Submission on the City of Johannesburg’s Municipal Planning By-Law, 2015

Socio-Economic Rights Institute of South Africa (SERI)

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1. Introduction

On 29 January 2016, the City of Johannesburg published an invitation for interested parties to comment on its Municipal Planning By-Law, 2015 (“the By-Laws”).¹ The By-Law is published pursuant to the Spatial Planning and Land Use Management Act, 16 of 2013 (“SPLUMA”). SPLUMA and the By-Law set out development principles which apply to all organs of state and other authorities responsible for the implementation of legislation regulating the use and development of land.² The framework created by SPLUMA and the By-Law reflects the recognition made in the Constitution of the Republic of South Africa that municipal planning is a function of municipal government.

The Socio-Economic Rights Institute of South Africa (SERI) has read and considered the proposed By-Law and makes this submission to the City of Johannesburg in accordance with the invitation to submit written comments. SERI’s submission provides background to the organisation and its work and provides more detailed comments on the proposed By-Law. The submission also provides recommendations for amending the By-Law.

2. The Socio-Economic Rights Institute (SERI)

SERI is a registered non-profit organisation and public interest law clinic that provides professional, dedicated and expert socio-economic rights assistance to individuals, communities and social movements in South Africa. SERI conducts applied legal research, litigates in the public interest, facilitates civil society mobilisation and coordination, and conducts popular education and training. SERI’s core work relates to the advancement and protection of access to socio-economic rights in socio-economically marginalised (poor) communities.

SERI’s primary thematic focus areas are urban housing, access to basic services and informal settlement upgrading, informal trade, and the advancement of political space for organisation, expression, participation and articulation.

¹ LAN 61 in Provincial Gazette 30 of 29 January 2016
² Preamble, By-Laws
SERI has the following aims:

- To advance the currency of human rights and particularly socio-economic rights in South Africa.
- To promote the fulfilment of socio-economic rights by vulnerable communities in South Africa.
- To assist poor and marginalised groups to realise an adequate standard of living.
- To contribute to public governance through empowering local communities to understand their rights, government processes and to effectively engage in such processes, thereby holding government accountable.³

SERI’s work and the focus of the By-Law overlap. Section 26 of the Constitution is identified as one of the constitutional imperatives that underpins SPLUMA.⁴ Much of SERI’s work involves an engagement with section 26 of the Constitution, not only in litigation at all levels of our legal system, but also through advocacy and research.

Furthermore, SPLUMA identifies the principles that underpin land development and land use management. These are to “increase access to land by disadvantaged communities,⁵ “accommodate access to secure tenure and the incremental upgrading of informal areas”.⁶ It also recognises the need for land use management that is appropriate for informal settlements.⁷ The By-Law identifies the need to permit the incremental introduction of land use management and regulation in informal settlements, slums and areas not previously subject to a land use scheme.⁸ SERI has become increasingly involved in legal, research and advocacy work focused on security of tenure, evictions and in informal settlements. Examples of this work are provided below.

³ For more on SERI visit the SERI website: https://www.seri-sa.org.
⁴ SPLUMA, Preamble
⁵ SPLUMA, Section 7(a)(iii)
⁶ SPLUMA, Section 7(a)(v)
⁷ SPLUMA, Section 7(a)(iv)
⁸ By-Law, section 6(1)(c)
SERI has been involved in a series of important court cases related to the lawfulness of evictions. SERI has also advocated to communities in relation to evictions and has published guides and research reports.

SERI has also been involved in a series of important court cases involving informal settlements. These range from resisting evictions to upgrading of informal settlements.

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9 These include: **Auto Cinema Investments v Occupiers of Stanhope Compound** ('Stanhope Compound') eviction - Stanhope mining compound - Johannesburg - access to justice; **Blue Moonlight Properties 39 (Pty) Ltd v Occupiers of Saratoga Avenue and Another** ('Blue Moonlight') private eviction - Berea - City of Johannesburg - alternative accommodation - Constitutional Court; **Changing Tides (Pty) Ltd v Unlawful Occupiers of Chung Hua Mansions and Others** ('Changing Tides') unlawful eviction - inner city of Johannesburg - Johannesburg High Court; **City of Johannesburg v Changing Tides Properties and the Unlawful Occupiers of Tikwelo House** ('Tikwelo House') amicus curiae - appeal against order to provide alternative accommodation - City of Johannesburg - Supreme Court of Appeal (SCA); **City of Johannesburg in re: All pending eviction applications where the occupiers' eviction may lead to homelessness** ('City of Johannesburg ex parte stay application') stay application - evictions - City of Johannesburg - South Gauteng High Court; **Dladla and the Further Residents of Ekuthuleni Shelter v City of Johannesburg and MES** ('Dladla') rights to dignity, privacy and adequate housing - shelter accommodation - inner city Johannesburg; **Hawerd Nleya and Others v Ingelosi House (Pty) Ltd** ('Ingelosi House') application for leave to appeal - just and equitable eviction - Gauteng Local Division of the High Court - Supreme Court of Appeal; **Hlophe and Others v City of Johannesburg and Others** ('Hlophe') Chung Hua - enforcement application – contempt; **Mthimkulu and Others v City of Johannesburg and Others** ('Mthimkulu') emergency housing - City of Johannesburg - South Gauteng High Court; **Occupiers of Erven 87 & 88 Berea v De Wet and Another** ('Kiriibilly') eviction rescission - lack of consent – Johannesburg; **Occupiers of 10-18 Salisbury Street, Johannesburg v City of Johannesburg and Johannesburg Metropolitan Police Department** illegal eviction - Johannesburg CBD - Johannesburg Metropolitan Police Department (JMPD) - fire brigade; **Occupiers of Jeanwell Court v Khalil Ahmed Properties** ('Jeanwell Court') inner city Johannesburg - rescission application - South Gauteng High Court; **Occupiers of 50, 53 and 54 Soper Road v Motala and Others** ('Soper Road') urgent application – eviction – inner city Johannesburg – rescission; **Schubart Park Residents Association and Others v City of Tshwane Metropolitan Municipality and Others** ('Schubart Park') amicus curiae - Schubart Park – difference between 'evacuation' and 'eviction' of occupiers - Constitutional Court

10 These include: **A Resource Guide to Housing in South Africa 1994 - 2010: Legislation, Policy, Programmes and Practice** (February 2011); ‘Jumping the Queue’, Waiting Lists and other Myths: Perceptions and Practice around Housing Demand and Allocation in South Africa (April 2013); **Evictions and Alternative Accommodation in South Africa: An Analysis of the Jurisprudence and Implications for Local Government** (November 2013); **Resisting Evictions in South Africa: A Legal and Practical Guide** (March 2015); **Tenure Security in Informal Settlements on Customary Land** (December 2015);

11 These include: **De Clerq and Others v Occupiers of Plot 38 Meringspark, Klerksdorp and Others** ('Ratanang') eviction - Ratanang informal settlement - Klerksdorp - North Gauteng High Court; **Melani and the Further Residents of Slovo Park Informal Settlement v City of Johannesburg and Others** ('Slovo Park') Slovo Park informal settlement - Upgrading of Informal Settlements Programme (UISP) - City of Johannesburg; **Dzai and Others v Ekurhuleni Metropolitan Municipality and Others** ('Makause') Makause informal settlement - Ekurhuleni Metropolitan Municipality - application of Upgrading of Informal Settlements Programme (UISP) - Johannesburg High Court; **Fischer and City of Cape Town v Ramahlele and 46 Others** ('Fischer') anti-land invasion unit - City of Cape Town - Supreme Court of Appeal; **Lyton Props and Robert Ross v Occupiers of isiQalo and City of Cape Town** ('isiQalo') isiQalo informal settlement - private owner - eviction application - Western Cape High Court; **Mjdu and Others in re Federation for a Sustainable Environment v National Nuclear Regulator and Others** ('Tudor Shaft') application for leave to intervene - mine residue removal - lack of public participation - Tudor Shaft - South Gauteng High Court; **Mikani Holdings v Unlawful Occupiers of Taylor Road, Honeydew Manor and Another** ('Mikani') alternative accommodation - informal settlement - Honeydew - City of Johannesburg; **Mtungwa and Others v Ekurhuleni Metropolitan Municipality** ('Mtungwa') access to water and sanitation - Langaville informal settlement - Ekurhuleni Metropolitan Municipality; **Mtimela and Others v
SERI and the clients it represents have an interest in the By-Law and the aims it seeks to achieve.

3. Response to the proposed By-Law

The By-Law gives better effect to the City’s duty to regulate the functional areas in Part B of Schedules 4 and 5 of the Constitution than the previous framework did. In addition, it is in harmony with the Constitutional Court judgments confirming the functional areas of Municipalities in relation to municipal planning.12

SERI submits also that the proposed By-law, for the most part, properly gives effect to the principles set out in SPLUMA. But areas of concern remain. These are –

1. Criminalisation
2. Ownership and Standing
3. Upgrading of Informal Settlements; and
4. Land Use Scheme

Each of them will be dealt with separately below.

12 *Johannesburg Metropolitan Municipality v Gauteng Development Tribunal* 2010 6 SA 182 (CC); available at http://www.saflii.org/cgi-bin/disp.pl?file=za/cases/ZACC/2010/11.html&query=Johannesburg%20Metropolitan%20Municipality%20v%20Gauteng%20Development%20Tribunal; *Moses Khuwzwayo Mahlangu and Others v Rand Leases Properties v Occupiers of Vogelstruisfontein and Others* (‘Rand Leases’) emergency housing - access to basic services - City of Johannesburg; *Rula Tecno Park (Pty) Ltd v Thubakgale and Others* (‘Rula Tecno’) eviction - Extension of Security of Tenure Act (ESTA) - Roodepoort Magistrate’s Court; *uMngeni Municipality v Mafuludi Dlamini and Others* (‘Tumbleweed’) eviction - Tumbleweed township - KwaZulu-Natal - Interim Protection of Informal Land Rights Act; *Maccsand (Pty) Ltd v The Habitat Council and Others* (‘Kliptown’) eviction - Kliptown informal settlement - City of Johannesburg - JMPD - South Gauteng High Court; *Zulu and 389 Others v eThekwini Municipality and Others* (‘Zulu’) constitutional validity of court order - amicus curiae - Constitutional Court.
3.1 Criminalisation

Our chief concerns regarding criminalisation relate to provisions contained in sections 62 and 63 of the By-Law.

*Criminalisation of informal land use*

Sections 62 and 63 of the By-Law criminalise land uses that are in conflict with the land use scheme. This is problematic as many South Africans, as a result of past discriminatory laws, live on land informally. Often this land is not zoned for residential use. It is concerning that there is no exception carved out for those living in informal settlements.

The By-Law as it stands would automatically render people living in these areas vulnerable to criminal prosecution. This is manifestly unjust and violates constitutional principles of progressively dealing with past injustices, limits the rights to housing, undercuts the PIE Act and violates SPLUMA principles. The inappropriateness of this criminalisation is only made worse by the maximum sentence for improper land use being set at 20 years in section 63. This is self-evidently disproportionate and inappropriate in a context where many people are effectively forced to live on sub-optimal land due to limited available alternatives.

SERI recommends that an exception be carved out for people living in informal settlements either in sections 62 and 63 of the By-Law or in terms of the Land Use Scheme or both. We submit that the special zones provide a way of legalising informal land use through the creation of an informal settlement residential zone (see 3.4 below).

*Eviction by the back-door*

By-Law 62(6) provides that where a person fails to comply with a directive issued in terms of subsection (2), the City may:

“whether or not a prosecution has been or will be instituted, remove the building or other work or cause the building or other work to comply with the provision of this By-Law, its land use scheme or any other town planning scheme still in operation and recover all expenses incurred in connection therewith from such person.”
Firstly, insofar as this section is to be used in relation to land on which people live, it may be read to authorise eviction without a court order. This is in conflict with section 26(3) of the Constitution. The Constitutional Court has that both the deprivation of a person’s home, or any other attenuation of the incidents of occupation, such as earthworks that undermine the foundations of a person’s home amount an eviction and require a court order in terms of section 26 of the Constitution.\(^\text{13}\) This section is plainly unconstitutional on this ground.

Secondly, insofar as it is used on land on which people live, it allows for an abuse and side-stepping of the provisions of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act (“the PIE Act”). The Constitutional Court has held that the deprivation of one’s home can only take place through the provisions of PIE.\(^\text{14}\) Further, all other law is subject to the provisions of the PIE Act,\(^\text{15}\) in relation to evictions. The By-Law is therefore subject to the provisions of PIE in relation to evictions. This provision is in conflict with the PIE Act and, in addition, is unconstitutional.

Thirdly, this section of the By-Law creates sweeping powers to interfere not only with rights under section 26 but also section 25 of the Constitution as it allows for the destruction of property. Without procedural safeguards and clear guidance to the officials who are given these powers, the section would not pass constitutional muster.\(^\text{16}\)

Fourthly, section 32(3) of SPLUMA requires a court order to authorise the destruction of property. Section 62(2) does not mention the need for a court order. We submit that a court order is a minimum legal requirement for the exercise of the powers referred to in By-Law 62(6). In the absence of a court order, this section allows for violation of the right to just administrative action and access to court. In addition, it violates the rights to housing and the rights against arbitrary deprivation of property.

\(^{13}\) Zulu and Others v eThekwini Municipality and Others (CCT 108/13) [2014] ZACC 17; 2014 (4) SA 590 (CC); 2014 (8) BCLR 971 (CC) [6 June 2014] available at http://www.saflii.org/cgi-bin/disp.pl?file=za/cases/ZACC/2014/17.html&query=zulu accessed on 23 February 2016. Motswagae and Others v Rustenburg Local Municipality and Another (CCT 42/12) [2013] ZACC 1; 2013 (3) BCLR 271 (CC); 2013 (2) SA 613 (CC) (7 February 2013)


\(^{15}\) Section 4(2) of the PIE Act

\(^{16}\) Abahlali Basemjondolo Movement SA and Another v Premier of the Province of KwaZulu-Natal and Others (CCT12/09) [2009] ZACC 31; 2010 (2) BCLR 99 (CC) (14 October 2009). Dawood and Another v Minister of Home Affairs and Others; Shalabi and Another v Minister of Home Affairs and Others; Thomas and Another v Minister of Home Affairs and Others (CCT35/99) [2000] ZACC 8; 2000 (3) SA 936; 2000 (8) BCLR 837 (7 June 2000)
We recommend that in order for the By-Law to comply with the Constitution and the PIE Act it must:

1. Explicitly state that this section is subject to the PIE Act or alternatively that it does not apply to a person’s home.
2. Require a court order be obtained to authorise the powers granted in the section, alternatively read the section subject to section 63(6)(b) of the By-Law.

*Criminal act through edict*

By-Law 62(2) allows for the City to issue a direction and the failure to comply with such a direction is a criminal offence. We are concerned that the By-Law creates a criminal act through edict. Criminal offences must be laws of general application in order to pass constitutional muster. Criminal offences cannot be created on the basis of failing to comply with a direction issued by the City against one person. Whilst a person may be charged with failing to comply with the by-law or legislation, it is not competent to attach criminal liability to the failure to obey a direction from the City comply with a direction.

SERI recommends that the By-Law be amended to ensure that non-compliance with a direction may not result in criminal conviction and that criminal conviction be limited to non-compliance with the By-law or the Land Use Scheme.

**3.2 Ownership and Standing**

The By-Law does not deal with the reality that many users of land are not the owners. For example, the By-Law allows the owner of land certain rights – such as the ability to apply for the amendment of land use - yet it is the use of land for a purpose other than in the land use scheme that is penalised with a maximum penalty of 20 years’ sentence. Land users are given no rights or ability to enforce rights in the By-Law (only owners are given such rights), yet it is the land users who face criminal prosecution when they do not comply with the By-Law.

Our concern is a general one that underpins the By-Law and is specific in relation to the lack of standing of land users in sections 19, 24 and 35 of the By-Law.
**Definition of interested parties**

The failure to recognise land users separately from owners is best highlighted in relation to the amendment of the municipality’s land use scheme. The By-Law provides that only owners and people the municipality believes to be “interested parties”¹⁷ have standing to provide comments, objections or representation on a land use scheme.

Throughout the By-Law, only owners or those deemed as interested parties, are allowed an opportunity to make representations. Moreover, for a person to be able to provide an input she would have to be invited by the owner¹⁸ or be granted intervener status. At the level of principle this is problematic as many land users are not owners and the By-Law disempowers them from making any submissions in relation to the land they use. Many people who are owners and/or who do not have a formal legal relationship with owners have a significant and material interest in how land they live on is dealt with by the municipality.

**Intervener status**

Section 53, which allows for a petition to be granted intervener status, raises additional concerns. Section 53(2)(b) requires that a petitioner must submit, amongst other things, an affidavit that she or he is willing to deal with or act in regard to the application or appeal as the municipality may direct. It is then for the municipality to decide whether such a person is to be granted intervener status. The difficulty is that such a person who may be interested is prejudiced in that:

1. There is no notice requirement of an application or an appeal which is likely to reach a land user who is not an owner. There is thus little chance that an occupier of an informal settlement will know that the land she lives on is subject to an application under the By-Law.

2. Even if she finds out, she has no standing to make submissions, unless an appeal is lodged, in which case she has to file an affidavit explaining she will comply with the municipality’s directions. An interested person cannot through this process waive her right to access courts and review decisions by the municipality. Moreover, a person cannot be required to undertake do what the municipality directs under oath without knowing what the municipality will direct.

¹⁷ Section 21(4) of the By-Law. Section 22(2) refers to “relevant parties” it is assumed that this is the same as the “interested parties” in section 21(1)

¹⁸ In relation to internal appeals, it is for the owner to give notice of the appeal to any person or interested party who commented, represented on or opposed the application.
3. In any event, even if she is willing to waive certain rights and depose to an affidavit, she will only be granted an intervener status if the municipality allows it.

The By-Law creates standing only for owners, but virtually none for those who use land. Yet it is those who use the land who face criminal conviction. This dissonance is problematic, and is likely to have anti-poor consequences, in contravention of the principles expounded in the SPLUMA preamble.

The By-Law does not afford people who live on land and who use it daily the ability to participate in decisions made about the land on which they live. This is particularly problematic for informal settlements where, by definition, many people live without formal tenure. If the By-Law is to meet the requirements set out in the SPLUMA preamble regarding spatial justice, informal settlement residents must have some automatic standing to participate in decisions taken about the land on which they live.

In regard to ownership and standing SERI recommends that the sections dealing with standing, specifically sections 18, 25 and 53, be broadened to include land users and other interested parties such as informal traders. In addition, it is recommended that notice be given at the property or land to which an application for development or amendment applies. Without notice given in this fashion, it is unlikely that informal settlement residents will know about opportunities for participation.

3.3 Upgrading of Informal Settlements

The By-Law identifies the need to permit the incremental introduction of land use management and regulation in informal settlements, slums and areas not previously subject to a land use scheme. The By-Law deals with development applications and sets specific development goals. It recognises that informal settlements must be part of this development. However, the By-Law limits the power to apply for a township development to an owner. Our concern is that the obligation to upgrade informal settlements lies with the municipality, yet the power to apply for a development lies with the owner of land.

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19 By-Law, section 6(1)(c)
20 By-Law, section 6(1)(c) provides that the land use scheme must “include provisions that permit the incremental introduction of land use management and regulation” in informal settlements, slums and areas not previously subject to a land use scheme
The By-Law recognises that land use schemes must “include land use and development provisions specifically to promote the effective implementation of national and provincial policies”.

Therefore, the By-Law has to be in harmony with, and give effect to, the existing legislation and policies relating to informal settlements. Our main concern is that whilst the policy and legislation create an obligation on municipalities to upgrade informal settlements, the By-Law limits the applications for township development to owners. The By-Law therefore fails to properly give effect to the duties of municipalities in relation to informal settlements and limits the municipality’s ability to comply with its obligations by only allowing owners to apply for township developments. In what follows we highlight the development plans and policies that relate to informal settlements in order to identify municipal obligations in respect of informal settlement upgrading.

Breaking New Ground outlines a plan for the development of sustainable human settlements. Part of the vision identified in Breaking New Ground is “utilising housing as an instrument for the development of sustainable human settlements, in support of spatial restructuring.”

Breaking New Ground has at its heart an undertaking to ensure that informal settlements are upgraded in-situ and relocated as a last resort, including -

“a phased in-situ upgrading approach to informal settlements, in line with international best practise. Thus, the plan supports the eradication of informal settlements through in-situ upgrading in desired locations, coupled to the relocation of households where development is not possible or desirable.”

The Housing Act, 1997 (Act No.107 of 1997), (“The Housing Act”) requires the Minister to publish the National Housing Code which is binding and has the force of law. The section of the National Housing Code which deals with informal settlements is the Upgrading of Informal Settlements Programme (“UISP”).

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21 By-Law, section 6(1)(f)
23 Broken New Ground (above), p 7
24 Breaking New Ground (above), p 12. It is repeated at p 18 that the “new human settlements plan adopts a phased in-situ upgrading approach to informal settlements, in line with international best practise. Thus, the plan “supports the eradication of informal settlements through in-situ upgrading in desired locations, coupled to the relocation of households where development is not possible or desirable”.
25 Housing Act, section 4(1)
26 Housing Act, Section 4 (6)
The UISP deals with the process and procedure for the *in situ* upgrading of informal settlements as it relates to the provision of grants to a municipality to carry out the upgrading of informal settlements within its jurisdiction in a structured manner. Materially the UISP provides for the responsibilities of municipalities.\(^{28}\) It provides that it will be the responsibility of the municipality to consider whether living conditions in a settlement in its area of jurisdiction merits the submission of an application for assistance under the UISP.

Breaking New Ground, the Housing Act and the National Housing Code, and specifically the UISP, therefore create a binding legal obligation on municipalities to upgrade *in-situ* informal settlements, or at a minimum to consider to such upgrading. In addition, the UISP creates specific obligations for the municipality in relation to the development of townships.\(^{29}\) The UISP provides that municipalities must act as developers.

Yet, the By-Law only allows for owners to apply for the establishment of townships.\(^{30}\) This creates a discretion for an owner about whether or not to develop land. This is at odds with the UISP and section 26 of the Constitution that require positive action on behalf of government in relation to housing, in general, and upgrading of informal settlements, specifically. The By-law does not mention informal settlements on private land. As the By-Law stands now informal settlements on private land would be subject to an application for development by owners only. This issue of standing, which is present throughout the By-Law, is dealt with in more detail in the “Standing” section above.

SERI recommends that the power to apply for the development of a township be extended to include not only owners, but also municipalities and people living in informal settlements.

### 3.4 Land Use Scheme

The By-Law allows for the creation of land use zoning for areas not previously subject to a land use scheme, including informal settlement.\(^{31}\) Section 24(3)(b) of SPLUMA provides that a land use scheme may include provisions relating to “specific requirements regarding any *special zones* identified to address the development priorities of the municipality” (emphasis added). Similarly section 6(3)(b) of the By-Law provides that “the land use scheme may

\(^{28}\) UISP, p 20  
\(^{29}\) UISP, 3.6, p 27  
\(^{30}\) By-Law, Section 26  
\(^{31}\) By-Law, Section 5(2).
include provisions relating to “specific requirements regarding any special zones identified to address the development priorities of the City.” (emphasis added).

The City of Johannesburg developed the “Regularisation Programme”\(^{32}\) in order to use planning mechanisms to legalise informal settlement land use, through the creation of a “Transitional Residential Settlement Area”\(^{33}\). The Regularisation Programme was informed by the Brazilian experience with ZEISS (special zones of social interest)\(^{34}\). SERI is of the view that the By-law misses an opportunity to build on the provisions of SPLUMA, the City’s own Regularisation Programme and good practice internationally, to provide an avenue for the declaration of a special zone for informal settlements in the City’s land use scheme. As it currently stands the declaration of a special zone is not a mandatory requirement in the By-law.

In this regard SERI recommends that explicit provision should be made in the By-law for the creation of a special informal settlement land use zone in order to legalise informal settlement land use. This provision should be a mandatory requirement.

5. Conclusion

It is submitted that the amendment of the By-Law along the lines set out above would be a progressive development and provide necessary protection to the right of access to adequate housing. In particular SERI recommends that:

1. An exception be carved out for people living in informal settlements in sections 62 and 63 of the By-Law.
2. Sections 62 and 63 explicitly state that these sections are subject to the PIE Act or alternatively that it does not apply to a person’s home.
3. Section 62 explicitly states that a court order is required to authorise the powers granted in the section, alternatively read the section subject to section 63(6)(b) of the By-Law.
4. The By-Law be amended to ensure that non-compliance with a direction may not result in criminal conviction and that criminal conviction be limited to non-compliance with the By-law or the Land Use Scheme.

5. The sections dealing with standing, specifically sections 18, 25 and 53, be broadened to include interested parties and that land users should be specified. In addition, it is recommended that notice be given at the property or land to which an application for development or amendment applies.

6. The power to apply for the development of a township be extended to include not only owners, but also municipalities and residents of informal settlements.

7. Provision be made in the By-law for the creation of special zones in informal settlements. This provision should be a mandatory requirement.