

Manual B Urban Land Access: The Steps



Urban LandMark
making urban land markets work for the poor

Afesis-corplan
The logo for Afesis-corplan features the name in a bold, sans-serif font. Below the text is a graphic element consisting of a blue horizontal line that curves upwards at the right end, with a green horizontal line underneath it. To the right of the text, there are three small icons: a house, a person, and a document.



Promoting local democracy and community-driven development

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Manual B

Urban Land Access: The Steps

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Assumptions about this manual

The following assumptions are made in relation to land access in this manual:

- **Accessing land as part of a group**

The manual is targeted at people who are working with or want to work with others to get land to build housing for the group. The manual does not look at what you need to do if you want to work by yourself to get land for a house.

- **Land as part of a project**

The land that is obtained can accommodate many people who want land. The land can all be in one place or split up into smaller pieces.

- **Land and development**

The intention of the land access process is to obtain land that will be developed. Services such as roads, water and toilets will be developed so that houses can be connected to this larger settlement infrastructure.

- **Urban land**

The manual focuses on land for settlement development or urban land and not land for agricultural or rural development.

- **Housing land**

Land is obtained for residential and housing purposes. It does not directly address land for business, education or other purposes, although many of the procedures followed would be similar for these other land users.

- **Un-surveyed and undeveloped land**

The land to be obtained is un-surveyed and undeveloped land. Un-surveyed refers to a larger piece of land that is not yet formally sub divided into smaller pieces of land that can be allocated to households and on which houses can be built. Undeveloped land refers to land that does not have water and roads and other services connected to the land. Many of the procedures and steps discussed in the manual also apply to upgrading situations although some of the steps may be left out (e.g. comparing different portions of land) and the order of the steps may be different (e.g. occupy the land before the land surveying is done).

- **Land and speculation**

Most of the land is to be purchased and accessed with the intention of occupying the land and not just for speculation purposes. The land is not bought and kept so that it can be sold at a later date to make a profit on the sale price, although making profit on sale of land is not ruled out.

- **Full process**

Generally all the steps in the land access process will be followed by the group, although in various situations and circumstances some steps may be left out and followed in a different order.

Structure of this manual

The target group for this manual is the leadership of organised groups of homeless in need of land for housing development.

The aim of this manual is to provide detailed information on each of the steps that are involved in the five main stages of land access.

- STAGE A: Organising
- STAGE B: Deciding
- STAGE C: Planning
- STAGE D: Approvals
- STAGE E: Implementing

Each step is structured as follows:

- Summary of step
- Previous steps to reach this step
- Partners or people who will take the step with you
- Explanation and discussion about the step
- Decisions the group will make during the step
- Decisions others will make during the step
- Output or indicator showing you have reached the end of the step
- Places you can go to get more information about the step
- Follow-up steps you must still take

At the end of the manual you will find a list of websites you can visit for more information.

The **Urban Land Access Series** is produced by Afesis-corplan with the support of Urban LandMark.

The following titles are available in this series:

Manual A “Urban Land Access: An Overview” provides a short and simple introduction to the process.

Manual B “Urban Land Access: The Steps” offers more details on each of the steps involved in the process.

Manual C “Urban Land Access: Options” outlines the various options for how and when land can be accessed.

STAGE A: ORGANISING

This is the first of five stages in the land access journey.

During this stage, you work with others to set up an organisation to get land.

Your aims are to:

- set up and manage an organisation to represent your members' interests
- learn about the housing development process
- build the internal capacity of your organisation to effectively represent your members in negotiating with outside role-players

In order to meet these aims, you follow the steps listed below:

- Decide to join a group
- Organise your group
- Learn about land access
- Develop a group vision
- Communicate with your members
- Start saving
- Keep members involved

The other stages covered later in this manual are:

- STAGE B: Deciding
- STAGE C: Planning
- STAGE D: Approvals
- STAGE E: Implementing

STEP 1 - DECIDE TO JOIN A GROUP

1.1 Summary

Decide if you are going to get land by yourself or if you are going to work with other homeless people to get land. If you decide to work with others, look for an appropriate group to join or start your own group with people who want to work together to get land.

1.2 Previous steps

- Homelessness

1.3 Partners

- Your family
- Other families and homeless people

1.4 Explanation and discussion

You need land on which to live. You need somewhere to stay with your family and to be part of a community. If you have lots of money and don't have a home, all that you have to do is approach the nearest estate agent who will show you different pieces of land/ houses. You then make an offer to buy a piece that you like and if the seller of the land agrees then you buy the land. However, if you do not have enough money to buy a house, it is not so simple. You can still try and work with an estate agent to find a house/land but the land and house will probably be too expensive for you. If you are lucky to find land or a house it is likely to be smaller, it may be close to noisy factories, or it may be far from major job opportunities.

In short, if you don't have money you have fewer options. You can put your name on a municipal waiting list. You can find out where different new housing projects are being built and find out if they have project specific waiting lists. The problem with all these lists is that it always seems to take a long time for government and developers to find land and build houses. You could also try and rent a room in a house or a backyard. You can find some land where it is unlikely you will be evicted and erect a shack. You could also ask your employer if they can help you get affordable land. If you are staying in an existing shack area, you may just want to stay where you are.

This looks like a 'gloomy' situation, but many in your community are in the same situation. If you come together with your friends and other homeless people you can help each other to get land and a house. There is power in numbers.

The advantages of working in a group include:

- You can go to government and others and ask for assistance. It is much more difficult to refuse assistance to a large group of people than it is to refuse to help one person at a time.
- You can use your group's buying power to negotiate discounts on land costs, professional services, building materials, etc.
- You can give each other support when things are not going well.
- You can try and organise other things within the group (such as a small business).

However, there are some disadvantages of trying to find land as part of a group:

- Many people in the group may have different visions of where they want to live and how they want to organise the group. This can lead to tension in the group.
- It takes a lot of effort to keep a group organised.
- You will be expected to attend a lot of meetings.

- You will have to contribute some money towards the group so that the leadership of the group can pay taxi fares to attend meetings to negotiate for and plan houses for the group, etc.

You can try and find an existing group of people who are looking for land or you can start your own group. If there is an existing group already active in your area, this will make it much easier for you. Some groups are also linked to national organisations that help them run their groups. If you want to start a new group, you should link with and join one of these national organisations. They will be able to help you start your group and maybe even help you negotiate for land and help you get money.

The group can be set up specifically to find and get land for a specific number of people, or the group can have an open-ended membership and try and get land for a lot of people over time. The advantages of having an open-ended group is that the group can carry on after the first people have got land and houses. The group can learn from the experiences of those who have already been involved in looking for and getting land and houses.

When working as a group you need to be aware that your group could experience hostility from other groups that are also looking for land. People who are on the municipal waiting list may feel that you are jumping the queue and getting special treatment from the municipality. People who are living in informal accommodation in a particular area may feel that they should be given preference when it comes to getting land in that particular area. This could lead to tension.

1.5 Decisions you make

- Where do you want to live?
- Do you want to rent or own?
- Will you get land yourself or with others?

1.6 Decisions others make

- None

1.7 Places to get more information

- Department of Housing
- Department of Land Affairs
- Fedup
- Landless action group
- Your local municipality
- Provincial Department of Housing

1.8 Output showing you have reached the end of the step

- Membership form to join a group or commitment to start a group
- A group membership list

1.9 Next steps

- Go to estate agent or municipality (if you decide to find land alone)
- Organise your group
- Learn more about land access

STEP 2 - ORGANISE YOUR GROUP

2.1 Summary

Once you have found other landless people who want to work together to get land, decide as a group how you want to organise yourselves so that you know who your group's leaders are, how the internal affairs of the group will be managed, and how the group will engage with outside role-players. Collect information on your members and keep it updated. Make sure your group's administration systems are in place and being used.

2.2 Previous steps

- Find others who also want land

2.3 Partners

- Your group members
- Other groups
- An organisational development specialist
- The municipality

2.4 Explanation and discussion

There are different organisational forms your group can decide to use. These are:

- **Voluntary association:** The simplest is a loose informal group without a constitution but with an elected leadership. This is often how groups start. The group needs to quickly develop at least some form of constitution that explains how the group is organised. The voluntary association with a constitution does not have to be registered with anyone, but it can be registered as a Non-Profit Organisation with the Department of Social Development.
- **Cooperative:** A housing development cooperative helps its homeless members to get land and a house. The houses can then be owned by the cooperative or individually.
- **Communal property association (CPA):** The CPA is mainly set up to take ownership of land either permanently, or as an interim arrangement while it is planning and building the internal services and houses on the land that then get transferred to individuals.
- **Other forms:** A trust and a section 21 non-profit company are other legal forms that can be considered to arrange for the development of land or to take ownership of the land.

For groups that are just starting, the voluntary organisation form, with at least a constitution, is recommended. The voluntary association does not require any significant reporting and auditing requirements that may be difficult for an inexperienced group to manage. If the group does want to take ownership of land at any stage, cooperatives, Communal Property Associations (CPA's), trusts and section 21 companies can then be considered.

One of the most important aspects of an organised group is to have a good and accountable leadership. The leadership must be properly elected by the members and be accountable to the members. You need people on your leadership who are committed to work through the long process of acquiring land access. If possible your leadership should have some skills (e.g. able to read and write, communicate in English, have numeracy skills), but the most important issue is that the leadership must be passionate about helping the group get land and houses.

It is advisable that you seek the support of others to help you organise your group. A good place to start is to find other groups that are doing similar things and see how they are organised. Most of the challenges of organising a group are similar no matter if you are dealing with land and housing or if you are dealing with HIV/Aids awareness or any other sector. There are organisations like the Fedup that will help you find other community groups. The

organisations may be able to arrange exchange visits for you to learn from others who are also trying to get land and housing for their members. There may also be NGOs in your area that will be able to advise or support you.

You may need to lobby the government to communicate that you need funding for capacity building. The government's new Community Housing Development Initiative recognises the importance of having an organised group with whom government can engage around land and housing development.

You need to make sure you collect information about your members. The type of information you should have as a minimum includes:

- Who are your members?
- Where are they staying now?
- Who is living in the household and how do they relate to each other?
- What are their socio-economic conditions?
- What money do they have access to and what can they afford to spend or save?
- What skills do the members and others in their household have?
- What skills/knowledge would your members and their households like to get in the future?
- What are the problems your group is facing at the moment?
- What resources are available to your group members to help access land and build houses?

Your group must make sure that it has proper internal administration systems and that these are being used. It is usually only when things start to go wrong (e.g. your members start to question some of the decisions and actions of the leadership) that the effort that goes into developing a proper administration system, that is able to provide a paper trail for the work of the organisation, will be appreciated. It costs time and money to keep this administration going. Your group may need money for things like:

- Paper and stationery
- Travel costs for the leadership to attend meetings
- Filing equipment for keeping all your records
- Meeting space to hold meetings
- Hiring a person to keep your financial books in order

2.5 Decisions you make

- Who will be your leadership?
- What type of organisation will you have?
- Who you will get to help you build your organisation?
- What information will you collect on your members and how will you collect it?

2.6 Decisions others make

- Will other organisations help you or not?

2.7 Places where you get more information

- Department of Social Welfare
- NGOs

2.8 Output showing you have reached the end of the step

- A constitution and a registered group
- An elected leadership
- Policies and procedures for how the group functions
- Administration systems

2.9 Next steps

- Learn about land access
- Develop a vision for your group
- Communicate with members
- Identify people to help you

STEP 3 - LEARN ABOUT LAND ACCESS

3.1 Summary

Find out as much as you can about how the land access and services and housing development process works so you can explain this to your members and can engage with outside role-players from an informed basis. Use the opportunity of having an organised group to learn about other things that may be of interest to your group.

3.2 Pre-steps

- Decide you want to get land
- Organise your group

3.3 Partners

- Department of housing
- Department of land affairs
- Municipality
- NGOs
- Consultancy firms

3.4 Explanation and discussion

Misunderstanding of what is involved in the housing development process, which is also often linked to miscommunication, is one of the most important issues that can lead to tension in a project dealing with land development. Misunderstanding about the ultimate destination or product of the land development process also leads to tension, confusion and potentially conflict within the group. The ultimate destination includes factors such as how big the land is, what the houses will look like, what tenure arrangement will be used, etc. It is therefore important to learn about what steps you have to follow to get land and houses as well as learn about how you can own land and what type of houses you can get.

There are different ways that you can learn about the land access and development process:

- Read this document.
- Speak to others who have been through or are going through a similar process.
- Organise a group with your friends to form a study circle and go through this document as a group.
- Arrange for outside people to come and explain the process to you and your group.

It is important that you find a way of making sure that everybody in your group has a general understanding of the land access and development process. You could, for example, only accept people as formal members of the group after they have had some introductory training on the land development process.

Once members of your group have learnt more about the land access and development process, it is likely that some will be interested to learn more about other aspects of land and housing development, such as:

- what other land and housing development finance you can access;
- where you can go to learn more about becoming a builder;
- basic urban planning and house design;
- servicing and housing options and costing;
- organisation development;
- household budgeting; and
- building material options.

Your group can arrange for members to attend training courses in various construction related activities. The Department of Labour, for example, provides funds for people to get training in various disciplines.

The methodologies you have used to learn about the land access and development process can also be used to learn about other issues that are of interest to you. If you want to learn, for example, how to start a business you can visit existing businesses (e.g. block making, sewing, chickens, etc.) and see for yourself how these businesses are run and you can speak directly with the people that are running these businesses.

3.5 Decisions you make

- What do you have to learn about?
- How you are going to learn about land access?
- What other things can you learn about?

3.6 Decisions others make

- None

3.7 Places to get information

- NGOs
- Department of housing
- Department of land affairs
- Department. of labour
- Municipality

3.8 Output showing you have reached the end of the step

- Information on land access
- Minutes of workshop/ meetings and other learning events

3.9 Next steps

- Develop a vision for your group
- Communicate with members
- Engage the municipality
- Identify people to help you

STEP 4 - DEVELOP A VISION FOR YOUR GROUP

4.1 Summary

Find out from members what type of land and houses they want and develop a vision for your group as to what you want to achieve in the long term.

4.2 Pre-steps

- Organise your group
- Learn about land access

4.3 Partners

- Other members of the group
- Other groups
- Capacity building advisors

4.4 Explanation and discussion

Your group needs to set aside time to discuss broadly what the goals of the group should be. This can be a difficult process if there are very different views within the group, but can also be a stimulating time that unites your group around a common objective.

The main issues that you need to address for your broad objectives include:

- Where do you want to find land? (e.g. close to city/ town centre or on the edge of the settlement where there is more land)
- What size plots will you work towards? (e.g. smaller cheaper plots or larger more expensive plots)
- What type of land ownership are you considering? (e.g. each person owns their own individual plot or the group shares all the land together)
- What level of service will you accept? (e.g. communal standpipes and pit latrines or only water per site water borne toilets)
- What type of houses will you accept? (e.g. small well completed houses that are joined together in rows, or larger houses with less finish that are each on their own plot)
- How are the land/ houses going to be allocated to members? (e.g. will you have some on a waiting list or will you only look for land that can accommodate all members)

You can also get members to cut out or copy pictures and articles from magazines and books that help describe and show what type of environment they would like to live in. When discussing issues like plot size and house size it is important to use real life examples and not just refer to abstract concepts like square metres. As a minimum, you can get people to stand around in a square to give them a feel for the size of a house. It is useful at this stage to start to introduce the linkage between plots and house sizes with costs for servicing and construction. You do not want members of your group getting unrealistic expectations about what land and houses they will be able to afford.

Your group will need to revisit your broad objectives fairly regularly once you learn more about land development and make changes to these broad initial objectives.

4.5 Decisions you make

- What issues will you and your group will be addressing?
- Broadly, what type of land will you look for?
- Broadly, what type of tenure ownership are you considering?

- Broadly, what can your members afford to pay for the land themselves and what other funds will be needed and where can they be obtained?
- What will your allocation policy be?

4.6 Decisions others make

- None

4.7 Places to get more information

- NGOs
- Consultants

4.8 Output showing you have reached the end of the step

- A vision for the group
- An allocation policy

4.9 Next steps

- Communicate with members
- Start savings
- Engage municipality
- Find others to help you

STEP 5 - COMMUNICATE WITH YOUR MEMBERS

5.1 Summary

Make sure your group gets proper mandates from its members for all major decisions; keep your members updated on what the group leaders are doing and what progress is being made in the land access and services/ house development process.

5.2 Pre-steps

- Organise your group
- Learn about land access

5.3 Partners

- Your members
- Other groups
- The support/ resource group that is working with you

5.4 Explanation and discussion

Communication is a two-way process. It is about your group's leadership listening to the views of the members of the group, and it is also about the members listening to what the leaders are saying. The leadership needs to make sure that it gets proper mandates from its members for all important decisions. The leadership must also keep the members informed of what is happening throughout the whole process.

Many groups fall apart when the land access process starts to take too long and the members become disillusioned. By explaining to members what is happening, it is more likely that members will stay in the group.

Your leadership can reach out to its members in the following ways:

- Call general meetings.
- Allow enough time in meeting agendas for discussions on key topics (e.g. what will the allocation policy be and which land will be chosen, etc.).
- Organise surveys and questionnaires to get members' input and views on issues.
- Go door to door and speak to members to hear their views.
- Have a notice board where the leadership (and other members) can put up notices of decisions made and/ or progress being made in the land development process.

Examples of what can be done to allow members to communicate with the leadership include:

- Set aside time in the agendas of meetings for members to raise their own concerns.
- Allow members to visit leadership at any time to discuss things of concern to them.
- Have an office where a person from the group is available at certain times for people to go and meet them.
- Set up a separate review committee, separate from the board, where members can go if they have complaints about what the leadership or a leader is doing.
- Put in place a dispute resolution mechanism that allows any dispute to be resolved between the leadership and the board, within the board, or between the members.

The land access and development process is a long process and there is a lot that has to happen over a long period of time. It is advisable to have regular report back meetings where feedback is given on progress. Your group needs to hold meetings at a time and place that is convenient to most members so that it does not disrupt your members' lives too much.

It is likely that getting people to attend meetings will be a problem, so this is something that the group needs to continue working on to improve. If people do not want to participate in working towards getting a house they have the option of putting their name on the municipal waiting list or finding some other way of finding land for themselves.

5.5 Decisions you make

- What information will you discuss with your members?
- How are you going to communicate with your members?

5.6 Decisions others make

- None

5.7 Places to get more information

- NGOs

5.8 Output showing you have reached the end of the step

- Minutes of workshops and membership meetings

5.9 Next step

- Start saving
- Support each other
- Engage the municipality
- Find others to help you

STEP 6 - START SAVINGS

6.1 Summary

Encourage your members to save as a first step towards getting land and houses for your members. Use savings to keep the members involved and committed to participating in the group.

6.2 Previous steps

- Organise your group
- Develop a vision
- Communicate with members

6.3 Partners

- Other groups who are saving
- Other financial organisations you have arranged to help you

6.4 Explanation and discussion

One of the most effective things that your group can do while you wait to get land and houses is to start saving towards your future land and housing needs. You can also start to save other things like building material (e.g. cement blocks, door and window frames, kitchen cabinetry, etc.), or garden plants (e.g. plants in pots).

Normally people who start saving, start saving towards their house, but as you see in this manual, there are a lot of processes and expenses involved in getting access to land before you can actually start building a house. Your group needs to consider how you can use your savings to help you get access to land. Your group can consider using savings to:

- purchase the land;
- pay for feasibility studies; and/or
- pay professionals for some of the studies needed to get approval for land development.

By linking savings to activities within the process of land access and development, your group will be able to show its members how progress is being made in land access and development. The members will feel that they are contributing towards housing themselves.

If your group is encouraging savings, you will have to consider very carefully how you will collect and administer the money:

- Allow your members to save on their own at their own financial institutions.
- As a group arrange with an existing financial institution for your members to save with them.
- Arrange for people within your group to collect members' savings and deposit this savings into a 'collective' savings account.
- Arrange for sub groups (like stokfels) to be established within your group for them to arrange their own savings within these sub groups.

In many groups the collection of savings is used as an opportunity for members of the group to meet each other and share their day-to-day experiences. It becomes a social occasion as much as a time to make financial deposits.

When considering savings you also need to consider loans. Some organisations use their members' savings to give other members loans. The savings track record can be used to determine the value of the loan that a member can take out. The ability to repay previous loans can be used to determine if people get new loans. It is advisable that your group engages other groups and organisations that are dealing with savings and loans, listens carefully to what they have to say, and takes their recommendations seriously.

6.5 Decisions you will make

- What savings must members make?
- What will the savings be used for?
- How will savings be collected?
- Will you also provide loans to members and how?

6.6 Decisions others will make

- Will other financial organisations work with your group?

6.7 Places to get more information

- SaccoI
- Fedup/ uTshani
- Banks
- Post office

6.8 Output showing you have reached the end of the step

- Members' savings records

6.9 Next steps

- Support each other and keep members involved
- Engage the municipality
- Identify people to help you

STEP 7 - KEEP YOUR MEMBERS INVOLVED

7.1 Summary

Encourage your members to find ways to support each other beyond just looking for land and houses. Build social relationship between members. Find ways to keep your groups members involved in the long land access process.

7.2 Previous steps

- Organise your group
- Develop a vision
- Communicate with members

7.3 Partners

- Others in your group
- Other groups that are also encouraging social interaction

7.4 Explanation and discussion

Being organised means that you can help members of your group deal with a range of issues. For example, your group members can support each other in times of personal crises (e.g. deaths in the family or loss of jobs). You need to look at how to use your group to build social capital. A good starting point for this is to learn each others' personal histories. This means that you need to set aside time to let people talk and explain their own experiences. By getting to know each other better this can help to reduce conflict situations in the group. The friendships and relationships you develop during this land access and development process will extend into your future neighbourhoods.

The land access and development process is long and it is very easy for members to start feeling that they are not part of this process. One way to overcome this sense of alienation is to keep your members involved at every step along the way. You may need to be creative in finding things for your members to do besides attending meetings and getting report back. The following provides examples of things that could be considered:

- Organise fundraising events.
- Ask members to approach other people to provide donations for your group.
- Have parties as a group when you achieve various milestones in the process.
- Arrange to send members on training courses in construction skills.

7.5 Decisions you make

- What social events will you have?
- What activities will you have to keep your members involved?

7.6 Decisions others make

- None

7.7 Places to get more information

- Other groups
- NGOs

7.8 Output showing you have reached the end of the step

- Social events

7.9 Next steps

- Engage the municipality
- Identify people to help you

STAGE B: DECIDING

Previous stages of this manual looked at:

- STAGE A: ORGANISING

We now move to the second of five stages in the land access journey:

- **STAGE B: DECIDING.**

You work as a team with the municipality and other specialists to find land for your members.

Your aims are to:

- get help to find land for your members
- draw in the expertise of other specialists
- Identify and compare land options
- make a decision based on criteria you have developed

In order to meet these aims, you follow these six steps:

- Engage the municipality/municipal involvement
- Establish a team /teamwork
- Raise money for initial studies
- Develop a concept plan
- Identify, compare and choose land options /choose preferred land
- Engage land owners

The other stages covered later in this manual are:

- STAGE C: PLANNING
- STAGE D: APPROVALS
- STAGE E: IMPLEMENTING

STEP 8 - ENGAGE THE MUNICIPALITY

8.1 Summary

Once you have an organised group, approach the municipality and discuss how they can help your group get land for your members. Encourage the municipality to be proactive in their support to your group.

8.2 Previous steps

- Organise your group
- Learn about land access
- Develop a vision for your group

8.3 Partners

- The municipality
- Support organisation
- Consultants

8.4 Explanation and discussion

The municipality should be the first organisation your group approaches, with an NGO supporting you if needed, to explain that you are looking for, or have found, land you want to buy and develop. The municipality is responsible for making sure that all development within its limits happens properly. The municipality is made up of two broad categories of people:

- the councillors who were elected by the residents of the municipality; and
- the officials who are paid employees of the municipality.

In terms of finding someone to help you from the official ranks, all municipalities are organised in a slightly different manner so there is no one person you specifically need to approach first. The town planning department may be the best starting point. It is more important to find someone who is willing to help you than finding someone from the 'right' department.

First you need to find out what plans the municipality has for low-cost housing. This will be found in:

- **City development strategies:** Long term plans for how the city/ town plans to develop. Not all municipalities have these plans.
- **Integrated development plans:** Plans showing what the municipality plans to do in all sectors, from housing to small business, water, roads, environment, HIV/ Aids to youth development. The municipality must produce such a plan and it must show how these plans link to the municipality's budget. These plans must be reviewed every year.
- **Spatial development framework:** These plans show on a map where the municipality plans to grow and develop in future. All municipalities must have a spatial development plan, but they do not have to be reviewed every year.
- **Local spatial development framework plans:** These plans are for specific areas of the city and show how the city plans to grow in the future within that particular area.
- **Housing sector plans:** These plans show what housing projects the municipality plans to develop in the future and how the municipality plans to support housing development in its area.

- **Municipal Infrastructure priority list:** These lists show what projects the municipality plans to implement over the next few years. It shows how much money is allocated to these projects and where the money for these projects will come from.

The municipality has to regularly review all these plans so this gives you a good opportunity to start to influence where the municipality should plan housing for your group and/or for other groups who might also want houses.

The municipality will have to consider how it makes land available to people in the following situations:

- People from the municipal waiting list.
- People from informal settlements that are located in bad places (e.g. next to river).
- People from informal settlements that do not have to be moved.
- People from informal settlements that have to be moved from the informal settlement to 'de-densify' the informal settlement.
- People who joined a group and have taken the initiative to access land (in other words, groups like yours).

You need to encourage the municipality to be proactive in finding and making available of land for low cost housing. In the past, many municipalities waited for developers to come forward with proposals to develop houses in certain areas. These days, however, the municipality is being encouraged by national government to start to proactively plan for anticipated housing demand.

One example would be for the municipality to do all the necessary planning for development in a particular area of the city and then subdivide this land into small units that could accommodate some houses. These subdivided portions of land could then be allocated to different community groups and developers for different types of development. The groups that get access to these subdivision areas then do not have to do many of the studies as outlined in the report (such as environmental or geotechnical assessments) as this would have already been done by the municipality.

Both your group and the municipality do not want to see the invasion of land. If the municipality is preparing land in advance this will reduce the pressure for homeless people to invade land.

The municipality will likely have some form of housing waiting list. You need to encourage the municipality to have a parallel process of: 1) making land and housing available for people who are on waiting lists, and 2) finding land and making it available for community groups like yours, who are being proactive in their search for land and housing. You need to be careful of the potential conflict between people following these two approaches.

You need to see your relationship with the municipality as a long-term relationship. This means that you may need to enter into more formal arrangements, like a memorandum of understanding where your group agrees to cooperate with the municipality over land and housing development. It is also advisable to set up formal and regular meetings between your group and the municipality. However, you must be careful in such agreements to ensure that you maintain your independence. Agreeing to participate with the municipality does not mean that you will never have disagreements with them. You need to be able to use other approaches like marches and petitions, not just negotiation, to achieve the best results for your members.

8.5 Decisions you make

- What will you ask the municipality to do for you?
- Do you have to change your vision based on information obtained from the municipality?

8.6 Decisions others make

- Will the government recognise and work with your group?

8.7 Places to get more information

- Your municipality

8.8 Output showing you have reached the end of the step

- Memorandum of agreement with the municipality, minutes of meetings, or similar correspondence demonstrating a commitment to work together.

8.9 Next steps

- Set up a team
- Develop a concept plan
- Identify, compare and choose land options

STEP 9 - SET UP A TEAM

9.1 Summary

Once you have an organised group and you realise that land access and development can be a complex process, find people with the necessary skills to help you get land and develop service and housing plans. Set up and maintain systems to manage these specialists.

9.2 Previous steps

- Organise your group
- Learn about land access
- Develop a vision for your group
- Engage the municipality

9.3 Partners

- Support organisation
- The municipality

9.4 Explanation and discussion

To get land and houses you will need the support of a lot of other people and organisations. There are a number of specialists you will need to involve in your land development process. These people each bring different skills and experiences to the development process.

- **Town planner:** Advises where suitable land can be found in the city and produces a layout plan showing where the houses, roads, community facilities, business sites and other land uses will be located. The town planner is responsible for managing the town planning process, which involves getting various approvals for the development.
- **Land surveyor:** Marks out on the ground with pegs the boundaries of the different pieces of land and roads on the site. The land surveyor also produces a survey diagramme, which is an official piece of paper showing the boundaries of the houses and other sites in the plan.
- **Conveyancer:** Responsible for registering a piece of land in the name of a landowner. Whenever you buy or sell land a conveyancer has to be involved. There are very strict rules that have to be followed to make sure that land is transferred properly from one person another, so that there can be no confusion as to who actually owns which piece of land.
- **Civil engineer:** Designs all the roads, storm water drains, water systems and sewerage systems. The engineer makes sure that these services are approved by the municipality. The civil engineer can also provide a budget for how much these services will cost, and is able to break this down into labour, material and management costs. The civil engineer can also advise the developer on the best way to build the services and help the developer approach different builders to construct the service. The engineer checks that the builder/ contractor does the job properly. The civil engineer can also perform the same tasks for the house (or top structure).

There are a number of other professionals you may or may not need depending on the unique circumstances of your project. These include:

- **Project manager:** Co-ordinates all the activities involved in the land/ housing development project. S/he makes sure that the project is built on time, within budget and done properly. The project manager could be one of the other professionals or could be a separate person appointed just to manage the project.
- **Estate agent:** Puts buyers and sellers of land into contact with each other and helps the buyers and sellers reach an agreed market price for the land/house. The estate agent makes sure all the necessary paper work is carried out for the property transfer.
- **Sales administrator:** Makes sure that the beneficiary of a house in a project, funded through the government's housing subsidy, fills out the required forms and receives the necessary government approval, and helps ensure that the title deeds are properly transferred to the beneficiary.
- **Structural engineer:** Makes sure that buildings are designed properly and are able to stand up when the soil conditions are poor or when there are high winds, etc.
- **Electrical engineer:** Designs the electricity system (the wires and transformers, etc.) for a development. This includes the public electricity (e.g. street lights) as well as home electricity.
- **Geological engineer:** Checks the soil conditions in a project area and advises how best to build the services and houses given the specific conditions.
- **Quantity surveyor:** Determines how much material will be needed to install services and build houses and calculates how much this will cost and what the labour and other costs will be for the project. This job is often done by engineers.
- **Architect:** Plans what a house or building will look like. They see how the parts and spaces of the building relate to each other, advise on what material to use, and provide an indication of how much it will cost to build the house. Engineers or quantity surveyors often perform this function.
- **Property valuer:** Works out what the market price is for a piece of land or a building by, for example, looking at the transfer price of similar properties in the area.
- **Community development specialist:** Helps to build the organisational capacity of community-based organisations and provides training and advice in leadership skills and how to run an organisation.
- **Community participation specialist:** Assists to make sure that the people who are going to live on the land/in the houses are consulted throughout the development process and that their views are taken into account. Many of the other professionals have their own community participation skills.

As a community group, you will need to enter into an agreement with these various specialists so that they have a contract that explains what their role is and what they are expected to do. There are a few ways that these contracts can be structured:

- **Community group as developer:** Your group acts as the developer and your group employs all the consultants to help you get the land.
- **Community group contracts with another organisation to be the developer:** Your group enters into contract with some other organisation to help you to buy and develop the land and houses. This other developer arranges all the professionals to help get the land and houses.
- **Community group partners with the municipality to be the developer:** Your group enters into a partnership/ agreement with the municipality. The municipality arranges for people to get the land and the houses.

It is better to get good professional help up front rather than spend lots of money later fixing mistakes done by people who did not know what they were doing. It is the job of a professional to help you to solve problems on paper before you start to implement the project.

One of the big issues your group will have to confront when looking for professionals to help you is how you are going to pay them.

- **At risk with no commitment for further work:** The professional agrees to help you without being paid and you do not promise to employ the professional once money is obtained.
- **At risk with commitment for further paid work:** The professional agrees to work with you for free and you agree to employ the professional at a latter stage when and if you get money.
- **Time linked:** You pay the professional for the amount of time that s/he works for you.
- **Task linked:** You identify a piece of work you want done and pay the consultant a fixed price to do this work.
- **Linked to cost of project:** You calculate how much you think it will cost to do a piece of work (e.g. put in the water pipes on your land), and you then pay the consultant a percentage of this cost.
- **Fixed price total/ per house:** You agree up front how much each household will pay towards the specialists' fees.

There are different ways that you can find professionals to help you:

- Speak to other groups and find out from them which specialists they have worked with and what their experience was with them.
- Ask the municipality or other organisations to give you a list of possible professionals you can use.
- Write a tender brief and approach one or different consultants to give you a quote for doing the work.

Consider the lowest tender but also take other factors into account such as:

- Track record and quality of previous work.
- Ability to work with community groups.
- Commitment to capacity building as part of the service.
- Geographic focus of work.
- Broad-based black economic empowerment credentials.
- Gender balance in organisation.

When your group has chosen the professionals to help you, your group needs to formalise the agreement with them.

- Ask the specialist to draft an agreement that you can check and sign if you are happy.
- Ask other groups to give you examples of agreements they have used and modify them for your situation.
- Ask the organisation supporting you to develop a draft agreement that you and the specialist can sign.
- Write a letter of appointment to the specialist confirming the appointment of the specialist.

Verbalised agreements are also binding so you need to be careful making verbal agreements. Wherever possible it is best to put agreements into writing.

Issues to include in such agreements and letters of appointment include:

- What you expect the specialist to do.
- What quality of service you expect.
- What you are prepared to do (e.g. attend meetings).
- How much will be paid to the specialist and when.
- What time frame will be used to complete the work.
- Which method of payment to be used.

- What will happen if you or the specialist is not happy with the relationship.
- How you can change the agreement.

There are other ways, besides using specialist consultants, to find people to help you:

- You could ask the municipality/ government to help you.
- You could find people within your group to do some of the work, such as using someone from within your group who is interested in learning these skills to 'partner' / shadow one of the professionals.
- Your group could employ someone who has these skills and pay them a salary rather than getting consultants to help you. This should only be considered after your group has gained experience in land access/ development and you are certain that person has the necessary qualifications.

The important thing about a team is that you have a lot of different people performing different functions. It is important to set up some form of team coordinating structure so that these people can communicate with each other. You must also keep your members updated on what the professionals are doing.

9.5 Decisions you make

- Which type of professionals will you use?
- Specifically, which professional organisations will you work with?
- How will you structure your relationship with these external supporters?

9.6 Decisions others make

- Consultants/ government need to decide if they will work with you and agree on the terms (such as how much they will be paid) for the support that they give you

9.7 Places to get more information

- Support organisations
- Your local municipality

9.8 Output showing you have reached the end of the step

- A contract or agreement with the people/ organisations who will help you

9.9 Next steps

- Find money to do initial studies
- Develop a concept plan
- Confirm who will be the developer

STEP 10 - FIND MONEY TO DO INITIAL STUDIES

10.1 Summary

Find money to pay for all the work that the specialists need to do in preparation of finding, buying and developing land.

10.2 Previous steps

- Engage the municipality
- Identify people to help you

10.3 Partners

- NGO/ support organisation
- The municipality
- Your professional team

10.4 Explanation and discussion

During the initial phases of finding land for housing development there may be a lot of preliminary work that will be difficult to fund. At this stage you would not necessarily have decided what piece of land you want to buy and develop so it will be difficult motivating people to raise funds to do various studies. The lack of availability of funds for preliminary planning and investigation work can often be the reason why it is difficult to get projects going. Most funders (e.g. government departments) want to see detailed proposals before they will make funds available.

The following provides examples of how your group could start to think about paying for initial investigations and studies:

- Use the savings of your members to pay for some preliminary investigations and when you get other money (e.g. from the Department of Housing) you can use this to pay back the money. The positive thing about using savings is that it shows government and others that you are serious and it helps to get things moving.
- Get funds from the Department of Land Affairs to do the initial studies. The Department of Land Affairs may not give your group the money but may channel it, for example, through a municipality.
- Get a loan from a bank. The bank will charge interest on the loan so this is not such a good idea where you do not know how long it's going to take to actually start to develop the land. It is also very unlikely that a bank will give a loan for this type of work.
- Ask the consultant to do the feasibility work at risk with the understanding that if and when your group manages to get money from some other source the consultant will be paid.
- Ask the municipality to do some of this feasibility work. Municipalities often have their own professionals/ specialists, but often these people do not have the time to assist you. Your group may need to enter into some form of agreement or memorandum of understanding with them where it is clarified what the municipality will do for your group.

The following provides a summary of some of the grant funding your group could apply for to do some of the planning and approval work:

- **Department of land affairs (DLA):** The DLA has the following programmes in place that can be used for land access and planning:
 - Restitution programme: The government assists people who were dispossessed of land under previous governments, since 1914, to get this land back, to access alternative land as compensation, or to receive financial compensation.
 - Redistribution programme: The government assists landless people to get land mainly for agricultural purposes.

- Land redistribution for agricultural development (LRAD): This programme is geared towards assisting people to access land for agricultural purposes. The government provides a matching contribution towards the purchase price of the land/ farm based on the investment of the applicant/ beneficiary farmer in the land.
 - Tenure upgrading programme: This programme does not provide funding for buying new land but is aimed at recognising previous forms of tenure.
 - Commonage: Municipalities can access funding to buy land that can be used by farmers for grazing purposes.
 - Settlement and Land Access Grant (SLAG): This grant is meant for planning, facilitation and dispute resolution to make land available for agricultural and settlement purposes. The grant is used to buy land and to pay for the town planning and land transfer processes. It is used to pay town planners, environmentalists, soil specialists, land surveyors and to pay for any other activity that is needed to plan and transfer land. The DLA generally does not work with community groups. The SLAG funds are provided to municipalities who submit well-organised applications. The funds can be used by municipalities to buy and plan land that is state or privately owned. If your group is interested in accessing these funds you need to enter into an agreement with the municipality that they will submit an application for these funds to access the land that your group is interested in. The DLA can arrange for an evaluator to determine the price of this land. This grant can be used by the municipality to buy land in advance of need for settlement purposes.
 - Expropriation: Expropriation is seen as a last resort for government to access land for development purposes. Expropriation is based on the willing seller and willing buyer principle. If expropriation is considered, the funding for this will need to be sourced from one of the other government programmes.
- **Department of Housing (DoH):** The national Department of Housing makes funding available for planning and land purchase within its housing subsidy programmes, but they would prefer it if other sources of funding are used first before consideration is given to using these funds. The national Department of Housing is in the process of setting up a national Housing Development Agency (HDA) to assist municipalities, or to arrange for itself, to purchase and access land for housing development. The agency will look at ways of reducing the red tape involved in the whole land development process. The HDA will become an important ally for the landless and homeless sector.
 - **Municipality:** It is the responsibility of the municipality to set aside funds for planning new land development projects. The municipality should also set aside funds in its budget for the purchase of land for development, including for residential purposes.

The step “arrange necessary finance” looks at grant funding opportunities for services and house construction.

You must make sure that you are open with your members about what finances you have received and what money you are spending on preparation work. You must be on the look out for bribery and corruption.

10.5 Decisions you make

- What work needs to be funded now?
- What strategy you will use to pay for preliminary work?
- Which organisations will you approach for financial assistance?

10.6 Decisions others make

- Financial organisations to decide if they will fund your work?

10.7 Places to get more information

- Your local municipality
- Department of land affairs

- Department of housing
- Non-government organisations

10.8 Output showing you have reached the end of the step

- Funding agreements to do preliminary studies

10.9 Next steps

- Develop concept plan
- Arrange the necessary finance

STEP 11 - DEVELOP A CONCEPT PLAN

11.1 Summary

Once your group has arranged for a specialist to help you, but before you have decided on which piece of land you want to buy, develop a rough plan for what type of land, services and houses you want, so that this can help you find land that will be suitable for the needs of the group.

11.2 Previous steps

- Develop a vision for your group
- Engage the municipality
- Identify people to help you
- Find money to do initial studies

11.3 Partners

- NGO/ support organisation
- Other groups / CBOs
- Consultants
- Municipality

11.4 Explanation and discussion

The concept plan is based on the long term vision you developed in the preparation stage. The professionals and people you have identified can now help you take your group vision and develop it in more detail.

At this stage you have probably not yet decided which piece of land you want to develop so the plans can not yet be shown on a map. The issues to address in the concept plan include:

- The size of the plots you want to develop.
- The type and level of services (roads, water, etc.) that you want.
- The type of house you want to live in (e.g. row houses or separate houses).
- The type of things your group members are prepared to do yourselves.
- The general price you are prepared to pay for land and services.
- The type of facilities (schools, business sites, etc) you want in your area.

It is important to involve as many people from your membership/ community as possible in this stage. There may also be differences of opinion as to what people want. You need to note these differences and where possible try and resolve them. The workshop methodology can be used to get as many of your members as possible involved in sharing their views and discussing the concept plan.

Your group should develop a set of principles that you can use to guide you in future-decision making around land access and development. The following are examples of principles that have been modified from the Development Facilitation Act (act 67 of 1995):

- Promote higher density compact living where more people live within a given area, and discourage urban sprawl where houses are spread thinly over the land.
- Promote spatial integration of different land users with houses close to business, factories, schools, public transport, etc. and socioeconomic integration where rich and poor, black and white all live together.
- Build on the available resources of the area such as land, water, infrastructure, social facilities, etc.
- Encourage environmentally sustainable development.

- Encourage community participation in planning and development.
- Encourage the development of skills within the land development process.
- Support the widest range of tenure options.

It is during the concept planning stage that your group can now become more realistic as to what they can afford. The professionals you are working with will be able to advise you on costs of different options and advise you of the advantages and disadvantages of different approaches to land access and different services and housing products. You need to use the team of professionals you have around you to put your concept plan into words and pictures that other professionals will be able to understand. Your group will be able to use this concept plan to engage the municipality, funders and other role-players.

11.5 Decisions you make

- Where would you like to live?
- What size plots do you want and what type of houses?
- What type of toilets and water will you have?
- What other facilities would you like to have?
- What will you and your members do as part of the land access process?

11.6 Decisions others make

- Will other role-players support your concept plan?

11.7 Places to get more information

- Other groups
- NGO/ support organisation
- Municipality

11.8 Partners

- NGO/ support organisation
- Other groups
- The municipality
- Other communities who have had experience with this type of thing

11.9 Next steps

- Identify, compare and choose land options

STEP 12 - CHOOSE PREFERRED LAND OPTION

12.1 Summary

With the assistance of the municipality and people that your group has identified to help you, find out as much as you can about different pieces of land in the city/ town so you have a variety of land options to choose from. Compare the advantages and disadvantages of each of the possible land option and make a decision on which option you will pursue based on a set of criteria you have developed. Make sure you identify people who may obstruct you in getting land and develop a plan to deal with them.

12.2 Previous steps

- Engage the municipality
- Identify people to help you
- Develop a concept plan

12.3 Partners

- NGO/ support organisation
- Your team
- The municipality

12.4 Explanation and discussion

When your group developed its vision and concept plan you started to think about where you wanted to live. Most municipalities should have a database of government owned land or they can direct you to someone who does know where most government land can be found. If you need to start looking for land that is owned privately, it would help if you could speak to an estate agent or another developer who has some idea of the general prices and the availability of land in different areas.

There are a lot of issues and questions you need to think about when looking at different pieces of land:

- Is the land within or outside the urban edge?
- How accessible is the land to major job opportunities, business areas, schools and other facilities? Is it close to roads and public transport?
- Are there bulk services nearby and can the land be easily linked into the bulk services network? Is there enough capacity in the bulk service network to accommodate more water, sewerage, road traffic, energy use, etc.?
- Who owns the land: government or private sector? If government, which department or structure within government owns the land?
- Are there any restrictions on title or because of how the land is zoned? For example:
 - Do neighbouring farms have servitude rights to put pipes across your property to get water from a river?
 - Can you build more than one house on the land?
 - Do you have to get permission from neighbours to cancel these conditions?
- What are the soil/ rock conditions on the site? What is the slope of the land?
- What vegetation is found on the land?
- Are there any historic buildings on the land?
- What environmental studies need to be done? Will these studies have to be basic studies or full environmental studies?
- What is the likely response from neighbours if you buy and develop this land?

Your group should develop a list of potential pieces of land that can be considered for purchase and development. You can then develop a set of criteria against which you can compare each land portion. These include:

- cost to buy the land
- cost to develop services on the site
- potential time frame within which you can buy and develop the land
- ability of landowner to enter into land availability agreement
- beauty of and views from the site
- closeness to where you live at the moment
- access to business and commercial activities
- access to job opportunities
- access to public transport services
- type of houses in neighbourhood
- type of schools and facilities in neighbourhood
- risk of neighbours objecting and delaying project
- risk of having to do expensive environmental studies
- who will potentially be against you to develop the site

It is very unlikely that one piece of land will come out tops in all of these criteria. It is more likely that each portion will have its own advantages and disadvantages. You will have to balance and compare these advantages and disadvantages against each other.

12.5 Decisions you make

- Which pieces of land do you want to consider?
- What criteria will you use to choose the best option?
- Which piece of land will you prioritise?

12.6 Decisions others make

- Will the municipality support your groups preferred land option?

12.7 Places to get more information

- Department of land affairs
- Department of housing

12.8 Output showing you have reached the end of the step

- A report on preferred land option

12.9 Next steps

- Engage land owners
- Undertake land allocation
- Produce preliminary layout planning

STEP 13 - ENGAGE THE LAND OWNERS

13.1 Summary

Once you have decided on which piece (or pieces) of land you think you want to buy and develop, meet with the owners of this land so that you can start negotiating how the land will be transferred to your group and/or members and what price you will pay for it.

13.2 Previous steps

- Identify, compare and choose land options

13.3 Partners

- NGO/ support organisation
- The municipality
- Your team

13.4 Explanation and discussion

Once your group has decided which piece of land you want to buy you can make initial contact with the landowner to negotiate purchase price. You can either decide to:

- Buy the land; or
- Enter into a land availability agreement

This step should be an ongoing step which ultimately ends with some form of agreement with the land owner as to how the land is to be transferred and at what price. It is advisable to at least enter into some form of land availability agreement so that when you move into the approval stage, your group has 'permission' to do all the necessary studies on the land.

If the landowner is government it is easier to make initial contact with them. If the land owner is a private landowner you need to be more careful as to how you approach them.

When determining a fair price to buy the land:

- Find out what the municipality has valued the land at.
- Look at the price of similar properties in the area as a comparison.
- Ask an expert property valuer to advise you what a fair price for the land would be.

When determining an affordable price for the land you need to take into account what you will still need to do to develop the land. For example:

- Will you still need to rezone the land?
- Has environmental approval been obtained to develop the land?
- Has a survey diagramme already been produced?

13.5 Decisions you make

- How will you transfer the land (sale or land availability)?
- What price will you consider to buy the land?
- Is it still worth pursuing the land you have identified?

13.6 Decisions others make

- What price will they consider selling the land for?
- Will they consider a sale or land availability?

13.7 Places to get more information

- Municipality
- South Africa property owners association
- Institute of Estate Agents of South Africa

13.8 Output showing you have reached the end of the step

- Minutes of meetings with landowners and other correspondence with landowners

13.9 Next steps

- Formalise land agreement with government landowners
- Formalise agreement with private landowners
- Undertake land allocation
- Produce preliminary layout plan

STAGE C: PLANNING

Previous stages of this manual looked at:

- STAGE A: ORGANISING
- STAGE B: DECIDING

We now move to the third of five stages in the land access journey

- **STAGE C: PLANNING.**

You work with your team to plan how to develop your land.

Your aims are to:

- Agree who will be allocated to the land and how they will own the land.
- Develop a plan for what type of development you want.

In order to meet these aims, you follow these six steps:

- Undertake land allocation
- Agree on tenure options
- Produce layout plan
- Produce engineering designs and budget
- Produce house designs and budget
- Decide on town planning process

The other stages covered later in this manual are:

- STAGE D: APPROVALS
- STAGE E: IMPLEMENTING

STEP 14 - UNDERTAKE LAND ALLOCATION

14.1 Summary

Once you know which piece of land you want, agree as a group on what procedures you will use to allocate your members to the land; and start to implement this agreed process. If your group is planning to make use of the government's housing subsidy, check that your members qualify for government housing subsidies, without raising expectations that these people will definitely get land/ house.

14.2 Previous steps

- Organise your group
- Develop vision for your group
- Identify, compare and choose land options

14.3 Partners

- NGO/ Support organisation
- Other community groups
- Municipality

14.4 Explanation and discussion

If the land cannot accommodate all your group members who want land you will have to develop some form of allocation process that you all agree to use to determine who can get access to the land. Land is a very emotive issue and if you are not careful, you could find a situation where there is fighting within your group over who has the right to the land that your group negotiates on behalf of its members.

Examples of allocation processes that can be used include:

- Have a first come first serve policy where those that joined your group first will get first preference to any land that is available.
- Only consider allocating people who attend a certain number of training events on land access so that they know what is involved in the processes of land access and development.
- Have savings targets where you only consider allocating land to members who have saved more than a minimum savings amount.
- Decide who gets land and housing on a random basis.
- Have a needs based points system where those households that are in greatest need for land get first preference. Examples of things you could use to calculate need include:
 - Those who have stayed in an area without land/ houses for the longest time get preference.
 - Those who have the lowest income get preference.
 - Those with bigger families get preference.

If your group is planning to get and use housing subsidies to buy the land, put in services and build the houses you will need to make sure that your members qualify for these subsidies. You can arrange to do a pre-screening check to see if your members qualify for government subsidies. The criteria for qualifying for a housing subsidy include:

- Must be a South African citizen.
- Must be 21 years of age or older.
- Both partners in the household must not have received a subsidy before.
- Both partners in the household must not own or have owned property before.
- The beneficiary must have dependents. This means that single people can not qualify for a subsidy.
- Must have a household income of less than R3 500/ month (this is the combined income of both husband and wife/ co-habitants)

At the stage of pre-screening you must not get your members to fill out formal subsidy forms, as this will raise members' expectations that they will be getting a house soon, whereas there may still be a lot that needs to be done before people can move onto the land. The formal process of filling out and submitting subsidy forms will take place during the implementation phase.

14.5 Decisions you make

- What criteria you will use to determine who will live on what plot?
- Who is going to occupy which house?

14.6 Decisions others make

- Will group members support your group's allocation policy?
- Will the municipality and the group accept pre-screening results or not?

14.7 Places to get more information

- Department of housing
- Other groups

14.8 Output showing you have reached the end of the step

- Allocation policy
- Provisional allocation approval list

14.9 Next steps

- Get approval of tenure form
- Produce preliminary layout plan

STEP 15 - AGREE ON TENURE OPTIONS

15.1 Summary

Drawing on information from your group's long-term vision and concept plan, and with advice from your specialist team, decide as a group if you will own the land as a group or as individuals; also considering an interim group ownership phase if you want to access the land before it is sub divided. Make sure that outside role-players that may have an interest in your project (e.g. funders) also approve the tenure option you have chosen.

15.2 Previous steps

- Undertake land allocation
- Develop vision for your group
- Develop concept plan
- Identify, compare and choose land options

15.3 Partners

- NGO/ Support organisation
- Conveyancer
- Municipality
- Other groups

15.4 Explanation and discussion

Tenure refers to how you can prove that you are able to live on the land. Security of tenure implies that you are able to back up your right to occupy the land with documentation and the support of other people. Outside people can not easily remove you from the land.

There are a number of ways that this tenure security can be granted:

- **Individual ownership:** The land portion that you want to occupy is clearly marked both on the land and in the deeds office and the title deeds show that you are the person who has ownership of that particular portion of land. You can sell the land you own on the open property market to anyone who is prepared to pay what you are offering.
- **Group ownership:** Group ownership is where the outside boundary of a portion of land is shown on the plan and some form of organisation, that represents the beneficiaries, takes ownership of this land. The group organisation has internal arrangements with each member of the group that specify under what conditions that person can occupy the group land. The member of the group usually has to pay a monthly fee to the group so the group can pay rates to the municipality and other expenses on behalf of the members of the group. Two examples of group ownership are:
 - Communal Property Associations (CPA): The CPA is made up of the people who will or are living on the land. The CPA develops its own constitution which explains how the CPA will be managed and explains what rights the members of the CPA has to use and occupy land.
 - Housing property owning cooperatives: It is made up of people who want to own land collectively. A persons 'share' in the cooperative entitles that person to occupy a particular unit within the cooperative for as long as s/he follows the rules of the cooperative. There are three broad types of housing property owning cooperatives:
 - Full equity: If a member leaves the cooperative they can 'sell' their share in the cooperative to anyone at the price they are prepared to accept.

- Restricted equity: If a member leaves the cooperative they 'sell' their share to someone that is on some form of waiting list at a price that is pre-determined. This price usually takes into account the value of improvements made by the outgoing person.
- No equity: A member rents their unit from the cooperative and if they leave they get nothing back.

Group ownership could be seen as part of a phased tenure approach where you start with group ownership and then move to individual ownership over time. This would apply, for example, in situations where your group decides to take ownership of the land before all the planning and approvals are completed and you are not able to individualise the land into separate plots. Members of the group could or could not be allowed to occupy the land during this interim phase, depending on the rules of the group.

- **Leasehold:** A lease agreement is an agreement in which a landlord gives a tenant the temporary use of a property in return for the payment of rent. There are two types of leasehold:
 - A short-term leasehold agreement (or rental agreement): typically the rent is paid monthly and the period of the lease is a month (and the landlord or tenant needs to give a month's notice when terminating the agreement). The tenant has to get permission from the landlord if they want to make any changes to the property.
 - A long-term leasehold agreement: the period of the lease is at least a year (and can be many years or many decades). A multi-year lease agreement can provide greater long-term security for the occupant of the property than a rental agreement. A lease agreement can include a clause allowing for compensation by the landlord for a proportion of the value of improvements made by the lessee.

The following provides a comparison between group ownership and individual ownership:

Individual ownership

Advantages of individual ownership

- It is very familiar to most people.
- You can do what you want on your property.
- When you sell you can sell to anybody.
- When you sell you can ask for any price for the unit.
- Banks will be more willing to give you a loan/ bond because they can use your property as collateral.
- If you are poor you will be able to apply for and receive indigent discounts on rates and services from the municipality.
- You do not have to spend time and money organizing your group/ community.
- If others in the community do not pay rates and services and the municipality takes action against them, you are not affected.

Disadvantages of individual ownership

- You do not have significant control of what happens in your neighbourhood.
- You are left on your own to deal with all the problems in your household.
- You cannot do what you want on the land (e.g. the municipality zoning and building regulations determine what type of activity you can do and type of houses you can have)
- If you do get a loan to buy the land using your land as collateral, and are unable to pay the loan back, the bank can sell the land/ house to recover the loan.
- You are not organised in a way that allows you to start to address other needs in the community (e.g. space for children to play).

- **Group ownership**

Advantages of group ownership

- You can control who comes on and off your group property.

- You can take steps to improve your neighbourhood (e.g. plant trees and put up child play equipment).
- You can have rules about noise and other anti-social behaviour in your community.
- You can put a restriction on the transfer price of the land/ share making it cheaper for incoming people to get land (this helps especially if the land is in a well-located area).
- You can arrange for bulk purchases of goods and services like paint and plumbing maintenance services.
- You can set up an emergency fund to help each other in times of personal crises.
- Note that some of these advantages can be achieved through other forms of group collaboration, and not necessarily through group ownership.

Disadvantages of group ownership

- It is less familiar than individual ownership to most people in communities and government.
- You have to get permission from the group if you want to do something on the property.
- You cannot sell your unit to anybody – the group can have a say in who can take over your unit.
- You may not be able to get the full market price of the property when you sell it.
- It will be much harder to get a loan/ bond on your unit as banks are not used to group ownership.
- You have to have an organised community group and this costs time and money.
- You cannot do what you want on the land. Similar zoning restrictions from the municipality apply to group land as well as individual land; and you also have to get permission from your group.
- You have to take disciplinary action against your neighbours if they do not pay and work according to the rules of the group.
- You cannot run to the municipality to fix broken pipes and clean the streets if this space is owned by the group.
- If your group is unorganised you could have to deal with a lot of internal conflict.
- You may not be entitled to indigent discounts on rates and services because your group, as the property owner, does not qualify as a poor person.
- If you do want to change to individual ownership you have to pay again for the land subdivision and other transfer costs.

As a group you need to balance the advantages and disadvantages of different tenure options and make a decision that best suits your circumstances.

15.5 Decisions you make

- What tenure will you use?

15.6 Decisions others make

- Does the conveyancer and municipality support your tenure choice?
- Does the potential financier support your tenure choice?

15.7 Places to get more information

- Department of housing
- Department of land affairs
- NGOs

15.8 Output showing you have reached the end of the step

- Record of decision on tenure option chosen.

15.9 Next steps

- Produce preliminary layout plan

STEP 16 - PRODUCE LAYOUT PLAN

16.1 Summary

After you have identified the land you want to develop and if possible, after you have identified the people who will live on this land, get your specialist team to work with your members in a participatory manner to study the land and produce a preliminary plan showing where the roads and different land use plots will be found. This plan will convert your vision and concept plan into a real layout design for the land you have chosen. The preliminary layout plan will form the basis of all further planning and approval in the development process.

16.2 Previous steps

- Develop vision for your group
- Develop concept plan
- Identify, compare and choose land options
- Undertake land allocation

16.3 Partners

- Town Planners
- Environmentalists
- Engineers
- NGO/ support organisation
- Municipality
- Other groups

16.4 Explanation and discussion

You now need to translate your group's vision and concept plan into a realistic plan that is compatible with the land you have identified. You should get a good base map of your site showing all the steep slopes, trees, buildings and others features on your site. You should also visit and walk on your site so that you get a feeling for what your site looks like.

When it comes to planning what the roads and plots will look like on your land, there are two ways that this can be done:

- Develop a plan on the land and later transfer it to paper. This will involve you going to the site and using a tape measure and pegs and measuring where you would like the roads to go and where you would like houses, schools and other facilities to go.
- Develop layout on paper and then transfer it to land. This is the normal way that land is planned. With the help of a planner the plots and boundaries are drawn on the plan and then at a later stage once all approvals are obtained, these boundaries are marked out on the land.

You should encourage the town planner to do this layout planning in a way that encourages community/ member participation. This can be done by having large base maps of the site made and asking your members to draw on the plan what type of development they would like. You can also cut out pictures from magazines of environments you like and ask the planners and others helping you to try and create an environment that is similar. You should ask the professionals to show and take you to places where similar types of environments have been developed so you can see what the proposed plans will look like in real life.

The layout plan shows the following:

- How big and what shape will the plots be?
- How wide and long will the roads be?

- Where will the open space be?
- Where will the schools, clinics and other community facilities be?

When doing your layout plan you need to consider if the layout plan supports the following:

- Protects the natural environment.
- Does not require very expensive engineering work to manage storm water and pump waterbourne sewerage all the time.
- Creates a nice pedestrian-friendly space.
- Provides spaces for people to engage in business opportunities.
- Provides good visibility so that people living there will be able to see and stop criminals in the community.
- Provides for enough privacy between neighbours.
- Provides opportunities for people to meet each other and socialize within the community.
- Is well linked to the surrounding transport and movement system so it is easy to access other parts of the city.
- Creates a sense of uniqueness for the community and a sense of place so that people feel they belong to that area.

The town planners, environmentalists and engineers have training and experience in this type of work so you need to listen to them carefully when they make recommendations. You need to enter into a dialogue with these professionals to come up with a plan that everyone is happy with.

This preliminary layout plan will form the basis of all further actions you will take. For example, the environmentalist will use this plan to do the environmental study; the geologists will use the plan to do the soil studies; the engineers will use the plan to design the roads, water and sanitation services. Depending on feedback from these subsequent stages you may have to come back to this preliminary layout plan and make adjustments.

16.5 Decisions you make

- Where do you want the houses, schools and other infrastructure to be located?
- How big do you want the residential and other plots to be?
- Where do you want the roads to go?

16.6 Decisions others make

- Will others support your layout plan?

16.7 Places to get more information

- Department of housing
- Department of land affairs

16.8 Output showing you have reached the end of the step

- A preliminary and final layout plan

16.9 Next steps

- Produce preliminary engineering designs and budget
- Decide on the town planning process and identify approvals needed

STEP 17 - PRODUCE ENGINEERING DESIGNS AND BUDGET

17.1 Summary

Once your group has developed a preliminary layout plan, the engineers can advise your members on the most appropriate toilet, water, roads and storm water management systems to use. They can also advise you on the costs of different civil engineering options.

17.2 Previous steps

- Develop concept plan
- Produce layout plan

17.3 Partners

- Civil engineers
- Electrical engineers
- Municipality
- NGO/ support organisation
- Other groups

17.4 Explanation and discussion

With the assistance of engineers, your group needs to agree on what type of services you will have on your piece of land. You will need to make decisions on things such as:

- Will the roads be gravel or tar?
- Will the storm water be lined or unlined?
- Will the toilets be waterborne or on site (e.g. Vault Improved Pit latrine)?
- Will the water be a communal standpipe or tap per plot?

The decisions you make in the layout planning and this preliminary engineering design stage will have a significant influence on how much it will cost to service your land. For example:

- The shorter the road frontage per plot the lower the cost will be for putting in roads and sewerage water pipes.
- The flatter the land where the houses will be built the cheaper it will be to build roads and houses.
- The lower level of service (e.g. communal standpipes rather than water per house) the cheaper it will be to put in these services.

The budget at this stage will be an estimate based on experiences from other similar projects. The actual budget will change after more detailed engineering designs are produced. The engineers will do the detailed designs and budgets once you are sure when the construction is likely to happen. If you do detailed design too early you may have to make changes to the design as issues emerge during the approvals stages. For example, the environmentalist may require that dams be built on site to reduce storm water flows across the site.

At the services design stage, your group also needs to discuss and agree on how the services will be built. Your group can, for example, include clauses in contracts with builders that local labour will be used as much as possible.

17.5 Decisions you make

- What type of roads, storm water, water, toilets and electricity services will you have?
- How will the services be built?
- What will the budget be?

17.6 Decisions others make

- Will the specialist and municipality support your proposals for engineering services?
- Can the services be built within the budget?

17.7 Places to get more information

- Municipality

17.8 Output showing you have reached the end of the step

- Preliminary and final engineering designs and budgets

17.9 Next step

- Decide on town planning process
- Arrange the necessary finance

STEP 18 - PRODUCE HOUSE DESIGNS AND BUDGET

18.1 Summary

Once your group has developed a preliminary layout plan and you have also developed a preliminary engineering services plan and budget, the engineer (or architect) can help your members to develop a house plan and budget. This preliminary house design will build on the vision and concept plan you have developed in previous phases.

18.2 Previous steps

- Develop concept plan
- Produce preliminary layout plan

18.3 Partners

- NGO/ Support organisation
- Engineer
- Architect
- Other groups
- The municipality

18.4 Explanation and discussion

Most people prefer to discuss houses rather than layout and engineering designs because the house is what they are working towards and it is something they can see and visualise. Generally in normal land, servicing and housing development projects, the house design only comes towards the end of the whole planning process.

This house design and budgeting step builds on the work that your group would have done in previous steps. Generally the main issues that need to be addressed in the house design and budget stage include:

- What size of house will you have?
- What rooms will there be in the house?
- What material will be used to build the house?
- How can the house be expanded in future?

Your group needs to consider what parts of the house will be funded from the subsidy (if applicable), and what the household will be expected to contribute themselves. There are different ways that this mix of subsidised and household finances can be combined. For example, your group could decide to:

- Build a small starter house that people can move into with the subsidy fund and then if households want to expand the house they can use their own funds.
- Provide material bought with subsidy money and have each household pay for the labour.
- Build a large roofed structure on poles (using government subsidies), and then households use their own funds to put in the walls.

In a normal land and housing development process there is only a fixed amount of funds to cover the planning process, the purchase of the land, the installation of services and the construction of houses. The house comes at the end of this process so often the funds available to build the house are made up by the balance remaining after doing all the other things. Your group needs to be careful not to spend too much money on these pre-house activities and then find that you have very little money left for the top structure.

When discussing house designs and budgets you also need to discuss how the houses will be built. For example, will the houses be built by local labour or will skilled builders from outside be brought in to build the houses. How the house is built can affect what the design will look like (e.g. complex foundations may require the involvement of

skilled builders) and how much it will cost (using local builders may be cheaper than getting an outside contractor to build the houses).

18.5 Decisions you make

- What will the houses look like?
- How will the houses be built?
- What will the budget be for the house?

18.6 Decisions others make

- Are the house designs acceptable?
- Is the construction approach acceptable?
- Can the houses be built within the budget?

18.7 Places to get more information

- Department of housing
- Municipality

18.8 Output showing you have reached the end of the step

- Preliminary and final house designs and budgets

18.9 Next steps

- Decide on town planning process
- Arrange necessary finances

STEP 19 - DECIDE ON TOWN PLANNING PROCESS

19.1 Summary

Once your group has decided on which piece of land to buy and develop, and after you have completed the various layout, engineering and housing preliminary designs, your group has to decide, with the advice of the town planner, which town planning process you will follow to get the plan approved so that you can move to the land surveying and conveyancing steps that are outlined in the implementation phase. You need to determine what studies and approvals your group will need before the plan can be approved and funding can be secured.

19.2 Previous steps

- Identify people to help you identify, compare and choose land options
- Produce preliminary and final layout plans

19.3 Partners

- Town planner
- Land surveyor
- Conveyancer

19.4 Explanation and discussion

In order to develop land for settlement development you have to follow an appropriate town planning process. Depending on where you are in the country and what you want to achieve, there are a number of different town planning procedures you can use.

- Less Formal Township Establishment Act (LFTEA) 113 Of 1991 (chap 1 or 2)
- Development Facilitation Act (DFA) 67 of 1995
- Land Use Planning Ordinance (LUPO) - ordinance 15 of 1985, for former Ciskei areas.
- Township ordinance 33 of 1934 for municipal commonages in the former Transkei area.

Different provinces will also have different procedures. The town planner would be the best person to advise you on which town planning procedure would be appropriate in your situation. Your group will need to get different approvals from different government departments depending on what planning process you have followed and where the land is. The two main approvals you will need to get are:

- Town planning approval; and
- Environmental approval.

There are also many national acts and provincial ordinances that may require some form of approval. The following provides an example of some of these:

- Removal of Restrictions Act, 1967
- Environment Conservation Act, 1989
- Municipal Systems Act, 2000
- National Environment Conservation Act, 1998
- National Environment Management Biodiversity Act, 2004
- National Forest Act, 1998
- National Heritage Resources Act, 1999
- Subdivision of Agricultural Land Act, 1970
- National Water Act, 1998
- National Roads Act, 1971 (and amendments)
- Upgrading of Land Tenure Rights Act, 1991

Again, the town planner and other people on your professional team will advise you on what approvals you will need as a result of these Acts. There are special processes involved in getting each of these approvals and often specialist input and studies are needed to get them. It is important to complete all the necessary forms and do things properly. Many problems and delays in these procedures are the result of government returning forms and applications as a result of missing or incomplete information. The type of studies that may be needed include:

- Bulk services availability
- Slope analysis
- Geotech (soil) study
- Flood line study
- Storm water management plans
- Dam burst study
- Traffic impact study
- Ground water protocol/ impact assessment

19.5 Decisions you make

- What town planning procedure will you follow?

19.6 Decisions others make

- Is the town planning process that you intend to use acceptable?
- What approvals will you have to get?

19.7 Places to get more information

- Department of land affairs
- Department of local and provincial government

19.8 Output showing you have reached the end of the step

- Agreement from municipality (and others) on the town planning process to be used.
- Record of decision of town planning process to be used.

19.9 Next step

- Confirm bulk services availability
- Get national home builders registration council approval
- Get member approval
- Get environmental approval
- Get town planning approval

STAGE D: APPROVALS

Previous stages of this manual looked at:

- STAGE A: ORGANISING
- STAGE B: DECIDING
- STAGE C: PLANNING

We now move to the fourth of five stages in the land access journey:

- **STAGE D: APPROVALS**

You work with your team to get approval for the land development.

Your aims are to:

- get approvals from different government departments for the land development
- reach an agreement with the landowner on how you will transfer the land and at what price
- agree with all role players who will be involved in the development of the land
- get money to implement the project

In order to meet these aims, you follow these eight steps:

- Confirm bulk services availability
- Get National Home Builder's Registration Council (NHBRC) approval
- Get environmental approval
- Get members' approval
- Get town planning approval
- Formalise land agreement with land owners
- Confirm who will be the developer
- Arrange the necessary finances

The last stage covered later in this manual is:

- STAGE E: IMPLEMENTING

STEP 20 - CONFIRM BULK SERVICES AVAILABILITY

20.1 Summary

Once your group has decided on which piece of land it wants to develop and after having engaged with the municipality around bulk services availability, your group, with the support of an engineer, needs to get written confirmation from the municipality that the bulk services are adequate for the type of development you are planning on the land that you plan to buy. If the level of infrastructure provision is inadequate, you will have to arrange for the municipality to upgrade and improve the bulk services in time for your group to develop the land.

20.2 Previous steps

- Decide on town planning process
- Produce preliminary layout plan
- Produce preliminary engineering designs

20.3 Partners

- NGO/ Support organisation
- Engineers
- Municipality

20.4 Explanation and discussion

Bulk services refer to infrastructure connections that bring the roads and water to your property and remove sewerage from your land. It includes the water treatment plants that clean the water and make it suitable for drinking as well as cleaning the sewerage before it is returned to the river system.

The most common procedure for getting confirmation of bulk services availability is to sign a (bulk) services agreement with the municipality. This (bulk) services agreement sometimes also includes a commitment for the municipality to take over the roads, water and other services on the site when the houses are built. It may also contain a commitment from your group that your members will pay for the ongoing rates and service charges every month once your members start to use these services.

If you identified, during the feasibility stage, that bulk services were not available, but your group has still decided to pursue the purchase and development of the land, you should have some plan in place for getting bulk services to 'your' land. The municipality is the only structure that has access to funds for bulk services.

- Firstly you need to make sure that the municipality shows in its Integrated Development Plans (IDP's), spatial development framework plans and housing sector plans that it wants to develop houses in the area where your group wants to buy land. Your group then has to get the municipality to submit a project application to the provincial government to apply for Municipal Infrastructure Grant (MIG) funding.
- The provincial government department that deals with MIG applications will have to approve the application submitted by the municipality. However, this approval does not mean that funds will be made available, but just that the project will be placed on a MIG database of approved projects.
- The provincial MIG department allocates a fixed amount of MIG funds to each municipality each year based on 5 year plans. The municipality then has the responsibility of allocating the funds it receives to projects it has identified in its internal IDP and project prioritization planning processes. It is therefore vital for your group to make sure that bulk infrastructure is placed high up the priority lists of these municipal MIG funding lists by being involved in the participation process.
- The municipality then has to prepare detailed plans to develop and deliver the bulk services..

20.5 Decisions you make

- None

20.6 Decisions others make

- Are the bulk services sufficient and available?
- Are there funds for upgrading bulk services?

20.7 Places to get more information

- Department of housing
- Local government

20.8 Output showing you have reached the end of the step

- Confirmation from municipality that there are bulk services
- Services agreement with municipality

20.9 Next steps

- Get national home builders registration council approval
- Get members' approval
- Get environmental approval
- Get town planning approval
- Confirm who will be the developer
- Arrange necessary finance

STEP 21 - GET NATIONAL HOME BUILDERS REGISTRATION COUNCIL (NHBRC) APPROVAL

21.1 Summary

Once your group has decided on which piece of land you want to develop and you have developed preliminary layout, servicing and housing plans, and if you are planning to use government and/or bank finance to develop the services and houses, your group will have to get the necessary approvals from the NHBRC for the services and houses to be built. For example, the NHBRC will want to make sure that the soil conditions have been taken into account when planning and designing the project.

21.2 Previous steps

- Identify, compare and choose land options
- Produce preliminary layout plan
- Produce preliminary engineering designs and budget
- Produce preliminary house designs and budget

21.3 Partners

- NGO/ Support organisation
- Engineers
- Architects
- Geological engineer

21.4 Explanation and discussion

The government has set up the NHBRC because they want to make sure that the services and houses are built properly so that they do not have to come back later to fix any problems. The government also wants to have some money available so that if they do have to fix houses they have the resources to make the necessary repairs.

There are up to 6 stages within a land and housing development project where the NHBRC gets involved:

- *The NHBRC provides in principle project approval.* This means that your group (or the developer you are working with) has to inform the NHBRC that you have identified land and explain to them what approvals you have obtained and what procedures you still need to follow.
- *The NHBRC approves the developer.* If your group decides to employ a developer to help you build the services and houses, this developer needs to be approved. If your group decides to manage the building of the services and/or houses yourselves, your group will need to register with the NHBRC as a developer.
- *The NHBRC approves the civil services designs (civil engineering/ project enrolment).* The NHBRC needs to be convinced that the roads, water, toilets and other services are going to be built to approved standards. Geological (soil) studies will be needed so the designs take any difficult soil/ rock conditions into account.
- *The NHBRC approves the house designs (house enrolment).* The NHBRC needs to be convinced that the foundation plans and design of the house are good and that the house will not fall down or crack. Further geotechnical studies will be needed for each plot.
- *The builder/ contractor of the services and the house is registered with the NHBRC.* The NHBRC does not get involved in the actual appointment of builders but they would prefer if the builder that is used is registered with the NHBRC.
- *The NHBRC needs to check that construction of services and houses is being done according to approved plans.* This means that NHBRC approved inspectors have to visit the site to make sure that the services and houses are being built properly. If there are problems with the workmanship, the NHBRC can suspend and ultimately get the builder released from the project after following a proper procedure.

There is ongoing discussion within government and the building industry regarding the role of the NHBRC. Your group needs to keep updated on this discussion to see how it affects any construction on your land. For example, the Peoples' Housing Process (PHP) is exempt from getting NHBRC approval for builders as the people will be building the houses themselves. It is unclear, at the time of writing, on how the NHBRC requirements will affect the new Community Driven Housing Initiative programme that will replace the PHP.

21.5 Decisions you make

- None

21.6 Decisions others make

- Will NHBRC approve your project; the developer, the service designs, the house designs, the builders and each stage of construction?

21.7 *Places to get more information*

- NHBRC

21.8 Output showing you have reached the end of the step

- NHBRC approvals

21.9 Next steps

- Confirm bulk services availability
- Get member approval
- Get environmental approval
- Get town planning approval
- Confirm who will be the developer
- Arrange necessary finance

STEP 22 - GET ENVIRONMENTAL APPROVAL

22.1 Summary

After most of the approvals have been granted, with the involvement of a registered environmental specialist, and depending on the nature of the planned development, a basic or full environmental study has to be conducted so that the appropriate environmental department can give a positive or negative decision on whether the development can go ahead.

22.2 Previous steps

- Decide on town planning procedure
- Produce preliminary layout plan
- Produce preliminary engineering designs and budget

22.3 Partners

- Environmentalist
- Other specialists (as required by studies)

22.4 Explanation and discussion

One of the main procedures that your group has to undertake is to get approval from the Department of Environmental Affairs for development to occur on the land you have identified. The government has developed environmental rules and procedures (see regulations flowing from the National Environmental Management Act 107 of 1998) so as to protect the environment (e.g. make sure that unique species are not destroyed), and to protect you and the public (e.g. minimise the risk of your house being washed away in floods; your house falling down when the slope slips; walls cracking due to bad soil conditions; or the ground water getting polluted and becoming unsafe to drink.)

The law requires that you get a professional, who is registered with an appropriate agency, to do the necessary environmental studies. There are two broad types of studies that can be done:

- **'Basic' study:** You only have to do broad basic studies to determine if it will be suitable to develop the land.
- **'Full' study:** You must do more detailed investigations into the suitability of the development in the area. This is more expensive than a basic study as it involves both a scoping exercise where the environmental specialists identify what environmental issues need further investigation, as well as a detailed Environmental Impact Assessment study.

Your group needs to speak to the municipality and to the Department of Environmental Affairs for advice on which route needs to be followed. The following provide examples of the type of activities that require a full environmental study (scoping and environmental impact study):

- Any development activity including associated structures and infrastructure, where the total area of development is 20 hectares or more; or
- Road reserves that are to be wider than 30 metres.

The following are examples of land use activities that only require basic environmental studies:

- Any activity within the 1:10 year flood line of a river or within 32 metres of stream;
- The removal of indigenous vegetation of more than 3 hectares or more or where the removal of any size area of vegetation occurs in an endangered ecosystem;
- The construction of roads wider than 4 metres or has reserve wider than 6 metres, unless road is less than 30 metres long;

- The development of undeveloped land to infill land that is more than 5 hectares (but less than 20 hectares); or if it is not infill land it is bigger than 1 hectare;
- The subdivision of a larger portion of land of 9 hectares or more into portions of 5 hectares or less; or
- The transformation of an area zoned for public open space or conservation to another use.

Your group must develop a clear brief for the environmental specialist / consultant that explains exactly what you want the specialist to do. This could include:

- Socio-economic impact (how does development affect the surrounding communities?)
- Storm water impact (will storm water affect rivers and land use?)
- Potential flooding (will development increase surface runoff?)
- Wastewater management (will the sewerage system used cause pollution?)
- Solid and hazardous waste management (how will solid waste be managed at all stages of project?)
- Water supply (how will water be provided and conserved?)
- Biodiversity loss (will indigenous animal and vegetation be damaged by the project?)
- Sensitive areas (what impact will development have on water courses, wetlands, forests, dune systems or any other environment regarded as sensitive or unique?)
- Heritage impact (will valuable heritage sites, e.g. old buildings, cultural landmarks, fossils, etc. be damaged in any way?)
- External environmental impacts (e.g. visual, noise, ground water, river pollution to neighbours?)
- Legal compliance (does development comply with all appropriate legislation?)

The government has set special rules for the process that have to be followed to obtain environmental approval. For example, if you are doing a basic environmental study the following steps will have to be followed:

- Inform Department of Environment of intent to do study.
- Inform public of intent to do study. This involves activities such as informing neighbours, putting adverts in the newspaper and putting up a notice board on-site informing people of the project. Interested and affected parties are asked to come forward at this stage to register their interest in learning more about the project.
- Produce basic assessment report.
- Circulate draft report to client and public (interested and affected parties - if required) for comments.
- Public meeting (if required).
- Final draft report to Department of Environment.
- Comments and decision from Department of Environment.

There are set timeframes for all these steps, including how long the Department of Environmental Affairs has to respond to your application for approval. There are many different forms that the decision of the Department of Environmental Affairs could take. The Department could:

- reject the application
- ask for more information or studies to be done
- approve the application under certain conditions, or
- approve the application without conditions.

The following are examples of the type of conditions that may be required to support a project:

- You may have to build retention dams for storm water to stop the storm water running too fast into streams and over neighbouring property;
- You may be restricted in terms of where you will be allowed to build on the land you have identified;
- You may be forced to have certain types of foundations for houses;
- You may need to develop an environmental management plan. This is a plan that outlines what you are going to do to protect the environment during the construction of the services and houses. Some examples of things that you could be asked to do include:
 - train the builders how to protect the environment and trees.
 - have environmental, health and safety officer on site at all times.

- develop an audit of what trees on site are larger than a certain size and prevent these from being chopped down.

As a group you should encourage and push the municipality to do many of this environmental study and approval work up front before they even make the land available for low cost housing. The municipality should develop an Environmental Management Framework plan and identify suitable land uses, including housing and businesses, etc. in different areas. In this way, exemption from some of the environmental legislation requirements can be obtained.

22.5 Decisions you make

- None

22.6 Decisions others make

- Will a full or basic environmental study need to be done?
- What legislation do you have to comply with?
- Will environmental approval be granted or not?
- What mitigating measures will need to be adopted?

22.7 Places to get more information

- Department of Environmental Affairs and Tourism
- National Association of Environmental Professionals

22.8 Output showing you have reached the end of the step

- Environmental report
- Record of decision from provincial Department of Environmental Affairs

22.9 Next steps

- Get town planning approval
- Get member approval
- Get National Home Builders Registration approval
- Confirm who will be the developer
- Arrange necessary finances

STEP 23 - GET MEMBER APPROVAL

23.1 Summary

Throughout the whole approvals and contracts phase, you need to keep your group's members informed of progress in this complex phase of the land development process. You also need to get mandates from members on the various preliminary plans, designs and budgets and also any significant changes to these plans, designs and budgets that may emerge as a result of changes made during the approvals phase.

23.2 Previous steps

- Identify, compare and choose land option
- Undertake land allocation
- Get approval for tenure option
- Produce layout plan
- Produce engineering designs and budget
- Produce house designs and budget

23.3 Partners

- NGO/ Support organisation
- Your professional team

23.4 Explanation and discussion

The approvals phase of the project can be a long process. It is important to keep your members informed of what is happening as they may get disillusioned if they can't see any results. They need to understand what is happening behind the scenes. The types of things to tell your members during this stage are as follows:

- What approvals have already been obtained.
- What approval processes are now being worked on.
- What challenges are being experienced in these approval stages.
- What you and the people helping you are doing to overcome these challenges.
- Where your group will be getting money for implementation and under what conditions.

During all these stages of getting approvals and agreements, it is likely that certain aspects of your plan will be changed. For example, the layout plan may change as a result of having to change the direction of roads to better accommodate storm water runoff. The level of services and budget may change as you have to change the type of toilets you use or spend more money on the foundations of the house due to bad soil conditions. It is important that you inform your members of these changes as they may remember discussing one type of house and then be surprised when the houses are built differently. If you have arranged for your members to sign a form like this at an earlier stage of the process, you will have to arrange for them to sign again for the modified layout, services and /or houses.

Obtaining financial approval for your land development project is a major step in the process of land development. This is a time to celebrate. It has no doubt been a long process and you deserve the chance to have a break and reflect on what you have achieved.

23.5 Decisions you make

- Will you and your group members accept the proposed project plans and any changes that are made to the project during the approvals phase?

23.6 Decisions others make

- None

23.7 Places to get more information

- None

23.8 Output showing you have reached the end of the step

- Minutes of membership meetings

23.9 Next steps

- Get town planning approval
- Finalise land agreement with landowner
- Confirm who will be the developer
- Arrange the necessary finances

STEP 24 - GET TOWN PLANNING APPROVAL

24.1 Summary

As part of the process of getting approvals, after your group has decided on the town planning process to be followed, and once your group has arranged for all the necessary approvals to be granted, including environmental approval, your group, with the support of the town planner, must arrange for the town plan to be approved. This process of obtaining town planning approval can start in parallel with many of the other steps but can only be concluded after all the approvals described in previous steps have been granted.

24.2 Previous steps

- Produce layout plans
- Produce engineering designs and budget
- Produce house designs and budget
- Decide on town planning process
- Confirm bulk services availability
- Get national home builders registration approval
- Get environmental approval
- Get member approval

24.3 Partners

- Town planners
- Municipality
- Appropriate officials in identified government departments
- Appropriate planning authority at provincial government

24.4 Explanation and discussion

The starting point for getting town planning approval is to develop a final draft layout plan. This plan must show exactly where the roads and plots/ sites/ erven will be on your piece of land and at the correct scale.

The draft layout plan is then given to the town planning department in the municipality and they are responsible for circulating this plan within all the departments of the municipality for comment. The town planners must also circulate the final draft layout plan to departments and structures outside of the municipality. The following provides some examples:

- Department of Minerals and Energy to determine if there are any minerals on the land that government has the right to.
- Department of Water Affairs and Forestry to determine if the development is far enough away from the rivers.
- Department of Agriculture to determine if valuable farm land will be lost as a result of the development.
- Heritage Council to determine if any old buildings or sites need to be protected on the land.
- Department of Transport if a main road is found next to or goes through your site. Different roads are managed by different levels of government from local and provincial to national departments. You need to get comment and approval from the appropriate department depending on the type of road.
- Department of Education to determine if there are enough schools in the area or if additional land needs to be set aside for schools.
- Department of Health to determine if there are enough clinics in an area.
- Department of Safety and Security to determine if there is enough space for police stations.
- Eskom to advise if there will be sufficient capacity to provide electricity to the area.

The town planners will know which departments have to be consulted. Some of these departments have to give their approvals while others just need to be consulted and can respond if they have a problem.

The following provides a list of the various aspects that form part of the town planning procedure:

- **Consolidation:** When two or more separate pieces of land are joined together to make one larger piece of land.
- **Subdivision:** When you have one large piece of land and you break it up into lots of smaller pieces of land.
- **Rezoning:** All land found in the country is zoned to be used for a particular type of land use. Some land is zoned to be used for agricultural activities, others for business, schools or industry, and others for residential. Your group needs to choose an appropriate zoning for what you want to do on the land. If you want to do something different to what the present zoning specifies you must ask the municipality for permission to change the zoning. Zoning regulates such things as:
 - **Approved land uses:** Defines what activities you can do on the land.
 - **Coverage:** Defines how much of the land can be built upon.
 - **Building lines:** Defines how close to the boundary of your piece of land you can build.
 - **Departures:** If your land is zoned for one activity but you want to do something that is not allowed on that land, you can either rezone the land or you can ask for the conditions of use on that land to be relaxed so you can do what you want on the land.

The layout plan that is approved by the town planners must be the same as the plan approved by the environmentalists. The approved layout plan is then given to the land surveyor to create an even more detailed survey diagramme showing the coordinates of the corners of the properties. The approved layout plan is also used by the engineer to develop detailed engineering drawings.

Community participation has to be done as part of the town planning process. The basic community participation requirement is that an advert is placed in a newspaper informing the public that the land is being rezoned, consolidated and/or subdivided. If there are any objections the council can recommend that these be accepted or rejected. Generally the provincial Department of Housing, depending on the town planning process used, has the final say in any town planning decision, even if the public object to the recommendation of the municipality.

At the end of the town planning process you will end up with a letter indicating that the layout plan is approved and with an approved layout plan showing the zoning for each portion of land.

24.5 Decisions you make

- None

24.6 Decisions others make

- Will appropriate government authorities provide the necessary approvals?
- Will the town planning report and layout plan be approved?

24.7 Places to get more information

- Provincial Department of Housing and local government
- Town Planning Association of South Africa

24.8 Output showing you have reached the end of the step

- A town planning report motivating for and showing proposed rezoning and subdivision etc.
- Council approval for planning report
- Provincial government approval for planning report (if required)

24.9 Next step

- Finalise land agreement with landowners
- Confirm who will be the developer
- Arrange necessary finance

STEP 25 - FORMALISE LAND AGREEMENT WITH LANDOWNER

25.1 Summary

Building upon your engagement with the landowner (government or private), and while your group is getting the necessary approvals to develop the services and houses on the land, your group should work towards an agreement with the landowner on how the land will be transferred to your group and/or your members and at what price. If the land is owned by government your group must make sure the procedures for transferring government land are followed.

25.2 Previous steps

- Identify, compare and choose land options
- Undertake land allocation
- Get approval on tenure options
- Get town planning approval

25.3 Partners

- NGO/ Support organisation
- Planners
- Estate agents
- Conveyancers
- Municipality

25.4 Explanation and discussion

The land you and your group wants to buy can be owned by either government or the private sector. In the feasibility planning phase you should have already started to engage the landowner.

Government land can be seen as two types of land (this is a generalisation) - municipal or state land

- Municipal land is owned by the municipality and the title deeds are in the name of the municipality.
- State land is owned by the Department of Land Affairs or a particular government department. The Department of Land Affairs is generally the custodian of all state land. Depending on how your provincial departments are structured, state land needs to be transferred first to the relevant provincial department and then to the municipality.

If you want to buy and develop state land your group will have to get permission from the national Minister of Land Affairs to buy this land. State departments do not usually sell land to beneficiaries or groups that want land. They normally first donate the land to the provincial government and the provincial government then donates it to the municipality. The municipality can then donate or sell it to you or your group.

The municipality, if it does not own land already, can acquire land in two ways:

- **Municipality accessing state land:** The following procedure needs to be followed to access state land:
 - The municipality writes to the Minister of Land Affairs, with the support of the Department of Public Works, asking for the land to be donated for housing development. The Department of Public Works keeps a register of all government owned land.
 - If the land is owned by another department then this department must first give their approval that they no longer need the land. The national Department of Land Affairs must then also approve this donation/ sale.
 - The national Department of Land Affairs transfers (sells/ donates) the land to the relevant provincial department.

- The provincial department then transfers (sells/ donates) the land to the municipality.
- **Municipality accessing private land:**
 - The municipality can identify private land that it thinks will be good for housing development and purchase it in advance of need; alternatively your group could approach the municipality and ask them to help you get private land. The municipality can make an offer to purchase the land, or the owner can suggest a selling price.
 - The budget to purchase the land will have to be placed on the priority list of the municipality in its Integrated Development Plans and budgeting processes.
 - If the municipality is desperate to get the land, and is unable to reach an agreement on the purchase price for the land, the municipality can consider expropriation. However, this is only considered a last resort if all else fails.

The Municipal Finance Management Act (Act 56 of 2003) outlines what the municipality must do to dispose of its assets, including land. The municipality can dispose of land it owns to your group and members (and others) in a number of ways:

- **Donate the land:** There must be very good reasons why the municipality would consider donating its land.
- **Sell the land:** The municipality uses market prices to determine at what price it will sell its land. There are at least three ways the municipality sells land:
 - Through private treaty: This is where the municipality enters into one-on-one discussions with a person or group who wants to buy the land and agrees on a sale price.
 - Through public tender: The municipality advertises that it has land that it has identified for a certain purpose (e.g. housing) and it is planning to sell this land to whoever wants it. The municipality then sells it to the person or group that is prepared to pay the most.
 - Through invited tender: This is where the municipality identifies a few people or groups they know are interested in buying the land and ask them to make an offer to buy the land. The municipality again sells to the person or group with the highest offer.
 - Auctions have been used in the past but it appears that this is no longer common.
- **Swap the land:** This only applies if you already own a piece of land and want to swap it for another piece of land that the municipality owns.
- **Lease the land:** This is where you enter into a rental/ lease agreement with the municipality to use municipal land for some purpose.

The following summarises the procedure involved in buying land from the municipality.

- Your group makes an application to purchase a piece of land from the municipality.
- The appropriate department in the municipality circulates your application to purchase this piece of land to all other municipal departments.
- If there are no objections from the different departments in the municipality then the responsible department asks the valuation department in the municipality to calculate a market price for the land.
- A motivation is made to the council for the land to be sold. This motivation goes through the appropriate committees before going to council. Council makes the final decision on whether or not to sell the land and decides on which transfer process to use. If the decision is to sell the land through public tender, the following process will be followed:
 - Advertise for objections to sale through public tender.
 - If there are no objections, proceed with public tender.
 - The appropriate department in the municipality dealing with the land transfer evaluates the tender applications and submits a report with a recommendation to the municipal bid committee.
 - The bid committee is made up of officials who decide which tenders to accept. They make a final decision based on the tender criteria used by the municipality.

- The decision of the tender committee is then implemented.

The municipality has a valuations department that they use to calculate the value of the land. There are special procedures that property valuers need to use to determine the value of the land. For example, valuers usually use the comparable sales method to determine the sale price of a piece of land which involves looking at the transfer values of similar pieces of land/ property in the area.

For privately owned land the price of the land will be determined on a willing seller and willing buyer basis. There are a number of options for how your group can access privately owned land:

- Look at different pieces of land that are on the property market and make an offer for the piece you like.
- Wait for a piece of land you like to come on the market and then make an offer to buy it.
- Go directly to landowners of land that you like, even if it is not on the property market, and make an offer to buy the land.
- Approach one or more estate agents to help you find land.

Once you have concluded your negotiations with the land owner you need to formalise the agreement you have reached.

- **Sign a sales agreement to buy the land immediately:** This is a legal document that outlines the conditions under which you will be buying the land; or
- **Sign a land availability agreement:** This is an agreement signed between the land owner and your group which outlines when the land will be transferred (e.g. after the houses are built); when payment will be made to buy the land (e.g. just prior to the land being transferred); and how long this land availability agreement will be in place, after which it is cancelled. It should be easier to enter into a land availability agreement if the municipality owns the land rather than if it is privately owned.

In most projects the land that is used for roads and public open space is usually transferred to or stays in the name of the municipality. If you arrange that these roads and public spaces stay in the name of your group then your group will be responsible for the maintenance and upkeep of these areas. You could, however, keep some of the land for business sites and more expensive housing and sell this land in future to try and recover some of the costs of buying/ developing the land.

25.5 Decisions you make

- Will you accept the offer made by municipality for land price and land disposal method?

25.6 Decisions others make

- Will the municipality accept your offer for the land?

25.7 Places to get more information

- Department of provincial and local government
- Department of housing
- Department of land affairs

25.8 Output showing you have reached the end of the step

- Correspondence showing discussions with government as landowner
- Land availability agreement or other appropriate confirmation of land availability

25.9 Next steps

- Confirm who will be the developer
- Arrange necessary finances

STEP 26 - CONFIRM WHO WILL BE THE DEVELOPER

26.1 Summary

While you are getting the necessary approvals to buy and develop the land your group needs to decide, in consultation with other role-players (e.g. the municipality, landowners and funders), and with the advice of your specialist team, how you are going to organise the transfer of the land and development of the services and houses. If your group does decide to involve other organisations in this process, you need to sign some form of agreement explaining the role of the various parties in this process.

26.2 Previous steps

- Organise your group
- Engage the municipality
- Identify people to help you

26.3 Partners

- NGO /Support organisation
- Professional team
- Municipality

26.4 Explanation and discussion

The developer refers to the organisation or group that:

- Makes the final decision on how to develop the services and houses
- Is responsible for making sure that all the role-players work together and that planning and implementation steps are coordinated
- Carries most of the risk if something goes wrong in the project
- Arranges the finances to buy the land and develop the services/ houses

These activities that the developer should perform can be done by one organisation, or else different parts can be done by different organisations. For example, one organisation can make the final decisions on what the houses will look like, while another organisation is responsible for making sure that all the role-players coordinate their work, and a third arranges the finance to buy the land and develop the services/ houses. It may be appropriate to think in terms of a client (employer) and contractor/ consultant (employee) relationship. One party, such as your group, can contract another party or parties to perform various functions. The client in such a relationship usually controls what the consultant/ contractor does. The client usually has the money to employ the consultant/ contractor.

The following provides options for how the 'developer' issue can be addressed:

- **Your group becomes the developer:** Your group enters into different agreements with different professionals and builders to plan and develop the services and houses. Your group will need to have a lot of separate agreements with different organisations doing different things. Your group will need to have project management skills (internally or contracted) to coordinate all these different groups.
- **Your group appoints another organisation to be the developer:** Your group enters into an agreement with another organisation (it could be a for-profit or not-for-profit company), where the roles and responsibilities of the two parties are laid out. For example, the development company could be responsible for arranging the finance, getting the necessary approvals and appointing builders, while your group retains the authority to approve the layout and other plans and deal with the allocation of land to your members. This 'developer' organisation that your group appoints then subcontracts with other organisations and specialists as required.

- **Your group arranges for the municipality to be the developer:** In the agreement with the municipality, you specify what your group will be responsible for and what the municipality will be responsible for. For example, your group could retain the responsibility for doing the allocation and approval of the layout and other plans that are developed by the municipality. All other activities will be the responsibility of the municipality.

Whichever developer route is taken, you need to make sure that your members are properly represented. Your group needs to decide how much control over the process you want to retain.

- **Your group has more control:** Your group enters into an agreement with a support organisation to advise you on how to buy and develop the land. Your group is responsible for appointing and managing the various professionals and builders to do the work for your group.
- **Your group has less control:** Your group enters into an agreement with the municipality where the municipality buys and develops land, and this land is then made available to your members. You and your members do not have control over what the services and houses will look like and how they will be built. You just agree to move into the completed house.

It may be appropriate to split the various phases of the land access, servicing and housing development process into phases and have different 'developers' for different phases. For example:

- *Land access:* Your group acts as the developer for getting funds to buy the land, and appointing professionals to help with the land purchase and transfer process.
- *Servicing:* Your group arranges for the municipality to be the developer, and to be responsible for planning, fundraising and installing the services.
- *Housing:* Your group appoints a private non-profit developer to undertake all planning management work associated with getting the necessary housing plan approvals and building the houses.

When it comes to deciding on who will be the developer, one of the main issues to take into account is the issue of who will assume the risk if something goes wrong.

- *Financial risk:* Who has to account for and deal with any money that may be misused? Who has to find additional money if the services or houses are not developed properly and have to be rebuilt?
- *Social risk:* Who has to deal with disgruntled membership and beneficiaries if there are delays in buying the land or money is misused or services/ houses are built poorly?

26.5 Decisions you make

- Who will be the developer?
- What do you want the developer to do?
- What will be the relationship between the developer and your group?

26.6 Decisions others make

- Will municipality and financial institutions accept your developer?
- Will the developer accept their appointment and responsibilities?

26.7 Places to get more information

- Fedup
- Slum/ Shack Dwellers International

26.8 Output showing you have reached the end of the step

- An agreement with the developer or similar correspondence clarifying what the developer will do.

26.9 Next steps

- Arrange finances
- Get town planning approval (if not done)

STEP 27 - ARRANGE THE NECESSARY FINANCES

27.1 Summary

While your group is negotiating with the landowners to buy the land and is getting the necessary approvals to subdivide the land and develop the services and houses, your group should be negotiating and reaching agreements with identified financial institutions on how grant, loan or saved finances will be made available to buy and subdivide the land, develop the services and build the houses.

27.2 Previous steps

- Get town planning approval
- Get environmental approval
- Get NHBRC approval
- Get member approval
- Confirm bulk services availability
- Get approval for tenure options
- Confirm who will be the developer

27.3 Partners

- NGO/ Support organisation
- Engineers
- Quantity surveyors
- Municipality
- Department of land affairs
- Department of housing

27.4 Explanation and discussion

Getting finance to buy and develop the land is usually one of the last steps completed in the land access process. Organisations dealing with finance usually want to see that most of the approvals have been obtained before they will commit to making money available. However, your group must not wait until everything is ready before you start looking for money; you need to start working on getting access to financial resources from an early stage.

You will need money for a number of activities:

- For the preliminary feasibility studies. See the section in the feasibility stage that discusses this in more detail.
- In order to undertake planning and engineering design work, including getting the necessary approvals.
- Paying for land surveying and conveyancing fees.
- Paying the purchase price for the land.
- Installing the services (this is often referred to as the infrastructure).
- Building the house (this is often referred to as the top structure).

Your group will also need money to keep the group going. This includes:

- Training and study tours for your members.
- Capacity building for your leadership and staff (if you have any).
- Keeping proper record of your members.
- Keeping a record of savings.

This step focuses on getting finance for the planning, land transfer, servicing and house construction aspects of a land development process. There are basically three broad options for where you can get funds for this land development:

A. Use your savings: You save money so that you can withdraw it when you need to use it. This could be arranged through:

- a savings scheme or a savings and credit cooperative;
- a bank where the members save in their own account; or
- a bank where the members save in a club/group account. (The club/group will have to keep a record of their members' individual savings.)

B. Get a loan: A financial institution gives you or your group some money on condition that you will pay it back over a period of time with interest. In order to get loans you need to give the institution issuing the loan some form of guarantee that if you do not pay back the loan they can still get the money back. There are a number of ways that such guarantees for loans can be arranged:

- Based on the track record of the member in savings before they get the loan, and/or in paying back previous loans the member has taken out.
- Based on 'peer' pressure. For example, loans are issued to one member of a group at a time, and other members of the group do not get a loan until this first person pays back the loan.
- You take out a bond on some other property you may own, and agree that if you do not pay back your loan, the financial institution can sell this other property to recover the amount that you owe them.
- You take a bond out on the property you are planning to develop and agree that if you do not pay back the loan the financial institution can sell the property you are developing.
- Someone else stands surety and sets aside money (or property) they are willing to give up if the person who takes the loan out does not pay it back.

Loans can be arranged on a group basis or on an individual basis.

- An **individual loan** is where the financial institution provides a loan to one person. This one person is then responsible for paying back the loan. The individual loan approach lends itself more to getting loans for the house construction stage of the development, and is not as compatible with the servicing stage or where a larger piece of land is being bought for a number of households.
- A **group loan** is where a financial institution provides a loan to an institution representing a number of beneficiaries or members. It is then up to the group that receives the loan to arrange to collect the money from its members so the loan can be repaid. Many community-based organisations involved in land and housing development do not have the track record that financial institutions would be looking for to make such 'blanket' group loans available.

C. Get a government subsidy: Government provides money to develop land and they do not expect this money to be returned. This section looks at the different government grants that are available for land, services and housing:

Land and planning

See the step "find money to do initial studies" for a summary of grant funding opportunities for land purchase and planning.

Services

- **Department of Land Affairs (DLA):** The DLA does not see itself as providing funding for services. However, in unique circumstances they may be willing to consider funding basic levels of services.
- **Department of Provincial and Local Government:** The Municipal Infrastructure Grant (MIG) was set up to bring together under one grant programme funding for all infrastructure development. Grant programmes that were previously dealt with separately by other departments such as water and sanitation are now being

channelled through this programme. These funds can only be accessed by municipalities and are for bulk and connector infrastructure like putting in major water mains and building water reservoirs and sewerage pump stations. The implementation of this grant is delegated to appropriate departments within provincial government (e.g. in the Eastern Cape the provincial department of local government is responsible for the MIG).

- **Department of Finance:** The Neighbourhood Development Partnership Grant (NDPG) of the department of finance aims to stimulate and accelerate investment in poor, under-served residential neighbourhoods such as townships by providing technical assistance and grant financing for municipal projects that have a distinct private sector element in the project. The funding is aimed more towards the provision of community facilities and other community services.
- **Department of Housing (DoH):** The department of housing's long-term plan is for funding for services to be made available from other appropriate departments (e.g. department of water for water and sanitation). However, the department recognises that, as they have been providing funds for services in the past, they will need to continue to do so until such time as proper programmes are in place to fund the provision of internal services. To this end the DoH have set aside a subsidy amount of about R15 000 (in 2007/8) per site towards the provision of internal services (infrastructure). This is over and above the funds set aside for housing (top structure) funding.
- **Municipalities:** Some of the larger municipalities contribute their own funds towards the provision of services.

House

- **Department of Housing (DoH):** The department of housing is the only department that is looking at providing grant funds towards the construction of houses (top structures). The DoH is in the process of redrafting its housing code to be in line with its new housing policy of 2004, "Breaking New Ground; a comprehensive plan for the development of sustainable human settlements". The following summarises the present thinking around future housing programmes. The details of these programmes are not known at the time of writing this manual. Your group needs to approach the department of housing to find out what the status of these (and possibly other) housing programmes are:
 - *Revised Project Linked Individual Housing subsidy:* Updates and improves the previous project-linked housing subsidy. Beneficiaries do not have to save the R2479 to qualify for this subsidy as they did previously.
 - *Integrated Residential Development programme:* Allows for projects to be built in phases (e.g. separate the services and housing phases, and have some services/ houses built in one year and other services/ houses built in following years). This subsidy also encourages schools, clinics, business sites and other land users to be planned with housing in a holistic manner. The programme is broken into two phases:
 - Phase 1: land services and township proclamation: This involves planning, land acquisition, township establishment and the provision of serviced residential and other land uses to ensure a sustainable community.
 - Phase 2: housing construction, individual ownership options: This could involve house construction for qualifying housing subsidy beneficiaries and the sale of plots to non-qualifying beneficiaries and to commercial interests etc.
 - *Community Driven Housing Initiative (CoDHI) Programme:* This programme replaces the old Peoples Housing Process programme. The beneficiaries need to be directly involved in the decision-making process for how the land, services and houses will be built; and they should also contribute some form of member/ beneficiary contribution. For example, savings, labour (not necessarily free), land, material, etc.
 - *Informal Settlement Upgrading programme:* This is a community- or area -based subsidy is not linked to individual households, but based on the actual costs of upgrading an informal settlement.

It allows for land that is already occupied to be made suitable for residential use by municipalities. Funding is available to purchase land close by if people do have to be moved due to poor soil conditions, being close to rivers, or if the area has to be de-densified. It also allows for the provision of emergency basic services as a temporary arrangement. Strong community involvement is required.

- *Revised rural housing programme – informal land rights:* Allows housing subsidies to be provided to people in 'rural' areas where the land is owned communally and people do not have formal individual title to the land. A household's right to occupy the land must be uncontested.
 - *New social housing programme:* Social housing is either rental or cooperative ownership that requires institutional management. The programme provides funds to social housing projects that are located within a designated restructuring zone as identified by the municipality and a capital grant of an amount that is more than is available in other housing programmes. This is so that higher density accommodation can be built in well-located areas to contribute towards the restructuring of the old sprawling apartheid cities/ towns. These funds are also to be used to build the capacity of the social housing institution.
 - *Institutional subsidy programme:* Provided to housing institutions that provide tenure arrangements that are an alternative to immediate ownership such as rental, instalment sale, share block, cooperative, communal property association.
- **Other organisations:** There are some grants from non-government sources for land, services and housing development.
 - *Churches:* Many of the churches in this country have or are establishing programmes to donate land and make funds available for housing development. You need to speak to churches in your area to see how they can support your group.
 - *Corporate social responsibility programmes:* Many large business organisations have corporate social responsibility programmes that may or may not address the issue of land and housing. Many of these programmes however are more focused towards other sectors of the economy like education, health and sport and recreation and very few have programmes directly related to land and housing.
 - *Employers:* Some employers are willing to provide financial contributions (e.g. grants and low income loans) to their employees. These grants however are more likely to be made available during the housing construction phase as this is an easier phase to deal with.

Whichever financial mechanism or combination of mechanisms your group decides to use you will need to enter into some form of agreement with the person/ organisation issuing the finance:

- If you use savings, you will need to have a savings agreement with the household who is contributing the savings. You may have to put in place 'holds' on savings accounts to make sure that the person does not spend their savings on something else. There will need to be an agreement as to when this savings money will be made available to the project.
- If grant finance is used your group will have to enter into an agreement with the organisation providing the grant finance. For example, if housing subsidies are to be obtained, your group (or an organisation identified by your group) will have to enter into a housing subsidy agreement with the provincial department of housing to make the grant funding available. This agreement will specify at what stage the funds will be made available and what mechanisms will be put in place to make sure that the funds are used properly.
- If loan finance is used, the type of agreement you enter into depends on whether it is individual loan finance or group loan finance.
 - If it is group loan finance your group will have to enter into an agreement with the loan provider. Your group will also have to enter into an agreement with your members to secure their agreement to contribute towards the repayment of this loan. These agreements will specify under what conditions the loan is given (e.g. how much it is, how long you can take to pay it back, and what the interest rate will be for your loan repayments) and what will happen if the loan is not repaid.

- If individual loans are provided, each individual member will have their own separate loan with the appropriate lending institution. Individual loans are usually more targeted at home improvements.

There are other ways that you can get finance for the development of resources:

- Donation of land or money from someone besides government (e.g. a church or an employer)
- The savings of material as opposed to financial savings. The person would buy and store material (e.g. door and window frames) in anticipation of using them to build the house.
- The provision of voluntary or cheaper labour to do work (e.g. households agreeing to do some of the construction work themselves at a lower percentage of the cost to pay someone else to do this work.)

Your group can look into other more innovative ways of getting money that have not been used much in South Africa. One example of this would be if members of your group all saved and then used this savings to buy land and build one house at a time. This house is allocated to one of the members of the group. All the members would carry on saving, including the person who occupies the house. This person would pay a 'rent' for the benefit of getting a house before other members. The group would carry on building houses as sufficient money is saved in this manner until such time as all members are housed.

27.5 Decisions you make

- What funding will you apply for and what financial conditions will you accept?

27.6 Decisions others make

- Will financiers accept your financial request? (e.g. for a grant or loan)
- What conditions will they impose?

27.7 Places to get more information

- Department of land affairs
- Department of housing
- Department of provincial and local government
- Department of finance

27.8 Output showing you have reached the end of the step

- Financial agreements with grant, loan and/or savers

27.9 Next steps

- Internal services and house building
- Registration of erven and registration of title

STAGE E: IMPLEMENTING

Previous stages of this manual looked at:

- STAGE A: ORGANISING
- STAGE B: DECIDING
- STAGE C: PLANNING
- STAGE D: APPROVALS

We now move to the final stage in the land access journey

- **STAGE E: IMPLEMENTING**

You work with the developer you have identified to develop the land.

Your aims are to:

- Get a piece of paper proving that you are able to live on a marked out piece of land
- Arrange for the building of services and houses
- Live on a properly developed piece of land

In order to meet these aims, you follow these three steps:

- Build internal services and houses
- Register sites and title
- Occupy property

There are no more stages in this manual. You start to live on the land.

STEP 28 - DESIGN AND BUILD INTERNAL SERVICES AND HOUSES

28.1 Summary

Once your group has all the necessary approvals, the finance is arranged and you have agreed on the developer, you can finally start to undertake activities, with the support of the engineer, that will lead to services and houses being built on the land. This process of servicing and house building has to be coordinated with the process of registration of erven and title.

28.2 Previous steps

- Confirm who will be the developer
- Arrange necessary finance
- Produce preliminary layout plan
- Produce preliminary engineering designs and budget
- Produce preliminary house designs and budget
- Get town planning approval
- Registration of erven and registration of title (as parallel step)

28.3 Partners

- Engineers
- NGO/ Support organisation
- Contractors / builders
- Municipality
- NHBRC

28.4 Explanation and discussion

This involves both the construction of the internal services (the roads, storm water systems, water pipes, sewerage pipes), as well as the house construction. The responsibility for the construction of the infrastructure and top structure construction can be given to the same organisation or one organisation can be responsible for the construction of services and another group responsible for the top structure.

The following provides a summary of the steps that are involved in service delivery and house building:

- **Identify and appoint engineers:** You can use the same engineers you used in the feasibility and approvals phase or you can appoint new engineers.
- **Detailed design:** This specifies in more detail such considerations as how big the pipes will be, how deep the trenches will be, what type of pipe joints will be used, etc. The engineers will develop detailed engineering designs for the roads, storm water systems, water pipes, sewerage systems and toilets. The engineers will also develop detailed designs for the house. Comprehensive budgets will be produced based on these designs. The designs will be submitted to the municipality to be approved by the various services and building departments.
- **Prepare and circulate tender documents:** The detailed designs can be used by the engineer (or quantity surveyor or architect) to calculate a bill of quantities, which list the exact number, size and length of different materials that will be needed to install the services and build the house. This document is given to potential builders so that they can produce quotes for how much it will cost them to build the services and houses. The types of tender processes that can be considered include:
 - negotiated tender where one builder is approached;
 - invited tender where a few builders are approached; and

- open tender where many builders are asked to come forward.
- **Identify and appoint builders:** Depending on the construction method chosen when developing the preliminary engineering and house designs and the criteria to be used in choosing builders, builders are chosen from those that submitted quotes.
- **Establish site office:** The builders can now officially start to move onto the site and set up a site office.
- **Monitor and manage construction:** The engineers have to check that the services are being put in according to the plans. If problems are experienced in construction then steering measures need to be taken to address these problems. The municipality will also want to be involved in checking construction as usually they are responsible for taking over the management of this infrastructure.
- **Approve construction stages and payments:** At the end of each construction stage, the work needs to be checked and approved. Mistakes need to be corrected. Payment can be made based on work done and approved.
- **Final certification:** Once the services and/ or houses are constructed there will be final check to see what outstanding problems can be found. Any retention monies can be paid after a specified retention period.

The implementation stage of a project is when most money is spent on building the services and houses and transferring the property so it is important to have a good financial management system. In the past, the normal procedure for managing housing subsidy grant funding followed the tranche payment system:

- *Tranche 1 - town planning:* Money transferred to town planners for work done on approval of town planning report.
- *Tranche 2 - engineering design:* Money transferred to engineers for services and house design work done on approval of engineering and house designs by the municipality.
- *Tranche 3 - services:* Money transferred to the builder of services on completion of various stages of services construction.
- *Tranche 4 - land transfer:* Money transferred to the conveyancer for work done on transferring land ownership to a beneficiary.
- *Tranche 5 - house:* Money transferred to the builder of the houses on completion of stages of house construction.

The following is a short list of terminology that is used during the construction implementation phase:

- **Labour management:** One way of managing labour is to appoint one builder who is responsible for all the labour. Another way is to establish building teams, each with a team leader who is responsible for making sure his/her workers work well.
- **Material management:** One method is to make one contractor responsible for all material. He/she has to make sure that material is available when needed and is used properly. In situations where people are living on the site while construction happens it is possible to make each household responsible for managing their own material.
- **Site Security:** This is to make sure that material on site is secure and there is no theft of material or damage to the property. One way to manage security is for the contractor you have appointed to be responsible for all security. Any theft or damages during construction will be the responsibility of the contractor. Another method is for a separate contract to be entered into with a party that will be responsible for security.
- **Contingency:** This is an amount that is kept aside in the budget for any unforeseen activities. It is advisable to set aside a fairly large contingency fund and not spend too much of it at the beginning in case you find that you run short of money towards the end of the construction.

- **Working finance (or bridging finance) fees:** Often builders have to use their own money to pay for things up front (e.g. setting up a site office), and then only get paid for this work after it is completed. The builder needs to get a loan from a financial institution to pay for this up front work. The interest on this loan is referred to as working finance fees.
- **Retention:** This is money that the developer keeps back from the money owed to the builder in case the builder has to come back later and fix problems with construction. If the builder does not fix these problems the developer can use this money to pay someone else to fix the problems.
- **Environmental officer:** This is someone who is responsible, for example, for making sure that any unique environmental features (e.g. big trees) are not damaged during construction. The environmental studies done in previous phases will determine if such a person is needed.
- **Health and safety officer:** The health and safety officer makes sure that the various health and safety rules involved in construction are adhered to. For example, there must be first aid equipment on site, all workers must wear construction helmets and all dangerous trenches must be fenced off.
- **Public liability:** This is insurance that the developer / builder takes out to protect their organisations from any claims made by a member of the public who is injured during the construction period.
- **Workman's compensation:** This is insurance that the developer / contractor takes out to pay for any injury to workers during construction.

28.5 Decisions you make

- What builders will you use?
- How will finance be managed?
- How will material be managed?
- How will labour be managed?

28.6 Decisions others make

- Will the services and houses be accepted?
- How will payments be made?

28.7 Places to get more information

- Department of housing

28.8 Output showing you have reached the end of the step

- Completed services and houses

28.9 Next steps

- Registration of erven and registration of title (as parallel step)
- Occupation of property

STEP 29 - REGISTRATION OF ERVEN AND TITLE

29.1 Summary

Once your group has all the necessary approvals, the finance is arranged and you have agreed on the developer, you can also finally start, with the involvement of the land surveyor and conveyancer, to subdivide the land into plots and arrange for these plots to be transferred to the end user or group depending on the tenure option chosen. This process of land transfer needs to be coordinated with the services and house building process.

29.2 Previous steps

- Get town planning approval
- Confirm who will be the developer
- Undertake land allocation
- Get approval for tenure options
- Arrange the necessary finance
- Internal services and house building (as parallel step)

29.3 Partners

- Land surveyor
- Conveyancer
- NGO/ Support organisation
- Municipality

29.4 Explanation and discussion

This step is about formally marking out the separate plots of land on the ground and transferring ownership of this land to the end users. The process involved in this section follows from the step in the previous section on approvals, where the town plan was approved.

- **Produce survey diagramme:** A survey diagramme is a plan showing the boundaries of the roads and each of the plots.
- **Get surveyor general approval:** The survey diagramme has to be approved by the surveyor general who is the person responsible for approving and keeping a record of all property boundaries all over South Africa.
- **Open township register:** The land surveyor gives the approved survey diagramme to the conveyancer who then opens a township register in the deeds office. At this stage each plot of land is given a number called an erf number.
- **Do on-site survey of erven:** Once the approved survey diagram is received from the surveyor general, the land surveyor can go onto the site and put pegs into the ground to demarcate the corners of the property boundaries.
- **Transfer of ownership:** Once you are ready to formally transfer land portions to the beneficiaries, the conveyancer needs to get the beneficiaries to fill out all the appropriate forms for property transfer. The erf numbers that were developed during the township establishment process are used to highlight which piece of land is being sold. If you are using government housing subsidy money to develop and transfer the land, the beneficiary does not have to actually pay any money for the transfer. If the purchaser is using their own money or a bank loan/ bond to buy the property, it is at this stage that money is transferred from the purchaser to the seller of the land. At the end of this process, the people who are going to own the property will be given the title deeds to the property. This is an official piece of paper that proves that you are the

owner of the land. The holder of the title deeds of the property must keep this title deed in a safe place so that they can show proof of ownership in future.

In processes where land is being owned collectively, there is still needs to be some form of documentation that proves that a particular person is allowed to occupy a particular piece of land. In housing property owning cooperatives for example, the entire outer boundary of the land to be owned by the cooperative is transferred to the cooperative using a similar process as described above except that the title of the larger piece of land (or each of the erven) is transferred to the housing property owning cooperative. The cooperative then enters into a 'use agreement' with each of the people who are going to live in that cooperative, in which the cooperative gives each person the right to occupy a piece of land in the cooperative for as long as the person follows the rules of the cooperative.

It is important that the land survey and transfer process and the services and housing construction process are properly coordinated. It creates problems if the houses are built in the wrong place and there is a mismatch between where the piece of paper (the survey diagramme and title deeds) says the plot should be and where the house is built on the ground.

29.5 Decisions you make

- Who will take ownership of which portion of land?

29.6 Decisions others make

- Will the general plan and township register be approved?

29.7 Places to get more information

- Surveyor general's office

29.8 Output showing you have reached the end of the step

- Title deeds or other agreement proving right to occupy land/ house

29.9 Next steps

- Internal services and house building (as parallel step)
- Occupation of property

STEP 30 - OCCUPATION OF PROPERTY AND ONGOING LIVING

30.1 Summary

Once the houses are built and the land is transferred, or at another stage as agreed by the group and other role-players (e.g. the government and initial landowner), the approved members can move into the houses.

30.2 Previous steps

- Approval for tenure options
- Internal services and house building
- Registration of erven and registration of title

30.3 Partners

- NGO/ Support organisation
- Members of your group
- Your family

30.4 Explanation and discussion

If you have built the house, you can move your furniture and belongings and start living in the house. If you have not built the house yet, you will have to build a temporary shelter on the property to stay in until a more formal and permanent house is built. Occupation normally takes place after the ownership has been transferred to the household that will live on the property, but in some cases this can occur before.

Once you have ownership of land with services and a house, you have completed your journey of getting land and a house. However, this is just the start of an ongoing journey of living in and maintaining your land and house. There are many things you now have to deal with, for example:

- maintaining and upgrading your property;
- making monthly/ regular payments for rates and services, loan repayments, maintenance and administration fees (if your land is owned as a group);
- engaging with and dealing with your neighbours; and
- transferring (selling) the property to someone else when you leave.

This new journey is not discussed in this manual. It is now time to celebrate and have a party. It's been a long journey.

30.5 Decisions you make

- When will you move onto the property?

30.6 Decisions others make

- Will they accept you moving onto the property?

30.7 Places to get more information

- Housing consumer protection
- Department of housing
- Legal aid board

30.8 Output showing you have reached the end of the step

- A certificate/form confirming that you accept your land/house.

30.9 Next steps

Ongoing living on land and in house (not discussed in this manual).

Contact list / Resources

Here is a list of useful web links to get you started.

Environment

CCA Environmental www.ccaenvironmental.co.za

Southern African Institute for Environmental Assessment www.saiea.com

The Environmental Impact Assessment Toolkit www.eiatoolkit.ewt.org.za

Land - International

Cities Alliance www.citiesalliance.org

Global Land Tool Network www.gltfn.net

Institute of Urban and Regional Development <http://iurd.berkeley.edu/>

Lincoln Institute of Land Policy www.lincolnst.edu

UN-HABITAT's Land and Tenure Section <http://ww2.unhabitat.org/programmes/landtenure/>

United Nations Human Settlements Programme www.unhabitat.org

The Urban Institute www.urban.org

The Urban Land Institute www.uli.org

Non-Government Organisations/ Community Based Organisations / Academic

Abahlali www.abahlali.org/node

Afesis-corplan www.afesis.org.za

Built Environment Support Group www.ggln.org.za/ggln-members/besg

Centre for Civil Society www.ukzn.ac.za/ccs

Centre for Development and Enterprise www.cde.org.za

Centre on Housing Rights and Evictions: www.cohre.org/watersa

Commercial Property News in South Africa www.eprop.co.za/news

Development Action Group www.dag.org.za

Federation of the Urban and Rural Poor www.courc.co.za/fedup

FinMark Trust www.finmarktrust.org.za

Institute of Estate Agents of South Africa www.ieasa.org.za

Paralegal advice website www.paralegaladvice.org.za

Planact www.planact.org.za

Shack / slum dwellers International www.sdinet.org

South African Property Investor www.sapropertyinvestor.co.za

Southern African Regional Poverty Reduction Network www.sarprn.org.za/rpp/land.php

South African Property Owners Association www.sapoa.org.za

Urban LandMark www.urbanlandmark.org.za

Water justice www.waterjustice.org

South African Government

City of Johannesburg www.joburg.org.za

Department of Environment and Tourism www.environment.gov.za

Department of Housing www.housing.gov.za

Department of Land Affairs land.pwv.gov.za

Department of Provincial and Local Government www.dplg.gov.za

National Treasury www.treasury.gov.za/divisions/bo/ndp/