. The support enabled SUN to proceed with developing a Tenure Route Map and to initiate a process with City officials on how best to achieve legal recognition of the settlement.

The emphasis of the technical support and advice for this project is to bring these elements together to focus on incrementally securing tenure as part of a land use management application to secure the legal status of the settlement. This was to be done using existing laws. However, the existing land use planning system and land development laws in the country are in a state of transition with new laws being

developed at both national and provincial sphere and older, existing laws being challenged Constitutionally. There was not a completely suitable planning law that could apply harmoniously to the upgrading of an informal settlement *in situ*. Therefore, discussions had to be held with the officials at the CoCT to find the most suitable law to use for the development of Monwabisi Park. Initially it was thought that Chapter 1 of the Less Formal Township Establishment Act, Act 113 of 1991 would be used as the legal mechanism, but changes in the legal planning environment[3] made this a less suitable option. The nature of the advisory services was therefore to support and work collaboratively with SUN to identify a suitable legal mechanism and approach for making a land use management application. More specifically, the support was geared towards holding workshops with City officials to discuss the application and gain clarity on the City's requirements and procedures for such an application.

Hence, the support is an extension of what was identified as important next steps in the *in situ* incremental upgrading of Monwabisi Park. Moving to legal recognition through a development application represents a milestone in the overall process because up to this point, all official recognition has been of an administrative nature. A development application must be approved by the municipality and all the departments must provide their comments on it before approval. For this reason it is essential that the necessary CoCT departments are aware of the application prior to its submission. A series of pre-application workshops with CoCT officials was therefore identified as the main focus of support for Urban LandMark's Land Tenure Facility to provide to SUN.

This report comprises 6 sections. Sections 2 and 3 outline the current situation and the brief. It then outlines the nature and content of the support provided in section 4, reflects on the observations and lessons learnt in section 5 and concludes with what this means for the overall approach and recommendations going forward in section 6.

2. The Current situation

SUN has provided on-going development support in Monwabisi Park since 2009. The development support spans many areas and is based on the Violence Protection through Urban Upgrading (VPUU) approach. In a nutshell, the VPUU approach is participatory and follows a clear methodology that starts with understanding the current situation in an area through a baseline survey that helps develop a vision, identifying priority interventions with the community, developing a local strategy, design interventions through urban design principles to create safe areas (nodes), implementing the projects with the community and local resources[4]. Monitoring and evaluation is built into the methodology along with on-going operations and maintenance. The approach addresses crime prevention through an integrated approach that marries institutional crime prevention approaches with social and situational approaches. The improvement of the socio-economic situation and improved environments are keys to the success of the approach.

In Monwabisi Park, this methodology has been applied and the current status is summarised in the table below:

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[3] The Constitutional Court ruling in the matter of City of Johannesburg vs Gauteng Development Tribunal led to clarity on "municipal planning" whereby land development applications should be decided by municipalities and not provincial authorities. The Less Formal Township Establishment Act, 1991 could be considered 'unconstitutional' as the Provincial government makes the development decisions and it was felt that this could be challenged legally and best avoided as a legal township establishment route.

[4] See website: www.vpuu.org.za

Table 1: Status Quo update of Monwabisi Park

Steps in the Approach	Steps in Monwabisi Park	Status of Actions
1. Community engagement	Set up Safe Node Area Committee (SNAC)	SNAC has been set up in Monwabisi Park
2.Baseline Survey	Status Quo information on the settlement	Done
3.Vision	Community Action Plan	Addresses 6 work-streams (cultural/social; economic; institutional; safety and security; infrastructure; and monitoring and evaluation) and identifies time frames and actions and role players. Essentially it describes the vision developed by the community for the area and how to achieve it. The CAP was signed off by the then Mayor and the Project leadership, SNAC and this high level endorsement is viewed by SUN and the SNAC as support and official recognition (administrative) of the settlement by the CoCT.
4.Prioritise interventions	VPUU safety principles, link CAP and Development Framework Strategies	Interpretation of base information and design principles to prepare a Contextual Framework
	Contextual Framework Plan	Has been prepared
5.Design Intervention	Prepare a Spatial Reconfiguration Plan (SRP) or Development Framework (DF)	The SRP was informed by the combination of 6 spatial layers (landscape, institutional, neighbourhood, dwelling, movement and technical) and the 6 work-streams (cultural/social; economic; institutional; safety and security; infrastructure; and monitoring and evaluation) Considerable hands on work with the community and technical information was involved to prepare the SRP.
	Enumeration (survey and GPS) and numbering of structures and linking to households through a register	A questionnaire was prepared and administered by the community. Structures were given numbers. During the administration of the survey, all structures, pathways, roads were also provided co-ordinates using GPS points.
	LUM application (subdivision and rezoning)	Using Package of Plans Approach
	Environmental application	Several meetings with officials to prepare this application
	Precinct Plans and urban design	Detailed design with the community to establish walkways, open spaces
6.Implementation	Achieve goal of 1 tap, 1 toilet and 1 electrical connection per household. Improved security of tenure	Once application is approved, services can be upgraded. Issue Occupation Agreement
7.Monitoring and Evaluation	Knowledge management of quality of life indicators	On-going monitoring of progress

Urban LandMark's TSF advisory support for this project is focused on Step 5 where a land use management application is being prepared for submission to the City. All the actions up to this point have resulted in products and processes that the Urban LandMark approach would call 'administrative recognition'. The CAP developed by the community and SUN identified the need to move to 'legal recognition' and secure the legal status of the settlement in order to secure increased permissions and unlock higher levels of service provision for residents of the area. This is to be achieved by submitting a land use management application for the area that includes a subdivision (and consolidation) of the existing four portions of land and rezoning the new land area to a use compatible with the existing land uses in the area. As mentioned, this will be an *in situ* upgrading development, that will be done incrementally and that current laws and institutional systems are not geared to this[5]. The support provided by ULM is an attempt to assist SUN in breaking some of these legal and institutional 'logjams' so that Monwabisi Park can be upgraded

Before explaining the nature and content of the support, here is a quick photographic tour[6] through the settlement to appreciate 'what exists' in the settlement:

The view from the east, from the road that leads to the coast.

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[5] With the exception of the Less Formal Township Establishment Act 113 of 1991 and the now-defunct Development Facilitation Act 67 of 1995, planning laws in South Africa were crafted to develop green field, vacant land through a process that would result in an individual site with services that could be transferred in ownership to a purchaser either as a vacant site or a site with a housing structure erected. Informal settlement upgrading involves defining sites and providing services to sites that have already been occupied and have shelters erected on them.
[6] Photographs were taken by Gemey Abrahams during a site visit in April 2013.

View showing housing structures, many decorated with pride, despite their precarious situation

The view from the north, along Mew Way - the main road that separates Monwabisi Park from the more formal settlement of Harare on the other side of this road. Power is supplied to houses along this road. Hedges, fences and gates demarcate informal site boundaries

Every day life.

Economic activities
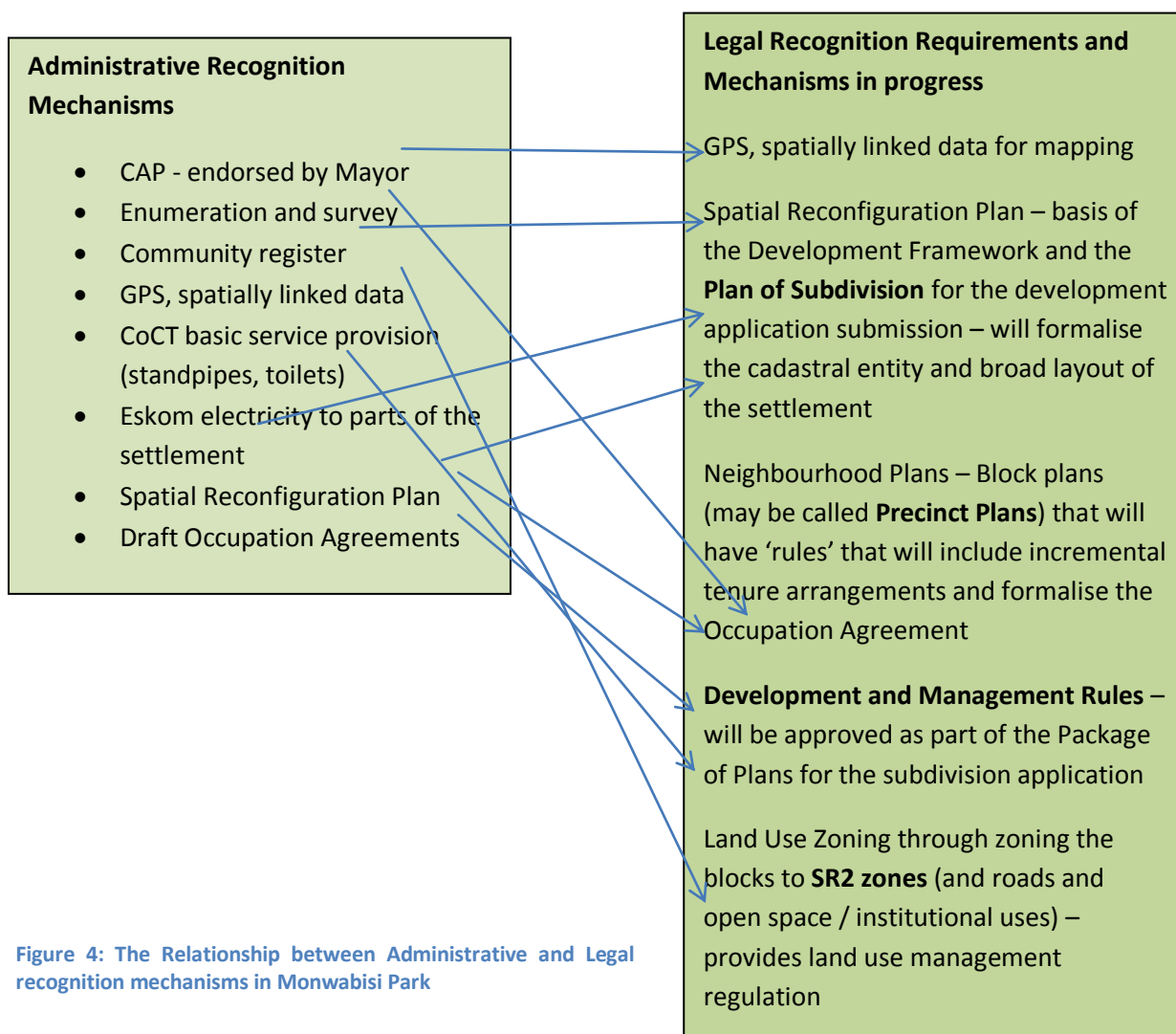

More formal economic
activities along Mew Way

Figure 3: Aerial Photograph of Monwabisi Park settlement

2011 (Source: CoCT City Maps)

Legal Recognition – History of MP

In a previous round of support offered to SUN by Urban LandMark, the emphasis was on strengthening administrative recognition and exploring legislative options to secure legal recognition. There is a strong interface between the two types of recognition as will be shown below for Monwabisi Park:

Administrative Recognition Mechanisms

- CAP - endorsed by Mayor
- Enumeration and survey
- Community register
- GPS, spatially linked data
- CoCT basic service provision (standpipes, toilets)
- Eskom electricity to parts of the settlement
- Spatial Reconfiguration Plan
- Draft Occupation Agreements

Legal Recognition Requirements and Mechanisms in progress

GPS, spatially linked data for mapping

Spatial Reconfiguration Plan – basis of the Development Framework and the **Plan of Subdivision** for the development application submission – will formalise the cadastral entity and broad layout of the settlement

Neighbourhood Plans – Block plans (may be called **Precinct Plans**) that will have 'rules' that will include incremental tenure arrangements and formalise the Occupation Agreement

Development and Management Rules – will be approved as part of the Package of Plans for the subdivision application

Land Use Zoning through zoning the blocks to **SR2 zones** (and roads and open space / institutional uses) – provides land use management regulation

Figure 4: The Relationship between Administrative and Legal recognition mechanisms in Monwabisi Park

From the above it can be seen how many of the aspects that are forms of administrative recognition formed the basis of inputs into aspects that will become legal recognition instruments. For example, the SRP was used by Eskom as the plan to install electricity in the area. Similarly, the negotiations with the CoCT to issue residents with Occupation Agreements and the development of the contents of the draft Occupation Agreement will be referred to in the rules that will accompany the subdivision and rezoning application and upon approval, will be legally inserted into the management mechanism for the area.

With respect to developing legal recognition approaches, SUN approached Urban LandMark in the previous stage of support[7], to assist them in identifying possible legal routes to achieve official, legal recognition of the settlement. The focus was on exploring what laws could be used to subdivide and consolidate the portions of land making up the settlement (the settlement is on four portions of land, three of which are owned by the City of Cape Town and one by the Western Cape Government) as well as identifying what would be suitable land use zoning regulations to apply to the area. At that stage the following options were investigated:

- Subdivision using the Cape Land Use Planning Ordinance 15 of 1985 (LUPO);

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[7] This was roughly between September 2010 and June 2011

- Subdivision using the Less Formal Township Establishment Act 113 of 1991 (LFTEA) – Chapters 1 or 2;
- A conventional rezoning in terms of a town planning scheme;
- A rezoning to a special zone in term of a town planning scheme;
- A rezoning to the proposed 'Incremental Residential Zone' in terms of the then proposed Integrated Zoning Scheme which the City was in the process of preparing;
- Other routes such as that used in Johannesburg to regularise informal settlements using an Amendment Scheme

What ensued was a number of emails and telephonic discussions and meetings to explain the options. SUN also had meetings with planning officials at that stage to gauge their views.

At the conclusion of that process, the general consensus was that the area could be developed using the LFTEA, either Chapter 1 or 2 and that the zoning that would be most suitable would be the Single Residential 2 zoning in the City's draft Integrated Zoning Scheme Regulations. In the interim, SUN focused on the SRP, the Occupation Agreement and liaising with the various City departments and so less progress was made on the legal route to pursue in the ensuing year. However, in the following year, 2013, the City approved the new Zoning Scheme Regulations and it became clear that using the Cape LUPO legislation was preferable for the subdivision application.

3. The Brief

The Brief for technical assistance to SUN for Monwabisi Park was one component of a much larger project of Urban LandMark's TSF LTF which extended tenure investigations into five sites, two of which were in the regional neighbouring countries of Mozambique and Angola plus two other South African sites – Spring Valley in Emahlahleni (Witbank, Mpumalanga) and the City of Johannesburg (CoJ) that had implemented a Regularisation Programme for certain informal settlements. It also included the preparation of practice notes to set out the lessons learnt from the five sites and a booklet which could serve as a guide to incrementally securing tenure in the region.

When the brief was drafted (December 2012), the thinking was still based on using Chapter 1 of the LFTEA for the land use management application for Monwabisi Park. Specifically the Brief called for the following:

- Familiarisation with existing project documentation;
- Hold an initial briefing workshop with SUN Development Services on the land use management application, city and settlement contexts, and develop a programme for an identified number of workshops;
- Develop content for and hold the agreed number of workshops, together with SUN;
- Document the process and recommendations in a draft report;
- Obtain feedback (electronically if necessary) on the draft report from workshop participants in the City of Cape Town, via SUN ;
- Develop a final report on the basis of the feedback obtained.

This report comprises the technical report.

4. The Advisory Support to SUN to address legal recognition of Monwabisi Park

To kick off the project, the Consultant made contact with SUN staff to begin a discussion on the workshops that were required. Information was exchanged and the consultant familiarised herself with the existing documentation provided by SUN and previous Urban LandMark inputs to SUN. A programme of workshops was discussed and it was agreed that, in the short time available, three workshops will be held. The first was with SUN staffers where a full agenda was discussed to ensure that everyone was 'on the same page' regarding the two substantive workshops that were identified.

4.1 Workshop 1 – SUN and Urban LandMark

A workshop date was set for the first workshop and given the extensive Agenda (See Annexure 1) considerable preparation was undertaken by the Consultant to address the extensive list of items identified. In addition to research that was done, the consultant also met with an experienced, Cape-based town planner[8] to verify certain aspects relating to land use management legislation applicable in the Western Cape:

Table 2: Workshop 1 Activities

Agenda Item	Urban LandMark Technical Advisory Inputs
Finding 'common ground' with key stakeholders on incremental tenure processes	Urban LandMark flagged this as important as this was an *in situ* upgrading using an incremental approach which is not commonly addressed in conventional legislation for subdivision and rezoning
Agreement on the legal route to use for the development (subdivision and consolidation) application – LFTEA or LUPO	The consultant reviewed the previous inputs and research on this and noted that there have been Constitutional court rulings and that the Western Cape is almost completed drafting provincial laws and there was a sentiment to use more localised legislation that gives municipalities more decision-making powers. LFTEA decisions are made by the Province
Understanding the implications of the Western Cape Land Use Planning Bill and SLUMB[9]	The Consultant reviewed the draft WC Land Use Planning Bill and the national SPLUMA and provided input to SUN on what the key new aspects are in these laws and their implications. The role of municipalities in "municipal planning" was explained
Understanding all the procedures and requirements for the legal route chosen – especially casting it in an incremental process i.e. finding 'common ground' with City officials and other interested and affected parties. The intention is to provide a clear status of the SRP within the Legal Framework	The procedures that the City follows for applications for subdivisions (as set out on their website) were discussed. The Consultant suggested that the Monwabisi Park application needed to find a common language with the statutory requirements in order to be familiar to the officials when the application is submitted. The Consultant felt that the considerable effort that SUN has put into the spatial plans needed to be appreciated and seen as a formal Development Plan or Plan of Subdivision to meet the formal requirements of the process, rather than being called a SRP (and running the risk that officials would then treat it more critically)
Outlining the incremental tenure approach and products to the land development procedures	A discussion was held on how the City of Johannesburg included incremental tenure into their Amendment Scheme approach. This then led to a discussion on the draft Occupation Agreement (OA) that SUN was working on with the City. The Consultant noted that the draft OA could be revised to focus more on tenure aspects as it was currently focused on the land use requirements that are already covered in the SR2 zoning.
Examining the new Cape Town Integrated	The new Zoning Scheme Regulations were reviewed by the

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[8] Nisa Mammon of Nisa Mammon and Associates.
[9] The Spatial Planning and Land Use Management Bill (SPLUMB) is national planning legislation that, at the time, was being presented to parliament. The Western Cape government was concurrently drafting provincial planning legislation – The Western Cape Land Use Planning Bill, 2012.

Agenda Item	Urban LandMark Technical Advisory Inputs
Zoning Scheme Regulations and its potential and implications of using an SR2 blanket zoning for the Land Use Management steps	Consultant and a range of issues flagged for discussion: The SR2 zoning was seen as suitable as it is intended specifically for informal settlements, but the Consultant felt that it would need some proviso's for application in an *in situ* upgrading situation – it needed to be made more 'incremental' as that was not explicit in the regulations The use of Overlays (as provided for in the new Regulations) was also investigated as a way to incorporate the incremental approach. The new Scheme also makes provision of applications to be made in phases through a Package of Plans approach and the application of this to an incremental upgrading application was also discussed
Implications of the legal development application and land use routes for the SRP, especially for a block layout	The subdivision of the settlement was researched by the Consultant. Monwabisi Park extends over four large erven, three of which are owned by the City and one by the Western Cape Province. The settlement area would need to be defined cadastrally by the consolidation of the four portions and their re-subdivision[10] to create a new outline figure of the settlement and then internally the area needed to be subdivided into neighbourhood blocks, according to the SRP. Other requirements such as power of attorney, infrastructure studies, traffic studies, geotechnical, storm water were also indicated as required for the application.
Understanding of the implication for other legal processes running parallel to the and use management legal process (i.e. NEMA Basic Assessment, Heritage Western Cape requirement for a Notification of Intent to Develop)	SUN had already embarked on these processes and indicated their progress on these matters.
Revision of the SRP boundary after the workshops with CoCT. This boundary will then be surveyed and registered as part of the Land Use Management application.	The main concern was the boundary with Wolfgat Nature area and the proposed new road reserve that will affect the position of the boundary.
Implications for the Administrative Recognition process from outcomes of the Legal Recognition process i.e. final community register, Occupation Agreements, GIS data information, block subdivision etc.	This was included to indicate how the existing work that has been done with the community could be used in the application process to show the City the extent and depth of the work already completed for this formal application.

Besides the discussions and inputs noted above, the first workshop had a goal of planning the two technical workshops with City officials. SUN noted all the officials they had already engaged with and the progress they had made. It became clear that there were two main 'clusters' of officials that needed to be consulted: the Planning and Building Development Management (PBDM) officials and the Spatial Planning and Urban Design (SPUD) officials and the service departments (roads and storm water and water and sanitation in particular). It was agreed that meeting with the planning officials was a first priority in order to get confirmation on what legislation to use.

4.2 Workshop 2 – Technical Workshop: Planning Officials

In the preparation for the first technical workshop, SUN and the consultants had discussions relating to:

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[10] The new area boundary would also be affected by the location of a new road reserve to the south and servitudes.

- How to frame the workshop;
- What outcomes and goal it should achieve?
- Which officials to invite.

In discussions with SUN, it was agreed that the focus will be explicitly the Monwabisi Park land use management application and that, because it is targeted at the planning officials it should be treated as a first 'pre-application' meeting[11]. In terms of the goals of the workshop, these were identified as needing to get agreement on the legal route for the land development application, getting advice on the procedural and substantive requirements for submitting an application, building a common understanding of the VPUU process and what has been achieved to date. There was some discussion on whether to invite officials in senior, strategic positions or to include the District Office SPUD officials who will receive and make recommendations on the application during the approval process. It was agreed to invite the planners from the District Office as they deal with the latter.

This workshop was scheduled for the 24 April and moved to 2 May 2013. It was held in the VPUU offices in Khayelitsha. The section head of Land Use Management in the District office of Khayelitsha in the Planning and Building Development Management attended the meeting along with his Senior Professional Officer and an official from SPUD. This is the office where the planning application will be submitted.

A power point presentation on the status quo of the work done by SUN was presented to kick off the workshop.

The following issues were raised and discussed at the workshop:

Table 3: Workshop 2 Issues

Issues Raised	Discussion and decisions
1. What legislation to use?	The planners confirmed that the LFTEA was not suitable and is not recommended[12]. After some discussion on legal routes, it was agreed that the settlement will be subdivided using the Cape LUPO and rezoned using the SR2 zoning in the (new) Zoning Scheme Regulations
2. What process to follow?	The SPUD planners recommended that the Package of Plans approach be used. The hierarchy of plans that forms the Package of Plans was discussed and in particular where the SRP 'fits' into the hierarchy of plans. The planners suggested that it is a Development Framework (DF) and should be called that instead of the SRP. The LUPO requirements for a subdivision must be followed and the plan that is submitted – the Plan of Subdivision – will detail the roads and internal boundaries.
3. The level of detail for the internal subdivision and creation of neighbourhood blocks	There was considerable discussion on this. The key overarching questions included: Should the area simply be rezoned as SR2 providing a blanket zoning but no internal layout of neighbourhood blocks? If neighbourhood blocks are to be created in the layout of the area, what size should the blocks be? Can the area be designed to the level of detail of identifying boundaries for each site and submitting an application that would provide individual sites?

[11] The SPUD department has an established set of procedures that it follows for the submission of development applications and this includes a pre-application meeting.
[12] The SPLUMB when passed into law as an Act will repeal the LFTEA legislation making it risky to use. However, it also is legislation that relies on Provincial rather than municipal decision-making and could be legally challenged for being unconstitutional, presenting an additional risk.

Issues Raised	Discussion and decisions
	During the discussions, the following considerations were noted: SUN's involvement in the application may only extend to one application so it is important to submit a Development Plan that has the best chance of being approved by the City while at the same time providing a strong basis for the City to improve services to standards that they can approve and is on a trajectory to meet the community's goal of one tap, one toilet and electricity per household without necessarily defining individual sites. By including less detail in the design, very large blocks will be identified making it difficult to plan for internal services while too much detail will raise many servicing standards (e.g. meeting road width requirements) queries and make it difficult to get the application approved. Also the community and SUN recognised the importance of planning at a neighbourhood level to support social, economic and security objectives of the VPUU approach and wanted this to reflect in the internal design of the area. The consultant recommended that the main and secondary roads (i.e. the widest ones that are closest to the minimum standard) be indicated to provide the structure for the neighbourhood blocks, along with clearly defined community erven, open spaces and even some walkways which would result in neighbourhood blocks that can also meet social and community needs
4. The management of the internal neighbourhood blocks	The concept of having neighbourhood blocks was accepted by the SPUD planners as the way to proceed. The SR2 zoning is also applicable to neighbourhood blocks. However the planners raised questions about how the neighbourhood blocks will be managed, who (which department) will be responsible for them and what will be the 'rules' for their incremental and on-going upgrading? The planners advised that SUN develop a set of 'rules' to accompany the Package of Plans application and that these be attached to the Precinct Plan level in the hierarchy of plans. This will allow them to be formally approved as part of the application and become part of the management regulations for the area.
5. The external boundaries and land ownership aspects	The boundary of the settlement that abuts the Wolfgat Conservation Area was discussed and it was agreed that this needs to be finalised for the subdivision application. The necessary power of attorney, land availability agreement and reservation of land must be obtained.
6. Next steps	It was agreed that the planners will organise a wider pre-application meeting where all the key departments will be invited to discuss the application. A proposal for the level of the neighbourhood blocks and their management should be prepared for discussion at that meeting.

After the meeting the Consultant agreed to do further research on the Package of Plans approach and draft possible neighbourhood block 'rules' to support SUN and to provide inputs for the third workshop.

Conclusions for Urban LandMark's TSF and SUN

The workshop achieved its goals as it provided clarity on the legislation to use and the procedures for making the application. It also was constructive in that direction was provided to SUN by the SPUD

planners on matters such as defining institutional arrangements for neighbourhood blocks. By the same token, the SPUD planners also obtained a comprehensive picture of the scope and depth of work that SUN has already undertaken with the community.

4.3   Technical advice Post Workshop 2

Following the workshop, the Consultant prepared a note for SUN addressing the matters raised in workshop relating to the submission of an application. The information below sets out the contents of the note that was provided to SUN:

1. **What legislation to use?**
   The options included:
   - LFTEA – chapter 1 or chapter 2
   - LUPO (provincial ordinance) for the subdivision
   - Rezoning using the Integrated Scheme – SR2 zoning

   The application is:
   - Too premature for the new Western Cape Land Use Planning Bill;
   - Too premature for the CoCT planning bylaws that are being discussed in the legal and planning sections of the Council.

   Subdivision: The consensus is that the land area can be subdivided from the existing land portions, consolidated and re-subdivided into a new outside boundary and internal blocks using LUPO. Not all the land portions are owned by the City of Cape Town and so power of attorney is required (for provincial land) as well as permission to develop (reservation) from the CoCT.

   Rezoning: This must be done using the new Integrated Zoning Scheme Regulations. The land use zone called Single Residential 2 (SR2) for informal areas is to be applied to rezone the land from its respective zones.
   These applications will run parallel.

   1.1 Subdivision Application using LUPO: What are the basic requirements for the submission of such an application?

   There are two important aspects to the submission of an application. The first is to understand the process or procedures that the application goes through and the second is meeting the application requirements for the submission.

   1.1.1   Procedural steps:
   These are well documented by the City in procedural manuals and flow diagrams[13]. The process involves a number of steps but in summary, the key steps are:

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[13] See the City of Cape Town web site: www.capetown.org.za

LUPO Application Steps
Preparation of the application and all the support documentation
Pre-application advice, including consultation with planning officials
Submit application
Internal processes within planning to get the application registered on their system and checking of the application to see if more information is required. Incomplete applications are rejected
Advertising the application – public notices, internal circulation to all departments and collection of comments and objections. Applicant responds to objections
Planning official prepares a report with recommendations
Report goes to a planning committee if there is not delegated authority (unlikely for this scale of development) for a decision. Decision is recorded in Council Minutes
Decision – notify applicant of decision and of right to appeal the decision
Appeal – notify provincial govt and then go through advertising process
Decision and notify the applicant
Internal process to get all documentation on the system

Timeframes are attached to each of the steps as well as a provision to apply for an extension of the time period (not more than 30 days).

1.1.2   A LUPO subdivision application submission has the following requirements[14]:
- Completed and signed application form
- Power of attorney
- Locality plan
- Motivation report – there are further guidelines provided by the CoCT for this report: the report should detail the background to the application; the physical characteristics of the area; detailed description of the development and motivating the development in terms of its desirability
- Copy of title deed
- Conveyancer certificate – if title deeds are not clear
- GP / SG diagram / prelim diagram
- Noting sheet extract
- Subdivision plan (including street names and numbers) – street names and numbers to be annotated
- Electronic copy of Subdivision plan – if more than 10 portions
- Site development/sketch/layout plan (not included but been advised to do the 'package of plans' approach.
- Required number of additional copies
- Application / advertising fee receipt

There are also likely to be specific requirements for this kind of application such as:
- Services report
- Traffic study

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[14] See LAND USE MANAGEMENT - APPLICATION SUBMISSION AND PROCEDURAL REQUIREMENTS May 2012 prepared by PLANNING & BUILDING DEVELOPMENT MANAGEMENT DEPARTMENT, Annexure A

In addition the application must meet the requirements of other legislation such as a scoping report in terms of NEMA and a heritage assessment.

1.2   For the rezoning to SR2 in terms of the Zoning Scheme Regulation:

The whole purpose of a SR2 zoning as set out in the Regulation is:

"The SR2 zone facilitates upgrading and incremental housing from an informal settlement to a formal settlement. SR2 may apply to individual land units or to blocks containing an informal settlement. In recognition of the realities of poor and marginalised communities, development rules are not very restrictive and local employment generation is encouraged within this zone. Once upgrading of an area has reached an appropriate stage, as determined by Council, it is contemplated that the area may be rezoned to SR1 or another appropriate zone"[15]

1.2.1   Process

The procedures for rezoning land include submitting a written application. The submission of the application and payment of the application fee should be preceded by a pre-application consultation.   The workshop held on 2 May 2013 was a pre-application meeting. This is to be followed by a similar meeting with the service departments.

The main procedural steps for submitting a rezoning application include:
- A written submission: this must be complete and contain all the necessary support documents, the title deeds or a conveyancers' certificate and a full motivation for the application;
- Within 14 days of the submission the Council may notify the applicant of any additional information required;
- The application is advertised for public comments/objections and is circulated internally to all departments for their comments;
- The Council may approve or refuse an application and may impose conditions, in writing;
- Appeal

1.2.2   Requirements

The rezoning application will be done simultaneously with the subdivision application. In both instances the merits of the application will be assessed on desirability of the application/land use.

The City of Cape Town has a number of guidance notes for applicants who wish to submit applications and advise that the following must be included in the motivation of desirability:

Defined as the degree of acceptability of the proposed development on the land unit(s) concerned, **desirability** of the proposal should be discussed in terms of the following[16]:
- Subject site's suitability for the proposed development in terms of location, accessibility and physical characteristics;
- Consistency with higher order policy and planning frameworks;

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[15] See City of Cape Town Zoning Scheme Regulations, page 40.
[16] See Land Use Management - Application Submission and Procedural Requirements May 2012 prepared by Planning & Building Development Management Department, page 6.

- Conservation worthiness of existing buildings, structures, vegetation and other natural features;
- Compatibility of proposed development / land use(s) with character and existing spatial structure of surrounding area;
- Access to subject premises and possible traffic problems;
- Cost and availability of required services and infrastructure;
- External visual impact of proposed development, as well as internal aesthetical aspects;
- Any potential disruption of / damage to environment or public nuisance as a result of proposed development / land use(s);
- Potential of application site for alternative uses / development;
- In case of a subdivision, detailed discussion of proposed layout, including street pattern, discouragement of through traffic / traffic calming measures, open space provision, community facilities provision, pedestrian and cycle routes as well as the compatibility of proposed land uses with each other and the surrounding area. An indication of how the development will contribute to and define the public realm, i.e. how the development will link in and contribute to the City form.

However, advice provided by the district level SPUD officials included that this rezoning application should proceed as a **'Package of Plans'** application. This means that a hierarchy of plans must be prepared and submitted as part of the application. This approach was recommended because of the large scale of the application and that it is intended to be developed in an incremental manner. The Package of Plans approach is usually used for large, multi-use, phased private developments and the guidance in the Scheme Regulations is more applicable to those developments and will need to be adjusted for application to the Monwabisi Park development. The hierarchy of plans proposed in the Scheme Regulations is:

- Contextual Framework
- Development Framework
- Precinct Plans
- Subdivision Plans
- Site Development Plans

Guidance on how best to apply the Package of Plans approach in Monwabisi Park is likely to require more engagement with the SPUD officials. However, based on the workshop and the guidance provided at that time, it is understood that the following plans in the hierarchy would be most appropriate:

Contextual Framework Plan: this is a broad level land use policy for the development and the surrounding areas and may include principles summarising the general obligations of Council and the developer in relation to the development. It should not be in conflict with the Spatial Development Framework (SDF) that is approved by Council;

Development Framework: this plan must identify the overall policy, the broad goals and principles for the development. It identifies the land uses and their spatial distribution, the main roads and pedestrian linkages, service infrastructure and identifies any limits within the development (such as the maximum floor space or density);

Precinct Plans: these apply to specific areas in the Development Framework. It describes the development objectives and intentions for the development of the area and includes aspects such as the principles for the urban form, land use, pedestrian links, traffic movement, floor space and environmental management;

Subdivision Plan: this is the main plan that forms part of the subdivision application. This plan will create the new cadastral entities that will make up the area of Monwabisi Park;

Layout Plan: This will indicate the roads and neighbourhood blocks of the new area and is the plan that must be approved by the City as the basis for the survey of the area. It is unlikely to be different from the Subdivision Plan as it will indicate the neighbourhood blocks and roads.

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Section 4 will look at how to apply this package of plans to Monwabisi Park subdivision.

2. What level of detail to include in the 'layout plan'?

There was considerable debate regarding the level of detail of the layout plan/subdivision plan. The debate hinged around the following question*:*

"What is the highest level of internal detail that will enable the plan to be passed by service departments without presenting considerable 'stumbling blocks' related to service standards but that will also serve the community and SUN to be on a sustainable development path?"

The following options were discussed:

Outline figure of the settlement, no internal roads defined: this will be 'easiest' from a 'services constraints' point of view. When rezoned to SR2 it will also provide blanket land use rights for the settlement, granting official, legal recognition to the whole settlement. However, the area will require further subdivision application(s) to reach a stage of defining smaller neighbourhood blocks or even individual sites. It is therefore not much of a 'step up' on the developmental ladder. But it does allow cadastral certainty of the entity and provides for land use rights and management of the area as a whole and importantly, it secures the settlement and hence greatly enhances tenure security (at a group or blanket level).

Outline figure of settlement and main road (s) defined and the creation of large 'blocks' in the settlement layout: the main road is well defined, already has electricity services installed and unlikely to meet much resistance from service departments. The defined larger blocks could present a problem to the service departments and the department that will ultimately be responsible for the area's management, because large areas inside the blocks will be 'unplanned'. However, upon advisement from SPUD planning officials, the inclusion of a 'set of rules' for the neighbourhood blocks can be included in the Package of Plans as a way to manage these perceived risks to the CoCT.

Outline figure of settlement, main road, key walkways and possibly secondary roads: this option could present problems to the service departments in terms of meeting

conventional engineering standards of the roads and walkways but the smaller neighbourhood blocks will enable greater service delivery to more occupants. Institutional arrangements within the neighbourhood blocks have been flagged as a potential problem that will need addressing in the application. Ultimately each neighbourhood block must be transferred to the City Council (most likely the Housing Department) and there needs to be clear 'rules of the game' for how to handle the management of the areas making up each neighbourhood block. This is the preferred option as it allows for a strong definition (a clearly defined structural 'skeleton' upon which to deliver services to residents) of the area in terms of roads and neighbourhood blocks and the blocks are of a scale that will allow for improved service delivery. It also is at a neighbourhood scale in terms of the community organisational structure.

Detailed plan with roads, walkways and individual boundaries for each site: Currently the entire area is informally developed. The service standards expected by service departments cannot be reached for each road and each individual site that will be created. Many 'battles' over the standard of the services and issues such as access to each stand are likely to ensue, making it difficult to get the development application approved. Each site (many of 'unorthodox configuration') would need to be transferred to the CoCT, making it clear where the institutional responsibility would lie but the CoCT would become a large landlord as a result of this option. It is a future option in an incremental approach as most of the 'sites' are already individually identified, presenting a basis on which to develop more detailed subdivision plans for the neighbourhood blocks in the future.

3. **The issues that arise from a neighbourhood block layout design**

Given the above options and the concerns that have been raised by the SPUD planners, the issues can be summarised as:

Institutional responsibility for the 'neighbourhood blocks': through the formalisation process, the land portions (blocks) created will be identified, surveyed and registered in the Deeds Registry Office. A township register will be opened and each block must be transferred to a legal entity. That legal entity will be the CoCT but a specific Department must be identified to take responsibility for the blocks. The most logical department would be the Housing Department. Services such as roads and roadways would also be transferred to the City and become the responsibility of the Roads Department. Similarly any community and social service sites identified (e.g. early learning centres, local clinic) will be transferred to the relevant departments. There needs to be acceptance of this by those departments.

When a formal development application that contains 'blocks' (for example a retirement village) is submitted and the blocks comprise a number of residential uses and some community or commercial facilities, the institutional arrangements are usually undertaken by a home-owners' association and provision in the Zoning Scheme Regulation is made for this. In sectional title developments that comprise blocks, a body corporate would take on these responsibilities. In an informal settlement, these formal institutional structures are complex and expensive to set up and maintain. In some cases, community organisations have tried to set up co-operatives to run the blocks but again these are difficult for communities to sustain. They have not been successful.

In Monwabisi Park, it is unlikely that the City would have greater responsibilities than at present by pursuing the neighbourhood block option, especially if a Package of Plans approach is followed and clear principles and goals of the incremental development process are set out in a document to be approved with the Development Framework and Subdivision Plan.

Providing services:
A workshop must still be held with the services officials but SUN has met with many of the officials from different service departments to discuss and agree the levels and standards of services for the area. A full discussion needs to be held on how servicing will work with block layouts. In anticipation of those discussions, it is likely that the following issues could be raised:

Roads and storm water: The issues are likely to include:
- Road reserve widths have certain standards;
- The hierarchy of roads (e.g. cannot have a 3rd order road joining a 1st order road);
- Access points and standards;
- Hard surfaces generate more runoff so formal development will make for more demanding storm water infrastructure;
- Sandy soils.

Electricity: Eskom (on behalf of the CoCT) has provided extensive infrastructure in the settlement already – high mast lights and street poles (see photos). Many are already located in the informal road reserves. Future extensions to the electricity reticulation are planned for the settlement. The position of poles in the 'road reserves' may be a problem for the Roads Department as the road widths may not meet their required standards.

Water: there are standpipes located throughout the settlement. Clearly there must be some water reticulation infrastructure that brings the water to these taps but SUN indicated that they have been unable to obtain information from the service department on this aspect. Servitudes may need to be created once the location of the pipelines is identified.

Sanitation: rudimentary services are provided through rows of toilets in the informal road reserves. They have conservancy tanks and are emptied regularly. While provided in a communal way, the toilets are allocated to households and each has a number and a lock on the door. There is no internal sanitation reticulation in the settlement. The low water table and sandy soils may make conservancy systems more suitable at this 'group level' but future goals of individual toilets to each household will require a more extensive and costly reticulation system in the future.

Solid waste: There are containers where bagged garbage is taken to and then collected by the City. These are on the main road. They are often locked and garbage is left outside the containers. The main roads are sufficiently wide to accommodate large refuse trucks but some consideration must be given by the solid waste service department of how best to undertake a more individualised service, especially within neighbourhood blocks.

In summary, basic services are being provided in Monwabisi Park. The vision of the community is for each household to have a toilet, tap and electricity. This vision underpins the application and while the achievement of it may be some way down the line, the application must t enable steps towards this vision. The question is whether the service

departments are able to accept that a block layout is a step towards achieving this and modify standards to meet the needs of the community.

Land Use Zoning Provisions: the neighbourhood blocks would all have a SR2 zoning[17]. The provisions of the Scheme state very clearly that SR2 may apply to individual land units or to blocks. Through closer analysis of the provisions of SR2, it is apparent that, while it is a very suitable zoning for informal areas, there are some difficulties with how best to apply the provisions in neighbourhood blocks as they appear to be more tailored to a situation where there are individual sites. But the zoning does make a distinction between areas that are 'formal townships' and areas 'where no formal township exists', indicating sensitivity to an incremental process and accommodating different 'levels' of rules. This is positive. It is not clear, however, what the interpretation of a block subdivision would be by the City – it is not full township establishment and areas inside the defined blocks are still very informal.

However, the key aspects of applying the SR2 zoning to the intended subdivision of Monwabisi Park into neighbourhood blocks are explored below:

SR2 land use provisions: Land use zones confer **land use rights** to properties. The rights are made up of three categories – those that are a primary right (may be exercised as a right without the need to obtain any additional planning permissions), additional rights (these are permitted but usually subject to some conditions) and those that require consent (written permission) from the City.

As the name of the zoning category implies, the primary right is residential, permitting a detached residential structure to be erected. But additional uses are accommodated. This is done through 'additional rights' and includes the following uses:

- Shelter
- House shop
- Home occupation
- Home child care
- Informal trading

But these are subject to certain conditions:
- That the dominant use must be residential;
- No uses that constitute a nuisance (noise, dust, fumes, smoke or special waste requirements) are permitted;
- That the conditions[18] that apply to each of the uses listed above are adhered to.

With the SR2 zoning where no formal township has been legally established or where individual land units are not identified, the zoning does allow for more than one of the land uses listed above to occur on the land units (neighbourhood blocks).

In a block layout, the SR2 zoning would apply to each block. Existing homes, which would be defined as shelters[19] (if constructed of non-permanent materials), would be able to have

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[17] It is important to note that the SR2 zoning **may** apply to an informal settlement without a formal township being established. The zoning would apply across the whole area of the informal settlement in a blanket way.
[18] These are set out in detail in the Zoning Scheme

economic activities which would constitute a home occupation, a house shop, a home child care or informal trading, so long as it does not take up more than 25% - 40%[20] of the shelter and not be noxious or a nuisance. Within the neighbourhood block, multiple shelters would be permitted and they may include the different uses.

SR2 Building line provisions: A second 'relaxed' provision in the Zoning Scheme Regulations for SR2 where no formal township exists is that relating to building lines. A distinction is made in the Zoning Scheme Regulations between rules for building lines where a formal township exists and where one does not. The approach to building lines in the neighbourhood blocks is then one of defining areas around the shelters, setbacks from 'boundaries' and setbacks from roads. The application of these provisions in Monwabisi Park, as part of the subdivision application will include the following:

- The main road and any other defined road reserves in the plan: the shelter should be located at least 1 metre from the road (street, temporary road or thoroughfare);
- Where there is a property boundary, in this case it would be the outside boundary as well as the neighbourhood block boundaries: structures should be 3 metres from the boundary, as determined by Council[21];
- Attached shelters: where more than 4 shelters are attached to each other, Council may require a space of 2,5 metres between the shelters and any other shelter on the property concerned or adjacent property. Here the provision is "may" and it is at the discretion of the Council and it appears to only apply to attached shelters. So there does not seem to be a specific provision regarding how close shelters in any 'site' may be to each other. However, practical health and safety (fire) considerations should be considered within the neighbourhood blocks.

The scheme also sets out what would be allowed as far as encroachments over the prescribed building lines[22]. It lists the kind of structures that can go over (or be erected within) the building line, provided it does not extend over the boundary line. The main ones of interest for the Monwabisi Park subdivision application would include:

- Fences, gates, boundary walls;
- Open, uncovered stoeps;
- Entrance steps, entrance porches;
- Eaves and awnings that project not more than 1 metre from a building (structure);
- Flower boxes, drain pipes, water pipes or minor decorative features that do not extend more than 500mm from the wall of the building (structure).

Hence, the provisions are fairly flexible (but still conceived of in terms of a conventional land use management system) regarding the position of structures in the settlement. However, there are some provisions that may prove difficult to apply within the existing settlement. Two in particular may be problematic:

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[19]'Shelter' means a structure and unit of accommodation intended for human occupation, constructed of any material whatsoever, even though such material may not comply with the standards of durability intended by the National Building Act. Definition taken from the Scheme;
[20] Home occupation = 25%; House shop = 40%
[21] It may be fair to assume that the 'as determined by Council' clause could provide some leeway to negotiate specific distances of building lines.
[22] See Section 18.1.1

- The location of structures close to roads – a 1 metre provision is required. This will be difficult for the house shops that are already located along the main road.
- The neighbourhood blocks will create boundaries between shelters, and these boundaries may be interpreted as requiring 3 metre spaces around them. These boundaries should not be interpreted this way as they are simply a 'structuring device' to create smaller cadastral entities and not a design feature as such. However, the provision does make allowance for negotiation.

SR2 road provisions: The building line provisions raise the issue of roads and their identification in the subdivision plan and what the provisions under SR2 are for roads. Section 5.2.6 is clear that no building or shelter shall be erected on land which has been constructed as a road or identified by Council as a future road. The subdivision plan for Monwabisi Park will identify roads and as such they will then be proclaimed as roads and the building line provisions will need to be applied. This will then restrict the erection of any shelters in that identified road. While it is a standard condition and a health and safety provision, there will be instances where shelters will be within the road reserve. There are two basic approaches to take in an incremental upgrading area to address this situation. The road standard can be reduced, where practical, to minimise the need for relocation or shelters can be relocated to other sites. A pragmatic application of both these approaches is required in Monwabisi Park. Communities have lived on their defined sites for many years and relocation should be kept to a minimum. Where road reserves are not clearly defined (or are much wider than the tar or gravel surface), it is difficult to identify the actual road area, resulting in encroachments.

Informal trading is permitted in road reserves but that is only if no permanent structures are used to trade from, no obstacles to pedestrians are created, municipal services are not interfered with and that it presents no threat to public health or safety. What would need to be discussed and agreed is whether the informal shops along the main road are seen as informal trading or house shops. In either case the structures are not permanent. A possible position to negotiate may be to allow the structures within the road reserve and/or building line while they remain as corrugated iron or other impermanent material and only once a formal building is erected, that the more formal SR2 conditions apply as intended.

SR2 building provisions: the Zoning Scheme Regulation is flexible in this regard and that is welcomed. The Scheme differentiates between a shelter and a building. For a shelter, the Council takes no responsibility. But it does reserve the right to instruct any occupant to remedy a structure that presents a public health and safety risk and can fine the occupant if they do not address the problem. For building approvals the Scheme Regulation is flexible in that it allows an occupant to submit a formal building plan even if an individual land unit has not been identified or that the land unit has not been legally transferred to the household. But it still includes a provision that the National Building Regulations apply. The Scheme Regulation includes certain proviso's to enable the building approval. These are:
- That the applicant must have permission from the owner of the land to erect the building;
- That the location and use of the building is acceptable (they will determine this).

In summary, given the Consultant's interpretation of the application of the Scheme Regulation for SR2 zoning to neighbourhood blocks in Monwabisi Park it is concluded that officials are most likely to have concerns about:

- Who would maintain walkways and minor roads within the neighbourhood block – the Roads Department would not want to be responsible (roads and walkways will become the responsibility of the roads department after proclamation) if service standards are not up to their conventional approval standards;
- How would refuse be collected within the neighbourhood block (large refuse collection vehicles may not be able to access all households within the block);
- Who would be responsible if there was a flood or fire?
- Who would accounts be sent to for services (especially if one / two water main(s) were supplied to each neighbourhood block?
- How could individualised services be provided to households within the neighbourhood blocks as there would be no legal entity representing that block with whom to enter into a 'contract'?
- How would land use management be undertaken (for example the regulation of side spaces, changes in land use and the need to circulate to neighbouring land owners) where individual sites are not legally defined?

It must be noted that these concerns come from the conventional paradigm of working with individual, registered sites where each site has a recognised legal owner. SR2 allows for incremental upgrading but all the 'rules' to achieve this are still new and being tested, making negotiation with officials a key component of the subdivision and rezoning application. The other key component is to set out the development vision, goals and approach in the application and ensure that it is also approved with the plans. This will require support documentation to accompany the Development Framework plan in the Package of Plans approach.

4. **How to accommodate the development of Monwabisi Park in the Package of Plans approach**
   SUN was advised to take a Package of Plans approach. The conventional approach to using the Package of Plans will need to be modified for this *in situ*, informally settled area. This section sets out a proposal on how to apply this approach to Monwabisi Park rezoning and the subdivision application.

   More advice and assistance may be required to meet all the requirements for a final submission, but the sections below are the beginnings of a proposal that can be used by SUN:

   4.1 Contextual Framework Plan
   This must deal with the following aspects:
   - The location of the settlement in relation to surrounding uses such as the Monwabisi node, Wolfgat Conservation Area and other formal developments nearby;
   - What the SDF for the area says;
   - Proximity to other key uses such as employment, social infrastructure (schools, hospitals, etc);
   - Proximity to other informal settlements including the and context of informal settlements in the area and how this is a relatively low density settlement;
   - Short history of the development of MP;
   - The role that the settlement will play in the wider area;

- The institutional relationships relating to the area (land ownership, role of the Council in the past, currently and in the future);
- The need for and desirability of pursuing formalisation of the area;
- Physical maps to be included showing the area and the spatial relationships.

4.2 Development Framework Plan (DF)

This will comprise a Plan and a report. Its key purpose is to focus on the development of the area itself, having outlined the broader context in the Contextual Framework. The two elements are:

The Plan

The Development Framework Plan will essentially be the current Spatial Reconfiguration Plan (SRP) that SUN has already prepared and revised.

The Report

The report must begin to set the parameters for the development of the whole of Monwabisi Park. It must include the following:
- The vision for the development of the area;
- The overall goals for the development;
- The incremental approach – the principles that will underpin it and why it must be adopted.

Then it should look at each of the 'systems' within the area and explain what they are, how they currently function and what the overall long term goals are for each of them:
- The main design elements – the roads, the pathways, the neighbourhood blocks;
- The land use concept (mainly residential, home shops on main roads, supporting sustainable livelihoods so economic uses on the sites, etc);
- The internal roads and pathways structure;
- Incremental servicing requirements for the design (e.g. taps and toilets and solid waste collection points in road reserves);
- The social and institutional needs (crèches, schools, clinics, community centres, sports fields, ECD);
- The violence protection /security needs and system in the area;
- The overall built densities current and future;
- How to address 're-blocking' and the identification of land to accommodate this.

4.3 Precinct Plans

These will detail the nature of the development within the neighbourhood blocks that make up Monwabisi Park. It is also at this level that more detail on the 'rules' for the blocks will be set out.

Unlike a private commercial development where different blocks may contain specific or mixed uses (and they will be vacant when the plans are drawn up), the neighbourhood blocks in Monwabisi Park will mostly be residential but the development within the blocks may vary depending on their location and make-up. It will therefore be important for the key concepts that inform the development of the neighbourhood blocks be set out first followed by the development and management rules. A proposal for the neighbourhood blocks could include:

- Development principles for the neighbourhood blocks: these could include: participatory development; fairness and equity in allocating space; practicality of service provision and access; adherence to requirements of SR2; tolerance and understanding;
- Development objectives for the neighbourhood blocks: - this could include detailing the securing of the residential land use rights across the block; securing services to and within the block; a neighbourhood scale of development; spatial arrangements or design within the blocks (e.g. treatment along roads and adjacent to pathways); density objectives;
- Development design of the neighbourhood blocks: the spatial structure of the blocks, the number of shelters within a block, the average size of sites for households, access to roads;
- Development management within neighbourhood blocks: this could be developed in stages or incrementally. At first the blocks would contain a number of households and this arrangement may be retained indefinitely or at a later stage some of the blocks may be subdivided internally to produce individual sites, if desired. At the neighbourhood block level the following aspects may need management:

  - solid waste collection – could consider a group collection approach, preferably community-driven and disposal at a collection site that will cater for a number of blocks;
  - Shared water meters – if billing were to take place, the allocation of the share of the bill among households may require a group-based approach;
  - Parking and deliveries – where there is not street access to each internal household dwelling, an area could be set aside for parking or drop-off or deliveries;
  - Group security and surveillance: this may require community negotiation regarding access over sites within a neighbourhood block;
- The erection of any new shelters within the existing neighbourhood block – the City does not take responsibility for shelters but at the same time they would not want 'uncontrolled' erection of new shelters that will later require services. A 'policy' for this should be negotiated and agreed at a community-wide level and then implemented in each neighbourhood block. This could include agreement on the number of shelters within a neighbourhood block; the maximum size of the shelters; who may reside in the additional shelters and defining tenancy relationships between households;;
- Environmental management considerations.

4.4 The Subdivision Plan

This is the plan that will be approved by the CoCT, to give legal status to the area. It must have clearly defined outer boundaries, the main roads and access points, any internal streets that can be defined to meet as close to the required street standards acceptable to the Council as possible and similarly any walkways. These elements will define the internal neighbourhood blocks. Where sites for community services can be defined, these can be included in the subdivision plan at this stage. It must include details of service provision and, if required, indicate any servitudes required for these services.

5. Proposed Next Steps

While considerable work had been undertaken by SUN with the community to arrive at this stage of preparing an application, a number of steps still need to be undertaken to prepare the final application for subdivision and rezoning to SR2, including;

- Finalisation of the outer boundary of the settlement;
- Agreements to develop on land not owned by the City;
- Meetings with service departments and agreement on road, water, sanitation, electricity and solid waste standards that are appropriate to the settlement, that upgrading of roads and other infrastructure can proceed incrementally and still be acceptable for the Council Departments to take ownership of;
- The preparation and assembly of the plans that make up the Package of Plans ;
- The finalisation of the subdivision plan with the agreed level of detail to be included so that appropriate-sized neighbourhood blocks can be identified and upgraded incrementally;
- The preparation of precinct plans with the 'development rules' to guide the incremental upgrading of the neighbourhood blocks and the management of them over time.

As a next step in the advisory support that Urban LandMark and the Tenure Security Facility offered, a second advisory note was prepared by the Consultant. It made proposals on some preliminary aspects that could be included in the development 'rules' for the neighbourhood blocks. A first draft was prepared for comment by SUN and Urban LandMark. After receipt of the comments and attending to their revisions, a second draft was prepared for discussion at the third workshop with CoCT officials. It is a draft proposal and will still need more revision, but hopefully provides some content that SUN can work with when finalising the rules for the submission of the application. The proposed draft neighbourhood block rules could include:

The Proposed Neighbourhood Block Rules

Preface to the Neighbourhood Block Rules

The application to formalise Monwabisi Park will be undertaken under the Package of Plans approach. Integral to this is the need for a series of plans that will include a Contextual Framework and Development Framework Plan along with the Plan of Subdivision and application for subdivision and rezoning. The details of the development will be provided in Precinct Plans. The subdivision plan will result in the area being 'divided up' into Neighbourhood Blocks. The Precinct Plans that will be prepared as part of the hierarchy of plans will indicate the internal arrangements within these neighbourhood blocks. As this is an *in situ* informal, incremental, upgrading project, there are currently residents occupying land within the neighbourhood blocks. In order to ensure that land use planning, building, services and development management is regulated and managed within the neighbourhood blocks, a set of 'rules' has been developed to guide this process while the land parcels are constituted in this form.

To ensure an incremental approach, the Precinct Plans that will accompany these rules will be basic Precinct Plans and indicate pathways and structures. It is important to view the neighbourhood bocks as an incremental step[23] between the (blanket) recognition of the entire settlement and the formal individualised site layout for the area, should this be desired. At a later stage, more detail of

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[23] This is unlike other formal 'group' schemes that are permanent and require a legally constituted Body Corporate or Home Owners Association.

the internal layout of the neighbourhood blocks will be developed and more detailed Precinct Plans prepared[24].

Hence these 'rules' must be read with the basic Precinct Plans and be approved as part of the Package of Plans.

The key points of departure that informed the development of these rules are:

- The settlement is to be upgraded *in situ*, with minimal relocation of structures;
- The settlement will be upgraded on an incremental basis. This means that the end point may include subdivision areas with individual sites surveyed and transferred, with water, sanitation, electricity and roads serving individual sites or neighbourhood blocks. A number of steps (increments) in the development process must be taken to reach that point. This implies that the level of formality increases towards the final vision or end point. It therefore also requires that each element of the development, servicing, land use and building management and occupation rights should take a stepped approach. It is envisaged that the first step is the communal or group stage where occupants reside in structures – this requires the minimal level of regulation and adherence to conventional service standards. Emphasis is placed on health and safety aspects to guide discretion in their application. A next step is when individual internal site boundaries are defined and a more individualised approach to regulation, management and servicing can be undertaken because plans of the sites are available. This arrangement may continue during that period while subdivision plans and the application are being prepared for the blocks. Where it is not possible or undesirable to do an internal subdivision of any of the neighbourhood blocks, provision can be made for block-level services and management of the blocks on an on-going basis;
- The CoCT will include the spatial information from the subdivision plan in their GIS system and include a GIS layer for the neighbourhood block information;
- The project falls outside of the housing subsidy scheme approach;
- A Precinct Plan(s) accompanies these rules.

These rules shall apply to all neighbourhood blocks within Monwabisi Park in terms of approved Subdivision xxx (date and number of Proclamation)

Zoning

Residential and within the neighbourhood blocks will be zoned SR2 in terms of the Zoning Scheme Regulations of the CoCT (approved March 2013). The regulations set out for SR2 are to be applied with the following provisos:

- That the conditions applicable to 'structures' shall be applied;
- That the conditions relating to instances where *'no formal township exists'* or *'it is not possible to identify individual land units'* shall be applied until such time as individual site boundaries have been identified and approved by the CoCT;
- Conditions relating to common boundary lines shall not apply to the boundaries of the neighbourhood blocks;
- Discretion is applied to the application of the general building line encroachments (as per 18.1);

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[24] While it is proposed here that there be basic Precinct Plans submitted with the application and as more detail within each block is designed, agreed and finalised, a more detailed final Precinct Plan can be submitted to the CoCT. The SPUD planners have suggested that the final Precinct Plans could rather be Site Development Plans in terms of the Package of Plans.

- Parking and access provisions in Chapter 19 do not apply;
- Discretion in the application of House Shop regulations shall be exercised by the CoCT while the dwelling house is defined as a Shelter and while individual site boundaries have not been determined;
- Where approval is required from the CoCT in terms of the SR2 zoning, occupants must make an application and the CoCT and the CoCT must ensure that the procedures for doing this are clear, known to the community and accessible for occupants to undertake.

Occupation Agreements

The underlying land is owned by the CoCT and Western Cape Government (WCG) and is managed by the Property Department of the City and WCG. Each neighbourhood block is home to a number of households. In order to incrementally secure permission to occupy a shelter and hence increase tenure security in Monwabisi Park, discussions have been held with the CoCT to issue Occupation Agreements to residents. The following proposal is provided as input to those Agreements and could comprise the following:

- Occupants of structures in the neighbourhood blocks will be provided permission to occupy their structure by the CoCT, in the form of an Occupation Agreement;
- The identification of recipients of an Occupation Agreement must be based on the updated community register;
- A number will be given to each structure, based on the renumbering of structures, and this will be reflected in the community register;
- A record called an Occupation Agreement will be issued to the nominated heads of household of each structure, known as the *Mninimzi*. Partners of Heads of Households are recognised within this;
- Once signed by the heads of household, the Occupation Agreement will grant permission for the household to legally have occupation of the structure;
- The obligations and responsibilities set out in the Occupation Agreement relating to both the recipient household and the CoCT shall apply;
- A record of the Occupation Agreements will be held by the CoCT and be reflected on the Community Register;
- Any changes to the head of household must be reported to the CoCT and to the Community office and a new Occupation Agreement issued, if applicable, or an endorsement made on the existing Agreement;
- The issuance of Occupation Agreements must be done jointly by the Community Register Office with the Community Register Committee and the CoCT;
- The Occupation Agreement is an agreement to occupy the shelter on land owned by the City.

Internal management of the Neighbourhood Blocks

The land is owned by the CoCT and the Western Cape Government. The occupants can be viewed as tenants on the land until such time as land ownership is transferred to individuals, if applicable.

- The overall responsibility for the settlement will be the Housing[25] Department. That Department must make resources, in the form of officials and budgets, available for the incremental upgrading of the settlement;
- All matters relating to human settlements and the development of the area must be co-ordinated by the Housing Department;
- In the event that the Housing Department identifies any on-going matters that require liaison with the community residing in neighbourhood blocks, the SNAC must be notified to establish a block committee with a chairperson who will become the representative of the block;
- Existing community structures must be recognised and consulted by the CoCT on any matters affecting the management of neighbourhood blocks.

Internal Layout of the Neighbourhood Blocks

When the settlement or parts of it has reached the stage when individual site boundaries within the neighbourhood blocks would like to be determined[26], the following shall apply:

- The determination of the individual site boundaries must be done by the community and a process will be developed and approved by the SNAC Committee. Existing informal boundaries must be used as the basis for the internal arrangements;
- The occupants of the blocks must be consulted in the delineation of the site boundaries;
- The Community Committee will oversee and decide the position of the boundary in instances where there are local disputes;
- The CoCT must oversee the boundary delineation and mapping process;
- The sit boundaries must be indicated on a revised Precinct Plan[27] for each block;
- Each site must be given a site number by the Community Register Office. This must be done in consultation with the CoCT and the Community Register Committee. The CoCT must prepare and maintain records of the site numbers;
- Where GIS information on the site boundaries is available, the City must add this information to the GIS layer in their land information system;
- At the stage when the neighbourhood blocks are subject to a subdivision application, the site boundaries will be surveyed and any inconsistencies with the Precinct Plan must be referred to the Community Committee for adjudication;
- The determination of the boundaries must, as far as is practical, comply with the SR2 zoning requirements when a permanent dwelling unit is built.

Services and Neighbourhood Blocks

Basic, communal services are already provided to some parts of Monwabisi Park. The vision of the community is to have services provided to each household within the neighbourhood block. But this will need to be achieved on an incremental basis. Consideration can be given to the following:

- The CoCT continues to extend basic services on the same basis as it does currently;
- The upgrading of these basic services incrementally, including:
    - Increasing the number of standpipes;

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[25] This is a proposal and must still be agreed to by the Housing Department.
[26] This stage must be agreed between the community structures and the City. It may apply to the whole of the settlement or to identified neighbourhood blocks.
[27] In terms of the Package of Plans, the revised Precinct Plan may be called the Site Development Plan as it will have more detail than the original Precinct Plan.

- o   Increasing the number of toilets
- o   Increasing the number of solid waste (refuse) collection sites;
- o   Implementing community-based waste collection within neighbourhood blocks;

- To supply water reticulation to a point within a neighbourhood block with a single meter for the neighbourhood block;
- The extension of internal water reticulation to households within the neighbourhood block, either with the single block meter or with individual water meters per house; For block arrangements, the users within the block must be identified and recorded and linked to the block account in the CoCT's billing system;
- Electricity reticulation to each structure within the neighbourhood block by overhead supply.

The Precinct Plan

A Precinct Plan is included as part of the Package of Plans application. A Precinct Plan must be prepared for each neighbourhood block. As this is an incremental approach, the Precinct Plan that is submitted with the Package of Plan will be simple or basic plan and will not include internal site boundaries. Once site boundaries have been determined by the community, a revised Precinct Plan (or Site Development Plan) must be prepared by the CoCT and included on their GIS system. This Plan will be the basis of future subdivision plans for the neighbourhood blocks.

4.4   Workshop 3 – Pre-application Meeting with Officials

The third workshop, held on 3 June 2013 was set up by the District SPUD office as a pre-application meeting. Officials from all key departments were invited as they would be the officials who would comment on the application once it is submitted. It was therefore an opportunity to explain the work that has been done in Monwabisi Park to date, to explain the approach being taken and to table the current neighbourhood block proposal at the meeting and discuss any comments that officials raised.

Annexure 2 provides an indication of who was invited and who attended the meeting. In brief, officials from Planning, Human Settlements, Roads, Parks and Fire were in attendance.

The following issues were raised and discussed, as summarised below:

Table 5: Issues Raised in Technical Workshop 2

Issues Raised	Discussion and decisions
1. The 'rules' for neighbourhood blocks	The planners raised the issue of the institutional arrangements for the neighbourhood blocks and how to set out the development and management rules going forward. SUN re-iterated that the institutional responsibility must lie with the Housing department. There needed to be one department that drives the future development, has budgets and manages the area. The Consultant mentioned that draft block rules had been prepared for inclusion in the application. These address the internal arrangements within the neighbourhood blocks. The issue of future formal development of the neighbourhood blocks was raised by CoCT officials in connection with the submission of building plans when a household want to erect a brick home. It must comply with the national building regulations and this requires permission from the owner of the land. Plans would

Issues Raised	Discussion and decisions
	also need to show the location of the structure and if individual sites are not defined, how would this happen and how could they approve the building plan? The Consultant suggested that once site boundaries are defined by the community (process set out in the block rules) a revised Precinct Plan could be submitted and this could be used as the basis for approving building plans. The SPED planners suggested that this plan could be called the Site Development Plan.
2. How will tenure work in the neighbourhood blocks?	The discussion revolved around the nature of the tenure rights, would they be transferable, could children inherit them, how to avoid the internal sites from getting smaller and denser. It was explained that the Occupation Agreement will provide occupation rights to households. These must be able to be transferred within the household. It was explained that the Occupation Agreements would be referred to in the neighbourhood block rules and so will be formalised through the application. The idea that this is an interim step of securing tenure on the road towards individualised tenure based on defined individual sites was observed by some in the meeting. The idea that the neighbourhood blocks can provide flexibility of tenure was also noted by some officials in the meeting.
3. The level of detail for the internal subdivision	There was limited discussion on this but it was noted that for the ECD sites, it is better if they are defined and zoned formally so that services can be extended to them, formal building built and approved and the ECD institution can be registered and receive subsidies. Likewise areas for recreation / open space should be indicated even though the SR2 zoning does allow this use. It was suggested that where they are already identified and developed, the sites should be demarcated in the plan of subdivision. It was also noted that services such as roads are difficult to provide incrementally and that minimum standards are necessary as roads contain many other services in the road reserve. It was suggested that the design standard be guided by the refuse and fire vehicles that must enter the area. It was countered that the largest vehicles do not need to enter all the roads as they have smaller vehicles that can get access to most of the informal structures. Transport noted that they had already agreed to a narrower standard width for Mew Way, from 32m to 20m. By downgrading the category of road, the number of access points into the settlement can also be increased.
4. The external boundary with the Wolfgat Conservation Area	The boundary of the settlement that abuts the Wolfgat Conservation Area was discussed and it was suggested that SUN discuss the alignment of the future Baden Powell Road (only a line on a map at this stage and SUN has indicated an alignment to provide a boundary to the settlement) be discussed with the coastal engineers of the CoCT. The Transport department confirmed that they do not have an alignment for this road yet.
5. Overall view of submitting an application	It was noted that an application to formalise the settlement will present considerable benefits to the community as it will unlock larger capital and maintenance budgets for the area. The Consultant noted that SUN had done an exceptional amount of preparation work that can support the application – there is extensive mapping, professional reports on services, community information from the enumeration and baseline survey and that this should provide a sound basis for the CoCT to assess and approve the

Issues Raised	Discussion and decisions
	application when it is submitted. The Consultant also suggested that once the application is approved, it will need to be managed and this will require capacity in the District office as well as processes to inform the community of the new status as a SR2 zoned area.
6. Next steps	It was agreed that SUN must proceed with the application As some CoCT departments were not in attendance, they could be approached individually to follow up on any issues raised

Overall, the application was well received in the workshop and most officials engaged with the content and offered constructive suggestions where they could.

In summary, the application will go ahead as a subdivision using LUPO, with a plan of subdivision that will indicate a neighbourhood block layout (final level of detail to be decided, but likely to have main and secondary roads (probably zoned as TR2), community sites and larger residential sites). The rezoning will be done in terms of the Zoning Scheme Regulations. The application will be done as a Package of Plans. This will include a Contextual Framework, a Development Framework (the current SRP) and Precinct Plans indicating the neighbourhood blocks. Linked to the Precinct Plans will be the set of neighbourhood block rules. The Subdivision Plan will be similar to the Development Framework and is required as the formal application plan that will accompany the motivation report and all other documents required for the subdivision and rezoning application. The application will be submitted to the District SPUD office, advertised and circulated to all internal departments for comments and approval conditions. During this process, the Occupation Agreements can be finalised with the CoCT as can the re-numbering of the shelters and the updating of the local register. These elements will then be in place to extend tenure according to the proposed neighbourhood block rules once the application is approved.

5. Overall Observations and Findings from the Advisory Support

5.1 Moving from informality to formality

Monwabisi Park illustrates that it is not easy to undertake the necessary steps that will shift a settlement from an informal status to one that is formally proclaimed. The main difficulties relate to:

a. Finding the correct legal mechanism to use to formalise a settlement:

South Africa still has a plethora of planning laws and the laws are in transition. Although there is new national and provincial legislation in the pipeline, existing laws must be worked with. The existing laws are best suited to conventional land development and few readily 'match' the needs of informal settlement upgrading and even fewer *in situ* upgrading. Hence, existing laws need to be adapted creatively for new situations.

b. Understanding the formal development process and legal requirements:

The legal requirements are set out in regulations and are generally understood and followed by officials who are responsible for their implementation. The legal requirements are generally determined from the point of departure of developing a vacant land parcel, with clear ownership and requiring a high level of services. This is clearly not the case in Monwabisi Park. The laws and requirements therefore need to interrogated, they need to be discussed with officials, they need to be adapted and these adaptions need

to be understood by all parties or else the application runs the risk of not being acceptable to the authorities.

c. Trying to get a 'fit' with legal mechanisms

Because the existing laws are geared towards conventional development applications, they do not easily accommodate applications that deviate from that norm. Hence, the laws need to be 'applied' and adapted. In the case of Monwabisi Park, the requirement to subdivide into neighbourhood blocks is a good example of this. While the subdivision procedures and the Package of Plans approach do accommodate phased development, it is specifically crafted for greenfields development. In the case of the subdivision application, each neighbourhood block would at a later stage require a further subdivision application to create the internal site boundaries, should individual sites want to become registered. The package of plans approach required that rules for the neighbourhood blocks be developed. Hence, there is scope to work within existing laws, but it creates extra, costly steps and additional management burden. The SR2 zoning is to be commended for accommodating informal land uses, but they too are written more specifically for applications when individual sites are determined (an 'end state'), despite stating that the zoning does apply to blocks.

d. Working from a 'tabula rasa'

Existing laws and procedures tend to work from a point of departure that the land is vacant. When a community has been in occupation of land for a long time, it has community organisation structures, it develops ways of accessing land, of holding it, of trading it and so land markets exist in these areas. Authorities often have little knowledge of community dynamics and interactions and informal land markets and are therefore less able to accommodate these local systems into their processes, procedures and products. Upgrading or initiating formal development may break up local, community practices. This is often due to the nature of the formal processes and instruments (e.g. a community plan or a community register can be ignored by authorities who will prepare a layout plan, survey sites and prepare a township register).

5.2   Grappling with Incrementalism and *in situ* development

As mentioned, the laws are not geared towards incremental development approaches and certainly not for *in situ* development. The SR2 zoning regulations attempt to be more flexible in this regard but they would benefit by being set out in more incremental stages. It would be more appropriate if the application of the zoning was outlined for instances when there is simply a blanket application of the zoning, then how they would be applied when there are neighbourhood blocks and then how they would be applied when there are individual sites defined. As this has not been done, there is less guidance to officials who must implement and manage areas that have SR2 and how and when to exercise discretion in the application of the provisions.

While the notion of incremental upgrading is understood by most officials, it is not easily practiced. There are therefore few familiar experiences or instruments that officials can rely on or turn to. Policies relating to service standards, for example, ignore informal areas. Service standards seem dichotomous and binary – either emergency / basic services or full levels and standards. There is little in between. So, ideas of providing services to neighbourhood blocks in a group way or to multiple households with informal boundary arrangements within blocks are not considered.

The fact that the neighbourhood blocks already have people living there, raised all kinds of issues of how to deal with the institutional and management aspects of the neighbourhood blocks. In a conventional development that has a block configuration (such as a townhouse development or a retirement village),

the rules are clear to officials – a homeowners' association that legally undertakes the internal management, the construction and maintenance of roads and storm-water, the payment of rates and services is established. In Monwabisi Park, the CoCT would still own the land comprising the neighbourhood blocks and this would result in them becoming a 'land lord'.

5.3   Making sense of institutional aspects

While each of the neighbourhood blocks will need to be registered in the deeds office and transferred to the CoCT, the Departmental home of the settlement has been an issue. In terms of its current zoning as 'undetermined' it falls under property management section of the CoCT. VPUU is an entity within the Housing department of the CoCT but largely works outside of this institutional arrangement.   Once proclaimed, Monwabisi Park must have a department that is in charge of it. It needs to be located in a department so that it can become incorporated into line budgets of that department. It needs to have capital and maintenance budgets allocated for upgrading. And it needs a 'driver' to ensure that the efforts of many departments and their budgets are all contributing to the management of the area.. This must be co-ordinated and championed by one department.

5.4   Working with different approaches

The VPUU approach is one that has a strong spatial component as it is based on creating safe nodes and neighbourhoods through sensitive urban design. They therefore had extensive spatial information in GIS layers and were able to generate high quality and informative spatial plans. All information was 'ground truthed' in close consultation with the community and the urban design of the area is based on what exists and minimal relocation (a principle of their approach). So, they were able to prepare a Contextual Framework plan and a Development Framework and even block layouts at different scales. VPUU was aware of the Package of Plans approach and adopted a similar approach in their methodology. So, the requirement from the City to use the Package of Plans approach is not an entirely new thing or a very difficult thing technically for VPUU to do for the application. However, including Neighbourhood Block rules is a new innovation for Monwabisi Park.
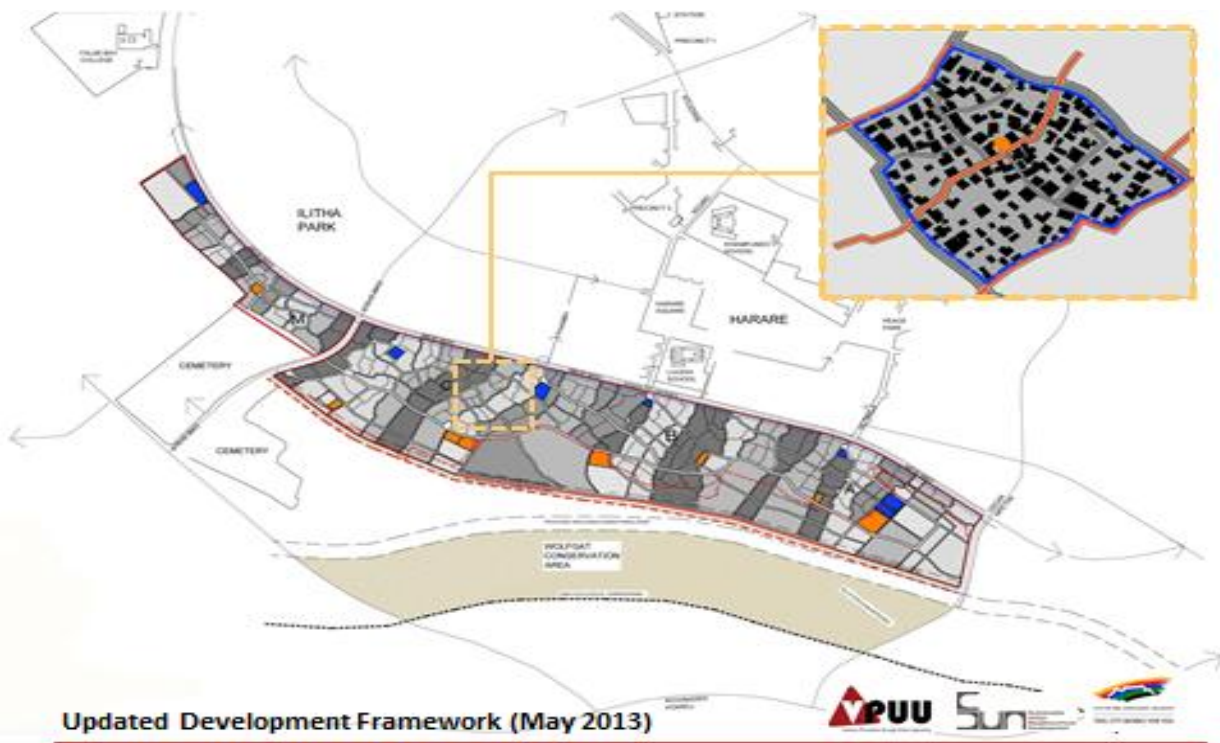
Source: SUN presentation to Workshop 3.

The enumeration process (see below for more details) had considerable resonance with the Urban LandMark approach. In summary The VPUU approach is that right from the start, it includes spatial positioning of shelters and the household survey includes information on skills in the community. Information was able to be assembled into a community register. What VPUU does well is the community institutional and skills building and has a committee that is responsible for the community register. But what is required now it to get the register accepted or recognised by the CoCT and incorporated into their systems.

5.5   Dealing with tenure in a land development application (or as one 'stream' of an upgrading process)

Firstly, dealing with tenure security in a development application is not the conventional 'terrain' of planning officials and secondly, trying to understand an incremental approach to tenure security is even more difficult.

In a conventional land development application tenure is delivered at the end of the process to a buyer who purchases a defined erf and obtains a title deed to that effect. Or sectional title or long lease arrangements can also be included. But it is received at the end of the development process and dealt with by professional conveyancers.

In an incremental situation and in line with the Urban LandMark approach, there are many ways in which a community and individuals in a community can secure permissions or rights in land. These can be officially recognised or not and they may even be legally recognised through a lease or occupation agreement. Tenure may also be secured by a range of actions of authorities including a council resolution, a promise by a political leader to not be relocated, the provision of a permanent service by a service provider, numbering

of structures, enumerating the area and so forth. Tenure security in the Urban LandMark approach is therefore a much wider concept than simply a title deed (which would be only one option).

In the case of Monwabisi Park, there have already been many steps to securing tenure incrementally. This was conceptualised into a Tenure Route / Road Map by SUN and Urban LandMark in the previous round of support. In summary the process and contents of the proposed Tenure Map[28] is:

Table 6: The Tenure Road Map Concept and application to Monwabisi Park

Tenure Map Step	Status in Monwabisi Park
STEP 1: Understanding what exists Legal framework and local context	This has been completed
STEP 2: 1. Registration processes and administration recognition strengthening: 2 processes	

A: Community register
    Local/site survey
    Assessing current tenure arrangements
    Skills audit
	This has been done.
	Used matrices to understand tenure arrangements

B: Provide essential security of tenure Basic administrative documents proof of residence	House number and community register provides some proof Working on Occupation Agreements with the City
STEP 2.2 Actions Define responsibilities -city officials and community representatives Define deadlines in respect to legal mechanisms towards legal recognition Start settlement subdivision process	This is the development application process that is being embarked upon Includes spatial planning and urban design
STEP 3: Legal Recognition Tenure Investigation, Registration Process and Administration Recognition still in progress	This will be provided when the application is approved and the Occupation Agreements issued. It should be noted that legal recognition of the settlement through the legal development process, will not automatically provide secure individual tenure and that must be secured through the OA.
STEP 4: Tenure arrangements definition -resulting from all of the above	This will be through the Occupation Agreements which will be included in the Neighbourhood Block rules
STEP X: Land Use Management This will have to be introduced at some point - possibly via the Local Office Concept- and which will strongly depends on: – Legal mechanism applied to achieve legal recognition – Existing Governance System and potential governance arrangements defined with the Community and Local Authorities	The SR2 zoning will address this Precinct Plan neighbourhood block rules will also address this. The CoCT must put a range of mechanisms in place to govern the area after it is proclaimed.

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[28] Based on early thinking by ULM and LEAP c. 2010

The development of the tenure road map began from a position of understanding 'what exists' in the settlement. There was synergy between the Urban LandMark and the VPUU approaches which begins with a thorough status quo (baseline) analysis of the community to understand the local situation. How SUN conceptualised and built the road map into their processes is shown in the diagram below

Figure 6: SUN process diagram showing the Tenure Road Map
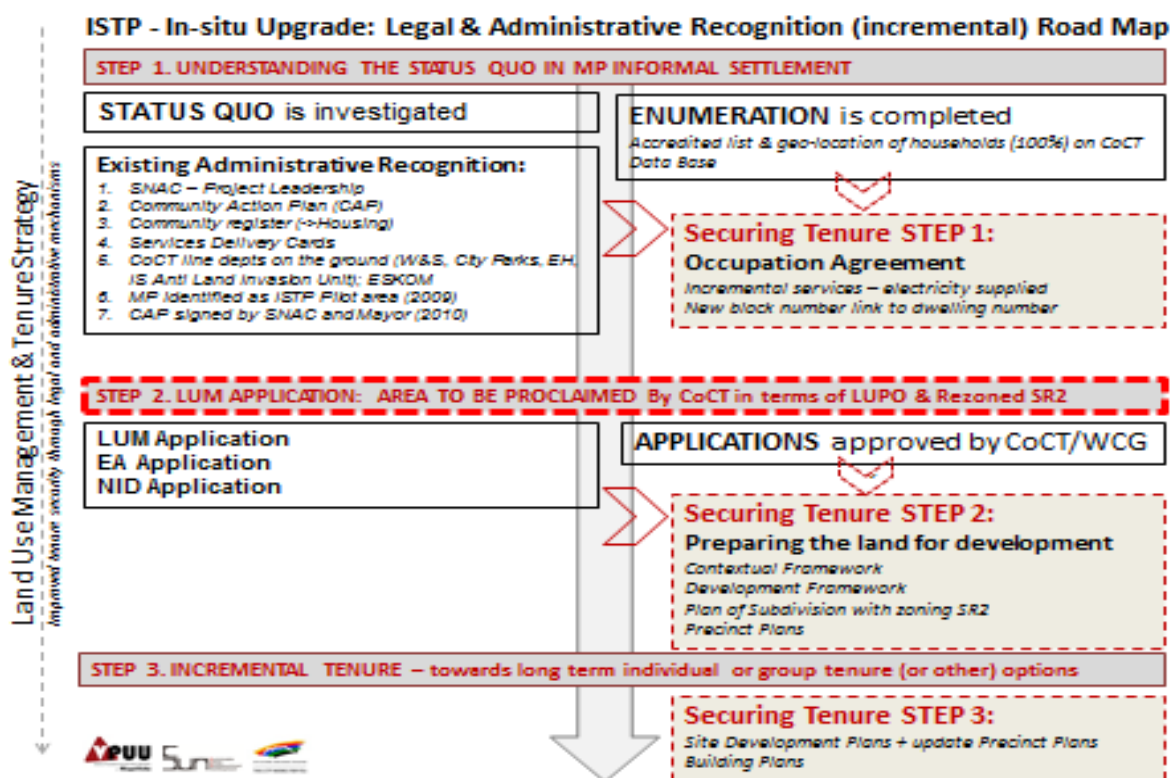
Source: SUN presentation to Workshop 3

So, considerable work was already done by SUN to establish 'what exists', in Urban LandMark terminology. Working with the community, a survey questionnaire was developed by SUN and administered, providing even more detail on the households. When it was administered it had a number of goals including:

- Enumeration
- Spatial information
- Tenure arrangements
- Skills audit

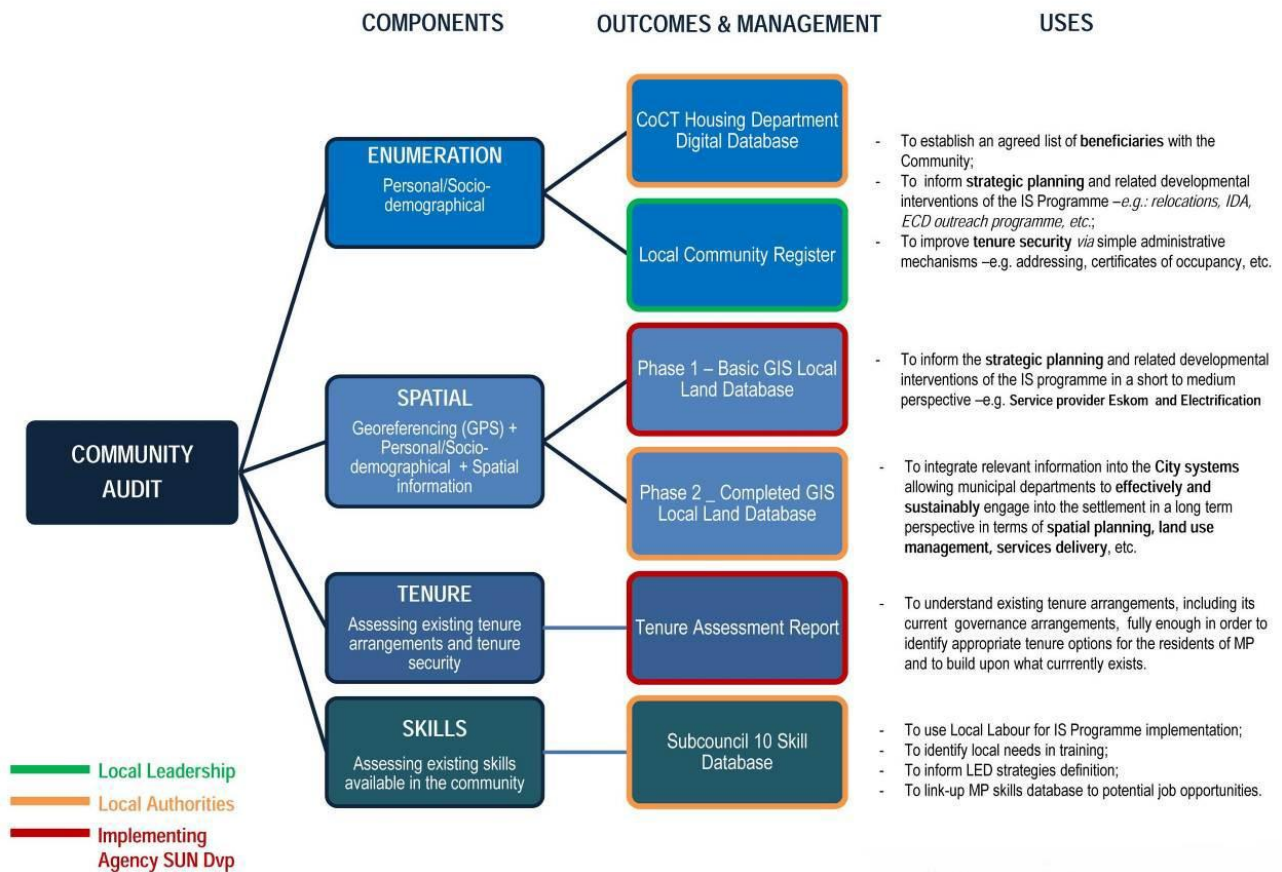This is illustrated in the Figure 7 below:

Figure 7: Uses for the SUN Enumeration Information in Monwabisi Park

Source: SUN ISTP Monwabisi Park LUM Strategy Summary. February 2013

Hence, the community audit became a multi-faceted instrument that linked many processes and enabled other administrative recognition instruments to be developed. This is an important lesson for future approaches to enumeration. If resources permit, they should include spatial positioning information, community skills information and tenure information.

The enumeration process enabled residents in Monwabisi Park to have more secure tenure in that is was able to:

- Provide a number to each house;
- Have a register or record of the households in each house;
- Provide socio-economic information on the community;
- Provide a spatial representation of the location of the house and map any of the household information

In developing the land tenure aspects further, ULM worked with SUN to develop matrices specifically to work through the tenure components in Monwabisi Park. An example of a matrix template is provided in Table 7 below but extensive matrices were developed by SUN documenting many components of the local arrangements. It was a useful way of understanding the complexity of local tenure arrangements.

Table 7: Example of the matrix for tenure

LAND ACCESS & ADMINIS-TRATION	A Access *Who gets access to land and how*	B Rights *Who has rights to do what*	C Responsibility *Duties that go with rights, and duties to administer rights*	D Evidence *What evidence, do people have of their rights*	E Authority *Who wields authority for setting rules, making decisions and enforcement*	F Recourse *From whom and how do people seek recourse when rights are threatened*
LAND USES						
1. Residential	A.1	B.1	C.1			
2. Business	A.2	B.2	C.2			
3. Church						
4. Public						

5.6   How useful are administrative recognition mechanisms?

It is very apparent that the range of administrative tenure recognition mechanisms that SUN developed in Monwabisi Park has been vital in providing 'building blocks' for legal recognition requirements through the development application.

The formal requirements of a development application are onerous and specific and had SUN not done the spatial referencing and GIS layering of the data, it would not have been in a position to submit the application with the level of detail required. Officials have been impressed with the level of detail of the mapping and its ability to generate a range of information maps (which houses have electricity, for example).

The mapping has enabled services to be installed as there was some certainty of where roads will be formalised, where walkways are, etc. Eskom is using the maps to do a next phase of electrification in the settlement, even though the maps have no legal status as such. The accurate mapping also provides leverage to negotiate less stringent service standards with officials and provide arguments for alternative forms of servicing.

The community register and the renumbering of the dwellings will form the basis to issue Occupation Agreements. By having extensive information and strong community structures and involvement, the CoCT will have considerable reassurance of accuracy when issuing these Agreements. A key issue is whether the registers can be maintained and this will require systems to be put in place by the CoCT, in partnership with the local community (but perhaps it would not be unlike the housing management they already do for their rental flats).

5.7   Incorporating the new approved settlement into the systems of the City

This is an unknown currently as some of these processes will be triggered by the land use management application. Some processes will happen as a result of the approval of the application (the incorporation of the cadastral information, the zoning layers) but others may require a new approach. The neighbourhood block rules will become the main 'hook' for a range of things to become included in the COCT systems and the subdivision plans should be central in this.   But these are lessons and hurdles that lie ahead. Notwithstanding, it is important to flag the following aspects:

The Register: this needs to be linked to the GIS system of the subdivision plan and Precinct Plans. The revised numbering must be reflected on this and each household's information must be linked to the new numbering system.

The Occupation Agreement: these must be issued on the basis of the new numbering and recorded in a system that can be maintained.

Management procedures: if a household wants to make a change to the Occupation Agreement, there needs to be a clear process to follow and an updated record issued. The community and the officials need to know what this process is. Similarly, if land use is changed (e.g. a household would like to open a child care facility), there must be a clear, well communicated process for this. If there are complaints regarding a nuisance land use, how and where to report this must be clear. So there will need to be considerable learning and systems development by both the community and the CoCT. The formalisation of Monwabisi Park will bring 24 000 residents into COCT systems and this must be planned for by the CoCT.

6. Implications for the Approach

The support activities provided to SUN were focused and targeted. They are aimed at supporting the provision of tenure security through the legal recognition route within the overall Urban LandMark approach. The support activities were also limited to two workshops with officials and so the lessons learnt and the implications for Urban LandMark's Land Tenure Facility focus on those aspects. But there are some wider useful lessons and implications, none-the-less.

6.1 Unpacking the pre-conditions to move from Administrative to Legal Recognition

The Urban LandMark approach is rooted in securing tenure in an incremental way along a continuum by seeking as many 'openings' or routes into obtaining recognition. Monwabisi Park would be located at the end of the continuum where tenure is obtaining greater security. The experience of Monwabisi Park is such that the context and conditions have propelled the settlement towards considering legal recognition mechanisms through a formal development application, after having achieved considerable progress in administrative recognition mechanisms.

However, what is instructive from this case study is how it can **inform some of the pre-conditions or requirements to move from one form of recognition to the next**. It can provide more substance to this step. Considering the approach taken in Monwabisi Park, the following detail could be added to the 'model':

a. Ensure that the administrative mechanisms are robust enough to contribute to the legal recognition mechanisms so that work is not repeated (best to do one survey, to do one set of shelter numbering, to do global positioning not only for the structures but for boundaries, for roads, paths, community play / gathering areas so that spatial maps can be produced)

b. Be prepared to research the most suitable legal route and to find 'spaces' within the conventional laws to apply the requirements to local conditions – specialists who work with the laws on a daily basis will know the limits of interpretation and their advice should be sought;

c. Be prepared to negotiate the formal legal requirements to suit local conditions with officials. The more factual information that there is on the settlement the more convincing the arguments can

be. This can help to get agreement on appropriate service standards and on suitable land use management regulations;

d. While local information is critical in persuading officials, some battles are best fought and won at a higher, policy level. In Monwabisi park there was a policy for adopting a Package of Plans approach and so that was in place to be used, albeit with modifications. However, what would make the whole step of moving to legal recognition easier is if key element of upgrading were already embedded in municipal policy. The experience of Monwabisi Park is two-fold: the SR2 zoning was not even a discussion point - it is accepted and not questioned because those battles were fought when the zoning scheme regulations were developed. But there is no policy on more flexible servicing standards. If there had been one[29] perhaps some of these 'battles' would be defused. Likewise there is apparently a new policy being developed by the Housing Department that will address 'blocking' in upgrading and may help in future upgrading projects;

e. Be prepared to embark on an intense consultation with officials from every department in order to discuss the formal application, to get support and agree different standards. In Monwabisi Park this process is intensive. And its results are not even. Some departments really understand the incremental approach others have no 'tools' to deal with it so use the conventional approach. It is not clear whether it could have been done any differently as strong and positive relationships were established and support garnered from some quarters through such a process. Whether the establishment of a co-ordinating committee would have eased this process is debateable as getting officials to meetings of this nature proved difficult for this process;;

f. An NGO or some technical aid-based organisation is critical in supporting these processes. In addition to the enormous demands (time, technical and financial) of getting the application through the bureaucracy, there is also considerable time and effort that must go into community meetings, empowerment, institutional building and so on with the community. Most communities cannot drive such a resource-intensive process like this on their own and similarly, the authorities would be hard-pressed to sustain the level of community participation needed to do an application like this on their own.

6.2   A more Nuanced understanding of Legal Recognition

Another implication for the Urban LandMark approach is that legal recognition can now be 'unpacked' a bit more and different element that comprise it, identified. As with administrative recognition, there are also many different mechanisms or paths within what would be the legal recognition route. The Monwabisi Park is an example of a formal land development application – a subdivision and rezoning application[30]. But within the subdivision and rezoning processes, there were options along the tenure continuum. For Monwabisi Park, there were 3 options along the spectrum:

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[29] In the last workshop with officials it was mentioned that a revised policy for services standards was being drafted by the services departments (and without input from VPUU or consideration of appropriate standards for informal settlement upgrading areas)

[30] The City of Johannesburg used regularisation as a form of legal recognition - that is a land use management approach that only zones land and does not deal with the land development legal process, representing another variation, or path. Regularisation has limitations to delivering formal forms of tenure (such as individual ownership) and to achieve that goal, if desired, the settlement must shift focus and direction by moving onto a new path that will lead to these end goals.

- the outline boundary could have been defined and the 4 portions consolidated and SR2 zoning applied in a blanket fashion over the whole settlement – tenure would be secured for the settlement as a whole but it would not provide individual tenure rights to households;
- defining the outline boundary and internal main roads and hence neighbourhood blocks (with options to do this at different geographic scales of block sizes) and zone the neighbourhood blocks SR2 – this also provides tenure security to the settlement or blocks as a whole but does not recognise individual tenure rights;
- detailed layout for the area showing all individual site boundaries, all uses, roads and walkways and zoning erven specifically for their requirements but including SR2 for the residential areas - this can lead to recognising individual tenure rights through either occupation permits or actual title deeds for each site.

This continuum within the legal recognition processes allows forms of tenure from more communal or group tenure arrangements through to individual forms of tenure.

So, legal recognition approaches to tenure can now be more nuanced in the model based on this experience.

6.3   Interim Tenure Arrangements within Legal Recognition

Another aspect, related closely to the above point is that a formal development application does not necessarily provide individual, formal tenure (such as individual ownership. It may legalise the settlement as a whole but not recognise individual tenure rights. So, 'interim' arrangements are needed for securing tenure to individuals within the neighbourhood blocks. What is important is that the interim arrangement can be administrative in nature or they can be more legally recognised. In Monwabisi Park, the Occupation Agreement will be linked to the neighbourhood block rules and these are approved when the development is approved, making them a form of legal tenure recognition. Also if they are recorded and maintained by the CoCT, they would also gain more legal status. The Occupation Agreement can become a basis for registered title in the future if the registers and certificates are maintained and up to date. Occupation Agreements can also take different forms, depending on the level of legal recognition that the settlement has, based on the kind of application that is approved. In the case of Monwabisi Park, the land use regulations are set out in the SR2 zoning and need not be repeated and so the Occupation Agreement can rather focus on the permissions that relate to occupation, such as transferring rights, bequeathing rights, recourse for disputes and procedural aspects.

6.4   Legal Recognition in the context of formal systems

It is through using formal instruments such as development laws that legal recognition is enabled but it is also those very same laws that offer constraints to the process of legal recognition. The framework or 'rules of engagement' of existing, conventional laws is geared towards delivering formal ownership title to individuals on identified, surveyed and registered erven. The housing subsidy scheme and delivery of RDP houses operates within this framework and even government informal settlement upgrading approaches ultimately conform to this paradigm. Hence, it is the 'standard' and this makes it difficult to find alternative delivery mechanisms that are acceptable to authorities and even to politicians because they could be seen as delivering 'less' than the conventional approach. But conventional approaches have also failed to deliver at the scale and pace needed to improve informal settlements. They are also a product that may not suit the needs of the community.

The Monwabisi Park case illustrates that there are ways to work with existing laws and systems to deliver what is needed in informal settlements, including adapting existing laws and approaches, shaping

community processes to provide a closer match to existing formal requirements and for municipalities to develop a greater awareness of community dynamics and processes so that they can build on these rather than ignoring them.

7. Recommendations

Previous sections have provided many insights into the application of the Urban LandMark approach in Monwabisi Park as well as how local conditions in that settlement may likewise, enrich the approach. While technical advice has been offered to SUN in the past (and focused on administrative recognition mechanisms), this round of advice was geared to assisting with the provision of legal recognition to the settlement. The recommendations are therefore aimed at the legal recognition route within the overall Urban LandMark approach.

1. When using formal legal systems for *in situ* upgrading, they need adaptation as there is not a direct 'fit' between the laws and the needs of such developments. In the Monwabisi Park case, this is being done by working with the municipality to modify existing legal instruments – for example, modifying the Package of Plans to introduce neighbourhood block rules, using Precinct Plans to define the neighbourhood blocks. Another example is the proposal to modify the SR2 zoning to make it apply more easily to an incremental process. Hence, in the future Urban LandMark should look at existing laws and regulations and see what scope there is to modify them to apply to 'unconventional' situations and thereby making them more flexible;

2. Introducing new legal regulations: It is now established through the courts that "municipal planning" is an executive function of municipalities. While few municipalities will readily be able to 'take on' all that this implies, the CoCT has indicated that it is exploring the option of preparing their own planning bylaws. This will include preparing regulations for land development procedures and processes. An opportunity may possibly therefore arise for Urban LandMark to engage in this process and promote the inclusion of processes that are, from the start, suitable for incremental upgrading and *in situ* development. Innovative inclusions to promote could include aspects like neighbourhood block arrangements and their management, formalising enumeration and GPS mapping. Other Metropolitan areas may also go this route of preparing their own planning bylaws, so a wider audience could be reached using this strategy.

3. Fighting the 'battles' on a bigger battleground: Even though laws establish procedures and statutory requirements, the implementation of these are also determined by policies adopted by a municipal Council. Once approved in Council, a policy can be adopted and implemented by municipal officials. Where an aspect of incremental upgrading or *in situ* development becomes a consistent stumbling block, it warrants investigation at a higher, policy level, instead of becoming a 'battleground' for each informal settlement. It is recommended that for a number of elements and processes within the legal recognition approach, policies be developed with officials or municipalities be encouraged to develop policies. For example, servicing standards will always be a stumbling block in *in situ* informal settlements upgrading until alternative standards are developed and adopted and then used as a basis for upgrading. Similarly, a policy on providing evidence of occupation in informal settlements could be developed and adopted so that the Occupation Agreements become a consistent instrument issued in informal settlements.

It is significant for all of the above to also address the institutional arrangements of implementation (be clear on which department makes a decision when, on what basis, who then effects the changes, who follows up and monitors and so forth). Officials who will work with the new or adapted rules or policies need to know how to work with the new elements, they need to know how these elements fit into existing systems and they need to be able to make decisions. It is therefore recommended that these aspects are included in strategies that will follow the policies, if there is to be effective implementation.

4. The VPUU approach has illustrated how important it is to have strong community involvement in all stages of the process as well as having a strong spatial component. Land development processes rely heavily on spatial information. By having strong spatial planning elements such as GPS positioning of all structures and roads and the mapping of this, it is easier to begin the planning processes that are required for formal land development. So, communities will be better prepared to embark on the legal recognition route if these aspects are strongly developed and supported.

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Informal Settlement Transformation Programme:
Monwabisi Park
Land-use Management: Rezoning and Subdivision Application

A G E N D A
Urban LandMark Workshop 01: 03 April 2013

1. **Status quo of Monwabisi Park ISTP Pilot Project**

2. **Feedback and Discussion on current work completed:**
   a. Community Action Plan;
   b. Land Recognition Matrices – showing tenure options;
   c. Enumeration Process ;
   d. Updated Community Register based on the Enumeration Process;
   e. Spatial Reconfiguration Plan (SRP) – developed with the residents and CoCT ;
   f. Initial Land Use Management legislation options were detailed for Less Formal Township Establishment Act (Chapter 1 and Chapter 2) and LUPO in 2010 and 2011;
   g. An Engineering Services Report – including a Transport Study;
   h. Proposed boundary surveyed.
   i. Initial engagement with CoCT and WCG on the NEMA requirements.

3. **Discussion on the intended Scope of Work:**
   a. Finding 'common ground' with key stakeholders on incremental tenure processes;
   b. Agreement on the legal route to use for the development – subdivision and consolidation – process – LFTEA or LUPO with key stakeholders;
   c. Understanding the implications of the Western Cape Development Bill and SLUM/A;
   d. Understanding all the procedures and requirements for the legal route chosen – especially casting it in an incremental process i.e. finding 'common ground' with City officials and other interested and affected parties. The intention is to provide a clear status of the SRP within the Legal Framework
   e. Outlining the incremental tenure approach and products to the land development procedures;
   f. Examining the new Cape Town Integrated Zoning Scheme and its potential and implications of using an SR2 blanket zoning for the Land Use Management steps;
   g. Implications of the legal development and land use routes for the SRP, especially for a block layout;
   h. Understanding of the implication for other legal processes running parallel to the LUM Process (i.e. NEMA Basic Assessment, Heritage Western Cape Notification of Intent to Develop)
   i. Revision of the SRP boundary after the workshops with CoCT. This boundary will then be surveyed and registered as part of the Land Use Management Process.
   j. Implications for the Administrative Recognition process from outcomes of the Legal Recognition process i.e. final community register, Occupation Agreements, GIS data information, block subdivision etc.

4. **Outlining the 2 x External Workshops**
   a. Common Language/Vision
   b. Intended outcome/s
   c. Set up, venue, date, catering etc.
   d. List of invitees
   e. Any meetings prior to workshops

Monwabisi Park ISTP

Notes of Pre-Application meeting for MP LUM Application | No.02
Held at the P&BDM boardroom, Stocks & Stocks, Khayelitsha on Tuesday 04-06-2013 at 10:00-12:40

Attendance: (See attached attendance register) **Name**	**Contact**	**Organisation**
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