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EXECUTIVE MANAGEMENT PROGRAMME

INTEGRATED PROJECT

TOPIC:

THE STRATEGIC ADVANTAGE THAT LED THE LIMPOPO PROVINCIAL GOVERNMENT-
DEPARTMENT OF LOCAL GOVERNMENT AND HOUSING,
WINNING OF THE PRESTIGIOUS GOVAN MBEKI NATIONAL HOUSING AWARD

AND OUTLINE

DETAILED STRATEGIES TO ENSURE THAT THE DEPARTMENT WILL KEEP ON WINNING
THIS PRESTIGIOUS AWARD IN THE FUTURE

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this report

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1. PREFACE

On behalf of our team, I wish to express our deepest and heartfelt appreciation to Dr. Lourens Beyers and the staff of the Turfloop Graduate School of Leadership at the University of Limpopo for all their support and patience in presenting a most brilliant and dynamic course, in the science of business management, in a very simple, yet dynamic and practical manner. For practitioners like ourselves, it has unleashed in each and every one of us, our true potential as executive management, in effecting better service delivery to the citizens of Limpopo, in that we are now better able and more confident to analyse and resolve difficult and thought provoking challenges in the workplace.

It was indeed a very proud moment for us as a Department to be awarded the prestigious and coveted Govan Mbeki National Housing Award in October 2008, as the best province among all nine (9) provinces in the Republic of South Africa, in effecting housing service delivery by providing decent shelter to the poor, the disadvantaged and the most vulnerable of our society. Today we are in a position to share that wonderful experience with all our colleagues in the nine provinces on the strategies we embarked on, to win this award. This is the crux of our presentation. We trust that it will encourage others to put their shoulders to the wheel and make a difference to the lives of all our people. As a collective, we can indeed make a difference.

I further take this opportunity to express our heartfelt thanks to our political head and Member of the Executive Council for Local Government and Housing in the Limpopo Province, the Honourable Ms. Emily Maite Nkoana Mashabana, for her exceptional and visionary leadership, in politically driving team local government on the course towards better service delivery to our citizens. We wish to also thank the head of department for the leadership in allowing each of us to attend this executive management course at the Turfloop Graduate School of Leadership- University of Limpopo. We are indeed indebted to you for allowing us to grow.

A special thank you to our colleagues on this course, it was indeed an honour and a privilege to engage with all of you and learn from your valuable

insights in problem solving exercises in a most mature, professional and robust manner. Working with our own, learned professor and scholar of distinction in our team, Adv. Maria Ria Nonyana, was in itself a real challenge.

I would be failing in my duty if I did not acknowledge the assistance of Ms. Prieska Kroats, our professional assistant in the Transversal Services Strategic Business Unit at the Department, who tirelessly worked under the guidance and supervision of Adv. Mohamed Shafie Ameermia, for all her support in putting this document together. We would also like to take this opportunity of thanking our respective families for their support during our attendance on this course and for generally being supportive as we took on the challenges of a difficult terrain on board team Local Government to effect better service delivery for the downtrodden, the disadvantaged and vulnerable citizens of Limpopo, for whom a better life for all, is now long overdue as **THE LONG WALK TO FREEDOM** fundamentally entrenches socio economic rights, for:-

**“Without rights there cannot be freedom
Without freedom there cannot be development
Without development there cannot be transformation.*”**

*(Ameermia et al-Councillors Pocketguide to Local Government. Human Rights Information Centre. Greater Johannesburg Metropolitan Council – March 21st, 1997).

Last but not least, we would be failing in our duties, if we need acknowledge and thank our Creator, Almighty God, for the privilege of living in an environment where the challenges of effecting service delivery to our people is afforded only to those that truly believe, that the only thing constant in life, is change and that there must be a preparedness to drive that change with passion.

It was indeed a privilege and honour to be on this executive management course.
I thank you all.

Mr. Robert Dali Mulatedzi (Team leader for this project), on behalf of
Adv. Mohamed Shafie Ameermia
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March 31st, 2009.

2. INTRODUCTION

When the first President of the newly elected democratic South Africa, Dr. Nelson Mandela was sworn into office on the 10th May 1994, he reflected on the past and pledged the new fledgling democracy to respect the rule of law and to uphold fundamental human rights for all. He furthermore committed the new South Africa to respect and uphold the Constitution as the supreme law of the land. In his State of the Nation Address, he, outlined, amongst other fundamental strategies and pledged to liberate all the people of South Africa from continuing bondage of poverty, deprivation, suffering, gender and other discrimination. The liberation meant, in various forms and amongst other rights, that everyone shall enjoy the right to land and housing.¹

President Nelson Mandela elaborated further that, "Local government in the past has traditionally been at the coalface of apartheid, immersed in the practice of upholding influx control and residential segregation. These were the foundation of residential apartheid and forced removals. The arrival of democracy marked the dawn of a new era of Constitutionalism in which the Bill of Rights will play a pivotal part in the development of our democracy. It binds all levels of government. Local government in its daily interaction with communities will bear the responsibility for the creation of a human rights culture at local level [where] we will be translating human rights into a living reality..."

These profound words set the tone for a service delivery program of action placing tremendous challenges and benchmarks for all spheres of government and organs of state, to uphold the rule of law and to provide a better life for all, with dignity and respect for fundamental human rights with a clear need for transformation of societal needs, attitudes and values, recognizing that political freedoms will be meaningless, unless they are accompanied by changing the material conditions on the ground. This realization of a need for transformation of society was then succinctly captured in our new Constitution where the

¹ Mandela Nelson: Long Walk to Freedom, 1996: ch 115 pp 613-614.

preamble¹ spelt out these values clearly, amongst others, "Improve the quality of the lives of all citizens and free the potential of each person".²

The backlogs in service delivery and challenges to an emerging new democracy, fundamental and key to levelling the playing fields and transformation of civil society, were further noted with concern by eminent jurists from the legal fraternity and the judiciary who expressed concern at the plight of the poor and vulnerable. The honourable Mr. Justice Chaskalson, President of the Constitutional Court in the matter of Soobramoney v Minister of Health, Kwa-Zulu Natal³ noted the fact that there is a high level of unemployment, inadequate social security, and many do not have access to clean running water or adequate health services, this list includes the concerns of housing the poor in our society.

In the Constitutional Court case of Fedsure Life Assurance LTD and others v Greater Johannesburg Transitional Metropolitan Council and Others,⁴ the court took judicial cognizance of the material conditions as it existed in the new democracy and expressed its concerns as follows:

"... [T]he impact of the apartheid system is particularly evident in the area of local government. Nowhere is the contrast in existential reality more starkly than in the residential areas of the cities, towns and villages of South Africa... more specifically, we are concerned with the consequences, primarily socio-economic but ultimately political, of vastly inferior living conditions imposed on the majority of residents merely by reason of skin colour.

² Mandela Nelson: Long Walk to Freedom, 1996: ch 115 pp 613-614.

³ "We, the people of South Africa; Recognise the injustice of the past; Honour those who suffered for justice and freedom in our land; Respect those who have worked to build and develop our Country; and Believe that South Africa belongs to all who live in it, united in our diversity. We therefore, through our freely elected representatives, adopt this Constitution as the supreme law of the Republic so as to- Heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights; Lay the foundations for a democratic and open society in which government is based on the will of the people and every citizen is equally protected by law; Improve the quality of the lives of all citizens and free the potential of each person; and Build a united and democratic South Africa able to take its rightful place as a sovereign state in the family of nations."

³ 1997 (4) BCLR 1696 (CC) at para 8: "We live in a society in which there are great disparities in wealth. Millions of people are living in deplorable conditions and in great poverty. These conditions already existed when the Constitution was adopted and a commitment to address them, and to transform our society into one in which there will be human dignity, freedom and equality, lies at the heart of our new constitutional order. For as long as these conditions continue to exist that aspiration will have a hallow ring."

⁴ 1999 (1) SA 374 (CC)

This complex restructuring had of course, to begin in the context of, and in a manner which complies with the Reconstruction and Development program (RDP) of South African society, mandated and required by section 174 the Interim Constitution as a whole, and the duties imposed by that Constitution to local government structures, in particular chapter 10 (and now in Chapter 7 of the final Constitution Act 108 of 1996 as amended). Thus for the first time in our history, provision was made for autonomous local government with its own constitutionally guaranteed and independent existence powers and functions..."¹

Having extensively elaborated, in rather some detail, the dynamic challenges confronting our emerging democracy within the context of the Constitution as the supreme law of the land, it is absolutely clear that there is a fantastic challenge for the state and local government in particular, as a sphere of government closest to the communities, to promote, implement and realize human rights at grassroots in South Africa.

3. BACKGROUND AND HISTORY

The right of access to housing is directed towards creating obligations on the state at all levels of governance including the organs of state, to substantially facilitate the acquisition of the rights to actual occupation and the use of particular physical constructions that qualify, in fact and in the law, as "housing". The actual provision of section 26 of the Constitution reads as follows:

- 26(1) everyone has the right to have access to adequate housing.
- (2) The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of this right.
- (3) No one may be evicted from their home, or have their home demolished, without an order of court after considering all the relevant circumstances.
No legislation may permit arbitrary evictions.

Before the adoption, enactment and certification of the final Constitution in 1996, the racially exclusive laws relating to housing were adjusted to ensure that they did not conflict with the

¹ Mr. Justice Kriegler at para 121-129.

new democratic legal order requiring a single and full citizenship² with equal rights and freedoms³ for all, including the questions of housing.⁴ These rights were demanded for as far back as June 26th 1955, at Kliptown when the Congress of the People, under the umbrella of the African National Congress, adopted the Freedom Charter, declaring to all in our country and the world that:

“There shall be houses, security and comfort! All people shall have the right to live where they choose, be decently housed, and to bring up their families in comfort and security; unused housing space to be made available to the people...”

This led to the formulation of South Africa's housing policy that commenced prior to the democratic elections in 1994, with the formation of the National Housing Forum. This forum was a multi-party non-governmental negotiating body, comprising 19 members from business, the community, government, development organisations and political parties outside the government of the day. The negotiations that followed, laid the foundation for the newly elected democratic government's housing policy. It is these same negotiations which culminated in the achievement of the broad housing sector convention, also referred to as the Housing Accord that resulted in the White Paper on Housing in 1994. The Government of National Unity in 1994, made use of the principles of this White Paper, when it formulated South Africa's national housing policy.

Thereafter, in October 1994, a National Housing Accord was signed, by all stakeholders, representing the homeless, government, communities from civil society, the financial sector, emerging contractors, the established construction industry, building material suppliers, employers, developers and the international community, laying down the basis of a common vision, that it is today the backbone of South Africa's national housing policy. The most important principle of this agreement was that all stakeholders would work together to achieve ideals expressed this Housing Accord.

As a follow up to the National Housing Accord, the White Paper on Housing was adopted in December 1994, setting out the framework for the National Housing Policy. All policy, programmes and guidelines on all housing related matters that fell within the ambit of the

² 1993 Constitution, ss 4,5,7(2)

³ Ibid., s 8.

⁴ Ibid., s 9.

framework set out in this White Paper, then became the principles of the Housing Act.⁵ This Housing Act⁶ covered principal legislation regulating housing for Whites. The Community Development Act,⁷ regulated housing for Africans (Black South Africans), and the Housing Act (House of Representatives -1987)⁸ and the Housing Act (House of Delegates - 1987),⁹ were then accordingly amended several times during the period 1993 - 1996.

The amendments to The Housing Act¹⁰ extended its application to the entire national territory and to all South Africans equally, without distinction of race or class. This Act also regulated financial matters relating to housing by extending finances for housing purposes, to local authorities to finance housing and to provide housing loans. The Act further provided for mechanisms regulating the affairs of the National Housing Commission.

The various housing boards were then disbanded and replaced by a single National Housing Board and the establishment of nine Provincial Housing Boards.¹¹ A single South African Housing Fund was also established.¹² These interim measures were reinforced by the publication of the White Paper on a new Housing Policy and Strategy for South Africa.¹³ It was for the first time in the history of South Africa, an overall vision, strategy and plan for housing applicable for everyone irrespective of race , class or bias, was developed for the nation. It was this White Paper that provided the overall policy framework which, with some subsequent adjustments, informed the (new- post) 1996 Constitution housing related matters.

These new initiatives were aimed at facilitating the construction of new houses, to upgrade full security of tenure and to provide for equal opportunities for access to affordable housing including the enactment of the Development Facilitation Act (i.e. DFA) in 1995.¹⁴ The objective of the DFA was to speed up or fast track housing delivery and the rapid release of land for approval and "development" planning and to simplify land registration processes. It

⁵ 107 of 1997.

⁶ 4 of 1966.

⁷ Community Development Act, no 3 of 1966.

⁸ 2 of 1987.

⁹ 4 of 1987.

¹⁰ Act 101 of 1993, 108 of 1993, 191 of 1993, 33 of 1994, 6 of 1996 and 88 of 1996.

¹¹ Housing Arrangements Act 155 of 1993, ss 9, 2 and 11.

¹² Ibid., s 12 B.

¹³ Notice 1376 of 1994 (Government Gazette, no 16178 of 23 December 1994).

¹⁴ Act 67 of 1995.

established development tribunals in provinces,¹⁵ with appeal tribunals established at provincial level.¹⁶ Decisions of the appeal tribunals are reviewable by the High Court.¹⁷

The Act also provides for the setting up of “land development objectives” (LDOs) at local government levels, under the supervision and approval of the provincial government.¹⁸ It was a requirement that the approval of plans for housing development must conform to the LDOs,¹⁹ as the LDOs, were adopted at a local government level in all the nine provinces. The only drawback that slowed their finalisation, was the transitional nature of the then existing local government structures.²⁰ This in a nutshell was the situation until 1999 when the second local government election was held.

The promulgation into law of the Housing Act,²¹ gave legal impetus to the implementation of state’s housing programme and as it was aligned to the National Housing Policy and the Constitution of the Republic of South Africa read together with section 26 of the Bill of Rights (the provision of housing). The Housing Act of 1997 also clarified the roles and responsibilities of the three spheres of government namely: national, provincial and local (municipalities) on housing matters. In addition, the Housing Act has laid down administrative procedures for the development of the National Housing Policy.

The United Nation Organisation in terms of its Millennium Development Goals to eradicate informal settlements and eradicate poverty by 2014, has called on all member states to work towards this programme of action. To give teeth to this call to realise these ideals, South Africa as a young fledgling democracy, has heeded to this call by initiating incentives such as The Govan Mbeki National Housing Award, in recognising the contributions made by all sector role players and stakeholders towards accelerating housing delivery, has awarded the Limpopo Department of Local Government and Housing, this National Award, together with a prize money of R3m (three million rands) in 2008.

¹⁵ Ibid., s 15.

¹⁶ Ibid., s 24.

¹⁷ Ibid., s 25.

¹⁸ Ibid., s 27.

¹⁹ Ibid., s 29.

²⁰ Local Government Transition Act 209 of 1993; See overall discussion of role of local government in relation to the Constitutional guarantees in the transition period: S Gutto (ed) *A Practical Guide to Human Rights in Local Government*, Butterworths 1996.

²¹ 107 of 1997.

This thesis sets out to examine the strategies implemented by the Limpopo Department of Local Government and Housing in 2008 to speed up housing delivery and being awarded Govan Mbeki National Housing Award.²²

Given that the main focus of the Integrated Human Settlement strategy is to eliminate informal settlement by 2014 by providing decent shelter and affordable housing, at the end of the third quarter of the 2008/09 financial year a total of 7 896 housing units have been built. Since 1994, just over 300 000 houses have been built in the Limpopo Province, providing 1.2 million people with decent accommodation.

Nationally, three (3) million houses have been built for the poor in South Africa since 1994 providing decent shelter to approximately 12million citizens who were otherwise considered homeless, as they lived in informal settlements. This translates into approximately 25 % of the South African population being housed thus far by the state. (This assumption is based on figures provided by Statistics South Africa-who calculated that South Africa has a population of 48 million people). This therefore means that the state, in a short period of 15 years, is on course to meet its millennium development goals and objectives. However, one needs to bear in mind that a further 560 000 houses are needed at a cost of between R 345 billion and R548 billion rand's, if South Africa is to meet its targets in terms of the millennium development goals. The challenge posed to the state is that unless it can adequately address the situation at hand, it will face challenges and lawsuits from citizens for non fulfilment of its constitutional mandates and obligations. The stimulus of this discussion is therefore based on the strategies employed in sourcing out funding for this project and need for capacity to deliver according to the set target.

²² <http://www.housing.gov.za> .

4. Major Goals

The major strategic goals of the Department of Local government and Housing are in line with the key principles outlined in the 2009 National budget speech, when Minister Manuel said:

"our primary goal remains the reconstruction and development of our economy, and the progressive building of a shared future in which we can take pride in the quality of our public service, the creation of jobs for our people and security in our communities... This means protecting the poor. It means employment and training. It means investing in infrastructure and a competitive economy. It means sustainable public finance... we are borrowing not to rescue failed banks or to artificially delay the restructuring of our industry and trade, but to construct the roads and the power stations, the classrooms and hospital wards, to modernise technology and transform public service delivery, as the foundations of growth and broad-based economic development in the decades ahead."

In the same light, it was once again reassuring to hear our President, Mr. Motlanthe say to the nation in 2009 in Parliament that:

"...We may even say that, in a strange quirk of fate, many aspects of our constitutional order have been tested in the recent past: and everyone of them has passed the test to reveal a democracy that is exceptionally resilient..."

This confidence was further expressed by the Provincial MEC for Finance in Limpopo, Mr. Cachalia who, in his 2009 Provincial Budget speech, expressed these same sentiments as follows:

"South Africa's democratic elections from 1994 to 2004 were about the aspirations and collective desire for a better life for all. Fifteen years into our democracy, together we have achieved much in building a new society, uniting all our people, expanding opportunities that the new freedom brought to our people, reducing poverty and improving the quality of life of millions of South Africans. However, much of the economic and social devastation of apartheid and its scars are still with us. Our common struggle to build a better South Africa continues."

5. Current Strategies (see appendix B).

In line with these major goals, the Department developed the following strategies in order to speed up the housing delivery in the Province:

1. Stabilising the Housing Environment
2. Mobilising Housing Credit
3. Providing Subsidy Assistance
4. Supporting The People's Housing Process
5. Rationalising Institutional Capacities
6. Facilitating Speedy Release And Servicing of Land
7. Co-ordinating State Investment in Development
8. Stabilising the Housing Environment
9. Mobilising Housing Credit
10. Providing Subsidy Assistance
11. Supporting The People's Housing Process
12. Rationalising Institutional Capacities
13. Facilitating Speedy Release And Servicing of Land
14. Co-ordinating State Investment in Development

6. Table: Summary of Policy Initiatives Arising out of the Seven White Paper Strategies

STRATEGY	POLICY INITIATIVE	
Stabilising the housing environment	Record of Understanding	<ul style="list-style-type: none"> • Banking Code of Conduct • Mortgage Indemnity Scheme • National Home Builders Registration Council • Servcon Housing Solutions • Masakhane Campaign
	"New Deal"	Thubelisha Homes that has since been absorbed into The Housing Development Agency established in terms of the Housing Agency Act of 2009
	The acquisition of strategic land for development of houses	
Mobilising credit	Housing Consumers Protection Measures Act	
	National Housing Finance Corporation (NHFC)	<ul style="list-style-type: none"> • Rural Housing Loan Fund • Niche Market Lenders Programme • Housing Equity Fund • Housing Institutions Development Fund • Gateway Home Loans
	Nurcha	<ul style="list-style-type: none"> • Guarantee Programmes • Joint Venture Development Fund
Providing subsidy assistance	Social Housing Foundation	
	Housing Subsidy Programme	<ul style="list-style-type: none"> • Project-linked • Individual • Consolidation • Institutional • Relocation • Rural
	Discount Benefit Scheme	
Supporting the people's housing process	Hostels upgrading programme	
	Bulk & Connector Infrastructure Grant (now part of CMIP)	
	National Housing Policy: supporting the People's Housing Process	Institutional Arrangements:

STRATEGY	POLICY INITIATIVE	
		<ul style="list-style-type: none"> i. Support organisations ii. Funding iii. Decision-making
		Project Application Process: Community workshops
		<ul style="list-style-type: none"> • Peoples Housing Partnership Trust • UTshani Fund
Rationalising institutional capacities Facilitating the speedy release and servicing of land	Housing Act, 1997 Development Facilitation Act, 1995 Legislation and Policy for the release of land	<p>Land Development Objectives</p> <ul style="list-style-type: none"> • Less Formal Townships Establishment Act, 1991 • Provision of Certain Land for Settlement Act, 1993 • Settlement and Land Acquisition Grant • Extension of Tenure Security Act, 1997 • Communal Property Association Act, 1996 • Interim Protection of Land Rights Act, 1996 • Land Reform (Labour Tenants) Act, 1996 • Upgrading of Land Tenure Rights Act, 1991 (amended in 1996) • Protection of Illegal Evictions from, and Unlawful Occupation of Land Act, 1998 <p>The Limpopo Laws Rationalisations Amendment Act, 2007</p> <p>The Limpopo Informal Settlements Bill, 2009</p>
	Re-aligning of old and existing generic by -laws in line with the new constitutional dispensation order to assist municipalities to spatially integrate land for development of houses. The arresting of mushrooming of informal settlements in Limpopo	

STRATEGY	POLICY INITIATIVE	
Co-ordinating state investment in development	Housing and Infrastructure Services	<ul style="list-style-type: none"> • Norms & Standards • Environmental Standards • Physical or Engineering Standards
	Technology choice and infrastructure on site	
	Urban Development Framework	<ul style="list-style-type: none"> • Integrating the City • Improving Housing and Infrastructure • Building Habitable and Safe Communities • Promoting Urban Economic Development
	Rural Development Framework	
	Local Government Transition Act Co-ordinated Government	Integrated Development Plans <ul style="list-style-type: none"> • Housing Minmec • Heads of Housing Committee • Budget Management Committee • Integrated & Co-ordinated Information systems

These policy initiatives and the implementation of current strategies (see appendix B), were the key to the ultimate success of the Limpopo Department Local Government and Housing in winning the National Housing Award .Noting that it had provided decent shelter for 1.2 million families in Limpopo, coupled with the developments of a mixed- income high density integrated human settlement at Bendor, Extension 100, and thereby creating integrated sustainable human settlements program in line with the Breaking New Ground strategy. Interventions such as these were major contributing factors that led to the Department winning the National Govan Mbeki Housing award.

In line with the aforesaid, read together with the progressive increment in the budget of the Department from R1, 158 billion to R1, 401,234 billion in this financial year, and a further increase to R1, 909,221 billion in the outer year of the Medium Term Expenditure Framework (MTEF), has tremendously added impetus to enable the department to progressively plan its rollout of future housing delivery programs in the Province. These budgetary allocations are also directed towards the focus on the implementation of the strategic support to municipalities, site demarcations and implementation of the Integrated Housing and Human Settlement Development, by having received a grant allocation of R996 million in this financial year. *

* LIMPOPO 15 YEAR REPORT(SEE APPENDIX A)

7. HOUSING (Integrated Sustainable Human Settlements)

As housing is a concurrent function, one therefore needs to analyze the national funding trends to see how the housing budget was utilized, so that one can readily determine future service delivery trends in the housing service delivery program (see appendix B) on how there is an interlink between local government and integrated sustainable human settlements' departmental programs.

a. NATIONAL HOUSING FUNDING TRENDS

Housing subsidy allocations grew sharply over the review period:

- From R4.6 billion in 2003/4 to R11.5 billion in 2009/10
- To speed up delivery
- Facilitate mixed housing (Credit-Linked Subsidies)
- Unblocked Blocked Projects
- To fund national lead projects
- Under spending dropped considerably
- Over 3 million subsidies approved
- 2.3 million houses were completed and still in the process of advanced completion

LIMPOPO PROVINCIAL HOUSING TRENDS

FIGURE A: BREAKING NEW GROUND DELIVERY MODEL

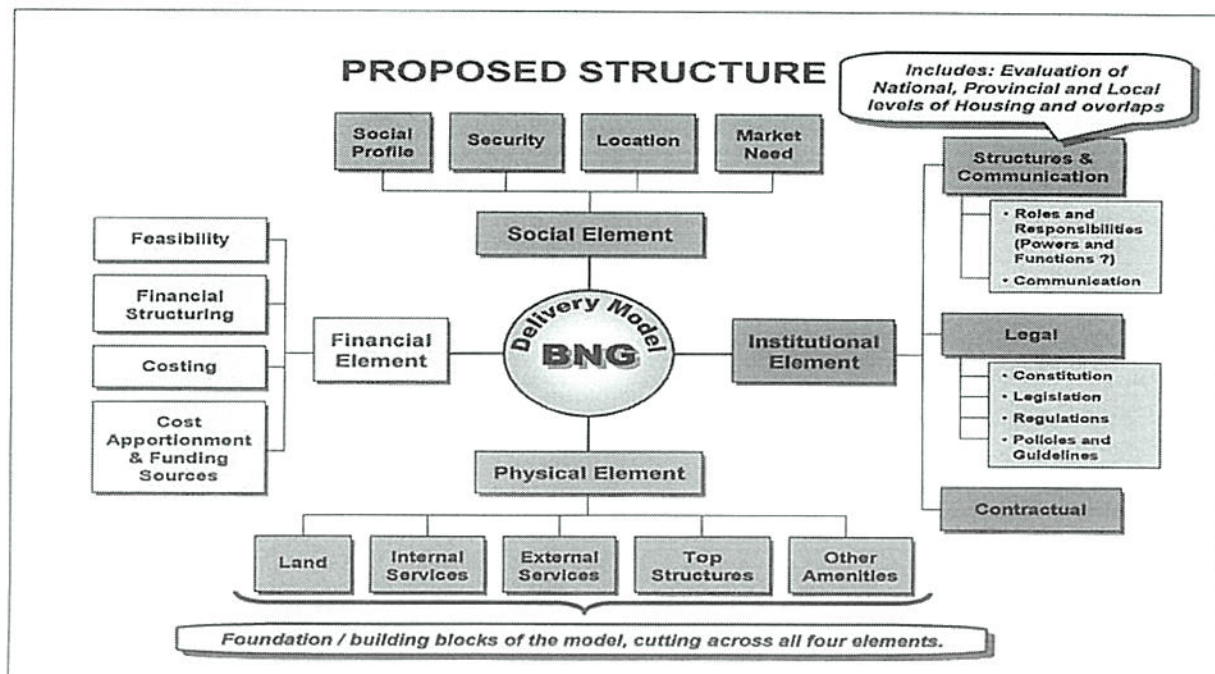
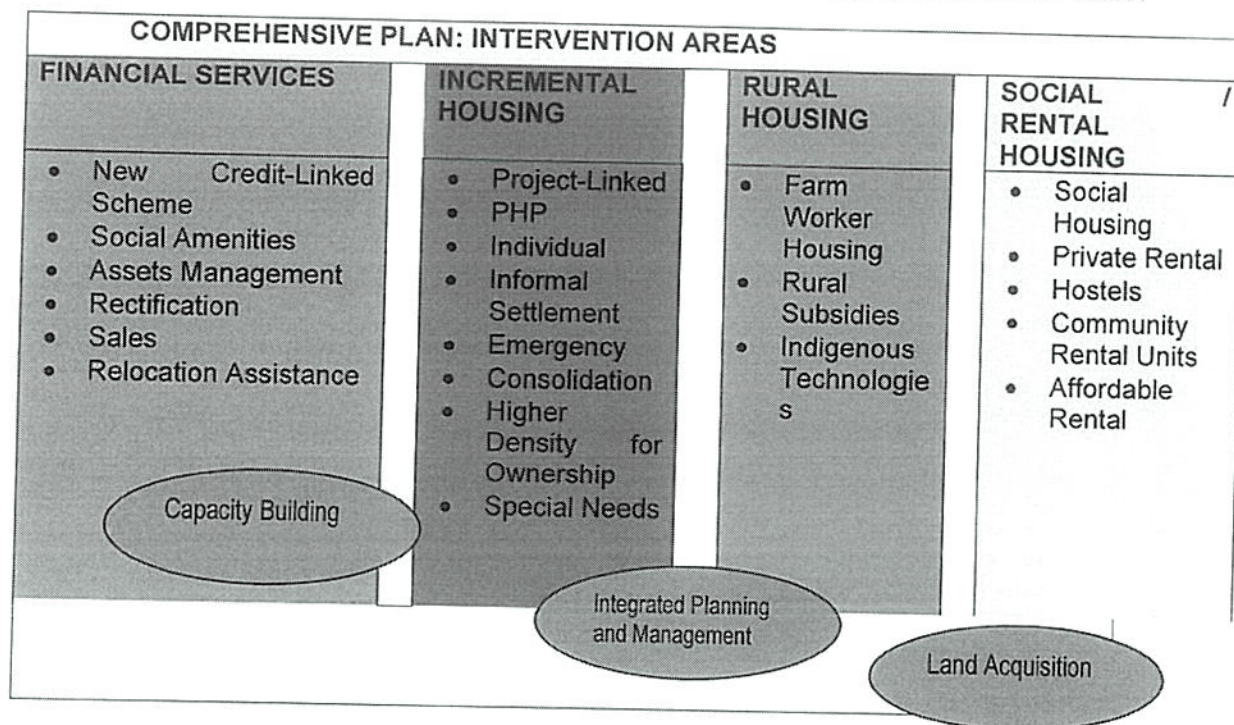


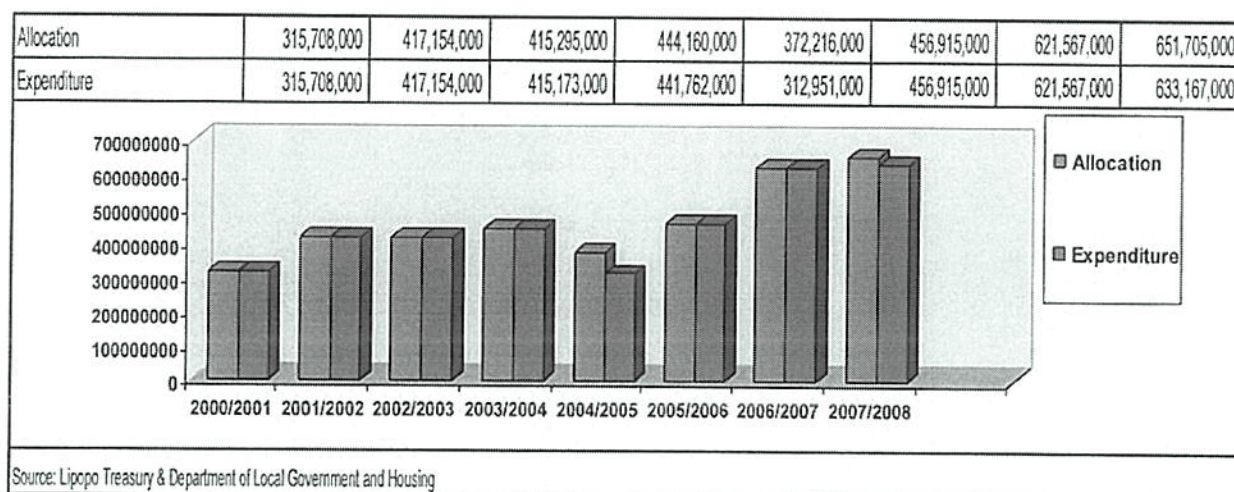
FIGURE B: INSTRUMENTS APPLIED FOR HUMAN SETTLEMENTS DEVELOPMENT



7.1.1. HOUSING OPPORTUNITIES DELIVERY TRENDS IN LIMPOPO PROVINCE

The ten year review report (1994-2004) revealed that housing backlog stood at an estimation of 300 000 households. According to Statistics SA's, Community Survey of 2007, formal housing stood at approximately about 83.2%, which translates into a housing backlog of about 16.8%, Traditional housing reduced from 20.2% to 9%, and informal housing reduced from 7.1% to 5.6%. The community survey, attest that the overall housing backlog has been reduced from 300 000 households to 200 000 households.

FIGURE C: Provincial Integrated Housing and Human Settlement Development Grant Allocation per Annum and Expenditure



As in Figure 3 above, from 2000/01-2003/04, the provincial budget allocation has been variably changing, while there has been no under spending. There has been an average of **16.02%** allocation increase throughout. In 2004/05 compared to 2002 / 03, there has been a slight decrease in the allocation as well as a further sharp decrease in 2004 / 05 by **19.32%**. However, the 2005/06 – 2007/08 allocations has been increasing.

Table 1: Delivery – Completed Houses or To Be Completed

Housing Units Completed And In Process of Completion: 1994/95 - 2007/08									
Province	1994/95 - 2000-01	2001-02	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	Total
Limpopo	83,147	16,667	14,953	15,810	16,514	46,813	23,609	16,864	234,377

Table 1 and Figure C above depict the trends of housing delivery in the province from 1994/95 to 2007/08. Excluding the period 1994-2000/2001 which are combined years, **83,147** units were delivered. The delivery trends from 2001 to 2005/06 demonstrates a progressive increase from **16,667** to **46,813** units.

It is further noted that from that period onwards, there is decrease in the number of units produced, since part of the Conditional grant was used to service sites in green-fields. The Municipal Infrastructure Grant focused largely to servicing existing sites rather than the green-fields settlements. In terms of the National Housing Code provision has been made for 2 phases of development, viz: -

7.1.2. Phase I Development

- Land acquisition;
- Town planning process;
- Geotechnical investigation;
- Environmental Impact Studies; and
- Services Installation

7.1.3. Phase II Development

- Top Structure construction

All of the above phases are funded through the Conditional Grant, as in most municipalities, there is either no lands available or planning processes completed. As a result, the department can only commence with phase I development before top structure construction can be undertaken. The speed of housing delivery in the province has outpaced the municipal planning processes,(as most of the serviced sites available, during the 1990's, have been exhausted).

FIGURE D: Housing Units Completed And In Process of Completion: 1994/95-2007/2008

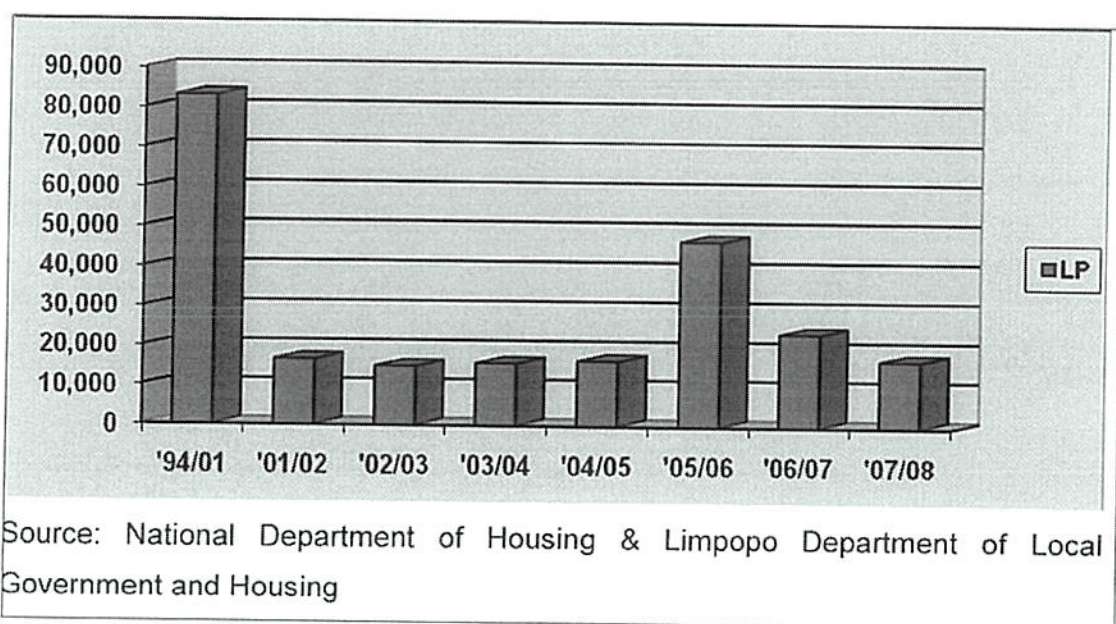
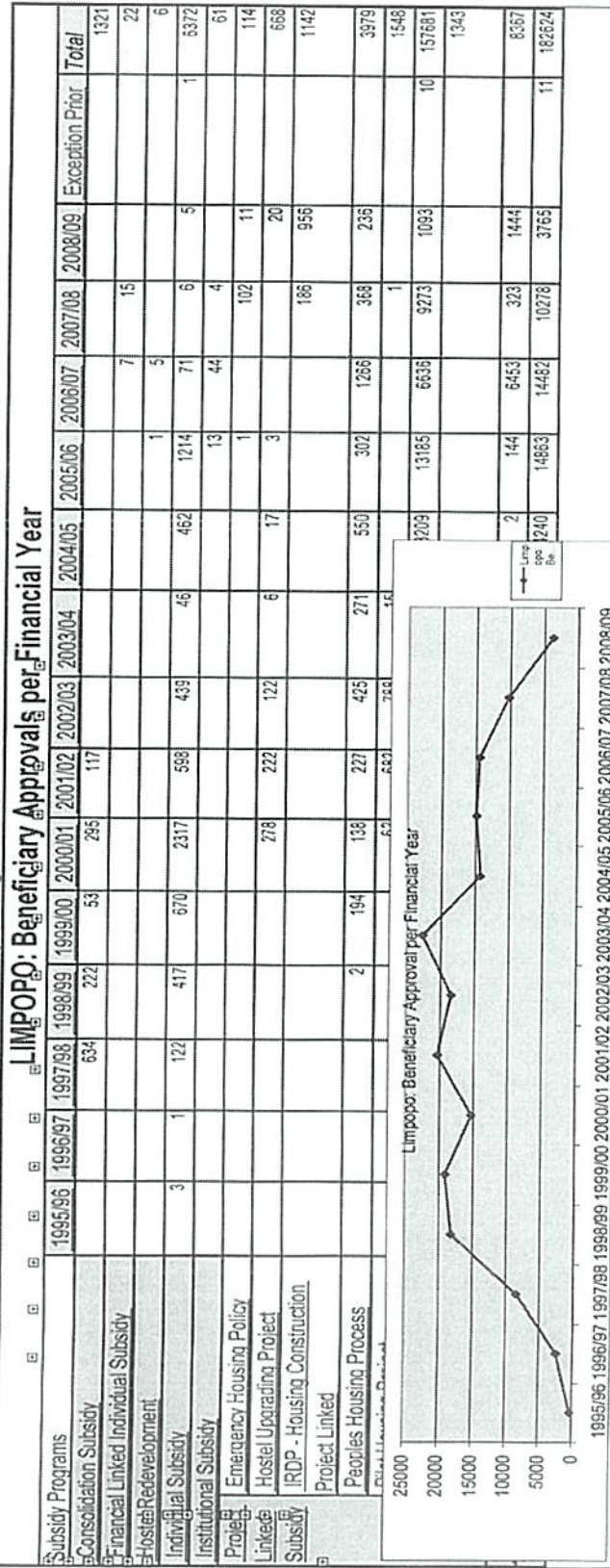


FIGURE E: Beneficiaries Approval Per Subsidy Program: 1995-2008



DATA SOURCE: HSS - 2008

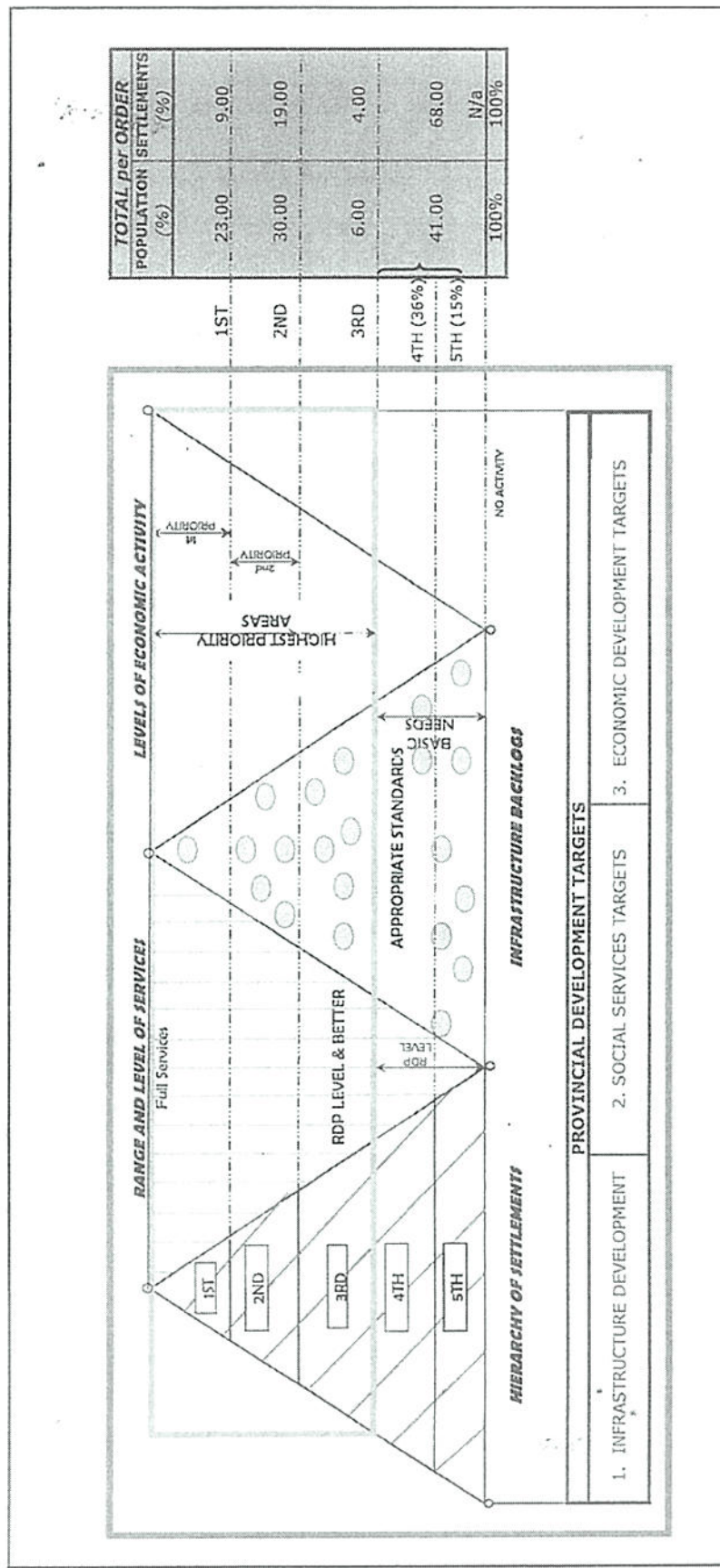
It is important to note that Housing MINMEC has taken a resolution to delink beneficiaries' approval and construction of the houses in urban areas.

8. INTERVENTIONS MODELS:

Forward Planning, implementation of the socio-economic investment model and improved capacity

IMPLEMENTATION HIERARCHY OF SETTLEMENTS VS SERVICE BACKLOG

FIGURE 17.1: PROPOSAL FOR A SOCIAL AND MUNICIPAL INFRASTRUCTURE INVESTMENT FRAMEWORK LINKED TO THE SETTLEMENT HIERARCHY



SOURCE: Pieterse, Du Toit & Associates CC
 Notes: 1st Order Settlements: Provincial, District and Municipal Growth Points
 2nd Order Settlements: Population Concentration Points
 3rd Order Settlements: Local Service Points
 4th Order Settlements: Village Service Areas
 5th Order Settlements: Other Small Villages
 Comm. = Commercial farms, etc.

8.1.1. For rural development

- Focus on high population concentration areas

8.1.2. Contracting strategies

- Multiyear appointment of contractors
- Housing is considered a multiyear project
- Drafting of watertight contracts with a social compact clause to enable contractors to pay a fair living wage to their employees in terms of fair labour practices
- Mix of highly capacitated and emerging contractors
- Financial performance guarantees required for contractors with allocation of 500 housing units and above for the duration of the contract in favour of the department

8.1.3. Private-Public partnership

- Partnership with banks and other private Developers
- Redevelopment of bulk infrastructure, e.g. DBSA

8.1.4. Planning

- Provincial Housing Demand Database in process to determine high concentration of housing demand.
- Multi-Year Housing Development Plan Draft is in place to improved coordinated planning.
- Municipal Housing IDP Chapters developed in 25 municipalities.
- Provincial Spatial Development framework is reviewed to ensure that it is aligned in the implementation phase with the PGDS.

- Provincial Growth Development Plan is developed so that it address socio economic rights to deal with poverty alleviation, job creation and crime prevention.
- General Housing queries directed to a call centre in place with a toll free number : 0800687432.
- Creating mechanisms to deal with the occurrence of Disaster reporting within the community at a toll free number: 0800 222 111.
- Business process reengineering of the department finalised in line with the local government strategic agenda.
- Payment to contractors and developers done within seven working days so as to enable contractors to build houses quicker and have sufficient cash flow to sustain their businesses.
- Introduced a social compact clause in the contract so that workers are paid a living wage in line with department of labour standards so that there is job creation on the one hand and poverty alleviation on the other.

8.1.5. Social cluster coordination and premier-intergovernmental forum

- Social cluster task team have been established to focus at growth areas
- Monitoring of resolutions affecting municipalities through Premier-Mayor Intergovernmental Forum

8.1.6. Housing Blocked Projects / Abandoned

- To avert community conflicts, the department has embarked on completing the blocked or unfinished projects, of which about 7,000 units have been completed.
- Department has dismissed 5 Project Managers who were colluding with fraudulent contractors on fraud related and corruption activities.
- Implementation of norms and standards model as outlined hereunder:-

9. **NORMS & STANDARDS MODELS**

10. CHALLENGES

Limitations in acquiring suitably land located in prime areas that promote integrated sustainable human settlement

- Government owned land is peripherally located far from socio-economic amenities
- 87% of the land is rural and owned by traditional leaders and the low income bracket communities cannot access services as in most rural areas, the services are still below the Reconstruction and Development Programme (RDP) standard. Land in Thohoyandou, Giyani, Mankweng etc. held by the traditional leaders who are demarcating sites, thereby increasing the backlog to the eradication of informal settlements targets for 2014. Areas earmarked for development are invaded by communities governed by the traditional authority leadership. Examples in areas such as Jane Furse and Fetakgomo (as the land in question is under competing claims by tribal claimants).

The only solution to land invasion is the promulgation of legislation preventing illegal occupation and arresting and prosecuting those who invade land earmarked for housing development. Land invasions and mushrooming of informal settlements near places of service delivery, an striking example of such is a place called Seteneng along Dr. Nelson Mandela road, towards Seshego Township in Polokwane

- Some municipalities have no land, e.g. In Lephalale , land belonging to state is lying idle and some people own more than one farm or stay alone in the farm alone whilst other communities squeezes in small areas.
- disregard for adherence to policy guidelines such that settlements are continuously disintegrating as they are influenced to disregard demarcation of sites and invade areas earmarked for development without adherence to regulations, legislations and development that are guided by principles such as National Spatial Development

Framework perspective (NSDP), Limpopo Spatial Development Framework (LSDF), Provincial Growth Development Strategy (PGDS) and Land Use Management Schemes (LUMS).

- Private sector has also contributed by influencing the development contrary to policies etc. Private Land owners are artificially raising unrealistic prices for land such that it becomes too much expensive and inaccessible making security of tenure more difficult. Infrastructure investment is also growing but it does not reflect spatial integration. Unresolved land claims are threatening food production and food security. Land reclaimed is left unattended to. Land restituted is also becoming bushy and unproductive due to lack of state intervention and support from Government

10.1. Delivery capacity constraints:

- Limited Capacity of Contractors to deliver at large scale.
- Limited capacity of project managers
- Poor infrastructure plans
- Bulk infrastructure is inadequate and old
- Sites not serviced by municipalities
- Financing model for Bulk infrastructure
- Uncoordinated infrastructure Grants

10.1.2. Intergovernmental synergy

- Delays in the approval of beneficiaries and finalising beneficiary lists
- non- availability of demarcated and serviced sites for development.
- Lack of co-ordinated and Integration across sectors for both infrastructure and development

10.1.3. Housing Blocked Projects / Abandoned

More or less 20,000 housing units were blocked and regarded as unfinished, due capacity constraints of contractors; national disaster; protracted community dynamics;

rigid subsidy system; and collusion of some officials with contractors resulting in fraud and corruption activities.

11. It is against this background that one is now in a position to do a desktop analysis of present service delivery program in the Limpopo Department of Local Government and Housing to examine if its strategic objectives are responsive to the needs of housing service delivery program in the Province. Such an exercise must, it is submitted, be done by undertaking an SWOT analysis measured against the departmental:

11.1. VISION

To create Sustainable Developmental Local Governance and Integrated Human Settlement

11.1.2. MISSION STATEMENT

To establish, support, capacitate and monitor sustainable Developmental Governance through:

1. The creation of an environment within which housing development takes place
2. Coordinated regional/district planning development
3. The creation of a framework for provincial planning
4. Integrated urban and rural development
5. Coordination of Provincial disaster management

11.1.3. VALUES

These foundations are premised on honesty and integrity, thereby building deep trust in all our relationships, amongst ourselves and with our clients. We believe in continuous growth and innovation.

11.1.4. SERVICE DELIVERY OBJECTIVES OF THE DEPARTMENT

The Service Delivery Objectives of the Department is primarily driven by key Strategies of the Province and is dictated to by the PGDS and credible IDPs of municipalities. This must be measured in terms of a SWOT analysis methodology approach to understand how the entire process unfolded thus far, adding to our success.

This exercise was undertaken after the Department underwent a serious exercise in a business reengineering process to gear itself, by re-evaluating its business plan and organogram so that it could address the whole issue of service delivery in housing in the province through the Breaking New Ground policy (BNG) aimed at fast-tracking housing delivery to the poor, disadvantaged, downtrodden and marginalised communities in the Limpopo province. It is submitted that this process together with employing a core staff of dedicated and talented technocrats across the board in the department, lead to the successful turnaround strategy contributing to the preparedness of the department in successfully fulfilling its constitutional mandate.

As Minister Trevor said in his National budget speech to Parliament in February 2009 :

‘the quantum of the rands and cents allocated to these programmes is not what provides relief. No, we can only be satisfied when we know that the quality of life of the poor is improving, that children are being properly educated, that learners have access to food in schools, that mothers visiting clinics get proper and dignified treatment, that the criminal justice system is putting those who rob and and thieves behind bars. It’s what money buys that matters, so the fixations with the size of deficits or surpluses are illusory detours.’

(see below for a detailed analysis of the SWOT analysis measured against the major goals outlined earlier on in this paper).

11.1.5. These major goals are thus measured as follows:

<u>STRENGTH</u>	<u>WEAKNESS</u>
<ul style="list-style-type: none"> ○ We won the National Govan Mbeki Housing award for the best implementing agent by spending the entire housing budget of 2007/8 financial year by providing 300 000 homes since 1994. ○ Responsiveness to demand of services and backlog. Breaking the frontiers of poverty by providing the security of tenure to the poor. ○ The Government has provided the security of tenure to 2.7 million homeless people (25% out of 48 million people) from 1994 to date and 300 000 is the contribution from Limpopo. ○ We need to deliver 6.7% to meet our millennium goal. ○ Political buy in. ○ National Credit Act. ○ Building of new infrastructure in progress ○ The discovery of more coalfields and methane gas in Limpopo resulting in generating electricity supply to Eskom to assist in the present energy crisis facing 	<ul style="list-style-type: none"> ○ Failure to deliver sustainable integrated RDP houses. ○ Inaccessibility of the poor to basic services and basic amenities. ○ Making it more expensive for marginalised communities to become beneficiaries for services (e.g. obtaining ID documents to qualify for a house). ○ Bench marking of the land use management schemes and land rates payable per square metre. ○ Continuous fragmentation and disintegration of human settlement patterns frustrating the department in realising its constitutional objectives to provide homes for the needy near to places where services are readily available. ○ Providing houses for the poor and the marginalised nearer to their places of work. ○ Poor transport infrastructure network.

<p>South Africa.</p> <ul style="list-style-type: none"> o National Political stability 	<p><u>THREATS</u></p> <ul style="list-style-type: none"> o Global recession and Climate change o Gaps identified in the National Credit Act. o Shortages of scarce skills in the department and municipalities. o Lack of bulk services, e.g., water and electricity. o Reliability in identifying of beneficiaries list obtained from Ward Councillors and Municipalities. o Unresolved land claims. o Inflated land prices. o Outdated infrastructure hinders planning in hampering growth in municipalities. o Serious Budgetary constraint. o Invasion of land. o Conflicts within the political parties. o Release of land for development. o HIV/AIDS and AIDS orphans-beneficiaries, dying . o No reliable database for beneficiaries and some do not qualify. Beneficiaries are renting and selling RDP houses.
	<p><u>OPPORTUNITIES</u></p> <ul style="list-style-type: none"> o Host of 2010 FIFA soccer world cup. o Host of 2010 FIFA paraplegic soccer world cup in Mopani and Vhembe Districts. o Hosting Indian world cup cricket o Demand of services and fast-tracking backlogs to meet the target for millennium goals (MDG). o Political buy in. o Dropping of interest rates by the Reserve bank

12. STRATEGIC PLAN

As the Provincial budget allocations impact on the way that the department envisages outlining its housing plans and projects in line with Provincial Growth and Development strategic agenda, we are now in a position to analyse and evaluate the impact that our success story has had on the lives of the citizens of Limpopo. Hence we are now in a position to critique our successes and recommend ways in which our weaknesses can be turned into golden opportunities, to better the lives of the citizens of Limpopo.

The 2009-2012 Medium Term Expenditure Framework plans, concretely translates all the departmental plans into manageable and implementable programs, that potentially fast-tracks service delivery of houses in Limpopo, thereby alleviating homelessness in a very pragmatic and progressive manner. E.g.

Integrated Sustainable Human Settlements Grants Budget Summary,

Category	2009/10	2010/11	2011/12	Total
	(R'000)	(R'000)	(R'000)	(R'000)
ISHS	939,677	1,168,678	1,189,175	3,297,530
Source: Limpopo Treasury - Budget Statement Book				

12.1. IMPLEMENTATION PLAN

This plan is underpinned by the rollout strategy that has been budgeted for as stated above. The Annual performance plans of the department in relation to housing delivery has a built in review mechanisms that ensures that the money budgeted for, enables the department to fulfil its constitutional mandates. Such example is found in the current 2009/2010 financial year as outlined above.

12.1.2. FUTURE PLANS

These plans take into account the following mandates:

12.2. Legislative Mandate

- Breaking New Ground Policy
- Housing Act 107, 1997 as amended
- Limpopo Housing Act 2, 2006
- Housing Consumer Protection Measures Act 95, 1998
- Rental Housing Act 50, 1999
- Community Property Association Act 28, 1996
- Construction Industry Development Board Act 38, 2000
- Home Loan and Mortgage Disclosure Act 63, 2000
- Social Housing Bill
- Housing Development Agency Act 2009
- Development facilitation Act 67, 1995.
- Land Survey Act 8, 1997.
- Municipal System Act 32,2000
- Disaster Management Act 57, 2002
- Limpopo Informal Settlement Bill ,2009

13. Specific pronouncement to provide integrated Sustainable human Settlement

- Interventions in the housing industry and residential property market, to curb the spiraling cost of construction input prices – including the cost of supply of materials
- Develop appropriate legislation to prevent the mushrooming of informal settlements.
- Provision of housing needs should include alternative housing, such as rental stock.
- Adopt a central planning approach for directing resource allocation, distribution and overall coordinated response to human settlements.
- Restructure the funding mechanisms and consolidate all related grants and funding streams.
- In order to deal effectively with the challenges of humans settlements, land acquisition be accelerated through a dedicated Housing Development Agency.
- A once off injection of resources and extraordinary effort be considered for fast-tracking delivery of housing to make a visible impact on poverty.
- Government considers assisting people with building materials to encourage self-involvement in the provision of housing needs.
- Respond to specific conditions that prevail in rural areas, for example:
 - ☞ Defending and advancing the rights and economic position of farm-workers and farm-dwellers, through improved organization and better enforcement of existing laws.
 - ☞ There should be assistance programs for veterans of the military struggle.

14. Progress with regard to performance on the provincial pronouncements

- Partnership has been development with NHBRC to establish Building Materials Warehouse to address the shortage and price escalation.
- Prevention of Informal Settlement Bills is in place to prevent mushrooming of informal settlements.
- 508 rental / institutional housing have been completed in Ladana in Polokwane Municipality and land has been purchased in Ivydale for further development of this housing type. The hostel in Seshego is being converted into family units targeting the indigent (lowest-income earners) targeted for rental purposes.
- The Multi-Year Housing Development Plan is in place, while Housing Demand Database is being developed in order to centralize planning.
- Land has been acquired in Polokwane in Bendor Ext. 100 and Ivydale, Lephalale, Ba-Phalaborwa to promote integrated human settlements.
- Motivation has been provided where R300m has been requested to deal with informal settlements eradication programs.
- A partnership with Federation for Urban and Rural Poor NGOs, Cuban Engineers and Project Managers are assisting people through PHP, to build houses for themselves.
- In terms of National Development Perspective, the National Housing Code, the department through Rural Housing Subsidy Scheme, is building houses and providing decent sanitation measures in rural areas.
- Allocated 100 units to the Veterans of Military Struggle.

14.1. POLICY AND LEGISLATIVE ENVIRONMENT

To provide integrated sustainable human settlement programs, the government has put an emphasis on the following priority areas:

- Sustainable economic growth and job creation.
- Meeting the basic needs of the people.
- Integrated Development Planning.
- Sustainable and integrated rural development.
- And transformation of state machinery (governance).

The thrust of these strategic interventions were translated into various debates and informed policy through the white paper on policies and legislation on housing service delivery, directly impacting on the local government, as a sphere of government. These included, but were not restricted to, the following areas, RDP, GEAR, Municipal Systems Act, Municipal Structures Act, Municipal Finance Management Act, the Development Facilitation Act, IGR Act, Provincial Spatial Rationale, Provincial Growth and Development Strategy and Millennium Development Goals.

(see: <http://www.housing.gov.za>).

A matrix can be done to ensure that there is effective and efficient use of available resources for each project
 So as to ensure better service delivery at all times. An example of such a project would be:

Plan 1 (MORE THAN ONE PLAN PERMISSABLE)

Objectives:	Sustainable integrated Human Settlement by transforming hostels into family units.
Where:	Lephalale
When:	2009-2010 financial year
Budget	R50m
Responsible:	Institutional Housing Strategic Business Unit

15. Integrated Sustainable Human Settlements Programs

PGDS OBJECTIVE: Improving the quality of life and meeting the basic of the population.

15.1.1. HOUSING PROJECT MANAGEMENT

PGDS OBJECTIVE: Improving the quality of life and meeting the basic needs of the population.				
Sub-Programme: Housing Project Management	Strategic Goal: Improving the quality of life by providing Integrated Sustainable Human Settlement			
	Strategic objective: To manage the upgrading settlements (urban & rural), unblocking blocked housing projects including rectification and installation of services.			
Measurable Objective	Target 2009/10	Target 2010/11	Target 2011/12	Projected MTEF Budget
Upgrade of Informal Settlements	Construct 5000 houses	Construct 5000 houses	Construct 5000 houses	R795,000,000
Provide Rural Houses	Construct 4000 Rural Houses constructed	Construct 4000 Rural Houses constructed	Construct 4000 Rural Houses constructed	R635,000,000
Install services for houses upgraded settlements	Install of services to sites	Install of services to sites	Install of services to sites	R220,000,000

PGDS OBJECTIVE: Improving the quality of life and meeting the basic needs of the population.				
Sub-Programme: Housing Project Management	Strategic Goal: Improving the quality of life by providing Integrated Sustainable Human Settlement			
	Strategic objective: To manage the upgrading settlements (urban & rural), unblocking blocked housing projects including rectification and installation of services.			
Measurable Objective	Target 2009/10	Target 2010/11	Target 2011/12	Projected MTEF Budget
Unblock blocked housing Projects	Unblock 3000 houses	Unblock 3000 houses	Unblock 3000 houses	R475,000,000
Rectify defective houses	Rectify 2000 houses	Rectify 2000 houses	Rectify 2000 houses	R120,000,000

15.1.2. SOCIAL HOUSING

PGDS OBJECTIVE: Improving the quality of life and meeting the basic of the population.				
SBU: Social Housing				
STRATEGIC GOAL: Improved quality of life and meeting the basic needs of the population through a range of social, transitional and community based housing.				
STRATEGIC OBJECTIVE: Provide of social, transitional and community based housing employing Expanded Public Works Programme				
Measurable Objective	Target 2009/10	Target 2010/11	Target 2011/12	Projected MTEF Budget
Provide 2314 PHP housing subsidies to qualifying beneficiaries	Construct 250 PHP units	Construct 864 units	Construct 1200 units	R 139 933 508
Provide 450 Farm Residents Housing subsidies to qualifying beneficiaries	Construct 50 Farm Residents units	Construct 300 Farm Residents units	Construct 100 Farm Residents units	R 25 431 296
Provide 450 units for the Emergency Housing in accordance with housing policy	Construct 250 Emergency houses	Construct 100 Emergency Houses	Construct 100 Emergency Houses	R24 304 913
Provide technical skills in housing construction	Implement the Expanded Public	Implement the Expanded Public Works	Implement the Expanded Public Works	

PGDS OBJECTIVE: Improving the quality of life and meeting the basic of the population.				
SBU: Social Housing				
STRATEGIC GOAL: Improved quality of life and meeting the basic needs of the population through a range of social, transitional and community based housing.				
STRATEGIC OBJECTIVE: Provide of social, transitional and community based housing employing Expanded Public Works Programme				
Measurable Objective	Target 2009/10	Target 2010/11	Target 2011/12	Projected MTEF Budget
(increasing the commitment to 50%)	Works Programme (2730 labourers)	Programme (2866 labourers)	Programme (3000 labourers)	
Provide 4000 Institutional /Rental	Construct Institutional 500 units	Construct Institutional 3000 units	Construct Institutional 500 units	R220 571 289
Provide 1 340 Community Residential Units(CRU)	Construct 290 Community Residential Units to be completed	Construct 300 Community Residential Units	Construct 300 Community Residential Units	R50 580 572

15.1.3.

HOUSING ADMINISTRATION AND PROPERTY MANAGEMENT

PGDS OBJECTIVE: Improving the quality of life and meeting the basic of the population.				
Sub-Programme: Housing Administration & Property Management	Strategic Goal: Improved the quality life by transferring public housing stock to approved beneficiaries			
	Strategic Objective : Provide housing administration services of state-owned immovable properties			
Measurable Objective	Target 2009/10	Target 2010/11	Target 2011/12	Projected MTEF Budget
Administer the registration , transfer, and valuation of properties	Implement EEDBS 1200	Implement EEDBS 1000	Implement EEDBS 500	R64,4m
	5,845 registration of properties and endorsement	5,000 registration of properties and endorsement	6,000 registration of properties and endorsement	

15.1.4.

HOUSING SECTOR PERFORMANCE AND MUNICIPAL SUPPORT

SBU: Housing Sector Performance and Municipal Support	Strategic Goal: Improving the quality of life and meeting the basic needs of the population through proactive planning policy development & sectoral capacity development.			
	Strategic Objective: Plan housing development ,capacitate and support municipalities in housing provision			
Measurable Objective	Target 2009/10	Target 2010/11	Target 2011/12	Projected MTEF Budget
Develop policy guidelines, proclamation of Acts & Amendments.	Implementation of the Act Develop legislation on Informal Settlements		Review of the Act	
Develop Housing Multi Year Housing Development Plan	Implement the Multi-year housing development plan	Review the Multiyear housing development plan	Review the Multi year housing development plan	
Accredit municipalities to provide houses	Accredit Polokwane Municipality for level 2	Audit 24 local municipalities on accreditation	Accredit 24 local municipalities to Level One	
To identify, procure land	Two portions of land procured and planned	Two portions of land procured and planned	Two portions of land procured and planned	

SBU: Housing Sector Performance and Municipal Support	Strategic Goal: Improving the quality of life and meeting the basic needs of the population through proactive planning policy development & sectoral capacity development. Strategic Objective: Plan housing development ,capacitate and support municipalities in housing provision			
Measurable Objective	Target 2009/10	Target 2010/11	Target 2011/12	Projected MTEF Budget
Development of Provincial Housing Demand Database	Update of Provincial Housing Demand Database	Update of Provincial Housing Demand Database	Update of Provincial Housing Demand Database	

16.1. RECOMMENDATIONS AND CONCLUSION

- Create a Multidisciplinary team in the department to be formed to avoid a silo mentality approach to project management.
- Land claims Commissioner to finalise land claims so as to speed up development and avoid crisis such as those that has happened in Zimbabwe.
- Land Affairs should fast track land disposal and transfer them to Municipalities for development to prevent the mushrooming land invasions.
- Land identification, acquisition and township establishment that promote mixed income housing typologies in 11 provincial growth point municipalities(growth economic areas), e.g. Polokwane, Lephalale, Greater Tubatse,Makhado,Ba-Phalaborwa,Greater Tzaneen,Elias Motsoaledi,Greater Marble Hall,Thabazimbi,Mogalakwena and Leppele-Nkumpi.
- Rationalise legislation to be in line with the precepts of the Constitution and harmonise it with proper integrated spatial planning and development
- Ensure that the Integrated Development Plans (IDPs), local spatial development frameworks (sdfs) and Land Use Management Schemes (LUMS) are credible. LUMS, by-laws and policies which prevent the implementation of BNG to be reviewed on the area earmarked for development to be rezoned to comply with the Constitution.
- Ensure that for all new land developments is in line with the breaking new ground (BNG) policy.
- Promulgation of the Limpopo Informal Settlements Bill, 2009 to arrest the mushrooming of informal settlements.
- Implementation of norms and standards model as outlined above
- Payment to contractors and developers done within seven working days so as to enable contractors to build houses faster, quicker and thereby enable contractors have sufficient cash flow to sustain their emerging building businesses.

- Introduced a social compact clause in the contract so that workers are paid a living wage in line with department of labour standards so that there is job creation on the one hand and poverty alleviation on the other.
- Draft watertight contracts so with penalties clauses for non performance
- Forge closer working relationships between contractors , project managers on site
- Strengthen and build partnerships with financial institutions to support the emerging contractors
- Bulk buying of material supplies by government and create storage facilities with security
- Training of emerging contractors on financial management so as to help contractors from becoming cash strapped and thereby abandoning projects by becoming bankrupt before they have completed their projects.

16.2. CONCLUSION

It is always important and necessary to do self introspection on measuring our success or failures and to ensure that the quest for improving the system is part of a continuous ongoing exercise, so that we as a winning Province, can hold high the flag of national pride, in that of meeting our constitutional obligations to the poor, the downtrodden and the marginalised, and being ever vigilant of never for once taking our hard fought freedoms for granted. If we do, we must know that the courts are alive to the fact that we will be taken to task for our failures to wards service delivery.

The constitutional court as upper custodians of the Constitution have already pronounced on these matters in the following two groundbreaking cases said:

"... We are of the view that these rights are, at least to some extent, justiciable. As we have stated in the previous paragraph, many of the civil and political rights entrenched in the NT will give rise to similar budgetary implications without compromising their justiciability. The fact that socio economic rights will almost inevitably give rise to such implications does not seem to us to be a bar to their justiciability"

Per Constitutional Court Judgement:

In Re: Certification of the Constitution of the Republic of South Africa 1996 BCLR 1253(CC) at para 78 and also in the following case where it was said

"Socio-economic rights are expressly included in the Bill of Rights, they cannot be said to exist on paper only. Section 7(2) of the Constitution requires the state to respect, protect, promote and fulfil the rights in the Bill of Rights and the courts are constitutionally bound to ensure that they are protected and fulfilled...

Socio-economic rights must all be read together in the setting of the Constitution as a whole. The state is obliged to take positive action to meet the needs of those living in extreme conditions of poverty, homelessness or intolerable housing."

- per Yacoob J in the Constitutional Court judgement of Government of the Republic of South Africa v Grootboom and others.

Finally it is befitting that our successes must at all times be measured by the legacy of our icon, leader and great benefactor, Dr. Nelson Mandela, when he said (in his autobiography:-"The Long Walk to Freedom" at p.617):

I have walked that long walk to freedom. I have tried not to falter; I have made missteps along the way. But I have discovered the secret that after climbing a great hill, one only finds that there are many more hills to climb. I have taken a moment to here to rest, to steal a view of the glorious vista that surrounds me, to look back on the distance I have come. But I can rest only for a moment, for with freedom come responsibilities, and I dare not linger, for my long walk is not ended."

17. APPENDIX A

Since the advent of democracy in 1994, government developed legislations and policies that provide mandate for the three spheres of government. The policies clearly outlined areas defined as the core business of the Department of Local Government and Housing. These programmes and plans, among other things, put an emphasis on the following priority areas:

1. Sustainable economic growth and job creation.
2. Meeting the basic needs of the people
3. Integrated Development Planning
4. Sustainable and integrated rural development
5. and transformation of state machinery (governance)

The thrust of these strategic goals have found expression in various white papers, policies and legislation. These include, but not restricted to the following areas, RDP, GEAR, Municipal Systems Act, Municipal Structures Act, Municipal Finance Management Act, the Development Facilitation Act, IGR Act, Provincial Spatial Rationale, Provincial Growth and Development Strategy and Millennium Development Goals.

In implementing these strategic goals, the department has experienced significant improvement in overall organizational performance. This resulted in remarkable progress being realized in the implementation of its core business activities i.e. the provision of integrated sustainable human settlements and local government support.

We are in the third year of implementation of the 5-year Local government strategic agenda and municipalities are responding positively to the 5 key performance areas which include the critical areas of good governance and financial viability.

Some of the highlights include the fact that we have been able to:

- Develop a cooperative agreement with the Provincial Treasury to address challenges in municipal finance;
- Filling of critical management posts (section 57 posts of Managers and CFOs): The municipalities in Limpopo has a total number of 159 Section 57 Managers of which 146 (92%) were filled, wherein a total of 8 % posts were vacant and 26 % of the section 57 managers are filled by women. 100% of the municipalities had filled posts of Municipal Managers and 3 (Bela Bela, Makhuduthamaga and Makhado municipalities) has been suspended. 90% of the CFO posts are filled while of those 4 are

suspended namely; Capricorn, Modimolle and Makhuduthamaga and Bela Bela. The following CFO posts are vacant; Polokwane; Molemole and Mutale.

- Ensure that municipalities submit quarterly reports and half yearly reports which has strengthened monitoring and timeous support to all municipalities;
- Develop a plan to address spatial planning in municipalities;

Because improving Basic Service Delivery and Infrastructure remains one of government's top priorities, the Limpopo Province Indigent Policy Framework has been developed and launched to assist all municipalities in developing compliant Indigent Policies. These registers will help guide municipalities in identifying eligible beneficiaries for social services, which include social grants as well as Free Basic Services. These interventions are part of our strategy to eradicate poverty and underdevelopment.

Our approach to housing delivery has changed for the better. Through the Breaking New Ground policy, we are now bringing people closer to places that offer better economic activities by building Integrated and Sustainable Human Settlements.

In implementing the BNG policy, we have moved away from focusing on the top structure (house) to area development. We look at the development of the total area including schools, clinics, police stations and businesses. To address all these challenges, we have taken the approach of multi-year planning and implementation of housing programmes. This approach allows us to acquire land and put services in one year and build houses the following year.

In an effort to enhance the capacity of our municipality to deliver housing, all our municipalities are being assisted with the development of credible housing chapters in their Integrated Development Plans.

Our achievements include:

- 234,377 **housing opportunities** were created, which includes serviced sites, rural and urban housing, emergency houses, farm-worker houses, People's Housing Process (PHP) and institutional / rental units.
- 214 **youths trained** in construction trades jointly with Umsobomvu Youth Development Program, and the National Home Builders' Registration Council (NHBRC).
- 4,066 government houses affected by 99 year leases and pre-emptive clauses which denied non-whites ownership of residential properties prior 1994 were given title deeds through **Enhanced Extended Discount Benefit Scheme (EEDBS)**.

- In line with **Breaking New Ground (BNG)**, mixed-income high density integrated human settlements is being developed at Bendor Extension 100. Mixed Income Housing Presidential Project (Mokopane Extension 20) comprising of 1957 housing units, Lephalale comprising 5000 housing units, Ivy Park 600 rental housing and other social amenities is currently underway.
- **Policy development** : Limpopo Housing Act , Informal settlement management bill, Rental housing regulations and Multi year Housing Development Draft Plan are in place
- **Housing bodies** :Housing Advisory Panel and Rental Tribunal has been established
- **Housing Call Centre** 0800ntshebele 687,432 established to manage housing related queries
- Embarked on a **Housing Normalization Program**, which is aimed at regularization of occupation of low-cost subsidized houses and eviction of illegal occupants
- Conducted **Housing Consumer Education** awareness in all the five District Municipalities, targeting beneficiaries, officials and Councillors' and 2,988 were reached.

LIMPOPO 15 YEAR REPORT (continued)

- The department hosted a Housing Indaba to elicit best practices in the housing sector, both local and internationally, resulting in the Housing Indaba Resolutions being adopted by the Executive Council of the Province
- 214 residential and **commercial properties have been devolved** to various municipalities

These milestones attest to the fact our efforts to improve organizational performance, to co-ordinate support to municipalities, align local economic development strategies with the PGDS and accelerate the delivery of basic services such as water; sanitation and electricity are bearing fruits.

We have planned a number of interventions to mitigate the challenges we face in the implementation of our strategic plans. The involvement of more and more of our stakeholders in these processes will ensure that we succeed.

In line our mandate and the transformation agenda, we shall always strive to improve our performance. We are continuously finding new ways of doing things with a view to be innovative in approach for the benefit of the citizens of Limpopo. This we do with the intention to improve capacity levels and mitigate threats and risks while accelerating service delivery.

-
- 234,377 **housing opportunities** were created, which includes serviced sites, rural and urban housing, emergency houses, farm-worker houses, People's Housing Process (PHP) and institutional / rental units.
 - 214 **youths trained** in construction trades jointly with Umsobomvu Youth Development Program, and the National Home Builders' Registration Council (NHBRC).
 - 4,066 government houses affected by 99 year leases and preemptive clauses which denied non-whites ownership of residential properties prior 1994 were given title deeds through **Enhanced Extended Discount Benefit Scheme (EEDBS)**.
 - In line with **Breaking New Ground (BNG)**, mixed-income high density integrated human settlements is being developed at Bendor Extension 100. Mixed Income Housing Presidential Project (Mokopane Extension 20) comprising of 1957 housing units, Lephalale comprising 5000 housing units, Ivy Park 600 rental housing and other social amenities is currently underway.
 - **Policy development:** Limpopo Housing Act, Informal settlement management bill, Rental housing regulations and Multiyear Housing Development Draft Plan are in place.
 - **Housing bodies** :Housing Advisory Panel and Rental Tribunal has been established
 - **Housing Call Centre** 0800ntshebele 687,432 established to manage housing related queries
 - Embarked on a **Housing Normalization Program**, which is aimed at regularization of occupation of low-cost subsidized houses and eviction of illegal occupants
 - Conducted **Housing Consumer Education** awareness in all the five District Municipalities, targeting beneficiaries, officials and Councilors and 2,988 were reached.
 - The department hosted a Housing Indaba to elicit best practices in the housing sector, both local and internationally, resulting in the Housing Indaba Resolutions being adopted by the Executive Council of the Province
 - 214 residential and **commercial properties** have been devolved to various municipalities

- **Memorandum of Understanding and Development (MOU)** partnership agreements has been signed with:
 - ☞ Development Bank of Southern Africa (**DBSA**) and National Housing Finance Corporation for development of mixed income housing development in Lephalale and Bendor respectively
 - ☞ Memorandum of Understanding has been signed with **Anglo-Platinum** mine to cooperate in housing development
- **18 Emerging Contractors** were trained through Sakhasonke programme
- More than 50 technical trained **Project Managers** were appointed and deployed to all municipalities and districts to enhance close monitoring of projects, further ten (10) **Cuban (Engineers) Technical Advisors** have been recruited from Cuba.
- **Municipal Housing Chapters** are already completed in 13 municipalities
- 30,750 **serviced sites** (water, sewer and street grading) were done using conditional housing grant, particularly in green-fields development.
- **Special Projects** were implemented through **Human Settlement Redevelopment Program Grant** in various municipalities To improve the quality human settlements of the urban environment by addressing dysfunctional infrastructure / services, vis: -
 - ☞ Two (2) **reservoirs** Lephalale Municipality in Marapong and Fetakgomo Phaahla Manoge village,
 - ☞ two (2) water **supply lines** Ba-Phalaborwa at Makhushane and Fetakgomo Phaahla Manoge village;
 - ☞ Two (2) **water and sewer treatment plants** at Greater Tubatse in Penge and , Ba-Phalaborwa municipality
 - ☞ Water , sewer reticulation and grading of streets at Modimolle municipality
 - ☞ Installation of 1675 **water meters** at Bern Farm , one booster pump at Mashishimale,

- ☞ Two **urban renewal** projects at Mankweng at Polokwane municipality and Mhingaville Thulamela municipality (Storm-water, street lights, sewer and water network)
- ☞ 24.6 km tarring of **Roads** at Greater Tubatse in Penge, Polokwane municipality in Mankweng F, Fetakgomo municipality in Ga-Seroka, and Lephalale municipality in Marapong
- ☞ Upgrading of sewer network at Ba-Phalaborwa municipality in Gravelotte.

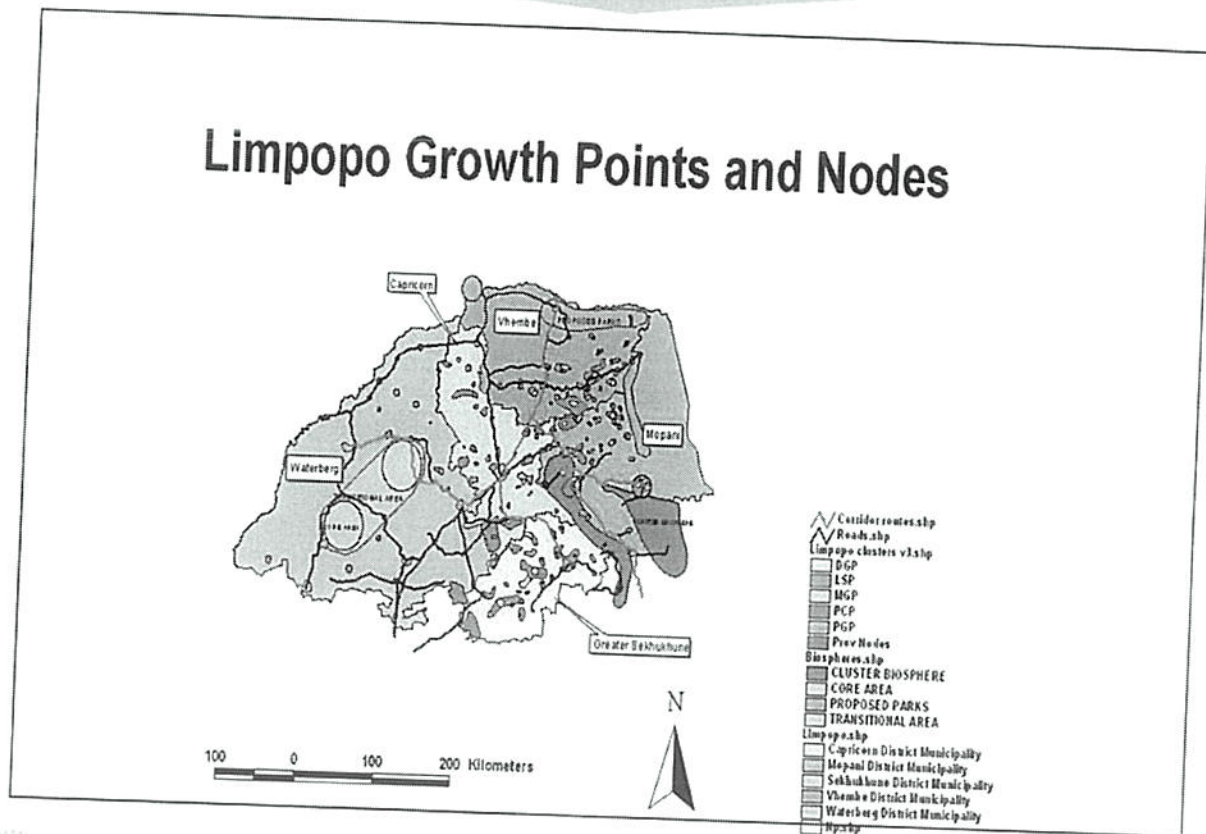
18. APPENDIX B: Presentation on the Limpopo Spatial Development Framework to the Executive Legothla of the Cabinet of the Limpopo Provincial Government in 2007. (Avuxeni Game Lodge- Limpopo)

Provincial Development Index

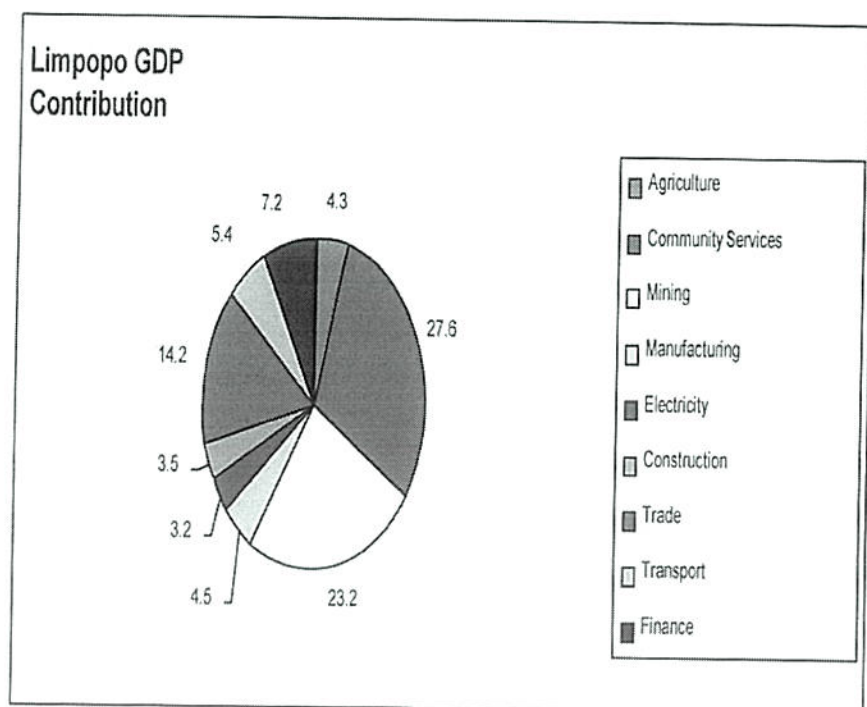
- Limpopo is situated on the northern most of South Africa and has the population of about 5.2 million which constitutes 11% of the total population of the country. The population of Limpopo during the Census 2001 was recorded at 4 995 533 while during the Community Survey 2007 the population increased to 5 238 286(+_5%).

SERVICE DELIVERY OBJECTIVES examined against the:

Reviewed Areas and Outcomes Cont.



Socioeconomic Profile Cont.



Growth Points Municipalities

Capricorn District	Total	Priorities
Settlement Clusters	19	Various
Provincial Growth Points	1	Polokwane
District Growth Points	4	Lebowakgomo, Mankweng, Sockmekaar and Dendron.
Municipal Growth Points	8	Chloe A, Alldays, Avon, Bochum, Eldorado, Magatle, Mphakane and Sebayeng.
Mopani	Total	Priorities
Settlement Clusters	15	Various
Provincial Growth Points	4	Phalaborwa, Giyani, Tzaneen and Letaba
District Growth Points	7	Namakgale, Gravelotte, Dzumeri, Kgakgapane, Nkowakowa, Lenyenye and Hoedspruit
Municipal Growth Points	5	Lulekani, Xawela, Senwamokgope, Letsitele, Burgersdorp, Haenertzburg and Lorraine.

Growth Points Municipalities Cont.

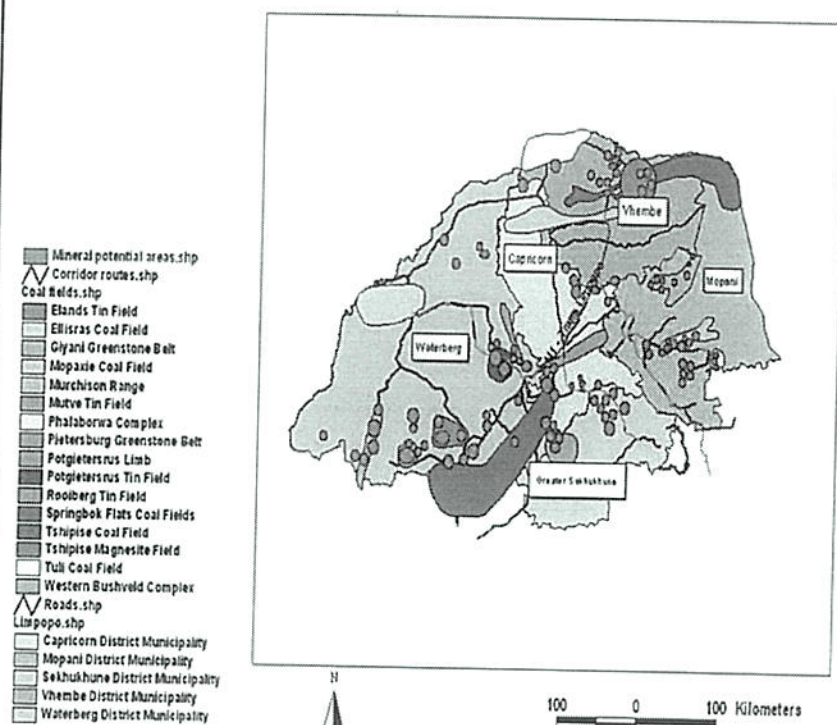
Sekhukhune	Total	Priorities
Settlement Clusters	13	Various
Provincial Growth Points	3	Burgersfort, Groblersdal and Marble Hall
District Growth Points	2	Steel Poort and Jane Furse
Municipal Growth Points	59	Seschu, Driekop, Magakala, Ohrigstad, Nebo, Van der Merweskraal, Elandsdraal, Tafelkop and Monsterlus.
Vhembe	Total	Priorities
Settlement Clusters	18	Various
Provincial Growth Points	3	Musina, Makhado and Thohoyandou
District Growth Points	2	Makwarela, Waterval and Malamulele
Municipal Growth Points	59	Hhlanganani, Rabali, Vuwani, Madombidzha, Bungeni, Masisi, Tshandama and Mhinga

Growth Points Municipalities Cont.

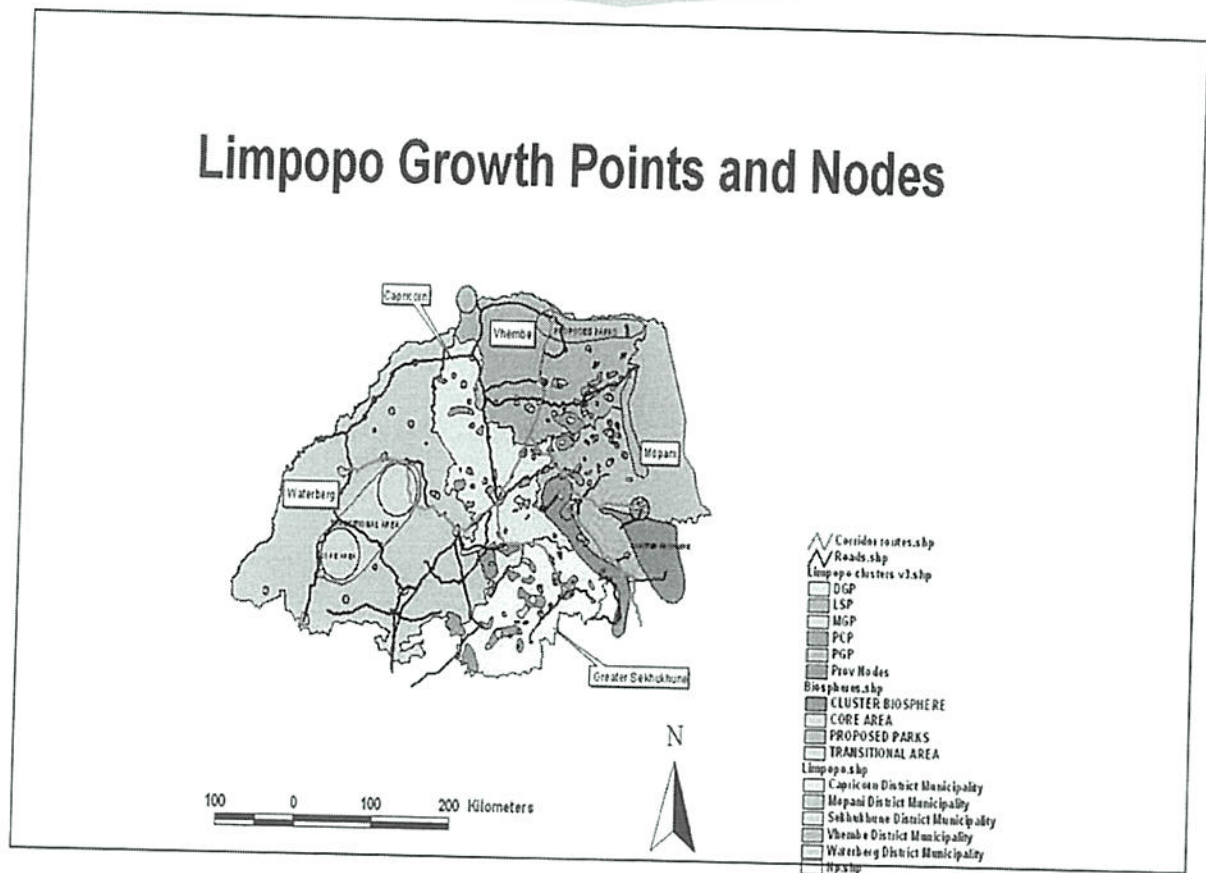
Waterberg	Total	Priorities
Settlement Clusters	14	Various
Provincial Growth Points	6	Mokopane, Mookgophong, Modimolle, Bela-Bela, Thabazimbi, Lephalale
District Growth Points	None	None
Municipal Growth Points	6	Pienaarsrivier, Bakenburg, Rebene, Roedtan, Matlallane (Vaalwater) and Northam

Reviewed Areas and Outcomes

Limpopo Existing Minerals and Mineral Potential Areas

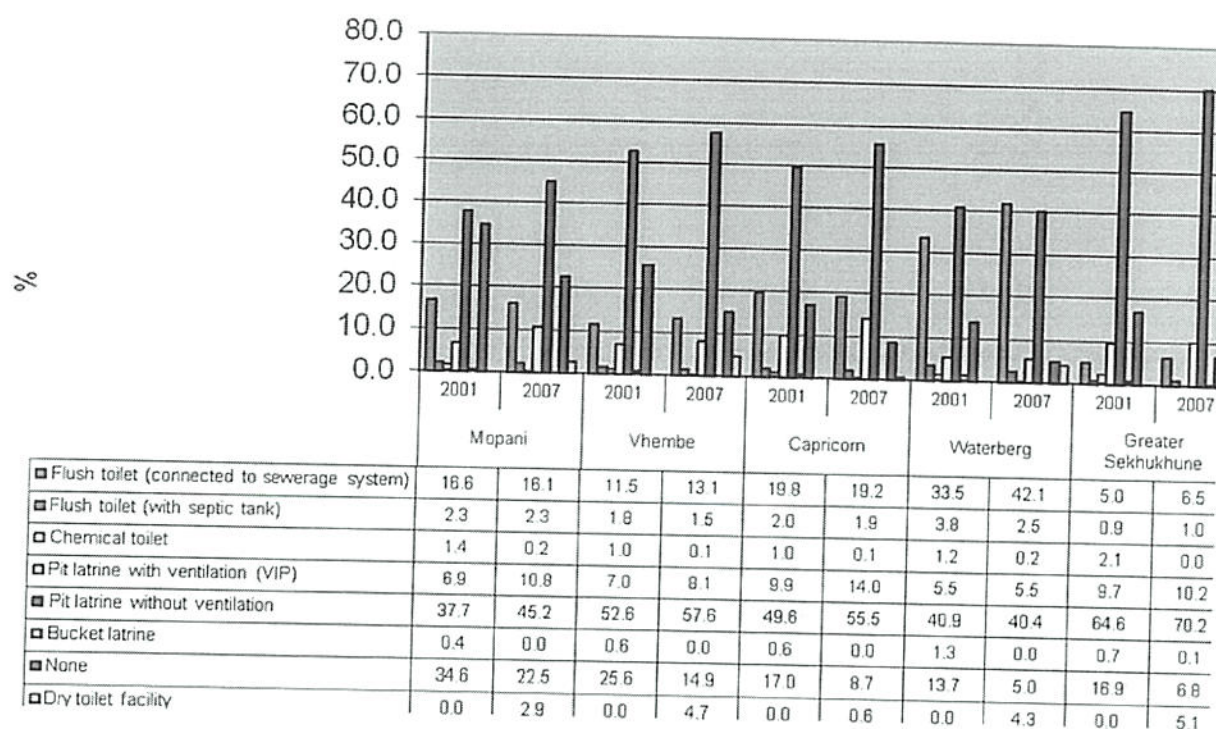


Reviewed Areas and Outcomes Cont.

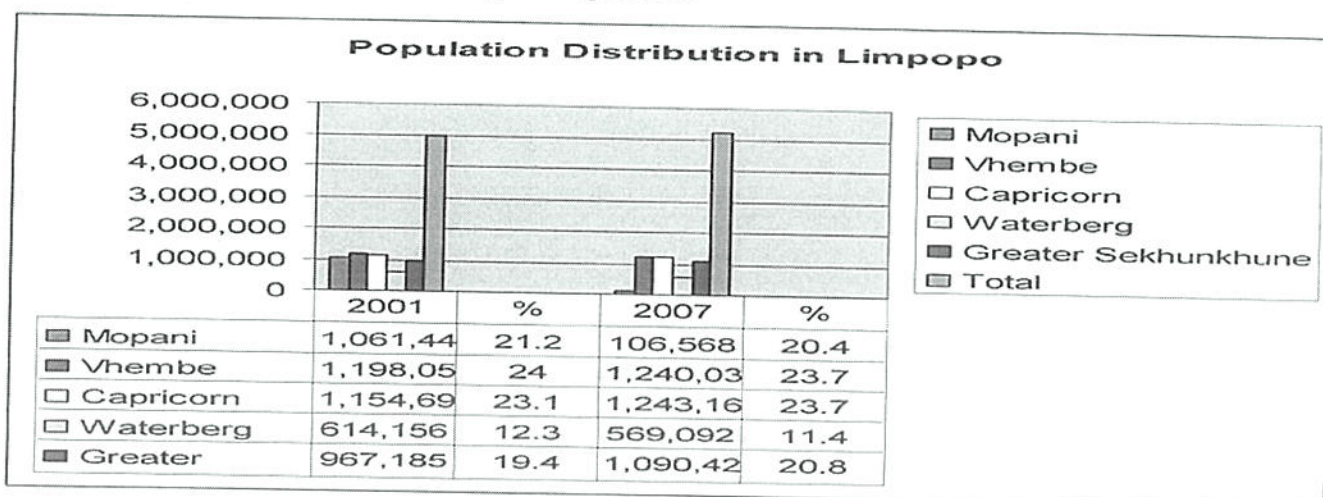


BULK INFRASTRUCTURE AND SERVICE SITE

PERCENTAGE DISTRIBUTION OF HOUSEHOLDS BY TYPE OF TOILET FACILITY BY DC- LIMPOPO



Increased migration to economic growing towns



Source: Stats SA (2007) Platinum and chrome mining cluster e.g. Sekhukhune district (Greater Tubatse)

- Coal and petrochemical cluster (Lephalale Corridor)
- Logistical cluster (Polokwane)

POLICY AND STRATEGY REVIEW AND UPDATE.

- The guiding national policies and principles for efficient and equitable land use planning and management are: Constitution of the Republic of South Africa (1996); The National Spatial Development Perspective (NSDP: 2006); White Paper on Spatial Planning and Land-Use Management, 2001; Development Facilitation Act (DFA: 1995); and the Land-Use Management Bill (LUMB: 2007).

Key Recommendations

- **Municipal Capacity Building:** Sector planning departments are to provide institutional capacity building support to district and local municipal governments to empower them to carry out their constitutional and legislative mandates and Local Government Strategic Agenda.
-

Key Recommendations

- **Integrated Development Planning:** All municipalities should have and implement credible Integrated Development Plans (IDP).
Responsible: All Municipalities.
- **Municipal Financial Intervention:** Municipalities should have sound and sustainable Municipal Financial Management Plans to ensure viability and enable them to implement the IDP.

Responsible: All Municipalities

Key Recommendations

- **Infrastructure Investment Model:** All sector departments, State Agencies and Municipalities are to be guided by and use the infrastructure investment model (refer to Section x) to make investment location decisions according to the settlement hierarchy and planning norms and standards (refer to Section y).

Planning Norms and Standards: All sector departments, state agencies and municipalities be guided by and implement Planning Norms and Standards (refer to Section y).

Key Recommendations

- **Planning Norms and Standards:** All sector departments, state agencies and municipalities be guided by and implement Planning Norms and Standards (refer to Section y).

Key Recommendations

- **Environmental Management:** The State of the Environment Report Limpopo Province should lead to a Provincial Environmental Strategy and Plan in order to guide development planning and protection and conservation of the province's biospheres, some of which are environmentally sensitive and under stress (such as the Greater Sekhukhune, Vhembe, and Waterberg).

Responsible: Department of Economic Development, Environment and Tourism

Principal Recommendation.

- That proposals for **support** implementation of the Reviewed Limpopo Spatial Development Framework 2008-2011.
- Furthermore, recommend that the Office of the Premier and the Department of Local Government and Housing ensure and coordinate the overall implementation of the Limpopo Spatial Development Framework.

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4. 1997 (4) BCLR 1696 (CC) at Para 8: "We live in a society in which there are great disparities in wealth. Millions of people are living in deplorable conditions and in great poverty. These conditions already existed when the Constitution was adopted and a commitment to address them, and to transform our society into one in which there will be human dignity, freedom and equality, lies at the heart of our new constitutional order. For as long as these conditions continue to exist that aspiration will have a hallow ring."
5. 1999 (1) SA 374 (CC)
6. Mr. Justice Kriegler at para 121-129.
7. 1993 Constitution, ss 4,5,7(2)
8. Ibid., s 8.
9. Ibid., s 9.
10. 107 of 1997.
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13. 2 of 1987.
14. 4 of 1987.

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17. Ibid., s 12 B.
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20. Ibid., s 15.
21. Ibid., s 24.
22. Ibid., s 25.
23. Ibid., s 27.
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25. Local Government Transition Act 209 of 1993; See overall discussion of role of local government in relation to the Constitutional guarantees in the transition period: S Gutto (ed) **A Practical Guide to Human Rights in Local Government**, Butterworths 1996.
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