

Comments on the City of Cape Town's draft 2022-2027 MSDF

Isandla Institute appreciates the opportunity to comment on the City of Cape Town's draft MSDF 2022-2027. Our contribution draws from our extensive expertise in relation to human settlements, including informal settlements and the backyard housing sector, urban safety (more specifically, area-based violence prevention), gender and social inclusion, and participatory democracy.

As with the IDP 2022-2027 on which it is based, the MSDF contains welcome programmes and initiatives, but falls short in a number of ways, as elaborated on below. We acknowledge that some of our concerns suggest gaps or weaknesses in other city strategies, plans and frameworks, which are then taken forward in the MSDF. Our submission broadly follows the structure of the MSDF document. Key concerns centre on: the inadequate attention given to safety; that CSOs and communities not being seen as partners and agents of change; a lack of support and enablement of self-build and incrementalism; insufficient focus on informal settlement and backyard development; and concerns about how performance is measured and trade-offs navigated.

1. The MSDF fails to acknowledge that informal settlement growth is part of a larger housing insecurity continuum, and that Covid-19 has fundamentally affected housing insecurity.

Isandla Institute welcomes the acknowledgement in the foreword to the MSDF by Eddie Andrews, Deputy Mayor and MCM for Spatial Planning and Environment, that informality will play a large role in the city's growth and governance into the future, and that the City will need to think differently about place-making, infrastructure and finance. Andrews goes on to acknowledge that the public sector, collectively, has been ineffective in assembling sufficient land to respond to the rapid expansion of existing settlements and the establishment of new ones, and that where land is identified, numerous challenges often preclude the execution of projects. Andrews notes that some of these challenges relate to societal attitudes and property dynamics, while others are the result of the complex, highly regulated system that governs formal development.

However, Andrews fails to acknowledge that informal settlement growth is part of a larger housing insecurity continuum, from homelessness at the one end and full housing security at the other end of the spectrum, via backyard housing. The City's delayed, lack of or inappropriate policy responses and programmes with regard to homelessness, backyard housing, transitional housing, social housing (particularly, land release) and inclusionary housing, have all contributed towards the growth in informal settlements. In addition, the lack of contextually appropriate policy, support and enabling regulatory conditions has not been put in place in low-income areas and informal settlements to enable self-build housing, where much can be done within the mandate of local government, but ultimately with required support from provincial and national government.

The MSDF has a significant blind spot when it comes to the socio-economic effects of Covid-19 in relation to housing security. There is no appreciation in the MSDF that Covid-19 has fundamentally affected housing insecurity, leading to "houselessness" (the lack of housing), which is different from

“homelessness” (where there is still a possibility of reintegration into families and communities). The focus should be more on addressing economic hardship and housing insecurity.

On page 23, in the spatial context, challenges and opportunities section, the report states that immigration, as well as internal growth in informal settlements, were responsible for increased numbers of unlawful land occupations, particularly between 2018 and 2021 and exacerbated by the Covid-19 pandemic, and mostly on state-owned land unsuitable for human settlement or identified for land and housing programmes. However, these statements confirm that the City fails to acknowledge that informal settlement growth is part of a larger housing insecurity continuum, and that increased socio-economic vulnerability during the pandemic has led to large numbers of (former) backyard dwellers being involved in these land occupations.

The report goes on to state that less formal/informal dwelling types will contribute around half of all new dwellings until 2040, and that this holds far-reaching consequences for the city in terms of service delivery, health and safety aspects related to buildings and living conditions, and the provision of social facilities. However, the response to this context needs to acknowledge the housing insecurity continuum, and be holistic and facilitate tenure security, access to basic services, and create an enabling and support environment for self-build housing construction. As a first step in this direction, it is good to see a focus in the MSDF, brought through from the IDP, on small-scale rental / micro unit development programmes.

2. Socio-economic vulnerability is mapped using the CSIR COVID-19 vulnerability index, rather than a more appropriate indicator, such as safety/insecurity.

Map 2c on page 27 of the MSDF maps socio-economic vulnerability using the CSIR COVID-19 vulnerability index, which has a particular shorter-term and health-oriented lens (including risk of/susceptibility to transmission of COVID-19). It would have been more useful to use an appropriate indicator that reflects broader and longer term socio-economic vulnerability.

In addition, as further elaborated on under 3, given the endemic nature of crime and violence in the city (with poorer and under-serviced areas being disproportionately affected), it is surprising that this does not feature in section 2 of the MSDF – including a map of the spatial distribution of violence and crime.

3. An insufficient focus on safety and crime and violence prevention beyond a narrow focus on policing

Crime is a national crisis, and Cape Town has among the highest crime rates in the country, however the draft MSDF worryingly has an insufficient focus on crime and violence prevention beyond a narrow focus on policing, as well as a lack of acknowledgment of the gendered lived experience of crime, and the spatial aspects thereof. There needs to be an acknowledgement in the MSDF of how people experience a catalogue of risks to their safety as they navigate space, particularly in lower income contexts, e.g. protection rackets, sexual violence, bribery, etc. The MSDF can potentially be a powerful tool to coordinate efforts and interventions in that regard.

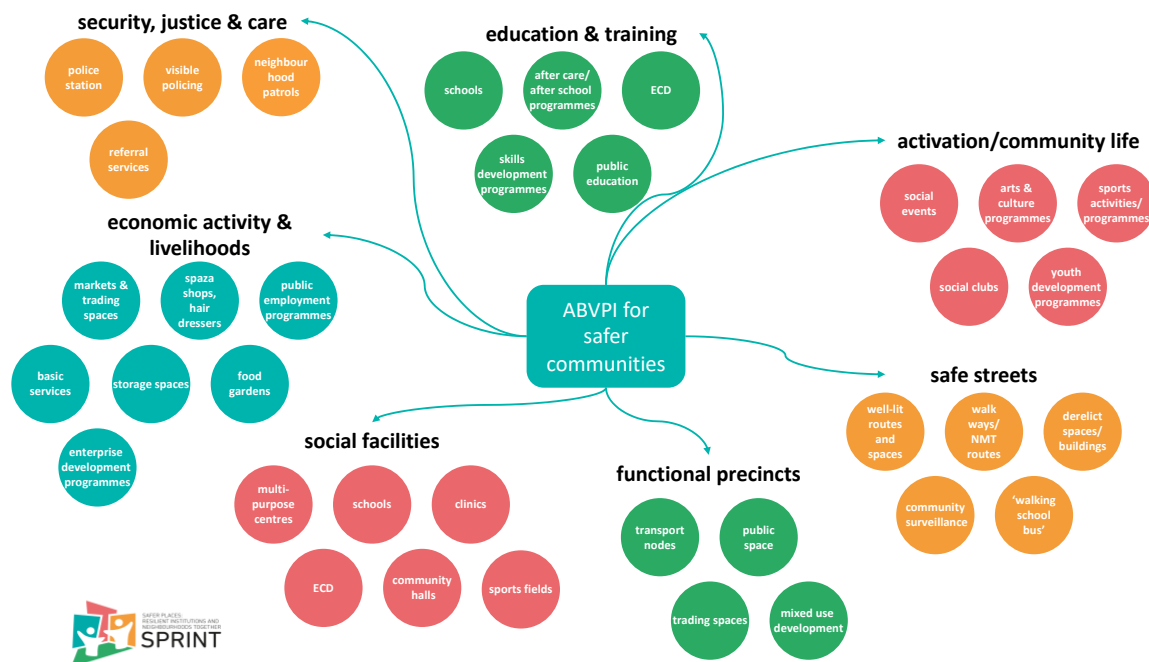
Drawing from the IDP, the MSDF recognises that safety is one key component of ‘the city of hope’ that Cape Town seeks to become. Yet, safety is not clearly expressed as a strategic spatial development priority or spatial strategy. It is somewhat implied in spatial strategy 3, but it is not explicitly articulated.

As highlighted above (see point 2), the MSDF does not contain any maps spatializing crime and violence, and does not sufficiently acknowledge the spatial manifestation of crime, and the resultant need for a spatially targeted and built environment response. Responses need to be evidence-based and outcome-focused, and have a spatial focus on crime and violence.

A spatial, city-wide and neighbourhood-level focus on crime and violence is therefore vital, as the built environment plays a particularly important role in crime prevention and perpetuation. Issues such as inadequate lighting, poor visibility, lack of community surveillance, and unused and unmanaged public spaces and buildings all create opportunities for crime to thrive. Adapting the environment to reduce or stop crime is commonly known as crime prevention through environmental design (CPTED)¹, and is part of area-based violence prevention interventions (ABVPI).

ABVPI are targeted approaches within a specific geographic area, designed to reduce crime and violence and address the root causes by using a combination of spatial, social and institutional interventions. The *quality* of service provision is also important, as communities may have some access to police services or recreational facilities, for example, but the services may be unreliable or insufficient due to resource limitations. A significant concern is that the majority of social services at municipal and neighbourhood level are planned for ‘formal residents’, not taking into account informal housing (including backyard residential) densities.

Isandla Institute has developed the following model to illustrate what ABVPI for safer communities may entail:



(Isandla Institute, 2022)

¹ Kruger, T. Crime Prevention through Environmental Design (CPTED). Pretoria: SaferSpaces

4. No attention given to opportunities for partnering with CSOs, CBOs and community-based structures

On page 33, the report notes that the MSDF's spatial vision involves the City committing to, among others, working in partnership with the private and public sector. However, no mention is made of partnering with CSOs, CBOs and community-based structures (e.g. in terms of informal settlement upgrading or self-build housing support, but also in terms of area-based violence prevention), through which local solutions can be found to seemingly intractable problems. The Western Cape Informal Settlement Support Programme (ISSP)² (2016) demonstrates the value of partnering with CSOs in informal settlement upgrading, using a Partnership Framework Agreement to leverage their expertise. The City's technocratic approach is also reflected in the disempowering approach taken in the public participation approach to feedback on this final draft of the MSDF, which, despite having undergone more direct prior community engagement, particularly in the DSDF review process, still remains inaccessible to the majority of the City's residents.

5. Alternative responses required to informal settlement densities, in terms of service provision and fire risk

In the section on enabling the City's climate change commitments (p16), it is stated that in terms of adaptation and resilience, a key strategic focus area includes working to reduce the incidence and impact of fire within informal settlements and at the urban/natural interface. However, informal settlement density presents a fire risk, so one element of the solution needs to be denser top-structure construction (in the form of semi-detached or two to three storey structures) that minimises the number of households that need to be relocated in order to install access and service infrastructure and frees up space between structures. A good example of a denser incremental structure typology is the 'LIFT' House typology (Light-weight, Improved, Fire-safe, Timber-frame), developed in eThekweni in 2020, as part of the iQhaza Lethu project in collaboration with the HSRC in 2019/2020.³ The typology is a response to the need for a more appropriate building technology for steep, densely populated and well-located informal settlements in order to optimise scarce land, open up space for services and create distances between structures to improve fire safety, and to enable residents to improve their own housing over time.

6. The need for better data collection, and more contextually appropriate compliance incentivisation and enabling support for self-build, incremental housing consolidation

The draft MSDF notes (p31) that one of the challenges affecting the implementation of the spatial policies of the MSDF and DSDFs is the unregulated and 'unseen' nature of urban growth in the form of informal settlement growth, backyard and micro-developers and unlawful land occupation. The City acknowledges that the unpredictable and unregulated nature of this development, and the drivers behind it, indicate that its spatial policies and mechanisms for incentivising and disincentivising growth have very little bearing on where and how this development takes place. This speaks to the need for better data collection, and more contextually appropriate compliance incentivisation and enabling support for self-build, incremental housing consolidation. This requires a review of planning and building regulations; application procedures, costs and timeframes; overlay zones that support incremental self-build housing consolidation and small

² Western Cape Informal Settlement Support Programme: Informal Settlement Strategic Framework (ISSF): Implementation Plan 2016-2030

³ Project Preparation Trust. 2021. New 'LIFT' appropriate lightweight, double-story housing typology. Available at: <https://www.pptrust.org.za/wp-content/uploads/delightful-downloads/relocation-pilots-ethek-update-r11.pdf>

businesses; and the provision of pre-approved prototype building plans, together with more community-focused technical support by planning officers and building inspectors from a locally-based housing support centre (and/or the City's Local Planning Support Offices). This would align with IDP Objective 8: Safer, better-quality homes in informal settlements and backyards over time.

The imperative for this is mentioned in Table 4.1: SPLUMA Principles (on p48), where the principle of spatial justice requires that land use management systems include provisions that are flexible and appropriate for the management of disadvantaged areas and informal settlements, and that land development procedures must include provisions to accommodate access to secure tenure and incremental upgrading of informal areas.

The MSDF remains silent on how the City can enable and support the incremental development of housing in informal settlements through self-build. While this is indicative of a broader policy question that national and provincial government need to address, the City has enabling, supportive, regulatory and advocacy functions at its disposal to support the construction of dignified and safe shelter by and for local residents.

The MSDF must be clear on what the spatial planning and land use management tools are that can enable self-build, to complement existing tools such as SR2 zoning.

7. Lack of accuracy in projecting informal land use demand, apparent abdication of responsibility for managing informal growth, and a missed opportunity to support self-build housing consolidation

On page 36 in Table 3.2: 2018 baseline demand versus 2040 projection, it is stated that the total land use demand for residential is projected to increase by 41% by 2040, with informal residential unit demand projected to increase by 80% over this period. This large projected increase indicates that over the next 20 years, the City is potentially abdicating responsibility for facilitating the provision of the vast majority of housing demand, and having little to no regulatory control over 80% of future land use over this period. It must be highlighted, and the City has acknowledged, that there is lack of accuracy in capturing current informal residential growth, and therefore using current data as a basis for such long term projections, combined with the volatility of informal residential growth due to myriad complex factors now and into the future, is ill-advised.

This large projected increase in informal land use demand also assumes no improvement in reducing the growth rate of informal housing through increased informal settlement upgrading and support for self-build housing consolidation on serviced sites; backyard housing formalisation; and small-scale rental and micro-development. In addition, the report projects a 2040 average residential density of 25 dwelling units per hectare (du/Ha) gross across the metro, which conveniently aligns with the 2012 Densification Policy's city-wide densification target of 25 du/H, which is a minimum level of urban land use efficiency and, by extension, service and resource efficiency.

The report goes on to state that the Land Use Model (LUM) projections for 2040 assume that residential demand is to be serviced from currently vacant and under-utilised land parcels identified as New Development Areas (NDAs) in the District SDFs, as well as through incremental densification in the form of additional dwelling units (formal or informal). It pleasingly notes that this requires, among others, unlocking significant parcels of vacant land; and planning, coordinating and implementing key bulk engineering infrastructure, enhancing basic service delivery provision in existing areas of informality and areas containing backyard or small scale rental units.

8. Pathways to incremental housing consolidation and formalisation, and avoiding de-densification

In terms of Table 5.6: Differentiated intensification guidelines, on page 85, the report helpfully states that development typologies should be pursued that facilitate the formalisation of existing areas of informality, expand on formalisation of informality (e.g., via small scale rental / micro units / boarding house units), but then worryingly goes on to state that the City should “potentially consider de-densification needs in informal settlements, where necessary (especially for disaster management reasons)”. De-densification should be the very last option, and then only for disaster management reasons, or for minimal relocation due to space requirements for basic services provision. There also appears to be a lack of overt support for incremental housing consolidation (via self-build) in informal areas and backyard dwellings.

9. Micro-developer and additional / backyard dwelling improvement programmes

A section of the MSDF outlines a number of key programmes at metropolitan scale, derived from the IDP, where targeted public investment (for urban restructuring and upgrading), will be required to enhance the spatial targeting objectives and strategies. Micro-developer and additional/backyard dwelling improvement programmes (p96) that include processes associated with finance, building applications and regulations, security of tenure, and access to land, are welcomed. Also of note are the SDECD (Social Development and Early Childhood Development (SDECD) department programmes (p100) including the homeless shelter programme and the implementation of community facilities (ECDs and play areas) within informal settlements.

Initiatives in support of backyard rental landlords and small-scale developers are welcomed, as both provide vital access to affordable rental accommodation. However, these initiatives will only benefit a relatively small proportion of backyard tenants and landlords, and as such cannot be a dominating focus – not least because there are significant opportunities to support self-build in informal settlements. The MSDF recommends (p115) that incentives be created to enable the delivery of affordable housing by the private sector; however, there needs to be more urgency in this respect, given the broad agreement that the private sector needs to play an important role, and the lack of appropriate policy or incentive development to date.

10. The City’s informal settlement upgrading project pipeline is not spatialised.

On page 103, the report discusses the Priority Human Settlements and Housing Development Areas (PHSHDAs), which focus on funding in-situ upgrading of informal settlements and new developments. However, the City’s informal settlement upgrading project pipeline is not spatialised anywhere in the MSDF. While there may be concerns regarding the release of this information, a high-level indication is required for accountability and could play an important part in guiding private and public investment in these areas, which is a key role of the MSDF.

11. Bulk infrastructure capacity issues

In terms of sewer reticulation (p113), the report states that “in areas of high density and increasing informality, frequent blocking of sewers with foreign objects results in sewer spills, creating a health hazard for communities”. This point echoes an argument the City frequently raises in discussions around Cape Town’s sewage problems, placing the blame for blockages on low-income residents dumping objects into drains not built for such purposes. While this may indeed be a real issue, there is no certainty around the degree to which this behaviour contributes to overall strain on the system. Furthermore, it deflects from a more holistic and honest debate about municipal responsibility for providing adequate solid waste removal services in those neighbourhoods.

The MSDF contains a regular rider of “where infrastructure capacity allows”, but this cannot be a hard constraint, as more focus must be put on system-level interventions, including real emphasis on alternative technologies and community-driven solutions.⁴ More needs to be done about taking an interdisciplinary approach to infrastructure. One purpose of an MSDF is to coordinate an interdisciplinary approach to space, and what this means at a local level in terms infrastructure; learning to navigate limitations needs to be explored, otherwise a vital opportunity is missed.

It is interesting to note that, in terms of development-related infrastructure upgrades (p114), provision is being made for backyarders in infrastructure planning, as the “Welmoed Development (Penhill) project... which will consist of 8 000 households and likely 16 000 backyarders over time... [has been planned so that] the internal sewer network will cater for this backyarder tenant growth ensuring it will not create capacity challenges in future.

12. Concerns regarding the Urban Development Edge and New Development Areas

In the implementation section of the MSDF, the Spatial Transformation Areas (STAs) of the MSDF are expanded with spatial targeting areas in the District SDFs including (p89):

- *Urban Support Areas (USAs) - Areas characterised by informality and overlapping challenges; high socio-economic vulnerability; standard norms, guidelines and processes may be incongruous with the contextual realities. The area is in need of public investment, but not necessarily strategically located. There may be plans for the area, but implementation is lacking.*

Page 169 adds to the definition by stating that these are “vulnerable areas faced with a combination of challenges, including but not limited to infrastructure failure and service delivery challenges, and a need for co-ordination among projects, programmes and stakeholders, that require prioritised public investment.”

However, the definition and focus of these areas is too much on vulnerability rather than also a focus on the opportunity they represent in terms of support to small-businesses, and the opportunity for building on existing social capital., and individual and community agency.

- *New Development Areas (NDAs) - Vacant and underutilised private and publicly owned land, located beyond the built up footprint, but inside the Urban Development Edge.*

Larger shifts in the Urban Development Edge (UDE), and specifically NDAs that are located on but still inside the UDE are a tacit acknowledgement that the focus on densification of formal areas has not been successful (and equates to giving in to market pressures, rather than taking a stand on densification), and that greenfields serviced sites are being made provision for on the urban periphery, which will not advance spatial transformation.

13. Lack of detail on support to township businesses and economies in the policy focus on transformation and integration of informal settlements and marginalised areas

With regard to the spatial strategies drawn from the IDP, Spatial strategy 3: Building an inclusive, integrated, vibrant and healthy city, is translated in the MSDF into Policy 26: Transform and integrate historically marginalised areas and informal settlements into spatially integrated neighbourhoods that enable economic and social opportunities for residents (p159). Some of these

⁴ See Isandla Institute. 2022. *Extending water and sanitation services to backyard tenants: Towards an evidence-based infrastructure strategy*. Available at: https://isandla.org.za/en/news/item/download/266_75b86d4861b310a4edbc57637e9604d3

areas are identified as Urban Support Areas (USAs) on Map 3.3 in the MSDF, and supported by sub-policies, that include the following:

P26.3 Support land development that encourages collaborative planning with the community, private sector investment and the clustering of public facilities, institutions, and government and non-governmental organisation offices in Urban Support Areas (USAs) and vulnerable areas.

...

P26.11 Where housing (or appropriate land for housing) cannot immediately be made available, the City will:

- provide services to informal settlements / additional dwellings / backyard circumstances in line with the City's Human Settlements Strategy focused on in-situ upgrading; and*
- partner with beneficiary communities and NGOs to provide technical advice (e.g. Local Planning Support Offices) and materials; consider alternative forms of tenure security; enhance skills to ensure more appropriate foundations and structures are developed, as well as layouts that ensure access roads for the provision of services. This may include alternative building materials.*

These policy intentions are all to be welcomed as they commit to extending service provision, shift the focus towards partnering in participatory in-situ upgrading, and create some of the enabling conditions for self-build top-structure consolidation. However, much of the MSDF focuses on more formal areas, and there is a lack of detail on how the City could enable township businesses and economies through a more flexible and facilitative environment, provision of small business-zoned erven, assisting with the setting up of community cooperatives, and support and training for small-scale building contractors. This aligns with Policy 3: Introduce land use policy reform and mechanisms that will support the development and growth of small businesses and township economies (both formal and less formal), on p138 of the MSDF. Inclusion means more than improving transport accessibility to opportunities, and the spatial planning and land use management tools that can enable economic inclusion in less formal contexts, beyond informal trading, need to be made clear.

With respect to the MSDF's commitment to extending service provision to backyard dwellings, concern must be reiterated regarding a statement in the City's IDP that "[it] will ensure that each property is connected to water, sanitation and electricity, with the property owner carrying the responsibility for the further connections and infrastructure required on the property to provide services to additional dwellings" (p38). This commitment does not go far enough, and the City is obfuscating in its response to backyard dwellers. Isandla Institute has procured a legal opinion from Senior Counsel⁵, which is clear that there is no legal obstacle in the Municipal Finance Management Act, and other pertinent legislation, that prevents municipalities from fulfilling their legal obligation to provide access to basic services to backyard residents on private land. The legal opinion concludes that municipalities have both the power and the responsibility to do so. It is therefore incumbent upon the City to develop a policy response to the provision of basic services to backyard residents on private land, and to revise its performance target in line with existing need.

⁵ The legal opinion on "The obligations and powers of municipal governments to provide basic services for backyard dwellers on private land" was provided by Geoff Budlender SC in October 2021. See: <https://bit.ly/3QXLGGD>

14. Attention to the local food system is positive, but the MSDF should be more concerned with distributional matters related to access, affordability and nutritional outcomes

Another example of where the draft MSDF has not come to terms with the long-lasting impacts of Covid-19 related to hunger and malnutrition. It is encouraging that the MSDF recognises the City's role in enabling and supporting the local food system. However, its orientation seems to be more about supporting producers and city-wide access to local food produce, without paying attention to distributional questions related to access, poverty or nutritional outcomes (with the associated socio-economic implications).

15. The draft MSDF does not provide enough clarity on how the City will decide on and manage the necessary trade-offs, and how performance will be measured.

Lastly, whilst ambitious in tone, the draft MSDF, as with the IDP, is lacking in specificity with respect to how trade-offs will be navigated and how performance will be measured. The MSDF's monitoring and evaluation framework needs to measure progress towards its own transformational objectives, so as not to be seen as merely an aspirational document – with adherence consequently optional or subjective. For example, progress in terms of spatial transformation needs to measure, among others, incremental consolidation of top structures in informal settlements, and backyard and micro-development, as these are an important element of spatial and socio-economic transformation that the City of Cape Town needs to facilitate.

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In conclusion, the draft MSDF 2022-2027, while containing encouraging elements, falls short in a number of ways. It fails to acknowledge that informal settlement growth is part of a larger housing insecurity continuum, and that Covid-19 has fundamentally affected housing insecurity. There is insufficient focus in the MSDF on crime and violence prevention through targeted spatial, area-based and built environment interventions. There is a need for better data collection, and more contextually appropriate compliance incentivisation and enabling support for self-build, incremental housing consolidation. No attention is given to opportunities for partnering with CSOs, CBOs and community-based structures, e.g. in terms of informal settlement upgrading, self-build housing support or area-based violence prevention. There is a lack of accuracy in projecting informal land use demand, apparent abdication of responsibility for managing informal growth, and a missed opportunity to support self-build housing consolidation. The MSDF does not give attention to pathways to incremental housing consolidation and formalisation, and avoiding de-densification.

Initiatives in support of backyard rental landlords and small-scale developers are welcomed, however, these initiatives will only benefit a relatively small proportion of backyard tenants and landlords, and as such cannot be a dominating focus – not least because there are significant opportunities to support self-build in informal settlements. The City's informal settlement upgrading project pipeline is not spatialised. The MSDF does not take a sufficiently holistic and interdisciplinary approach to bulk infrastructure capacity issues, and avoids holistic and honest debate about municipal responsibility for providing adequate solid waste removal services in neighbourhoods with regular sewer blockages.

Larger shifts in the Urban Development Edge (UDE), and specifically New Development Areas (NDAs) that are located on but still inside the UDE are a tacit acknowledgement that the focus on densification of formal areas has not been successful (and equates to giving in to market pressures, rather than taking a stand on densification), and that greenfields serviced sites are being made

provision for on the urban periphery which will not advance spatial transformation. There is a lack of detail on support to township businesses and economies in the policy focus on transformation and integration of informal settlements and marginalised areas. Attention to the local food system is positive, but the MSDF should be more concerned with distributional matters related to access, affordability and nutritional outcomes. Lastly, the MSDF's monitoring and evaluation framework needs to measure incremental consolidation

Last but not least, the MSDF does not provide enough clarity on how the City will decide on and manage the necessary trade-offs, and how performance towards spatial transformation and spatial justice will be measured.

We recommend that the City address the deficiencies in the draft MSDF highlighted above for the finalised MSDF to realistically have the possibility of creating a more spatially integrated, inclusive, resilient and collaborative city.

Contact

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