

EXECUTIVE SUMMARY

Land Use Management and Democratic Governance in the City of Johannesburg

Case Study: Fourways

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1. BACKGROUND

Fourways is one of the more affluent areas of Johannesburg and is characterised by the development of upmarket shopping centres and upmarket residential complexes. The area consists of a medium-high to high-income rapidly developing residential area ranging from low- to medium-density. Private low-density security estates such as Lonehill and Dainfern are close by.

The activities in Fourways are largely focused around the Mall, Fourways Crossing and Monte Casino. The areas beyond this are generally residential with some office development.

The Fourways area falls within a region that is home to more than 250 000 residents. While the formal residential areas are home to prosperous and well-educated residents, most of the people living in the surrounding townships and juncture-positioned informal settlements are poor, with low levels of school education.

Areas such as Fourways Gardens, Bloubastrand, Cedar Lakes and Dainfern contain affluent developments, mainly on single stands and at a low density. The average price of houses within the study area is in the area is R650 000, according to local estate agents. On the other hand, there are residents in the area that live in informal areas without sufficient hard and soft infrastructure. There are also areas people are sleeping rough, hidden along the river. The area is therefore characterised by a juncture position between wealth and poverty.

2. RESEARCH METHODS

The methodology for the research project is designed around answering the following questions:

- What is actually happening in the study area (as relates to land management)?
- What practices are 'working', and for whom?
- Why are these practices working/not working, and in what way?
- Whose interests are served by these practices?
- How do the various formal and informal institutions feature in facilitating or directing these practices?
- What does the research suggest about ways to introduce progressive approaches to land management?

The overview of the area was obtained through a field trip; a focus group meeting with local councillors; an examination of planning literature pertaining to the area; an examination of aerial photography of the area; and an interview with the town planning official for the area.

3. INSTITUTIONAL ENVIRONMENT

Fourways falls within Region A of the Johannesburg Metropolitan's Spatial Development Framework (SDF). Region A borders Centurion (part of the Tshwane Metropolitan Municipality) to the north and Mogale City (Krugersdorp) to the west. To the east is the township of Tembisa, part of the Ekurhuleni Metropolitan Municipality; and on the south it borders Alexandra, Sandton, Randburg and Roodepoort.

The western part of the region consists of many agricultural holdings and farms, though there has been an increase in business and industrial nodes, as well as formal and informal residential areas.

Applicable development policies include:

- Johannesburg's Spatial Development Framework (SDF) and Regional Spatial Development Frameworks (RSDF) 1, 3 and 5.
- Johannesburg's Metropolitan Open Space Policy
- Johannesburg's Street Trading By-laws
- Gauteng Transport Infrastructure Act
- Johannesburg's Informal Trade and Development Policy

The relevant Town Planning Scheme for the Study area is the Sandton Town Planning Scheme of 1980. According to the Scheme there are four types of residential zonings (Residential 1-4) and four types of business zones (Business 1-3, and Commercial).

The road reserves and all activities within them are administered by either the Provincial Roads Department (in the case of William Nicol Drive and Witkoppen

Road) while the rest are the property of the Johannesburg Metropolitan Municipality.

3.1 Frameworks linked to the RSDF

William Nicol Drive and Witkoppen Road are defined as mobility spines. Another major road in the study area, Cedar Road, is also defined as a mobility spine. The proposed land use policies for these spines are: mixed land uses at identified nodal points, and higher residential densities abutting the routes. The proposed function and design of these routes is to include no direct access; provision of pavements for pedestrians; provision of public transport facilities; and to ensure managed pedestrian access.

The Fourways Node – around the intersection of William Nicol Drive and Witkoppen Road, and extending into Region 3 – is defined as a regional node: “nodes ... of regional significance, with reference to the regions making up the metropolitan area of the City. They serve specific sub-regional areas or large districts”. These nodes are “situated on mobility spines supported by mobility roads. They are to fulfil a variety of functions with sufficient mix of uses ... with nodes in tight competition against each other”.

Increased residential densification will be promoted whilst enhancing the mobility functions along Witkoppen Road and William Nicol Drive, and within the outer ring defined by Uranium Street and its extension to Witkoppen Road (Kingfisher Road). Overall the “city has introduced a Gross Density of 10 units per hectare to guide future residential developments”. In terms of the sub-area 1, a standard density of 20 units per hectare is allowed. The same density is proposed for sub-region 2 (incorporating Craigavon) in terms of the objective to encourage infill and densification in support of compact urban form. Another parameter stipulated in relation to density is that residential densities be compatible with adjacent development.

The RSDF Region 1 promotes connected open space systems and addresses water and air pollution. With reference to the study area, guidelines stipulate a buffer of 32 metres each side of the watercourse edge and that the 1:100 year floodline needs to be respected at all times. In respect of open space provision, “Developers should be encouraged to provide functional open space within their developments, rather than paying a contribution towards open spaces and parks”.

In relation to managing urban growth and the delineation of an urban development boundary, aside from Rietvallei 538-JQ, sub-areas 1 & 2 fall within the boundary, and therefore are not subject to the objectives of the policy.

4. ACCESS TO LAND

4.1 Formal Commercial / Retail

Fourways has an existing office stock in excess of 60 000m², which is entirely A-grade in nature. The latest data indicate that more than 60% of committed new office development in Fourways is speculative, and the risk of rising vacancy rates may become more pronounced in the next year.

The retail sector in Fourways is characterised by established retail development. Retail centres in the area include: the Fourways Mall; the Fourways Crossing shopping centre; Fourways Value Mart; and the Design Quarter. Furthermore, there is a retail component at Monte Casino, which includes a strong entertainment component.

Industrial developments are concentrated along Hans Strydom Drive in Kya Sands. Current developments planned for the area include: a future office development in Fourways Boulevard and a 4 x 4 dealership along William Nicol.

Rand Merchant Bank and Nedbank Corporate Finance will be providing funding to private property developer, The Georgiou Group, for the R2,65 billion development of Fourways Precinct. Fourways Precinct includes the redevelopment of existing retail properties. The Fourways Mall would be refurbished and expanded.

The Georgiou Group is also working on a new development, which consists of the Cedar Square shopping centre and motor showrooms. Another centre, Fourways View, which is a new retail development that was recently completed and is also part of the Fourways Precinct, will eventually be linked to Fourways Mall. It is on the western boundary of Fourways Mall. A new retail development called The Buzz was completed a few months ago and is 1,5 km to the west of Fourways Mall. A further planned development, Fourways Lifestyle, will be built to the north of Fourways Mall.

4.2 Informal Trade

The area along the public realm on the road reserve is being used for informal activities. There are a number of informal traders and informal taxi activities. These uses are servicing the poorer “visitors” in the area. This activity can be visibly contrasted with the formal activities taking place in Shopping Centres.

Despite being illegal, these practices of informal activities are working for the informal traders and the taxi operators, as there is a demand in the area for their products and services. Despite being removed by JMPD and fined they still come back purely because there is money to be made.

More than 35% of the informal traders surveyed had been operating in the area for between two and four years. Trade in sweets, snacks, fruit and cool drinks is common, as well as cooked food. Other services include public telephones, cell phone accessories, and even that of a barber. Most traders reside in the Diepsloot area as well as Sgod'phola while the rest reside around Fourways, Alexandra, Glovehill to as far away as Tembisa. The majority of customers are passing pedestrians and workers from surrounding businesses, as well as domestic workers from surrounding residential areas. Traders located close to the informal taxi rank see taxi drivers and commuters providing most of the clientele, while the traders located close to the Witkoppen CF primary school benefit mostly from pupils as well as the school staff. The majority of traders are South African.

4.3 Residential Land

The area is characterised by middle- to high-income residential cluster development. The public realm in Fourways Gardens is generally well maintained with sidewalks and developed trees. However, most of the minor roads are gated limiting access into the neighbourhoods off the main distributor roads. Public spaces surrounding the developments in Craigavon lack facilities such as pavements, stormwater drainage, or sufficient public open spaces. In many of the residential areas roads are enclosed by the walls of adjacent residential complexes, which are not only high but have electric fences on top of them.

5. KEY ISSUES

Community Facilities

There is a visible lack of amenities in the settlement areas. The most pressing issue cited was the lack of schools and clinics in the area. Many of the children have to travel great distances to attend school and this has a financial impact on parents who are already financially burdened. Applications have been made by the informal settlements to get mobile schools and clinics in the area.

Traffic Congestion

The development boom in the area has created significant traffic congestion. The sporadic nature of residential developments – the conversion of smallholdings into medium density residential developments – has increased the congestion, however the City has to wait for an infrastructure threshold to be reached before it becomes cost effective for them to install the necessary infrastructure. Controlled or restricted access points to residential developments also contribute to the traffic congestion.

The main source of public transport is the minibus taxi servicing the area. There are plans to have a bus system joining the area to Sunninghill. However, the area is not conducive to facilitating easy movement of taxis and cars through the roads. There

are insufficient taxi stops and there are no ablution, cleaning or parking facilities for the taxis. The taxis service mostly the people who work in the area in the various shops or as domestics in the area. They also service the hawkers. There is debate as to the extent informal trade on the road reserves contributes to the congestion; it could, however, be hazardous for vehicles trying to turn onto and off the road reserve, because of the speed of the traffic. There are also a number of accidents recorded, involving street hawkers.

Over-supply of Commercial Property

Competition and the threat of over-supply is a major risk in the area. Demand has slowed in recent years, at the same time as decentralised development has boomed. The market is considered to be out of balance as a result. Because many of the decentralised areas lack a specific profile to attract tenants, direct competition [to Fourways] arguably comes from Bryanston, Sunninghill and Rivonia.

Informal Traders

Despite being illegal, informal trade continues to thrive in the study area. The biggest issue expressed by traders (in terms of their operations) was harassment by the police, in which merchandise is often confiscated. Apparently payment of a fine of about R800 is required to release confiscated goods. Monthly checks performed by the Health Department are also viewed as a threat. Other issues causing concern to the traders include: theft (of goods); the lack of furniture (e.g. chairs to sit on, and tables to operate from); weather extremes; and a lack of financial capital with which to improve their business.

There is no organisation that the traders are affiliated to that deals with their common interests. Furthermore they are not affiliated to any organisation (non-political) in the area. One respondent mentioned that they meet with other traders on a regular basis to share information about new suppliers and related issues of interest.

Most respondents regarded their relationship with the Local Authority as strained, not good and tense due to the police raids that often take place. About 76% percent of the traders did not have any form of permit or certificate to trade in the area and although they admitted that they were aware of these, they indicated that they had no idea how those are obtained. The remainder did have certificates, though it is not clear whether these are actually valid for the traders' operating circumstances.

Pedestrians

Pedestrians in the area tend to be almost exclusively of a lower income group; the road reserves are very vehicle oriented and, despite traffic light controlled intersections, there are no dedicated pedestrian crossings between intersections, which are at least 700 metres apart. The sidewalks are comparatively narrow and

unshaded from the elements. Given the locality of the taxi rank on William Nicol Drive, the passengers have long distances to walk from places like Craigavon, some 2,5 km away at the most western edge from the taxi rank. There is no street furniture, i.e. seating, covered bus stops or bins, and there is limited street lighting.

Public Open Space

There is very limited public open space, particularly functional public open space. Most of the Public Open Spaces abutting residential developments have been fenced off and incorporated into these complexes, in other words, privatised. Some of these spaces appeared to be unusable due to their geotechnical condition i.e. swamps. Access to some of these spaces is often difficult as they fall in between well-established residential complexes with tight security; in some instances roads leading to these have been completely closed. Access was also made difficult by the presence of boom gates into some residential areas.

Public Open Spaces that lie along the stream dissecting the study area have either been fenced off or are being used for recreational purposes as well as footpaths. Most of the open spaces are clearly visible from the street and therefore have a fairly good deal of natural surveillance.

Informal Settlements

In addition to people sleeping rough in spaces next to the river, there are squatter camps in Kya Sands. Plot 5 in Kya Sands has been recognised by Council and Council has plans to move the residents to Cosmo City. Plot 6, however, is illegitimate. The community has alleged that there is 'shack farming' (by some members of the community) taking place on this plot.

Development Rights and Bulk Contributions

There is tremendous amount of demand for residential development in the area. There is some debate between stakeholders as to development rights within the project area.

A number of developers believe that their bulk contributions (for future services or infrastructure) are incorrectly allocated to other infrastructural projects (for example, that of low-cost housing). Council, however, argues that if results are not seen on the ground this is due to shortfalls on Council's operational side, or insufficient capital allocation to reach threshold. Council explains that bulk contribution money cannot be reallocated as it is held in trust.

The prioritisation of projects is based on the Mayoral priority, which is determined at the Mayoral Lekgotla. Accordingly, this may change annually or with the arrival of a new mayor.

Many of the developers are continuing with development even though there is a lack of public utilities. According to Council, they are not in a position to restrict the development as they have done in Midrand as these rights are already in place. It was suggested by councillors in the area that the rights were given during the transition period of 1994 to 1998, when applications were received through the DFA process. In accordance with this process, if the applicant was able to prove need and desirability, the application would be approved.

6. FINDINGS

- The City's attempt to make Witkoppen Road and William Nicol Drive as well as Cedar Avenue mobility routes does not appear to be working, given that the development of traffic-generating land uses is apparently outstripping the City's or Province's ability to build the needed road infrastructure.
- Formalisation of trade and taxi facilities away from the road reserves could reduce congestion and increase safety. A study on this issue was completed by Shisaka Development Management Services in 2005, for the Economic Development Unit of the City of Johannesburg. However, their recommendations were not implemented due to lack of funding and differing Mayoral priorities.
- Almost all of the public open spaces within the study area do not adhere to the CoJ's policy on open spaces in that they are to be "equitable and accessible and that every neighbourhood should have open spaces". Mostly they are not maintained and are inaccessible to almost everyone.
- In the recently developed small holding areas in Craigavon, north of Witkoppen Road and west of Cedar Avenue, formal developments are taking the form of scattered medium-density walled housing estates with zonings ranging from residential 1 to residential 3, interspersed with the original low-density smallholdings. The development rights to these developments, it is claimed, were acquired in the mid-1990s and are only now being utilised. Apart from being of a higher density than neighbouring areas closer to the CBD, the development has tended to take place on an ad hoc basis. Given the ad hoc nature of development, 'service contributions' are too small to enable the CoJ to achieve the financial thresholds to construct the required infrastructure. As a result, the developments have now outstripped the infrastructure requirements, particularly in respect to roads. This situation was exacerbated by the fact that the DFA procedures tended to approve development applications if they adhered to certain "land development objectives", which is contrary to what is required by the Municipal Systems Act regarding IDPs and SDFs.

- Housing demand of a particular higher income range has pushed up land prices so as to exclude the possibility of lower income housing development within the region, as it cannot compete with the land prices. The nature of the newer developments are exclusionary, inwardly focused, hermetically sealed off from their surrounding neighbourhoods by walls and sophisticated security installations. This is further evidenced by the poor public realm immediately outside of the higher-income housing estates.
- The current system of land management could be argued to be prejudicing those without direct rights and more particularly the lower-income sectors of our community. A better balance therefore needs to be made between the State's role of managing the public realm and meeting the needs of the poor, in respect to them realising their rights within these spaces.

7. RECOMMENDATIONS

- The CoJ needs to build skills capacity around negotiating with private sector developers in order to better extract concessions for additional public goods from developers, possibly by using bulk infrastructure provision as a bargaining tool;
- The CoJ and Provincial government need to build skills capacity around improving communication mechanisms between the various stakeholders within the various spheres of state as well as outside stakeholders dealing with land management issues.
- The CoJ needs to build capacity to keep up their property improvement valuation records in order to ensure the appropriate revenue is being paid, to better meet the city's social goals.