

Manual A

Urban Land Access: An overview



Urban LandMark
making urban land markets work for the poor

Afesis-corplan

MANUAL A

Urban Land Access: An Overview

CONTENTS

About this manual.....	3
An Introduction to land access	4
STAGE A: Organising	7
STAGE B: Deciding	8
STAGE C: Planning	9
STAGE D: Approvals.....	10
STAGE E: Implementing.....	11
Land access checklist.....	12



Promoting local democracy and community-driven development
9 Wynne Street Southernwood
PO Box 11214 East London 5213
t: 043 743 3830 f: 043 743 2200
info@afesis.org.za
www.afesis.org.za

First edition June 2008

ABOUT 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 describe briefly how to get land for a house.

Land access in this manual is understood to mean:

- **Land purchase:** buying land and getting ownership papers changed into your name.
- **Land development:** planning for and getting approvals to put roads, water, sewerage pipes and other services into the ground as well as building services and houses on the land.
- **Land occupation:** moving onto the land or into the house and starting to live there.

This manual starts with an introduction to the land access process:

- Land and the Law
- The Land Development Journey
- The Five Main Stages in the Land Access Process
- The Steps in the Land Access Process

The manual then outlines the five stages involved in land access:

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

Each of the five stages:

- Starts with a summary of what is involved in that stage - **AIMS**
- Provides a diagram showing the steps involved - **ACTIONS**
- Concludes with the implications of buying land at that stage of the land access journey - **ADVICE**

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.

AN INTRODUCTION TO LAND ACCESS

LAND AND THE LAW

Let us first look at what the law has to say about **land**. The Constitution of South Africa states that:



“The state must take reasonable legislative and other measures, within its available resources, to foster conditions which enable citizens to gain access to land on an equitable basis.” (Section 25.6)

In relation to **housing**, the Constitution goes on to state that:

“Everyone has the right to have access to adequate housing.” (Section 26.1) and “The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of this right.” (Section 26.2)

The Housing Act of 1997 states as one of its general principles applicable to **housing development** that:

“National, provincial and local spheres of government must encourage and support individuals and communities, including, but not limited to, co-operatives, associations and other bodies which are community-based, in their efforts to fulfill their own housing needs by assisting them in accessing land, services and technical assistance in a way that leads to the transfer of skills to, and empowerment of, the community.” (Section 2.1)

LAND DEVELOPMENT JOURNEY

The land access process is similar to a journey. You start off with no land, but with a goal to get land.

You want this land to be:

- ✓ secure so you are not made to leave
- ✓ properly marked out on the ground
- ✓ linked to municipal infrastructure (e.g. roads, water, sewerage, electricity)
- ✓ close to community facilities (e.g. schools, shops and work)
- ✓ with some form of shelter to protect you from the weather



STAGES IN THE LAND ACCESS PROCESS

The five main stages in your journey to get land are:



Stage A: Organising



Stage B: Deciding



Stage C: Planning



Stage D: Approvals



Stage E: Implementing

Let us now take a closer look at each of the five main stages of your journey.

STAGE A: ORGANISING

In this first stage, you are preparing for the journey ahead. You form a group with others who also want to get land for a house. You set up and manage an organisation to represent your members' interests. You learn about the housing development process.

Landless people → want to get land → organised group

STAGE B: DECIDING

Your group enters the second stage of the journey with a broad idea of what type of land it wants. You identify and compare your land options further. You work as an organised group and negotiate with outside role players, such as government and other specialists, to help you find and decide on a piece of land.

Establish a team → identify land options → choose preferred option

STAGE C: PLANNING

In the third stage, you and your team produce a plan showing what type of neighbourhood you want. You agree on how you are going to allocate people to the land and decide if you will own the land as individuals or as a group. You also decide what type of services and houses you want and how you will build them.

Decide on ownership → develop layout plan → design services and houses

STAGE D: APPROVALS

The fourth stage involves getting approvals from government and others to implement the plan, agreeing with the land owner to buy the land, and getting the money to develop the services and build the houses.

Get approvals → arrange land purchase → get money

STAGE E: IMPLEMENTING

With the approvals and funding to buy and develop the land in place, your group is ready for the final stage of its journey. You move into the phase of building the services and houses and transferring the land from the old to the new land owner. You move onto the land.

Build services and houses → transfer land → occupy houses

STEPS IN THE LAND ACCESS PROCESS

At each of the five main stages of your journey you will need to take a number of steps. The steps are listed below.

STAGE A ORGANISING

- Step 1:** Decide to join a group
- Step 2:** Organise your group
- Step 3:** Learn about land access
- Step 4:** Develop a group vision
- Step 5:** Communicate with your members *
- Step 6:** Start saving
- Step 7:** Keep members involved

STAGE B DECIDING

- Step 8:** Engage the municipality *
- Step 9:** Set up a team
- Step 10:** Get money for initial studies *
- Step 11:** Develop a concept plan
- Step 12:** Choose preferred land option
- Step 13:** Engage land owners

STAGE C PLANNING

- Step 14:** Undertake land allocation
- Step 15:** Agree on tenure options
- Step 16:** Produce layout plan
- Step 17:** Produce engineering designs and budget
- Step 18:** Produce house designs and budget
- Step 19:** Decide on town planning process

STAGE D APPROVALS

- Step 20:** Confirm bulk services availability
- Step 21:** Get National Home Builder's Registration Council (NHBRC) approval
- Step 22:** Get environmental approval
- Step 23:** Get members' approval
- Step 24:** Get town planning approval *
- Step 25:** Formalise land agreement with land owners *
- Step 26:** Confirm who will be the developer
- Step 27:** Arrange the necessary finances *

STAGE E IMPLEMENTING

- Step 28:** Build internal services and houses
- Step 29:** Register sites and title
- Step 30:** Occupy property

These steps do not have to be followed in the order provided. For example, if you already occupy land you may leave out some of the steps in the 'deciding' stage.

Those steps marked with a * can be difficult steps and may need extra attention.

For more detailed information on each of these steps, see **Manual B, Urban Land Access: The Steps**.

STAGE A: ORGANISING

AIMS:

During **Stage A** you will:

- Set up and manage an organisation to represent your members interests
- Learn all about the housing development process
- Build the internal capacity of your organisation to effectively represent your members in negotiating with outside role-players.

ACTIONS:

As a landless person you
decide to join a group
to get land



Work with others to **organise your group** and to **develop a group vision**



Learn about land access
so you know what
to do to get land

Communicate with your members
often so you know what
your members want and
you keep them updated

Start saving
so you have finances
available for future
expenses

Keep members involved
in activities so they stay
committed to working
together

ADVICE:

If you buy land after the **Organising Stage**, you will:

- Not be sure it's the best land as you have not compared it to other land
- Have to own the land collectively as it will not yet be subdivided
- Have to start paying rates for undeveloped land.

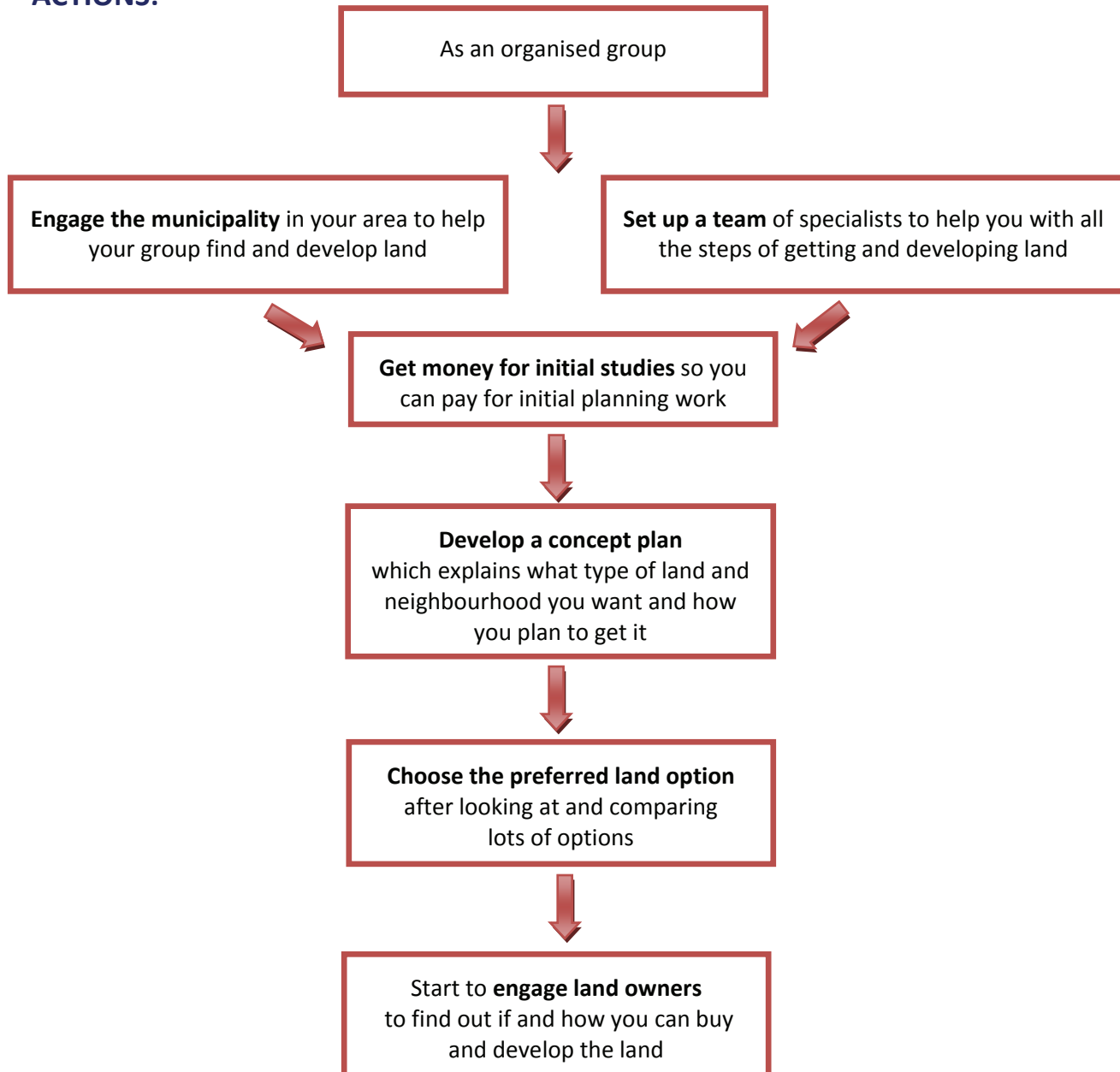
STAGE B: DECIDING

AIMS:

During **Stage B** you will:

- Get the municipality to help your group as much as possible
- Find other specialists to help you find land and plan for its development
- Use criteria you develop to choose which land you want to buy and develop.

ACTIONS:



ADVICE:

If you buy land after the **Deciding Stage**, you will:

- Know it is good land
- Not have had it planned and approved yet
- Have to own it collectively as it will not be subdivided.
- Have to pay rates for undeveloped land

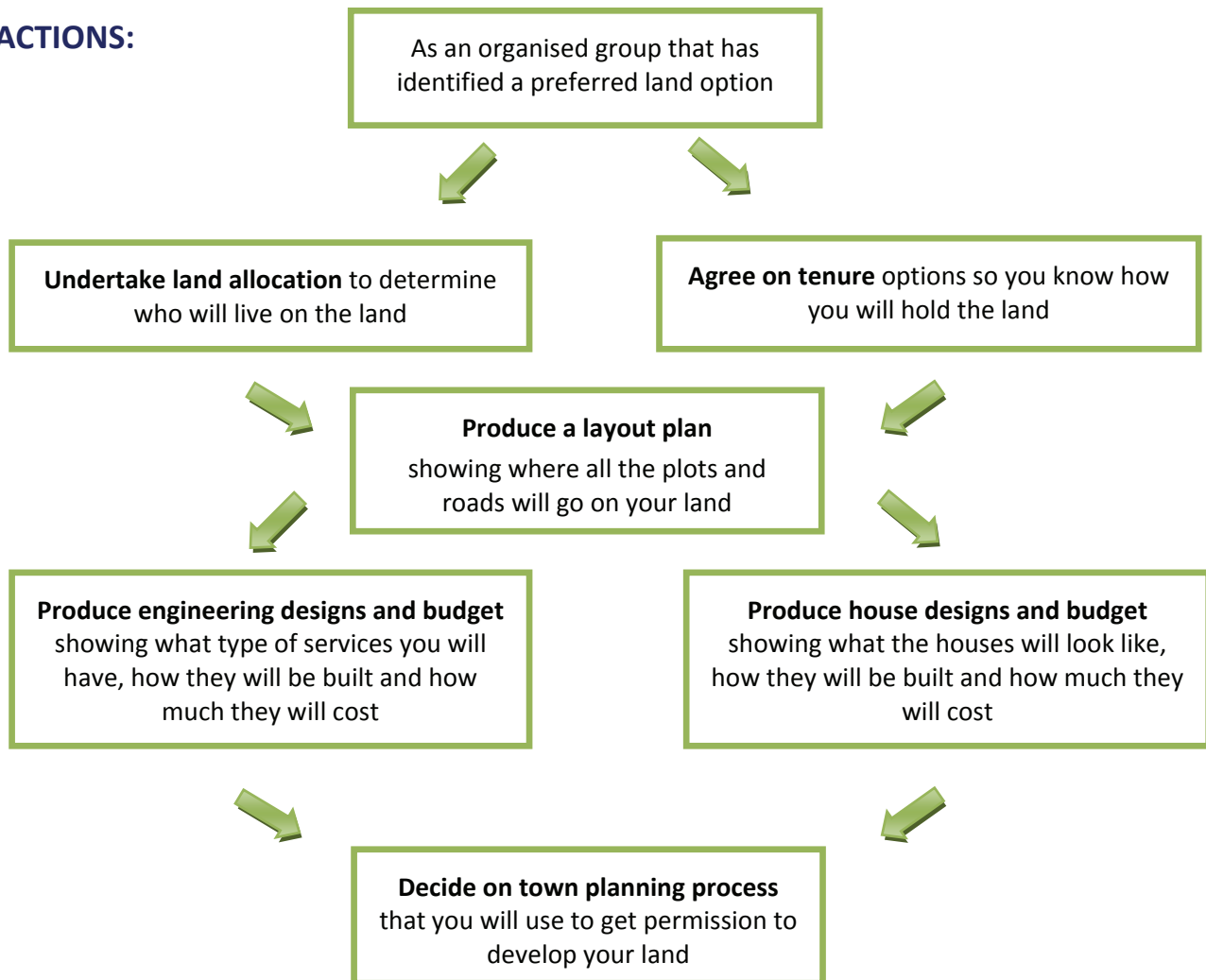
STAGE C: PLANNING

AIMS:

During **Stage C** you will:

- 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
- Produce draft designs and budgets for the services and houses.

ACTIONS:



ADVICE:

If you buy land after the **Planning Stage**, you will:

- Have a draft plan for the land you have chosen
- Not have approvals to develop the land
- Not have services or houses built on it yet
- Have to own the land collectively as it will not be subdivided
- Have to pay rates for undeveloped land.

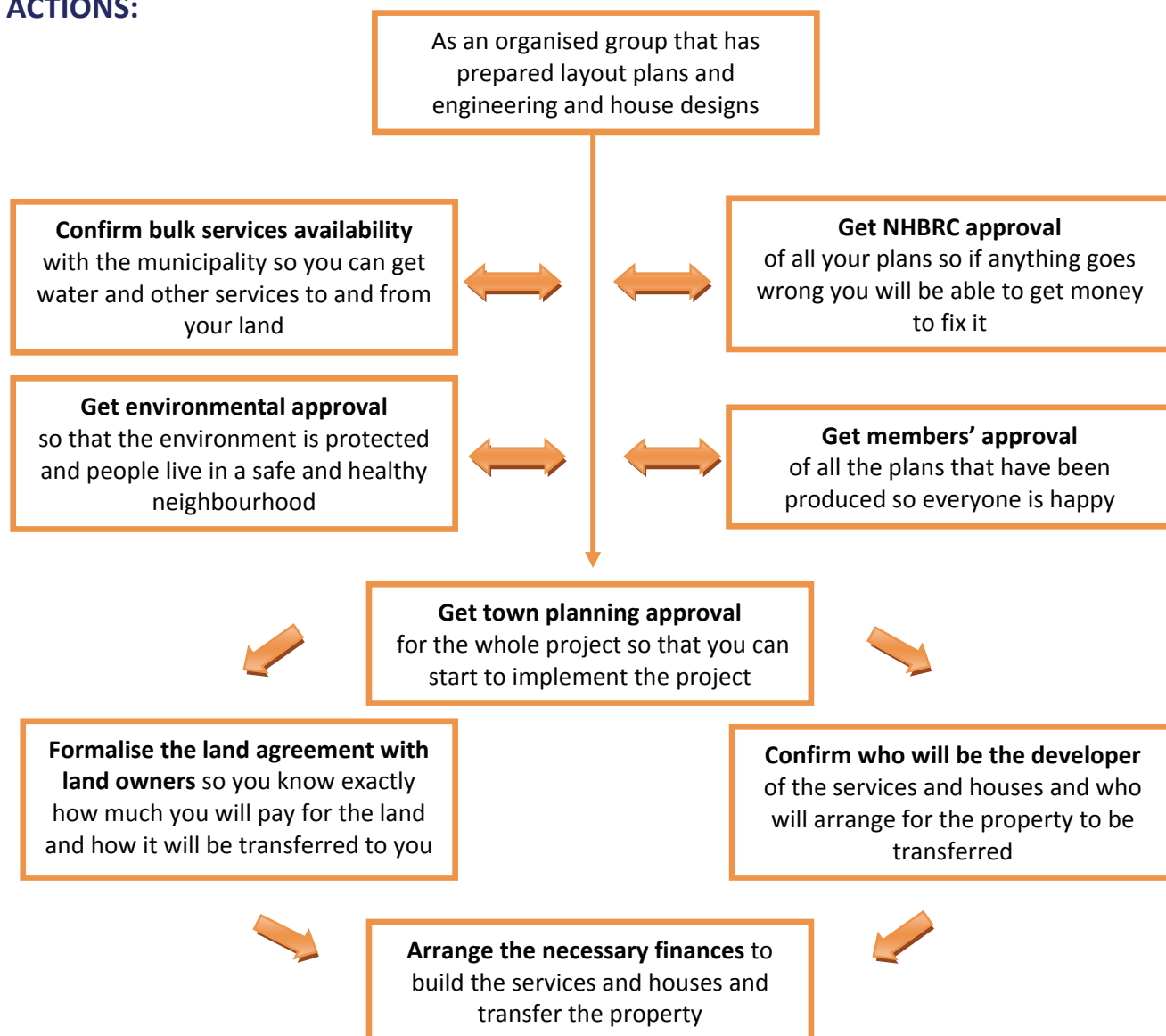
STAGE D: APPROVALS

AIMS:

During **Stage D** you will:

- Get approvals from different government departments for the land development
- Reach an agreement with the land owner on how you will transfer the land and at what price
- Agree with all role-players who will develop the services and houses
- Get money to implement the project.

ACTIONS:



ADVICE:

If you buy land after the **Approvals Stage**, you will:

- Have approvals to develop the land
- Not have it subdivided into plots yet
- Not have services or houses built on it yet
- Have to own it collectively as it will still not be subdivided
- Have to pay rates for undeveloped land.

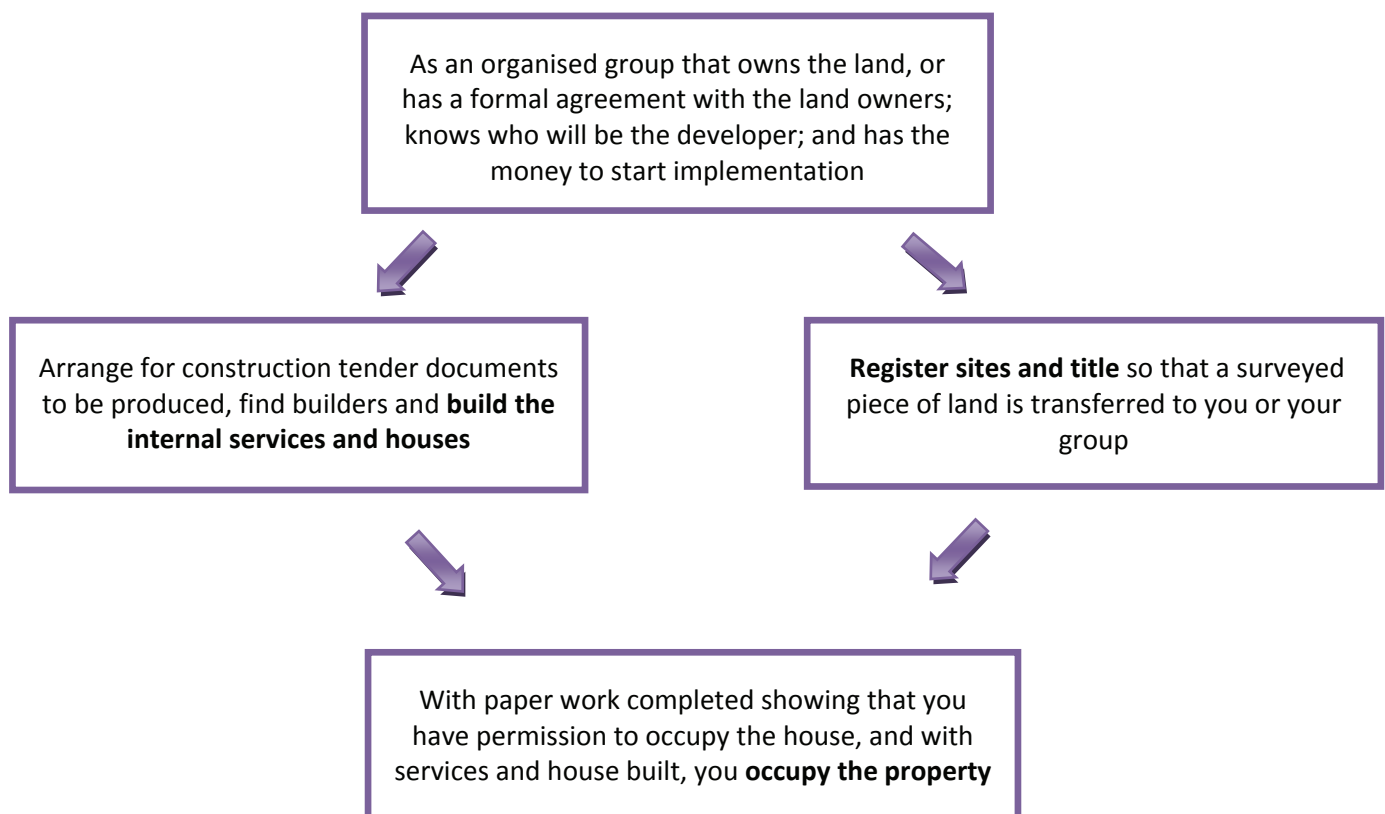
STAGE E: IMPLEMENTING

AIMS:

During **Stage E** you will:

- 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
- Stay on a properly developed piece of land.

ACTIONS:



ADVICE:

If you buy the land after the **Implementing Stage**, you will:

- Be able to own the land individually as it will be subdivided
- Be able to live on a serviced plot with a house
- Have to pay rates and services for developed land
- Sometimes be able to buy and occupy the land before all the houses have been built.

For more detailed advice on how and when land can be accessed, see **Manual C, Urban Land Access: Options**.

LAND ACCESS CHECKLIST

To access land your group needs to be able to answer YES to each of the questions below. If you answer NO to any question you need to re-visit that step.

QUESTION	NO	YES
Organising		
1. Is your group organised enough to represent your members?		
2. Does your group understand the land access process?		
3. Are you and your members saving towards future costs?		
Deciding		
4. Is your group working with the municipality to get land?		
5. Have you got a team of specialists helping you to get land?		
6. Have you decided which piece of land would be the best for you?		
7. Have you entered into an agreement with the land owner to buy the land?		
Planning		
8. Have you agreed who will be allocated to the land?		
9. Have you decided if you will own land individually or as a group?		
10. Have you developed a layout plan showing where the roads and plots will be?		
11. Have you developed a plan and budget for the services?		
12. Have you developed a plan and budget for the houses?		
Approvals		
13. Do you have access to bulk water, sewerage and other services?		
14. Do you have National Home Builders Registration Council approval?		
15. Do you have environmental approval?		
16. Have your members approved the project?		
17. Do you have town planning approval?		
18. Do you have agreement on who will be the developer of the services and houses?		
19. Do you have money to buy and develop the land?		
20. Has government approved the beneficiaries (if you are using government subsidies)?		
Implementing		
21. Has land surveying been done?		
22. Has a township register been opened?		
23. Have the services (roads, water, sewerage, etc.) been built?		
24. Have houses been built?		
25. Have you paid for the land and has ownership been transferred to you?		
26. Have you permission from your group to occupy the land (if you own as a group)?		