

Mr. Raymond Foster
Branch Planner: Forward Planning, City Planning Division
Buffalo City Municipality

13 October 2020

Dear Mr Foster

Comments on draft Buffalo City Municipality Spatial Development Framework 2020.

Thank you for the opportunity to comment on the Buffalo City Metropolitan Municipality draft Spatial Development Framework of 2020.

Afesis-corplan commends the municipality for the good work you have done in producing this draft Spatial Development Framework (SDF) report. We are encouraged to see that the upgrading of informal settlements has been identified under “Promoting New Mass Housing Developments to Support Economic Development and Spatial Transformation” as one of the key spatial development proposals in the municipality.

At this stage we have two broad recommendations we would like to make:

1. The SDF needs to designate incremental upgrading areas
2. The SDF needs to include a land assembly (or land acquisition and development) plan or plans

Each of these recommendations is explained and elaborated on in more detail below.

1. Designate incremental upgrading areas

As part of the section dealing with “promotion of new mass housing developments to support economic development and spatial transformation” the SDF needs to make reference to the development of incremental upgrading areas. Incremental upgrading areas are areas where the municipality accommodates more incremental approaches to settlement development which include both incremental settlement development that starts from a context where (1) people have already occupied land and are living in informal settlements and these informal settlements are upgraded over time (this is generally referred to as the upgrading of informal settlements), and (2) government makes land available for those that need it and allows people to settle on this land in a managed way and the settlement is then incrementally upgraded over time (this is generally referred to as managed land settlement).

Managed land settlement (MLS) is a process whereby tenure secure plots of land with access to at least basic services are made available to households in need of land and housing so they can start to build their own structures on this land with or without support from government thereby not having to resort to unauthorised land occupation. 'Site and service' and 'plot and communal service' projects are examples of managed land settlement approaches. For more information on MLS see <http://afesis.org.za/managed-land-settlement/>

If the SDF does not specifically spatially demarcate these incremental upgrading areas (that accommodates both areas where upgrading takes place on land already occupied as well as where incremental upgrading will be accommodated on new land) then the SDF needs to at least indicate that the BCM will, within a specified time period (such as two years), produce such a spatially demarcated plan showing these incremental upgrading areas. This incremental upgrading plan needs to form an annexure to the SDF. The SDF should not only demarcate these incremental upgrading areas but should also explain what type of development will be accommodated within these areas.

Note that this recommendation builds on Section 21(k) of the Spatial Planning and Land Use Management Act, number 16 of 2013 (SPLUMA) dealing with the content of an SDF which states that the SDF must "identify the designation of areas in the municipality where incremental upgrading approaches to development and regulation will be applicable".

Section 21(l) of SPLUMA goes on to say that an SDF must "identify the designation of areas in which ... (ii) shortened land use development procedures may be applicable and land use schemes may be so amended". The incremental upgrading areas, possibly together with communal land areas (and other identified areas), all need to be spatially depicted in the SDF as areas where shortened land development procedures will be applicable. The SDF needs to clarify where more details can be found on what the content is of these shortened land development procedures. This could be within new specially created land use zoning categories specifically designed for these incremental upgrading areas and as outlined in any updated land use scheme bylaws.

2. Include a land assembly plan

The SDF needs to include an additional section in the "Strategic Framework" section of the report that deals specifically the need for the municipality to produce a 'land assembly plan' or a 'land acquisition and development plan', that can provide a bridge between the content of the SDF and local settlement layout plans. At the scale of the city as a whole, the SDF broadly identifies where it would like to see future development occurring – including, for example, where it would like to see incremental upgrading approaches being accommodated. At the scale of specific housing and land development projects, local neighbourhood layout plans and rezoning plans are developed that make use of the procedures found in the municipalities land use management system. What is missing however between these two scales in the municipality's plans and procedures is any plan that explains how land identified in the SDF and other broad plans is to be acquired and made ready for development.

This recommendation builds on section 12(6) of SPLUMA which states that “spatial development frameworks must outline specific arrangements for prioritising, mobilising, sequencing and implementing public and private infrastructural and land development investment in the priority spatial structuring areas identified in spatial development frameworks.”

The inclusion of a land assembly plan in the SDF will go a long way to providing an implementation mechanism for the SDF plan. The SDF will not only show where the municipality would like to see certain types of development occurring, like managed land settlement development, but with the introduction of the land assembly plan, the SDF will also show how the municipality plans to acquire and develop some of this land and turn the SDF spatial vision into reality.

Land assembly plans should be municipal wide long term plans that provide guidance for the municipality on how the municipality can go about acquiring land it has identified in its SDF as being strategic in achieving the municipality’s spatial vision. The land assembly plans need to also set short, medium and long term targets for how much of different types of land (state owned, para-statal, communal, private, etc.) the municipality will acquire and develop (e.g. through purchase, donations, land swaps, land pooling and readjustment, expropriation, etc.), in which order of priority, for different types of land use (e.g. residential, institutional, transport etc.) and for different types of housing and settlement development approaches (e.g. ‘RDP’ type subsidy housing, social housing, incremental upgrading, private development, etc.).

The land assembly plans also need to be linked to municipal infrastructure investment plans in such a way that infrastructure investment plans are aligned with where and when the municipality would like to acquire and develop different portions of land for different development purposes.

If the municipality is unable to include such a land assembly (or acquisition and development) plan in this initial SDF then it needs to at least require the municipality to prepare one within a given time period (such as two years) and then regularly review and update this plan in future reviews and revisions of the SDF.

Once again we thank you for the opportunity to comment on the draft SDF and look forward to engaging further with the municipality in implementing this SDF plan.

Yours sincerely



Ronald Eglin
Specialist: Sustainable Settlements
Afeis-corplan