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A City’s Engagement with Backyard Housing: The Case of the City of Tshwane

Mhlati, Ntombizodwa Muriel

2024

University of the Witwatersrand, Johannesburg

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Mhlati, Ntombizodwa Muriel. (2024). A City’s Engagement with Backyard Housing: The Case of the City of Tshwane. [Master's dissertation, University of the Witwatersrand, Johannesburg]. WIReDSpace. https://hdl.handle.net/10539/49629

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A City's Engagement with Backyard Housing: The Case of the City of Tshwane

Ntombizodwa Muriel Mhlati (2359274)

School of Architecture and Planning

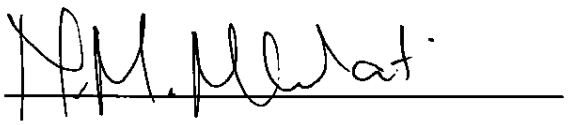
Supervisor: Sarah Charlton

A research report submitted to the Faculty of Engineering and the Built Environment, University of the Witwatersrand, in partial fulfilment of the requirements for the degree of Master of Science in Development Planning.

Johannesburg, 2024

Declaration

I, Ntombizodwa Muriel Mhlati, hereby declare that this research report is my own unaided work and that I have been the sole researcher involved in this research project. This research report is submitted as a requirement to obtain a Master of Science in Development Planning degree in the School of Architecture and Planning to the Faculty of Engineering and the Built Environment at the University of the Witwatersrand, Johannesburg. It has not been submitted before for any degree or examination to the University of the Witwatersrand or any other university.



(Signature of Candidate)

On the 30th day of March 2025

Abstract

Backyard housing is a phenomenon occurring in municipalities across South Africa. Private developers create a housing supply for poor and low-income earning people within municipalities and generate income from rented units (Turok and Borel-Saladin, 2016). Municipalities coordinate the delivery of other housing provision programmes as mandated by law and directed by policy. However, there exists a vacuum in policy and legislation to manage and monitor backyard housing. This research investigates the engagement of the City of Tshwane Metropolitan Municipality with backyard housing. The research draws from the qualitative interviews with various stakeholders, the need for improved engagement with the phenomenon.

The research reveals the attitude of City officials towards backyard housing and indicates governance and cultural traits that influence engagement with backyard housing within the City of Tshwane. The City's involvement with the housing phenomenon presents opportunities for improved intergovernmental collaboration towards policy formulation, density development, compliance and enforcement, and funding tailored solutions for small-scale and micro developers. There is a need for effective and purpose-driven stakeholder participation to improve backyard housing engagement.

PLAGIARISM DECLARATION TO BE SIGNED BY ALL HIGHER DEGREE STUDENTS

SENATE PLAGIARISM POLICY: APPENDIX ONE

I N.M. MHLATI (Student number: 2359274) am a student registered for the degree of MSc DEV. PLANNING in the academic year 2025

I hereby declare the following:

- I am aware that plagiarism (the use of someone else's work without their permission and/or without acknowledging the original source) is wrong.
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- I have followed the required conventions in referencing the thoughts and ideas of others.
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Signature: N.M. Mhlati Date: 30/03/2025

Dedication

This work is dedicated to my late Mother, Harriet Vuyelwa Rosebud Mhlati and other family members who contributed to my studies and promoted the value of education. I encourage my children (Luthando and Lwandile), nephews and niece to love studying, contribute to academia and never give up on their dreams.

Acknowledgement

Ngivuma amandla woMdali nempilo angiphe yona ngakwazi ukuqeda lomsebenzi. Ngabe Yena engavumanga, bengingeke ngiwuqede lomsebenzi futhi ngabe angikho la.

I acknowledge the might of the Creator and the life He has bestowed upon me to complete this work. Had He never consented, I would have never finished let alone be here.

I sincerely thank the following people

- Professor Sarah Charlton, my supervisor, for putting up with me, her guidance and words of encouragement
- Nqobile Malaza for kind words and direction and always providing a fresh perspective
- Neil Klug for great engagements and advice
- Veronica Fisher for being the best postgraduate administrator
- Amelda van Vuuren for her assistance in remaining registered
- All lecturers who taught me since 2020 in my Postgraduate Diploma era. They increased my interest in Planning
- Classmates I met and that jogged my mind to creative thinking
- My Sisters, Maureen (affectionately referred to as Fikile, Mama and sometimes Bridgette) and Faith Sibongile Mhlati for believing in me and celebrating my big and little wins
- Lastly, my workplace. I was often left me with little time to study and this has forced me to plan and manage time better

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Chapter 1: Introduction of research

1. Introduction

This research investigates the experience of the City of Tshwane Metropolitan Municipality with backyard housing. The research seeks to establish the engagement of the City with backyard housing, revealing opportunities and challenges that backyard housing poses on the City's spatial planning, compliance and enforcement, development funding, maintenance of services and infrastructure. The City of Tshwane's engagement with backyard housing is affected by the national housing provision mandate and should be guided by policy and municipal council decisions. The culture within the City of Tshwane determines the level of enthusiasm to get involved in backyard housing, As will be indicated in Chapter 4, which discusses the findings of the fieldwork, there is an indication that there is no policy that speaks directly to backyard housing in the City. Thus, the presence of a bureaucratic culture that bases decisions on formal standard procedures and precedents leads to a slow embrace of change and innovation to engage with backyard housing.

Backyard housing is an expanding private rental housing supply phenomenon in urban settlements providing affordable housing to poor and low-income individuals who would not benefit from state housing near or in areas where they choose to reside (Scheba and Turok, 2020). This phenomenon is initiated by property owners and developers when filling gaps to attain adequate housing particularly for the poor and low-income individuals and households (Turok & Borel-Saladin 2016). Landlords provide adequate affordable housing and generate an income, and tenants maximise the use of space and infrastructure in stands (Shapurjee, Le Roux and Coetzee, 2014). Property owners trade off available space in their residential stands and erect structures to accommodate tenants (Shapurjee and Charlton, 2013). The backroom structures are erected using with makeshift or solid permanent material on available space next to or behind the main house, hence the term backyard housing. This research study is limited to backyard housing in formal settlements, though the phenomenon does also occur in informal settlements. Backyard housing in formal settlements is preferred since they offer access to basic municipal services such as reticulated water, waterborne sanitation, electricity, scheduled waste collection,

established transportation and other amenities (Shapurjee, Le Roux and Coetzee, 2014, Turok & Borel-Saladin 2016).

The City of Tshwane, like all municipalities in South Africa, enjoys support from national and provincial Human Settlements departments to administer housing within its boundaries (GCIS, 2022). The City partakes in housing projects to provide subsidised houses, serviced stands and rental units to address the housing demand in line with legislation and the national housing policy (Tissington, 2011). Backyard housing is a phenomenon that fills the gaps for adequate housing provision where government falls short, and backyard developers generate income from rented units. Backyard housing relieves government of pressure for demand and supply of affordable rental housing (Turok & Borel-Saladin 2016). In my observation as the City of Tshwane employee, it appears that the City is not involved in the backyard housing phenomenon i.e. not monitoring it, reporting on it and not discouraging it. The research examines the interest of the City in engagement in backyard housing by interviewing officials of the City to determine knowledge of the phenomenon and an appetite to engage. The lack of a legal framework to manage and govern backyard housing could also add to reasons for disengagement (Shapurjee and Charlton, 2013, Isandla Institute, 2020a). The research explores what would be legal implications of ignoring backyard housing. Placing my preconceived assumptions aside, the research objectively aims to understand the attitude and approach of the City with backyard housing, to understand the guidance of others who interacted with the phenomenon and to reveal possible opportunities for inclusive, progressive and integrated housing policy (Klug, Rubin and Todes, 2013).

This qualitative research through semi-structured interviews with the City's officials and those from other government organisations reveals understanding, perceptions and concerns around backyard housing. Backyard housing may provide spatial development opportunities (such as densification, maximisation of land use and of infrastructure) to benefit the City's spatial planning, economic growth and social development. The City's engagement with backyard housing may improve building and land use compliance. The dialogues of various stakeholders will improve understanding of backyarding and compliance by creating more appropriate regulations and introducing simplified building approval processes (HSRC, 2024). Public participation and progressive engagements with other housing stakeholders may also influence policy formulation. Drawing from literature and lessons from other municipalities that apply interventions and

programmes to accommodate backyard housing, this research also hopes to encourage better engagement with backyard housing by municipalities.

1.2 Background

The City of Tshwane is the capital city of South Africa located in the Gauteng Province, an economic centre of the country, (see Figure 1). South Africa's housing demand has grown by more than 750 000 people annually between 2017 and 2022 (Stats SA, 2022) and is attributed to rapid urbanisation pressuring cities to meet the housing demand. The Municipalities in the Gauteng Province experience the highest increase in backyard housing (GCRO, 2018). The City of Tshwane Metropolitan Municipality experiences high immigration which contributes to high housing demand and adds pressure to the household infrastructure delivery. The added pressure hikes the cost for infrastructure provision, maintenance, future upgrades and replacements because additional infrastructure capacity is needed to ensure adequate service to households and to prevent infrastructure overloading and failure. In line with policy, the City participates in projects that deliver state-subsidised construction and provision of low-cost housing units and social housing for rent at reduced rates (Tissington, 2011). 80.1% of households in the City of Tshwane are formal in the City, meaning that 19,9% of households remain in informal dwellings (Stats SA, 2022). The City had a formal housing backlog of 202 312 in 2016 (City of Tshwane IDP, 2016) and its average annual rate of growth in the number of households increased to 3.21% from 2006 to 2016, which was higher than the annual national households increase of 1.97% from the same period.

Despite the achievements in providing low-cost housing, rental units and formalising informal settlements, the demand for housing in the City remains high. The City scrambles to control land invasions, resorts to demolishing growing numbers of shacks and partakes in eviction processes to curb the growth of informal settlements. Backyard housing is also informal but it seems the City does not apply control measures. Backyard housing is a free enterprise without the interference or influence of the state. This allows it to grow faster than informal settlements since demolitions and evictions by the municipality are not applied (Isandla Institute, 2022). Table 1 indicates a 205% increase in backyard housing, much higher than other forms of housing from 2001 to 2016

in South Africa. Backyard housing emerges as a densification concept that provides affordable rental housing for the poor and maximises infrastructure distribution. However, backyard housing compromises formalisation efforts by the City of Tshwane as non-compliant structures, makeshift material use and increased housing structures in stands result in informality and overcrowding (Govender, Barnes and Pieper, 2011).

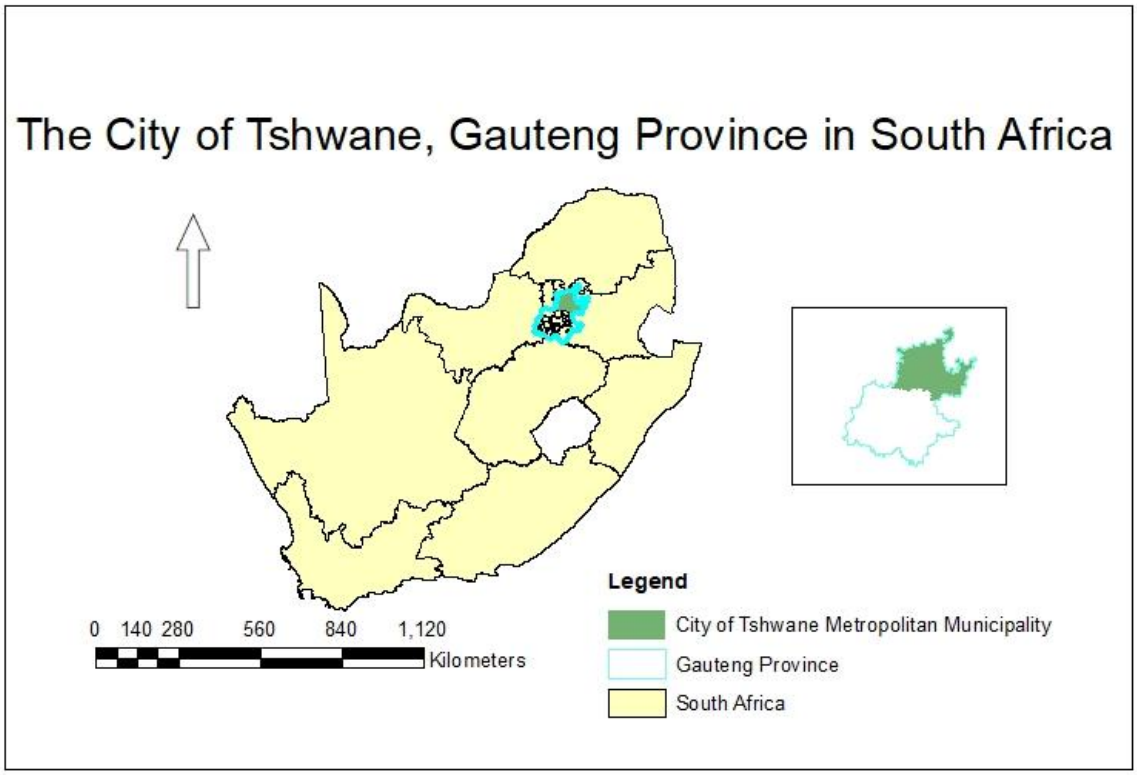


Figure 1: Location of the City of Tshwane, Gauteng, South Africa (Source: Author)

The City of Tshwane is responsible for spatial planning within the municipality's boundaries. It sets forth the spatial development framework and implements spatial and land use management functions (SPLUMA, 2013). The City administers human settlement projects and coordinates, budgets and implements housing-related infrastructure projects to provide adequate housing. The right to access adequate housing is enshrined in Section 26 of the Constitution (Republic of South Africa, 1996). Municipalities are responsible for administering adequate housing within the

legislated framework by the National and Provincial Human Settlements departments (Tissington, 2011). The City delivers state-subsidised low-income housing and rental housing. Backyard housing is an informal form of rental housing. It is a phenomenon that grows yet the City of Tshwane has limited capacity to register, regulate and monitor.

Backyard housing is an old practice that occurs in formal and informal settlements and is fast growing amongst formal settlements equipped with basic municipal services (Scheba and Turok, 2020). Property owners trade off available space in their stands and erect rooms for rental income (Shapurjee, Le Roux and Coetzee, 2014). The rooms can be used to accommodate family expansions but generally are for income generation rented to tenants. The stand owner decides the number of rooms to erect in a residential stand based on available space, affordability for construction, and maximum income generation. Various materials are used to erect backyard structures, including zinc, wood, brick and mortar. The stand owner decides the arrangement of structures on the stand and sets rules that are generally informal. The entire process in backyard housing is controlled and managed privately between stand owners and tenants and functions without input from land use authorities, namely local municipalities. Shapurjee and Charlton (2013) and SALGA (2014) propose that the state plays an active role in supporting backyard housing to secure the supply of new rental stock compliant with spatial and land use legislation,

Dwelling type classification and change (2001-2016)				
Dwelling type	Definition	Count 2001	Count 2016	Change
Formal	Free-hold formal houses	1 190 167	1 647 686	38%
Informal	Any informal housing structure	395 449	598 406	51%
Backyard	All backyard structures associated with formal housing that may be used for housing purposes (formal and informal)	266 929	813 224	205%
Transitional	Housing structures that are difficult to classify as either formal or informal	161 963	148 753	-8%

Table 1: Dwelling classifications and overall growth (Source: GeoTerraImage, 2016)

and reliable tenure. Turok and Borel-Saladin (2016) add that backyard housing may be adopted as a prototype to provide affordable rental units to low-income earners and the poor.

This report investigates the engagement of the City of Tshwane Metropolitan Municipality with backyard housing. Backyard housing can be viewed as a stopgap to fulfil the demand for adequate housing (Turok and Borel-Saladin, 2016) and allows for sharing of municipal services (Shapurjee, Le Roux and Coetzee, 2014). The research examines the definition of adequate housing and how it can be achieved. Uncontrolled backyard housing appears haphazard and seems to reverse formal development in established settlements. In contrast, backyard housing presents densification development opportunities. This qualitative research allows the City and other stakeholders to ventilate the effects, causes and concerns that backyard housing poses. It also includes engagement with backyard dwellers in Refilwe township called Bana Ba Refilwe, who indicate their participation and force the City of Tshwane to notice them.

1.3 Problem statement and rationale

There is a massive backlog of provision of affordable housing in South Africa for the poor and low-income earners. Backyard housing emerges as a successful supply of affordable rental housing for the poor and low-income earners (Turok and Borel-Saladin, 2016). Backyard housing increases and changes the aesthetics of the cities. It is densifying settlements (Rubin and Charlton, 2020), yet the City of Tshwane applies no land use monitoring nor building control on structures and stands involved in backyard housing. The City's infrastructure gets overwhelmed, capacity for maintenance is over-stretched and planned urban development gets compromised. It is currently unclear what the City of Tshwane's engagement with backyard housing is and if the engagement is absent, it is important to understand why. There is a limited legal framework to guide local government for engagement with backyard housing however, the City can use its data to indicate the spread of backyard housing within its boundary and establish its active involvement with backyard housing. The engagement of the City of Tshwane with backyard housing may influence policy formulation at various levels and spheres of government. This research aims to reveal the benefits of active participation and collaboration with other stakeholders in backyard housing, allow for exploring urban development opportunities presented by backyard housing, and explore why the City seems relatively uninvolved in the phenomenon.

1.4 Aim of the research

This proposal aims to establish what is the involvement of the City of Tshwane with backyard housing and to establish the reasons behind the City's involvement or reluctance to get involved with backyard housing. It explores whether the City would encourage progressive and beneficial engagements with backyard housing. The report explores available data to indicate the spread of backyard housing in the City and reveals the changes in backyard housing as understood by officials in the infrastructure and operational departments of the City. The report further considers possible scenarios of beneficial collaborations with the community and urban development opportunities that backyard housing presents to the City. This research aims to:

- reveal the true extent of the City of Tshwane's involvement in backyard housing
- obtain clarity on why the City appears to have limited involvement in backyard housing
- understand the concerns of the City regarding backyard housing
- indicate the willingness of the City to participate in backyard housing actively and to establish a preferred collaboration with other stakeholders in backyard housing. The case of Bana Ba Refilwe is used to demonstrate the insistence of backyard dwellers to be recognised, and
- establish whether the City recognises urban development opportunities presented by backyard housing.

1.5 Research questions

The main question of the research is, "What is the engagement of the City of Tshwane with backyard housing?"

The following sub-questions assist in answering the main question

- What has been the City's response to backyard housing?
- What is the City's current attitude and approach towards backyard housing?
- What explanations are the City providing for its position on backyard housing?
- What is the City's view on collaboration, densification and other urban development opportunities that backyard housing presents?

1.6 Literature review

Backyard housing supplies affordable rental housing in urban cities to low-income earners, job seekers and the unemployed where the state seems to take too long or has failed to provide adequate housing (Turok and Borel-Saladin, 2016). Property owners trade available space in their yards to erect structures and rent them out to prospective tenants for income (Shapurjee, Le Roux and Coetzee, 2014; Lemanski, 2009). The trade of space for rent benefits both the landowner and the renter. The backyard housing phenomenon has expanded over the years, especially in urban developed settlements with available basic water, sanitation, electricity and transport. Other drivers influencing the selection of settlements that offer backyard housing include location, cost of rental units, access to amenities, economic opportunity and social stability (Rubin and Gardner, 2013). Backyard housing is privately initiated and implemented without the state's involvement. Backyard housing proves that the people in a municipality can provide a working solution to access and provision of housing to curb the housing backlog.

Property owners and tenants display functioning activism and agency; hence Turok and Borel-Saladin (2016) refer to backyard housing as a stopgap that satisfies the demand and supply of affordable rental housing. The state can adopt backyard housing as a prototype to meet the demand for adequate housing. The prototype allows for the densification of settlements in the reality of competition for limited land, allows for improved access to housing, maximises and manages the use and the overburdening of infrastructure (Turok and Borel-Saladin, 2016, Gardner, 2015).

Backyard practices maximise the use of infrastructure and place pressure on maintenance cost, consequently increasing operation expenditure. Therefore, the state can no longer afford to ignore backyard housing and needs to control, manage and regulate its activities (Shapurjee, Le Roux and Coetzee, 2014). Limited policy on backyard housing cannot remain the reason for lack of involvement. Rubin and Gardner (2013) in the Response to Backyarding final report prepared for SALGA, indicates the role that municipalities should play to integrate backyard housing into formal urban planning, extend funding to provide services to backyard units and regulate the development of backyard structures. Further, they propose that municipalities lobby other spheres

of government to include backyard housing in policy formulation (Rubin and Gardner, 2013). Shapurjee et al. (2013) states that backyarding absorbs the demand for low-cost housing therefore, the state's approach to low-cost housing provision must consider a shift from ownership and include rental solutions considering affordability, income generation and social reasons of those in need.

Backyard housing complements densification and resilience plans. However, the effects of uncontrolled backyard housing on cities include municipality non-approved backyard structures, overburden of service infrastructure and the reversal of formalization efforts. Due to such effects and experiences, cities apply heavy-handed control measures that become counterproductive to innovative ideas. Resilient densification allows space for growth to adapt to social, economic and spatial reformation and to stimulate local economies (Shapurjee et al.). Gardner (2015) encourages planners to observe emerging opportunities to replan the urban structure, create high-density residential development corridors, promote mixed land use and influence the development. The promotion of formal and compliant structures contributes to sustainable housing. Improved access to municipal services and other amenities, access to income and social security offer improved livelihoods and avoid service delivery. The City of Cape Town and City of Johannesburg, despite the lack of national and provincial policy on backyard housing, have developed strategies to integrate backyard housing into their housing strategies (Isandla Institute, 2020a, Turok, 2020). Emulating a similar stance and adopting a housing strategy inclusive of backyard housing can encourage service departments in the City of Tshwane to incorporate backyard housing in their plans.

The City of Johannesburg Metropolitan Municipality used resilient densification to attract public investment to provide amenities and improve service delivery as in Bram Fischerville (City of Joburg, 2011). Private organisations, such as the Trust for Urban Housing Finance introduced uMastandi and IBuild Home Loans to fund and improve building compliance of backyard structures (Scheba and Turok, 2020; Affordable Housing Finance Africa, 2020). The state can participate with backyards and other stakeholders to improve backyard housing developments.

1.7 Methods

This qualitative research illustrates the perception and approach of the City of Tshwane with backyard housing by conducting semi-structured interviews and exploring backyard housing data from the City of Tshwane. Officials of the City from various departments shared their experiences and proposed industry expert solutions for backyard housing during interviews. The interview questions interrogate the willingness of the City to explore emerging opportunities presented by backyard housing, such as densification, mixed land use and the contribution of backyard housing to economic growth. The questions also inquire about emulating strategies implemented in other municipalities and learning from civil society group lessons on backyard housing.

Data collection instruments

The qualitative research used semi-structured interviews, the scrutiny of governance aspects such as decision-making, accountability, participation and culture in the City of Tshwane, studying grey material, and the account of Bana Ba Refilwe with backyard housing. The semi-structured interviews were prepared to engage with officials in the various organisations and in the City departments.

Access to the City's documentation and data assisted in interrogating, displaying and sharing information on the extent of backyard housing in the City. Such information is essential for situation analysis and for planning for backyard housing. A desktop interrogation of the literature assisted with analysing research findings.

Ethical consideration

Ethics certification was obtained before conducting the research. Permission to engage with officials and to scrutinise any documentation and information from the various organisations was granted prior to conducting fieldwork.

I note that I am an employee of the City of Tshwane, working in the Environment and Agriculture Management Department as a Director in the Waste Management division. This provides me with easy access to approach colleagues for interviews.

My conduct with interviewees needed to include respect, and sensitivity to my propinquity within the City of Tshwane and the protection of the identity of participants should they request this. Ethical considerations and limitations are elaborated further in Chapter 3.

Chapter 2: Literature Review

2.1 Introduction

This chapter explores the literature for the analysis of this research. The researcher aims to expose the City's extent of involvement with backyard housing, indicate the concerns the City may have with it and reveal plans regarding backyard housing. The chapter is structured to discuss the composition of the City of Tshwane as an organisation and institution of the state, the structure and culture of the organisation. It also explores governance matters, in particular, the decision-making, programme and project planning and development regarding backyard housing. This discussion on the City lays ground for trying to understand its attitude and approach to backyard accommodation. Following this, there is a discussion outlining the evolution of housing delivery policies to achieve the mandate to provide adequate housing and how backyard housing could be included in the formal housing provision for low-income households, the poor and unemployed. Further, to achieve density housing and improved access to municipal services (Isandla Institute, 2022).

2.2 The organisation, the City of Tshwane

The City of Tshwane as an organization is constituted, structured and managed following strict legal legislation. These parameters influence decision-making and culture within the organization and interaction with external stakeholders.

2.2.1 The formation of the organization called the City of Tshwane Metropolitan Municipality

The Constitution of South Africa sections 151 to 156 outline the local sphere of government as consisting of municipal institutions with political and administrative structures, each responsibility over its geographical area defined by the Municipal Demarcation Board (MDB), over the span of the South African Republic boundary (RSA, 1996). The Municipal Systems Act (MSA) defines a municipality as a legal institution, an organ of state at local government, possessing executive power and legislative authority within a municipal geographical boundary (RSA, 2000). The municipality is established by the Provincial Local Government Department to govern the

municipal area through the Municipal Council, elected with a five (5) year term of office (RSA, 1998b). The Municipal Council makes decisions and executes them through the Municipal Administration (RSA, 2000). The municipal administration is led by the municipal manager and is structured in a manner that enables the municipality, with municipal resources, to ensure access to essential services, delivery of services and for promotion of progressive economic and social development to people who reside within the municipal area (RSA, 2000). According to the Municipal Structures Act (RSA, 1998b), the City of Tshwane is established as a category A Metropolitan Municipality led by the Municipal Council, of elected Councillors, headed by the Executive Mayor. The Councillors are elected political party representatives within an electoral Ward in a municipality of local government, in a Municipal Council must reach an agreement and approve a five (5) year Integrated Development Plan for the City. It is easy to reach agreement when a political party has an outright majority of seats of 50% plus 1 in a proportionate representation in the Municipal Council. In the absence of an outright majority win of elected votes a hung municipal council is created. This gives rise to coalition or minority government (Beukes and de Visser, 2021). Kaarbo (2008) states that the quality of consensus and decision-making in coalition government depends on the power of persuasion, polarization and the behaviour of groups and individuals. Failure to reach an agreement in the Municipal Council may result in non-performance of functions of the municipality and may delay or lead to lack of service delivery.

2.2.2 A coalition-run Municipal Council

In the 2021 local government elections, no single party had a majority of seats in the City of Tshwane Metropolitan Municipality which led to a hung council. This necessitated a coalition government formed by multiple parties. A multiparty coalition ensures the election of the mayor and members of the executive and secures support for decision-making in the council. Visser (2024) indicates that coalitions may deepen democracy by representing broader political ideologies, ideas and solutions. He adds that the cooperation of multiparty representatives may broaden unity amongst representatives and voters in local government. Consensus of representatives on the adoption of policies may improve acceptance and support for policies (Michels, 2011). On the contrary, coalition government may not reflect the wishes of the people that voted representatives into power. Policy decisions may also be based on compromise (Beukes and de Visser, 2021). Though the compromised-based policies may last longer, their influence may be less effective in driving change in the lives of the people in the municipality (SA Cities Network, 2022). Weak coalition governments are prone to conflict amongst party

representatives, and this may result in postponement of decisions, poor governance and delivery of services, and ultimately stagnating development in the municipality. Iris Carbon (2024) indicates that the engagement of stakeholders can help build consensus by facilitating openness in dialogue and strengthening collaborative decision-making processes. Hartnett (2011) agrees that the effective functioning of any institution or organisation is indicated by its ability to make decisions well.

2.2.3 Governance and development

For any local policy arrangement, a decision to engage various roleplayers involved would be needed. In the case of backyard housing, the roleplayers need to be consensus-oriented to be responsive to backyard housing while observing current legislation surrounding backyard housing. This raises the issue of governance. Prinsloo (2013:3) describes governance as a "process of decision-making and the process by which decisions are implemented or not implemented". Kotler and Keller (2016) define a decision as a conscious choice amongst many options of action. While Simon (1977) describes decision-making as the absolute reasonable option between possible courses of action and that decisions are made at all levels of the organization by stakeholders and roleplayers. The World Bank defines governance as the power to regulate the resources of an organisation for development (Islam, 2018). The United Nations adds that effective policies and strategies in service delivery are obtained by institutions and human capabilities (UN, 2006). Pierre (2000) explains governance as the sustenance of coordination and agreement among various roleplayers to achieve different objectives of specific groups, making governance a socio-centric activity. Munshi (2004) supports the notion of governance as a participative means of governing that is responsible, accountable and transparent. He says that governance is effectively conducted with principles of efficiency, legitimacy and consensus for public interest and adds that beyond the political exercise, governance ensures the welfare of society and promotes sustainable development with social justice (Munshi, 2004). While Pierre and Peters (2000) indicated that governance is a state-centric relationship with society whereby the state asserts its political power, makes priorities and defines its objectives with heavy reliance on policy. The United Nations Development Programme (2011) explains governance as a process that involves creating a space for inclusion and responsiveness to respond efficiently and effectively to people's needs. The process considers the opinions of the marginalised and hears the voices of the minorities in decision-making to respond actively to the current and future needs of the people.

Hendriks (2014) points out that the key values of good urban governance are the institutional makeup that reflects responsiveness, effectiveness, procedural justice, resilience and counterbalance to be exercised by decision-makers. Hendriks (2014) adds that governance is a concept that refers to directing or driving service delivery and problem-solving by various stakeholders and roleplayers, particularly in public administration. While Pierre (2000) indicates that governance may be perceived as an impediment in government processes since it removes autonomy and monopoly in decision-making, Rhodes (2000) explains that governance drives a shift indicating working arrangements that include multiple government and nongovernment actors with productive and corrective capacities for urban issues in institutions. In the case of this research, governance means finding a way and recognising the need to engage other role players in the urban space that deliver backyard accommodation outside of government. These engagements with nongovernment role players bring diverse approaches to improve capacity and incorporate backyard housing to solve housing demand, manage infrastructure, densification and urban development. Thus, drawing from theories of collaboration, partnership, accountability and inclusive decision making in policy making and improving service delivery. This research is concerned with the City of Tshwane's approach to key governance values in addressing the City's overall engagement of backyard housing. It also zooms into the Bana Ba Refilwe's representative participation during implementation of a housing project.

2.2.4 Consensus-Oriented Decision-Making

Consensus-Oriented Decision-Making (CODM) is a route to producing an agreement among stakeholders and roleplayers altogether encouraging participation and collaboration (Hartwell, 2011). The CODM facilitates groups to apply insight to complex issues, resolve conflict and develop dynamic communication skills. The Iris Carbon Team (2024) adds that stakeholder involvement enhances the quality of the decision since diversity leads to better assessment for balanced outcomes. Further, CODM encourages group ownership using good governance, particularly responsiveness, effectiveness, procedural justice and counterbalance values (Hendriks, 2013). Consensus is a principle in good governance and is related to decision-making. Decision-making is a process that involves the identification of a decision that needs to be made, the collection of relevant information and careful consideration of alternative solutions (UNESCAP, 2009). The decision to engage backyard housing by the City of Tshwane Metropolitan Municipality is interrogated in this research. It is essential to reveal relevant information available to the City

of Tshwane to make this decision and to find possible solutions to engage backyard housing within the boundaries of the municipality. Reaching consensus on decisions amongst stakeholders and roleplayers to meet minimum and acceptable wishes concerning backyard housing depends on institutional arrangements, participation and legislation allowances.

2.2.5 Participation in coalition government

Decisions in coalition government tend to be deliberated and negotiated amongst political party representatives and tend to leave out other stakeholders' participation. However, the participation of people, businesses, civil society and religious groups (to mention a few interested and affected by the decisions of a municipality) is a key principle of good governance in recognition that the government cannot do everything on its own (SALGA, 2013). Michels (2011) states that participation gives citizens a say in decision-making, encourages civic duty and increases the legitimacy of decisions. Participation provides an opportunity for the administration and people in the municipality to influence decision-making, policymaking and development in the municipality, not only to elect party representatives. Good governance in an institution such as the City of Tshwane Metropolitan Municipality should enhance service and development when it addresses and responds to the needs of people.

The Integrated Development Plan (IDP) is one document intended to outline objectives for the economic and social development of the municipality that respond to the needs of the people residing in the geographical areas of a municipality. The IDP indicates the time frame for service delivery in the short, medium and long term and the associated budget. Therefore, it is a performance management tool addressing the response to developmental needs in Ward, township and greater municipality scale.

Some of the South African legislation that governs performance management in local government include the MSA (RSA, 2000), the Municipal Planning and Performance Management Regulations (2001), and the Municipal Finance Management Act (2003). Civil society groups such as Development Action Group, Isandla Institute, and small-scale developer funding groups such as uMastandi, constantly lobby for improved quality of service, coordinated planning and compliance with building regulations to improve service delivery for backyard dwellers. Further, Isandla

Institute (2021) identify possible backyard housing-causing situations and proposes interventions to improve the backyard housing experience to various spheres of government. Holston (2009) refers to insurgent citizenship where citizens form movements to confront exclusion and lay claim to their right to the urban space. As Bana Ba Refilwe challenged the formalization and prioritization of those residing in informal areas over those in backyards and claimed their right to be served first, they raise the authority of privilege and their worthiness to better living (Holston, 2009).

2.2.6 The IDP, responsive performance management tool

The responsiveness of an institution, in this instance the City of Tshwane, and its processes (both political and administrative) to address the needs of stakeholders within a reasonable time underpins an essential principle in good governance. The Municipal Planning and Performance Regulation under section 120 (RSA, 2001), read in conjunction with sections 37, 43 and 49 of the MSA indicates that the Integrated Development Plan (IDP) of a municipality should identify development initiatives in the municipality (RSA, 2000), outlining the infrastructure, physical, social, economic and institutional development to be prioritized in a five (5) year period of political term of office. The IDP indicates key performance indicators for the municipality, and the institutional framework to implement the plan and address any transformation needs necessary for the achievement of the strategies and programmes set out in the IDP (MPPR, 2001). The IDP includes the municipality’s spatial development plan that reflects the municipality’s desired spatial form, strategies and policies to achieve desired patterns of the use of land, to guide the type and location of development, and to achieve spatial reconstruction. The IDP includes the land development infrastructure investment and delineates the urban edge as far as the municipality's priority investment focus. The IDP is a document that sets performance indicators that are relevant, objective and measurable for setting key performance indicators in respect of development objectives and priorities. Section 9(2) of MPPR states that the municipality must ensure the involvement of the community concerned. The Regulation states that the municipality should report and apply monitoring and evaluation annually (MPPR, 2001). Section 15 promotes community participation in the municipality’s drafting and implementation of the IDP in the monitoring, measuring, review and setting of performance indicators in the IDP through a Community Forum inclusive of Ward Committees.

The IDP process is a legal process that ensures target setting focused to address needs of people in the municipality. Decision-making on selected projects, budgeting and approval is only complete when public participation has taken place. The monitoring, evaluation and review of IDP progress promotes accountability. It is a wholesome good governance process. The understanding that backyard housing is an essential affordable housing supply for the poor and low-income people in a municipality would be referenced in the IDP.

2.3 Organisational Culture

Organisational culture is based on the values, beliefs, attitudes and rules in the organisation that may affect the behaviour and reactions of employees (Tsai, 2011). Culture shapes the thinking of employees and informs them about their choices when carrying out duties in the workplace. It guides organisational behaviour and may separate acceptable from unacceptable behaviour and promotes integrity, accountability, transparency and teamwork. Metwally, Ruiz-Palomino, Metwally, Gartzia (2019) add that the culture of an effective organisation can increase the willingness for change. Grace He (2023) adds that organisational values may differentiate organisations and may form part of decision-making process. Organisational culture may be the unique source that gives an organization its competitive advantage over others (Ali and Hadi, 2012, Thompson, Strickland and Gamble, 2010, Vegro, Rocha, Camelo and Garcia, 2016). Change can be used to introduce new ideas and encourage ethical behaviour in an organisation.

He, referring to Charles Mandy’s organisational culture model, describes an organisation's culture using a model of four (4) types. He explains that the club culture type is based on trust, power, connections and influence over allies and stakeholders and the understanding of their needs to gain support for ideas and projects. Club culture centres around the senior leadership, their knowledge and employees looking up to them, creating a comfortable space to make mistakes and take risks (He, 2023).

The role culture type is prevalent in bureaucratic organisations and is based on the role and responsibility of individuals within the hierarchical structure. Role culture follows rules, procedures and policies and can be slow to accept change (He, 2023). Veigas (2022) adds that role culture relies on the specialization and qualification of individuals and tends to hold individuals responsible and accountable for assigned work.

Another type is task culture, and it is results oriented and useful for solving problems. Harinarain, Bornman and Botha (2013) caution that the culture of an organization can affect the performance of an organization when determining and implementing an organizational strategy. In task culture, employee performance is measured by the number of problems solved. The task culture requires expertise, problem-solving ability, creativity and talent and high levels of engagement. The task culture is useful for the expansion of services and development in an organization (He, 2023 and Velgas, 2022). Team selection is essential for success as unsuitable people can stall progress. Therefore, task culture allows for capacity building and training for new skills in an organisation.

The last type is existential culture (He, 2023). It is one where the individual's skills and talent are the organisation's greatest asset. Existentialist culture produces star performers of expert professionals given autonomy to carry out their duties as they desire (He, 2023). Contrastingly, Veigas (2022), using Mandy's model, indicates this as the person's culture. Veigas (2022) cautions that the person's culture may produce narcissistic employees who are too concerned about themselves than the organization. The employees in a person's culture have no loyalty to the organization and may see employment for money gain. The grandiose display of existential culture may suppress views of others, especially junior staff, and leave them suppressed, demoralised and unmotivated to propose change. Backyard housing requires collaborative and innovative engagement to achieve intentional solution-oriented implementation.

2.4 Planning with backyard housing in mind

2.4.1 Spatial planning

The aim of spatial development planning by municipalities, as referred to in the repealed Development Facilitation Act 67 of 1995 (DFA), is twofold: first to effect spatial development principles indicated to bring forth compelling actions to fast-track the reconstruction and development programmes and projects related to land development, and second to facilitate the formulation and implementation of land development objectives to which municipalities in local government can be measured. The DFA (1995) aimed to provide uniform procedures for land development and subdivision to speedily promote the provision and development of land for various uses such as residential and small-scale farming, nationally. The Act encouraged the security of tenure (DFA, 1995). Secure tenure can assist in acquiring funding for development projects by creating a stable and attractive environment for investment. The DFA (1995) has since been repealed and replaced by the Spatial Land Use and Management Act (SPLUMA, 2013).

SPLUMA (2013) is the sole document in South Africa providing spatial planning principles and a framework for planning and land use management.

Both Acts promote the sustainability concept in land development. Norberg and Cumming (2008) refer to sustainable development as attaining equity and taking ethical actions to uphold the values of present and future generations, and making sound decisions and choices to utilise the scarce yet necessary resources. The SPLUMA (2013) principles for spatial justice, efficiency, resilience and good administration capture the sustainable development efforts and encapsulate the aims of the government system. Spatial justice is interpreted to refer to redress, inclusion and the flexibility to consider differing types of human settlements and responsiveness (South African Cities Network, 2015). It aims to correct the past injustices of displacement and racial spatial grouping. It encourages economic inclusion for all people to participate, afford, have access and reside close to economic opportunity. It also acknowledges the value of adequate housing, regulates and promotes all forms of housing, private and public, equally, to meet people's various housing needs.

Barnes and Nel (2017) explain that to attain the spatial sustainability principle as outlined in SPLUMA, there must be human and funding capacity for infrastructure input and maintenance, skills and innovation. Further, they explain that to improve efficiency, it is necessary to optimise the use of existing resources, have processes for strict land use management and limit the adverse results (Barnes and Nel, 2017). This speaks to resilience. Resilience is understood to be the ability to manage natural and socioeconomic shocks and the ability to recover to ensure sustainable livelihoods. The efficiency of construction materials can also improve resilience and promote sustainability.

Good administration of a municipal institution at local government relies on the ability to make decisions and resolve housing matters, tapping into the collaboration and support of intergovernmental relations for an integrated approach, involving the participation and empowerment of residents of the municipality while upholding the performance in spatial management (Barnes and Nel, 2017). Given the existence of backyard dwellings in the City of Tshwane municipality, the City of Tshwane should aspire to meet the SPLUMA principles to ensure inclusion, equity and economic efficiency, and display procedural fairness for both current and future backyard dwellers.

2.4.2 Intergovernmental relations (IGR)

Section 154 (1) of the Constitution sets the ground for the national government and provincial governments to support and strengthen the capacity of municipalities to manage their affairs and to exercise their powers and perform their functions. It further states that municipal powers are exercised in a system of co-operative government which allows the three spheres of government to work together effectively. Housing functions and urban development are assigned to the National and Provincial governments in Schedule 4 Part A of the Constitution of South Africa while, Part B of the Schedule places duties for spatial planning to municipalities in local government (RSA, 1996). Furthermore, at the Regional scale, the spatial development framework of municipalities must consider alignment with neighbouring municipalities. Ogra and Onatu (2013) categorically state that the IDPs together with the associated Spatial Development Framework should talk to one another concerning human settlement strategies in identifying suitable land within the urban areas for human habitation. Intergovernmental relations alignment to the IDP process facilitates and maintains cooperation amongst spheres of government and for effective and efficient service delivery (Magwanya and Shava, 2023). Thus, continuous engagement and coordination can strengthen inter-sphere collaboration, planning, budgeting and information exchange on development initiatives and programmes. The backyard housing policy formulation, monitoring and regulation will require intergovernmental consultation and collaboration in all three spheres of government. The experience and handling of backyard housing will require the coming together of municipalities and other non-government stakeholders to share ideas and find solutions to integrate backyard housing into overall housing in urban areas.

2.4.3 Housing policy

Tissington (2011) states that the national housing legislative and policy framework of South Africa post-1994 has been to locate and unseal urban land for residential use. The intention is to enable inclusive, transformative urban and spatial planning that provides adequate housing and addresses informal settlements in line with the United Nations Millennium Development Goals (Tissington, 2011). The right to adequate housing is enshrined in the Constitution of South Africa (RSA, 1996). Adequate housing is explained by the United Nations High Commissioner of Human Rights (2009), as obtaining secure tenure with no fear of eviction or a home being taken away and having the freedom to exercise choice of residence, a place to live and freedom to move with the provision of free-standing houses. Tissington (2011) expands the definition of adequate housing to include the availability of services, infrastructure, materials and facilities. Furthermore,

adequate housing must be affordable, habitable, and suitably located for access to work and other opportunities (Tissington, 2011).

Tissington (2011) indicated efforts by the state to provide adequate housing at a sustainable rate and to meet the United Nations Millenium Development Goals target (UN Millenium Declaration, 2000) of which South Africa set to eradicate informal settlements by 2014 were too ambitious. Also, the ability to timeously provide infrastructure and services to the new housing developments and to upgrade informal settlements, as an overcommitment (Tissington, 2011). Then the Breaking New Ground (BNG, 2004) policy emerged to accelerate sustainable housing development delivery. BNG aimed at integrating informal settlements into society to promote social and economic inclusion and relieve spatial challenges. Besides providing subsidized housing to low-income households, BNG also focused on addressing the entire residential housing market by integrating subsidized, rental, and bonded housing and ensuring access to economic, health, education, and social amenities (South African Human Rights Commission, 2004; Tissington, 2011). The national housing plan has been oriented towards housing ownership and property ownership (Tissington, 2011). Since 1994, great gains have been achieved for ownership by providing free-standing government-subsidised houses, commonly called RDP houses. Other housing plans included the upgrade of the informal settlements, the development and upgrade of rental units and access to bonded houses for middle-income earners. Low-income earners and the poor struggle to afford government-provided rental units. Backyard housing manages to provide affordable housing for low-income earners and the poor. The City of Tshwane's IDP document (City of Tshwane, 2020) mentions a need to address backyard housing; to date, there are no projects earmarked to address backyard housing, and there remains a city policy or by-law vacuum speaking to backyard housing.

2.4.4 Backyard housing

Backyard housing is the auxiliary structure adjoining or adjacent to the main house, and a free-standing structure in a residential stand other than the main house, providing accommodation to additional family members, friends or tenants. Stats SA (2010) defines backyard housing as formally approved solid or informal makeshift structures erected to provide accommodation on a stand and at times used by household members for economic gain. The Development Action Group (2022) states that backyard housing is a result of unfulfilled housing promises by the government and indicates a housing supply backlog. Backyard housing is a land-use practice whereby homeowners trade-off available backyard space and erect accommodation structures,

preferably in urban areas closer to high employment opportunities in South Africa for rental income (Brueckner, Rabe and Selod, 2018). Brueckner et al. (2018) indicate that the backyard structures get constructed in the stands of beneficiaries of government-subsidized houses for rental purposes to generate income. The SPLUMA (2013) states that the state has a duty to regulate all structures using existing compliance standards and find ways to fund an expansion of municipal services. This duty should apply to the regulation of backyard housing structures too.

Backyarding is an old practice that dates to the 1960s (Lemanski, 2009) in South Africa and was used initially to accommodate black and coloured migrant workers in what was termed council housing during apartheid (Brueckner et al., 2018). Backyard housing in the 1980s was a response to insufficient housing near economic nodes following the Group Areas Act that saw people of South Africa racially segregated and forceful removals of black people leaving them with restricted access to urban land for housing during apartheid. Rapid urbanization and population growth caused tremendous demand for housing by the 1990s. The 2000s were characterized by the migration of people from rural to urban areas searching for better economic and living conditions. Soon the demand for housing had superseded the supply of formal housing. Low-income households could not access the formal housing market, and they resorted to backyard housing as an alternative and backyard housing was flexible to accommodate their incomes and preferences. In the current years, backyard housing in formal settlements is preferred by families, professionals and students over residing in informal settlements and the backyard structures have evolved from informal to formal structures that offer quality living and better services in formal urban areas. The South African government is overwhelmed with the need to provide housing for people appearing on the national housing demand list and additionally must provide housing for expanding families, migrant workers, students and professionals arriving in urban areas. Some of the migrant workers may be on the national housing demand list in their provinces of origin and others may have already benefited from RDP/BNG and state housing subsidies. Backyard housing provides additional accommodation for extended family and tenants and provides rental income for property owners (Banks, 2007, Lemanski, 2009; Gardner and Rubin, 2017, Rice, Scheba and Harris, 2023). However, the material used to construct the backyard structures may affect backyard dwellers' safety and living conditions (Rice, Scheba and Harris, 2023).

2.4.5 Capitalising on opportunities presented by backyard housing

The state must get involved in regulating backyard rental accommodation, to improve the conditions of housing structures and the conditions of living for backyard dwellers (Isandla

Institute, 2020a). The intervention of the state in the improvement of material conditions of the backyard structures and to promote the rights of property owners and tenants can go a long way to improving the living conditions and promoting dignity in backyard housing (Rice, Scheba and Harris, 2023). Shapurjee and Charlton (2013) caution that should the state remain hands-off in backyard housing, living environments in settlements with backyard housing may become severely congested and surpass the desired density. Some beneficiaries of RDP houses rent out their houses and construct additional backyard units to collect more rent from tenants. The beneficiaries of RDP houses may return to informal settlements to maximise the economic gain from their state benefited houses and the available space in stands. These acts reverse the state's gains for housing provision. The state must curb the excessive construction of inadequate backyard structures around RDP houses to increase cheap rental stock and income gains (Sharpurjee and Charlton, 2013). SALGA (2014) advises the state to apply less harsh enforcement approaches towards housing informality, particularly backyard housing, to avoid homelessness and displacement of the poor, low-income earners and the unemployed. Backyard housing is a market-appropriate and adaptive solution to acquiring affordable housing, better services and income generation (Isandla Institute, 2020a).

Turok and Borel-Saladin (2016) indicate that policy formulation specific to backyard housing is essential since backyard housing not only satisfies the need for housing for the poor, low-income earners and the unemployed but can impact poverty and unemployment. The policy for backyard housing should be geared to improve the living conditions of the poor and low-income earners and avoid exploitation of those already marginalized. The spatial allocation for future settlement development should include backyard housing and be located closer to employment opportunities and with varied affordable transportation for improved economic participation. The policy investment of cities should entail processes for the improvement of services, upgrade of housing and transportation infrastructure as well as improvements to bolster economic activity to create employment, skills development and to improve livelihoods (Turok and Borel-Saladin, 2016). Rice, Scheba and Harris (2023) indicate that backyard housing policy formulation should encourage housing opportunities of safe, sanitary and sustainable material for backyard structures, allow access to services, and better management of the relationships between property owners and backyard occupiers to promote the dignity and improved living standards of those residing in backyard housing. Furthermore, the ability to achieve inclusive policy should include participatory engagement of relevant stakeholders vested in the successful design and

implementation of backyard housing such as civil society groups, the state, property owners and backyard housing occupiers (Rice, Scheba and Harris, 2023).

Backyard housing is often classified as informal however, the South African National Department of Human Settlements recognised the potential of backyard housing to provide rental accommodation (NDHS, 2016) and this has prompted the provincial and local governments to implement support initiatives for backyard housing (Shapurjee & Charlton, 2013). The initiatives have included partnering with private sector developers to construct integrated housing and improving compliance of backyard structures (Isandla Institute, 2020a). Some of the initiatives through the implementation of pilot projects revealed a need for investment in infrastructure development and to involve neighbourhood people to monitor and control backyarding in stands (Garnder, 2015). However, more still needs to be done in policy and regulatory laws to eradicate haphazard densification, to control and monitor backyard housing development, and reduce undue pressure on existing municipal services and infrastructure (Gardner and Rubin, 2017; HSRC 2019; Isandla 2020; Lategan, Erasmus, Zietsman, Cilliers, Wolf and Springer, 2020). Harrison (2023) also notes the growing trend of entrepreneur landlords or micro-developers that develop better-looking, upmarket units for rental. The units appear of better quality and may be building-compliant due to funding conditions from housing finance companies. It should also be considered that there are instances where informality allows urban development and forces increased access to services and infrastructure (Turok & Borel-Saladin 2016).

The Parliamentary Human Settlements Portfolio Committee Member Nocawe Mafu pronounced that backyard dwellers must also be prioritised when rolling out state-led housing provision (Gardner and Rubin, 2017). The primary output of the Integrated Urban Development Grant (IUDG) is to improve access to municipal infrastructure, to provide quality municipal services and spatial integration. The state's focus seems directed at upgrading informal settlements using the IUDG. However, the output of the grant can be equally enjoyed in backyard housing. Rubin and Charlton (2019) indicate that there is a policy directive to focus on infrastructure interventions rather than to provide subsidies for secondary backyard dwellings while SALGA (2014) supports a differentiated response intervention for functional backyard housing markets (Gardner and Rubin, 2017). Acknowledging that backyard development differs based on location, socio-economic context, migration and settlement patterns, SALGA calls for municipalities to provide clear specifications and standards for backyard units and accelerate the building plan approvals,

security of tenure, improve access to services and improve access to finance (Gardner and Rubin, 2017; Isandla Institute, 2020a).

It is essential to have a shift in response to backyard housing at all levels of government, not only involve local government. National government policy sets the framework and strategy to be followed by provinces and municipalities. Provincial governments will approve subsidies and projects aligned to the national strategy for municipalities to administer.

The Gauteng Provincial Government decided on policy and investment options to improve existing infrastructure in existing settlements to improve the development of backyard housing (Rubin and Charlton, 2019). The projects yielded positive and negative outcomes. Improved backyard structures were brought to compliance however, this resulted in a rise in rental fees. Government could not provide continued monitoring, policing and enforcement of backyards to curb non-compliant development of backyard housing and needed community activism. Community activism showed favouritism and discriminatory practices when turning a blind eye on non-compliant structures and selectively enforcing policy on backyarding by family or favoured members of the community (Gardner, 2015).

I concur with the notion that it is more cost-effective to densify housing opportunities and to upgrade infrastructure in existing townships and RDP settlements than to deliver on greenfield developments, which in most cases may be further away from the urban edge (Harrison and Todes, 2016). Availing backyard housing opportunities enables the state to apply the differential approach to housing provision, which allows access to safe and municipal-approved backyard structures, manage access to municipal services, security of tenure and present access to funding for building compliant structures and upgrades (Gardner and Rubin, 2017; Isandla Institute, 2020a). Shapurjee, le Roux and Coetzee (2014) indicate that backyard housing reflects societal changes, economics and political climate in a country.

2.5 Filling the gaps

Strengthening efforts to maximise infrastructure provision puts added pressure on maintenance and operation expenditure. The unplanned and haphazard development of backyard housing structures seems to compromise the states' spatial planning and development management.

Therefore, the state can no longer afford to ignore backyard housing and needs to control, manage and regulate its activities (Shapurjee, Le Roux and Coetzee, 2014). Limited policy on backyard housing cannot remain the reason for lack of involvement. Rubin and Gardner (2013) indicate to SALGA the role that municipalities should play concerning backyarding and propose that municipalities lobby other spheres of government to include backyard housing in policy formulation. Shapurjee et al. (2014) state that backyarding absorbs the demand for low-cost housing therefore, the state's approach to low-cost housing provision must consider a shift from ownership and include rental solutions considering affordability, income generation and social reasons for those in need.

The funding or infrastructure and keeping up with development opens the opportunity for public private partnerships and private sector funding. Harrison (2023) refers to the uMastandi fund of Trust for Urban Housing Finance (TUHF), a South African-based property financier that provides access to funding for property entrepreneurs to develop and invest in affordable residential rental properties in townships (Rubin and Charlton, 2019). Future financing of backyard housing may require a public private partnership model, to achieve sustainable adequate housing within density settlements. There is evidence of the combination of funding methods when private sector investment is used to upgrade infrastructure and backyard structures of beneficiaries in state-subsidised settlements for household economic gain through rental stock (Bayat, 2010, Charlton, 2013). There is a recommendation to deliberately take advantage of the opportunity that lies in expanding the benefit of the RDP and BNG housing infrastructure to include guided backyard housing that inherently yields economic gain and spatial density objectives (Rubin and Charlton, 2019).

2.6 Conceptual framework

The conceptual framework of this research is centred around governance in the City of Tshwane Metropolitan Municipality and informality surrounding backyard housing as a housing phenomenon. The research investigates the legal composition, structure, decision-making, accountability, culture and legal instruction concerning housing. For informality of backyard housing, the research explores private housing solutions, subsequent noncompliance and

unintended densification opportunities. The two concepts are tied together through a constitutional mandate to provide adequate housing and promotion of developmental and inclusive spatial planning. The ultimate tread is a formulation of a backyard policy and future spatial planning inclusive of backyard housing whereby the municipality can manage backyard housing progression achievable through effective participation. See figure 2.

2.7 Conclusion

This chapter provides a basis on which to analyse the research findings based on the literature discussed, namely on the City of Tshwane Metropolitan municipality as an organisation and through governance aspects, the City's culture and decision-making, overall government support of backyard housing, densification development and participation opportunities presented by backyard housing, reference to the case of Refilwe backyard dwellers. Shapurjee et.al (2014) indicate that resilient densification requires space for growth and the ability to adapt to social, economic and spatial reformation and to stimulate local economies. Gardner (2015) encourages planners to observe emerging opportunities to replan the urban structure, create high-density residential development corridors, promote mixed land use and influence development.

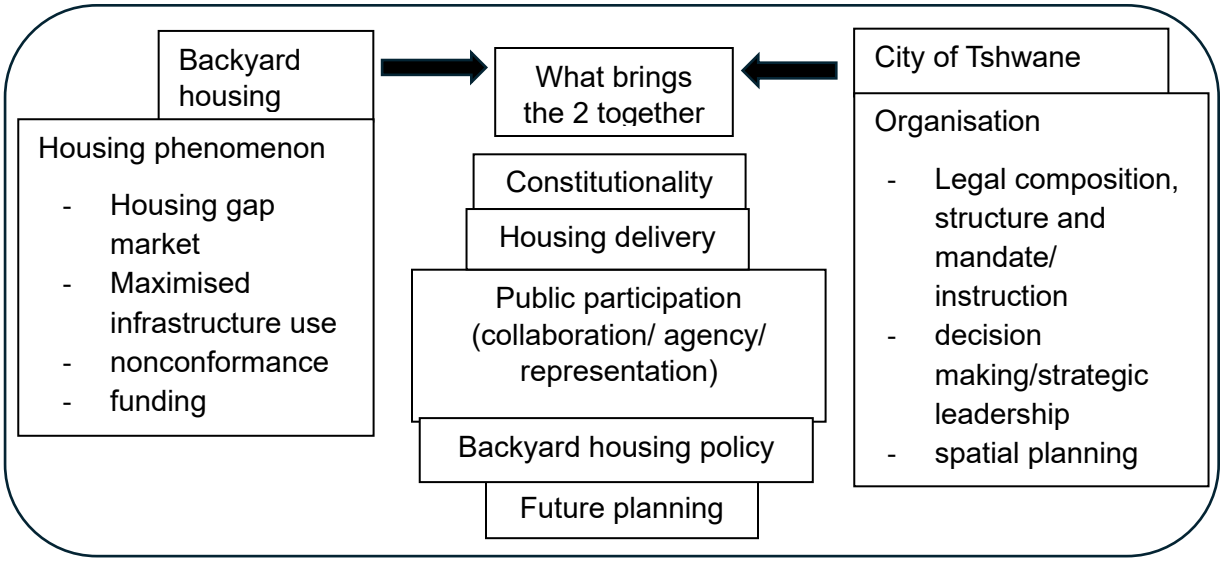


Figure 2: Conceptual framework

Backyard housing supplies affordable housing in urban cities to low-income earners, job seekers and the unemployed where the state seems to take too long and has failed to provide adequate housing. Property owners trade available space in their yards to erect structures and rent them out to prospective tenants for income. The trade of space for rent benefits both the landowner and the renter. The backyard housing phenomenon has expanded over the years, especially in urban developed settlements where basic water, sanitation, electricity and transport exist. Other drivers that influence the selection of settlements offering backyard housing include location, cost of rental units, access to amenities, economic opportunity and social stability (Gardner and Rubin, 2017, Shapurjee, Le Roux and Coetzee, 2014, Turok and Borel-Saladin, 2016). These drivers make formal settlements preferable to establish backyard housing however, backyard housing is community-initiated and is implemented without the state's involvement. The state's involvement is essential to manage and regulate backyard housing by applying spatial planning, building regulations, and managing allocation, upgrade, maintenance, and to avoid overload of infrastructure .

Chapter 3: Methods of research

3.1 Introduction

The previous chapter entailed a discussion of the literature on governance principles that influence decision-making and culture in organisations, and the literature on backyard housing argued to be able to bridge the gap to access housing for the poor and low-income earners. The previous chapter also captured how the state at different levels of government has approached and interacted with backyard housing. This chapter outlines methods to respond to the research question of what the involvement is of the City of Tshwane, a local government municipality, in backyard housing.

3.2 Research goal

The research aims to understand the City of Tshwane's attitude and approach to the backyard phenomenon. The goal of the research is to interrogate the views of the municipality's officials and stakeholders concerned with housing delivery and to expose development opportunities presented by backyard housing.

3.3 The research method

This chapter explains techniques for data collection, analysis and interpretation in this research. Qualitative research collects information from primary and secondary information to understand phenomena, and case studies to understand the experiences of people Denzin and Lincoln, 2000; Yin, 2003 Cresswell, 2009). Qualitative methods capture more than the numerically expressed information and allow for the interpretation of collected data. The qualitative interviews provide information obtained from key informants, such as officials of various relevant organisations. The case study and information from grey material provide an understanding of the City of Tshwane Metropolitan Municipality's attitude toward backyard housing. Bhattacherjee (2012) indicates case studies as exploratory, allowing for an intensive study of specific phenomena, and enabling the testing of various theories and interpretation of primary and secondary data for appropriate data analysis. In my research, I explore lived experiences from the perspectives of varied participants. I also highlight the Bana Ba Refilwe experience in their efforts for representative participation. Bhattacherjee (2012) cautions that novice researchers may miss concepts, patterns in data, and findings that an experienced researcher may pick up due to the subjective nature of

case research. I endeavour to approach this research objectively and avoid preconceived ideas to grasp all research findings with an open mind.

Amongst other methods, primary data collection is obtained from interviews, observation and case studies in qualitative research and can yield reliable, valid, objective and authentic data, much more than secondary data collection (Taherdoost, 2021). The semi-structured interviews with officials of the City of Tshwane, officials from other government spheres and organisations, and backyard dwellers provide knowledge and involvement in backyard housing matters. Secondary data collection is gathered from published sources and past studies used for background information for research purposes (Taherdoost, 2021).

3.4 Conceptualisation and approach

Chapter 2 described the legislative responsibilities of the municipality for the provision of access to adequate housing and services and to spatial planning, in relation to other spheres of government. Backyard housing is argued, by most especially outside of the state, to be a stopgap to providing affordable housing to those left out from benefiting from other housing programmes, those in need of housing as migrants to urban cities, low-income earners and the poor (Turok and Borel-Saladin, 2016). Backyard housing may be used to improve density in settlements and maximise the use of existing infrastructure. This allows the opportunity for the municipality to motivate investment towards infrastructure improvement to benefit the most in density settlements. Policy guides decision-making, provides rules and procedures for actions in an organisation. However, there exists a void in backyard housing policy and how will the City of Tshwane navigate around backyard housing? Planners are encouraged to observe emerging opportunities to replan the urban structure to be able to drive urban change, control land use development, ensure adherence to building compliance regulations. to achieve dignified, resilient, and sustainable housing typologies of backyard dwellings (Howe, 2020, Gardner, 2015 and Turok and Borel-Saladin, 2016). How does the City of Tshwane begin to plan for backyard housing and satisfy the mandate to provide access to adequate housing for all within its municipal boundary?

This research looked strictly at backyard housing located in formal areas and does not deny the existence of backyard housing in informal settlements. Basic services required by people in formal and informal settlements are similar, however, the ease of access to services and availability of formal infrastructure differs between formal and informal settlements. Residents in informal settlements receive rudimentary services through tanked water or standpipes, sanitation through

ventilated pit latrines or chemical toilets, and are exposed to unpaved roads and poor refuse removal. These issues affect safety and quality of life. Those in formal areas receive these basic services from piped water and sanitation, paved and graded roads, and they enjoy consistent and scheduled refuse collection. The cost of backyard units directs dwellers to settle in either formal or informal settlements and landlords vary rental fees based on available services.

The interviews with various participants interrogate the mentioned concepts related to backyard housing from the participants' perspectives as roleplayers and stakeholders in the provision, monitoring and evaluation of housing in Gauteng and the Tshwane Region.

The Bana Ba Refilwe case gives an account of the experiences of backyard dwellers in Refilwe township and their active participation in claiming housing they believed they deserved. Refilwe is located near the Cullinan mine, established in 1974 to provide housing for Black mine workers. The Petra diamond mine, the Nokeng Tsa Taemane local municipality and the Metsweding District municipality were the main sources of employment in the Cullinan area. Refilwe grew from a small mining township with one extension to four extensions between 1974 and 1990, namely Refilwe Extensions 1, 2, 3 and 4. The information was provided by a Refilwe-aged resident interviewed on 25 September 2023 (see Figure 3)

The City of Tshwane's Integrated Development Plan (City of Tshwane, 2022) reveals the City strategies, housing priority areas and performance indicators. These mention backyard housing and could indicate the City of Tshwane's recognition and willingness to engage backyard housing. These indicate the City's willingness to engage with backyard housing. The research refers to the in-house City of Tshwane's Organisational Culture Survey Report 2021/2022 to explore organisational attitude, culture and leadership style, to reveal the City's ability to adapt to change and transform thinking into engaging backyard housing. The use of interviews with City officials assists with answering the main question and subquestions around the City's concerns as far as engaging with backyard housing.

3.5 Contextualisation of the case study area

Turok (2014) suggests that urbanization in post-democracy South Africa could be a process to overcome exclusion by the apartheid controls and racial segregation-imposed tools by forced removals, population movement restrictions and settlement patterns that resulted in economic gaps and poor living conditions of non-white citizens, especially the black majority nationals, and those residing in rural and urban areas. The City of Tshwane is home to over 3 million residents (Stats SA, 2022) and is an urban magnet attracting migrant workers, students and relatives of family members from rural areas, and any person seeking economic gain. The influx of people from rural areas creates great demand for housing and puts pressure on the government to supply housing timeously. The rate of urbanization in the City of Tshwane outweighs efforts to supply adequate housing thus creating pockets of sprawling informal settlements in the space towards the City's edge and surrounding old apartheid townships such as Soshanguve, Mabopane, Hammanskraal and Ga-Rankuwa in the north, Atteridgeville, Lotus and West Park in the west, Mamelodi in the east of the city centre and Olievenhoutbosch in the south. Besides the development of informal settlements, there is a growing trend of backyard dwellers in both formal and informal settlements. Before the democratic dispensation in 1994, the city council of Pretoria did not allow for unapproved free-standing back buildings. The building control by-law application saw backroom structures built using makeshift materials demolished and fines imposed for unapproved solid structures. The by-law still exists in the City, but the inspectorate and enforcement of it has declined.

The state's effort has been to deliver housing rapidly since 1994 and to reverse the adverse impact of the apartheid spatial planning through the promotion of house ownership, introducing income-linked state housing subsidies for low-income earning households and the support of rental housing (Charlton, Kihato, 2006; Tissington, 2010; City of Johannesburg, 2019). The implementation of the Breaking New Ground policy for sustainable human settlements and a shift from house delivery to serviced stands allocation and provision of infrastructure, and inclusionary housing by private developers for differential income earners (Tissington, 2010; Klug, et al., 2013; Shapurjee, et al., 2014; City of Johannesburg, 2019). Despite the above efforts, there is still no national policy on backyard housing to guide, regulate and support backyard housing implementation (Shapurjee, et al., 2014; City of Johannesburg, 2019). This has resulted in different provinces and municipalities implementing own strategies to include backyard housing for an integrated housing plan to assist manage the housing demand data, the owner/renter relationship and construction compliance, and to leverage private funding for development,

infrastructure input and utilizing existing land (City of Johannesburg, 2019; Isandla Institute, 2022 and City of Cape Town, 2021). SALGA's position document on backyard housing offers a guideline on how local government can approach backyard housing as this may lead to policy formulation. The guideline promotes the participation of differing stakeholders and indicates several urban development opportunities (Tshangana, 2014).

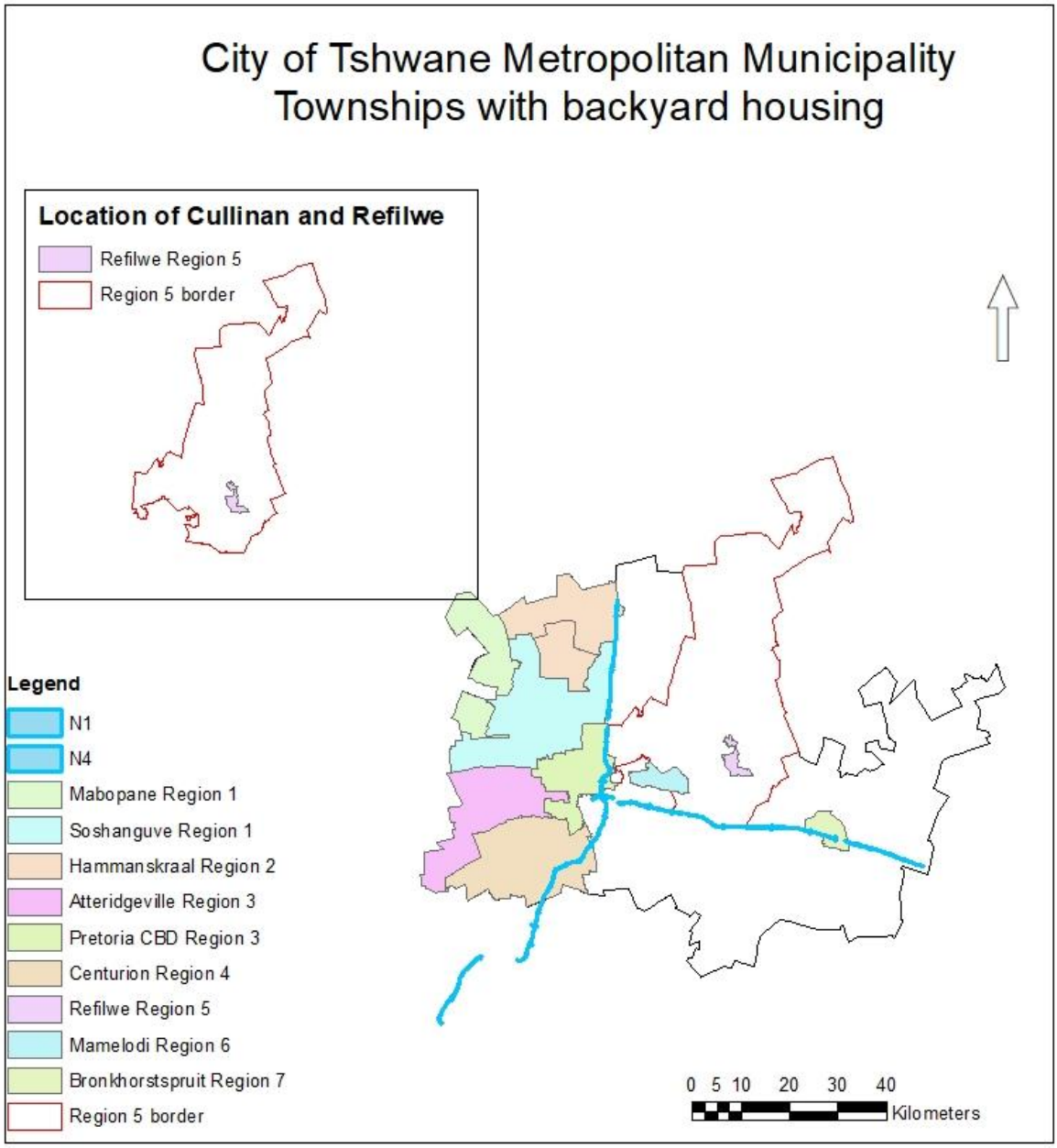


Figure 3: Locality map of Refilwe township (Source: Author)

3.6 Data analysis

The analysis of qualitative research allows for deeper meaning more than the mention of facts and statistics, providing insight. Interview findings are grouped into themes. The themes are discussed in the field chapter and examined in the analysis chapter.

The Bana Ba Refilwe case focuses on backyard dwellers of Refilwe township, and their experiences while they patiently wait to be provided with adequate housing. They have seen several housing programmes implemented before their eyes and felt overlooked. Interviews with Bana Ba Refilwe, parents of Bana Ba Refilwe, City Officials and Ward Councillors are fully covered and provided in the fieldwork chapter and briefly analysed in the analysis chapter.

3.7 Limitations

Information on backyard housing specific to the City of Tshwane is limited. The GCRO, Stats SA and other information organisations publicly share information related to the City on a provincial and regional scale. There is little information on specific townships within the municipality. The Organisational Culture Survey Report 2021/2022 is an internal document of the City of Tshwane. I was allowed to study it and refer to it, but I could not obtain permission to share it as an attachment or annexure in this report. A further limitation is the dismissive nature of a senior official when questioned during the interview. The official agreed to the interview but ended up allowing only 15 minutes of his time and was not willing to take follow-up questions.

3.8 Ethics

I obtained ethics clearance certification before conducting the research. My conduct with interviewees included respect and sensitivity to my propinquities within the City of Tshwane and the protection of the identity of participants as requested. I took care that interviewed participants did not feel forced, coerced or driven to desired responses, or to respond at all if they felt uncomfortable. Further, my previous work experience in the Human Settlements and Utility departments of the City afforded me valuable knowledge useful to the research, but that knowledge has not influenced the outcomes of this research.

3.9 Conclusions

The semi-structured interviews and examination of grey material were utilised to provide information on the engagement with backyard housing. The next chapter provides in-depth

fieldwork that reveals the prevalence of backyard housing in the City of Tshwane municipality and the attitudes and sentiments of various stakeholders affected and involved in backyard housing.

Chapter 4: Fieldwork

4.1 Introduction

Having conducted semi-structured interviews with the research participants, this fieldwork chapter reveals their viewpoints and other research findings. The main question of this research is to determine the City of Tshwane's engagement with backyard housing and the City's decision on backyard housing.

Further, this report limits the research to the engagement of a government body of government in a local sphere, namely the City of Tshwane, with backyard housing in established townships yet obtains participants' views from the related association (the South African Local Government Association), and the provincial government (the Gauteng Department of Human Settlements), and draws on grey material from concerned civil society groups, namely the Isandla Institute and Development Action Group. The two groups are partnering on a project called Backyard Matters. The Backyard Matters project strengthens the provision and management of quality rental stock that is dignified, safe and affordable.

4.2 Backyard Housing Policy Vacuum

This section outlines the policy vacuum surrounding the issue of backyard housing, but also shows how the backyard housing practice contributes to the right to adequate housing as enshrined in Section 26 of the Constitution (1996) as it states

> *"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"*

The Collins dictionary defines adequate as good enough or acceptable; and the Oxford dictionary indicates adequate as satisfactory or acceptable in quality or quantity. A house is defined as a structure to live in that provides shelter or accommodation. However, a satisfying structure to live in may differ from one person to the next depending on individual and household needs, circumstances, priorities and preferences (Tissington, 2010). In line with the Constitution (RSA,

1996), Tissington (2010) defines adequate housing in terms of adequacy and accessibility to 9shelter, physical security, location, affordability, security of tenure, space and available services, and adds also beneficiation from government housing.

The South African government's successes in providing adequate housing can be mapped through policy formulation, legislation and the implementation of various programmes; ranging from the White Paper of Housing (1994), the Housing Act (1997), the Rental Housing Act (RHA) (RSA, 1999 amended in 2007), the National Housing Code (2000 amended in 2007), Breaking New Ground: A Comprehensive Plan for Development of Sustainable Human Settlements (2004) and the Social Housing Act (2008) to mention few. The South African government remains under pressure to provide permanent housing to those in need, let alone those seeking temporary and rental housing. The phenomenon of backyard housing in urban areas has been practiced for many decades dating back to the 1950s in apartheid South Africa (Lemanski, 2009). Backyard housing continues to provide adequate housing to people seeking urban livelihoods (Turok and Borel-Seladin, 2016, Tissington, 2010) to the current day. Backyard housing supplies transitional housing, where the government falls short, and can be a precursor model for affordable rental accommodation (Turok and Borel-Seladin, 2016) while one waits for permanent housing.

However, there has been no policy or guidelines from national government to regulate backyard housing to date, as revealed by an interviewed official from the Gauteng Department of Human Settlements located in Pretoria Offices (4 September 2023). The Official said despite the lack of policy on backyard housing, there was a Department Provincial pilot project implemented in the Johannesburg Metropolitan Municipality in Zola Soweto between 2008 and 2015. The GDHUS Official in Pretoria Offices mentioned that the project aimed to eradicate informal backyard structures by erecting new top structures and improving access to municipal services. The Official added that landlords and tenants were advised to have lease agreements to manage their relationship. However, the tenants were under the impression that they owned the new structures and this caused conflict with their landlords and stand owners. GDHUS Official mentioned that an unintended outcome after erecting new and improved structures resulted in landlords and owners increasing rent and tenants that could not afford being evicted. When asked if the Rental Housing Act (RSA, 1999) couldn't be applied to secure tenure and avoid evictions? The Official indicated, "owners and tenants were advised to register their disputes at the nearest Provincial Rental

Tribunal offices. Benefactors of this pilot project had to be first-time beneficiaries of the state housing subsidy. Then arose a complication when some tenants had prior beneficiation from the state housing subsidy and therefore, could not benefit again under this pilot project" (National Housing Code, 2009). The GDHuS Official indicated that more research was necessary.

In an interview with SALGA conducted on 23 October 2023 at the SALGA Head Offices in Pretoria, the SALGA Official and I discussed the institution's role in supporting municipalities. The Official indicated that SALGA supports municipalities to execute their mandate at local government to ensure and improve effective service and infrastructure delivery, and proper coordination of housing provision including backyard housing amongst other things (Tshangana, 2014). "The backyard phenomenon will not go away or disappear", stated the SALGA Official and added that SALGA advocates and encourages municipalities to engage in backyard housing. After consultation with municipalities, SALGA prepared a policy position document with recommendations on how municipalities can respond to backyard housing (Tshangana, 2014). The SALGA Official indicated that the institution is in the process of finalising a strategy document to guide municipalities for engaging in backyarding. The official's response to what will be different about the strategy document was "SALGA admits that the position document was not lobbied enough and was hoping for voluntary uptake. The strategy will be promoted, municipality participation will be monitored and best practices will be shared" (SALGA Official, 23 October 2023). The official hoped that the best practices would inform policy formulation which will be escalated to other spheres of government through intergovernmental relation platforms. SALGA noted the strides made by some metropolitan municipalities such as the City of Johannesburg, eThekwini and Cape Town and their engagements with the Isandla Institute. "Collaboration with the civil society group, Isandla Institute, places urgency on recognising backyards and places greater emphasis on the need to have a national backyard housing policy and legislation to regulate the sector" (SALGA Official, 23 October 2023).

The Spatial and Planning Land Use Management Act (SPLUMA, 2013) allows for the gradual upgrade and progressive consolidation of informal areas into municipal land use management systems. For instance, the City of Cape Town amended its by-laws to allow for incremental housing and densification by permitting up to three additional dwellings on single residential 2 type land use rights properties (Turok et.al. 2019; City of Cape Town, 2021). The City of

Tshwane's Economic Development and Spatial Planning department's Official 3 (10 November 2023, indicated that there is a need for a by-law review and amendment is required that will include backyard housing since the current housing by-law does not. The current policy broadly refers to land use rights, zoning regulations, enforcement and penalties; and considers the construction of unapproved backyard structures illegal.

4.3 Seizing the opportunity

The following opportunities for backyard housing were mentioned throughout interviews with the participants in this research. Backyard housing presents development opportunities that may benefit the City of Tshwane in attaining its own urban management strategies, particularly densification, land use regulation, collaboration and partnering with interested civil society groups, policy formulation, and present funding mechanisms to assist in building sound top structures stock for backyard housing.

4.3.1 Densification

The SALGA official drew from the SALGA's backyard housing position statement that densification remains an advantageous strategy when faced with dwindling land available for housing development (SALGA official, 23 October 2023). Backyard housing is argued to contribute to densification by maximising land use for residential housing and optimising access to municipal services (Tshangana, 2014). Urban densification is the addition of new housing to existing settlements (Broitman and Koomen, 2015). However, Arrigone (1995) warns about the position and relation of each dwelling against others on a plot or a piece of land when densifying. Turok, Scheba and Visagie (2019) caution about the tensions arising between densification and retaining levels of formalisation and propose building upwards rather than outwards. When presented with these densification scenarios, the SALGA Official (23 October 2023) pointed to the growing trend of double-storey developments bringing a varied typology of backyard housing in townships. The SALGA official raised concern over "the backyards looking haphazard and presenting informality", and added that disregard for the physical layout of backyard units in stands results in overcrowding, unsafe and risky conditions affecting the overall aesthetics of settlements. Densification of urban areas is a strategy promoted in SA (Todes, 2006; Gardner, 2015). "Planners' spatial planning should include identifying suitable land parcels that are strategically

located to allow backyard housing development to enable municipal monitoring of land use rights and building compliance", added the SALGA Official. Gardner (2015) indicates that a good location yields quick economic benefits for households as densification increases. City official 2 (8 November 2023) said planners and human settlement practitioners should promote densification in specially identified zoned areas and specify mixed housing options to include controlled backyard housing – constructed to regulatory standards and distinguished from informality (GCRO, 2018). Gardner (2015) also indicates that portions of well-located land parcels can increase densification and improve trade-offs for demand and supply for the local housing economy. The SALGA Official indicated, "Backyard housing is densification in practice, and it provides housing to many people in communities"

4.3.2 Backyard Matters

The partnership of the Isandla Institute with the Development Action Group is called Backyard Matters and is concerned with urban development matters of backyard housing practices, planning, regulation and governance (Isandla Institute, 2020c). The two civil organisation groups have invested concerted attention to the backyard housing sector through the Backyard Matters project through research, advocacy for policy formulation, promotion of governance and planning. Backyard Matters has contributed to the policy and practice solutions and influenced the uptake of progressive ideas towards policy formulation to address urban poverty, vulnerability and inequality experienced by people in the backyards (Isandla Institute, 2020b). It also created and facilitated platforms for dialogue, networking and partnerships for development (Isandla Institute, 2020a). The Backyard Matters has promoted municipal-community partnerships to provide municipal services as an alternative to reliance on public-private partnerships. The SALGA Official (23 October 2023) confirmed SALGA's engagements with Isandla Institute and their input on the upcoming backyard housing strategy that SALGA will release in 2025. The City of Tshwane Official 2 (8 November 2023) indicated an appetite by the City of Tshwane Human Settlements department to take counsel from Isandla Institute when they arrange a meeting to discuss backyard housing.

The SALGA Official referred to a backyard housing conference, a two-days national conference convened in Cape Town in September 2023, hosted by the Isandla Institute and the Development Action Group (DAG) titled, Invisible Realities, Untapped Potential: Enabling Backyard Housing in

South Africa. At the conference, Isandla Institute and DAG presented their extensive work carried out on backyard housing. Their work included working with the Cape Town and the City of Johannesburg Metropolitan Municipalities on various settlements with backyard housing. They highlighted service delivery gaps and challenges for those living in backyards, possible public funding mechanisms to aid top structure development, managing the relations of landlords and tenants, establishing support centres for backyards, backyard housing being a township economy booster, and progressive approaches for effective policy responses to support, promote, manage and regulate backyard housing. The SALGA official mentioned this to stress that the City of Tshwane lags as other metropolitan municipalities have started engaging in backyard housing matters.

4.3.3 Financing opportunities

Gardner (2015) states robust infrastructure investment is required to install, maintain and upgrade to quality and adequate urban facilities especially if designing for resilient and sustainable densification. National grant funding for urban settlement development (USDG) and informal settlements upgrade partnership (ISUPG) grants are available to metropolitan municipalities for funding. These grants can be geared toward backyard housing development. However, it will be imperative for metropolitan municipalities to develop policies and municipal by-laws to support backyard housing first.

Gardner (2015:65) indicates that a shift in thinking on urban design can support and facilitate resilient densification whereby existing “lower density townships could create a solid framework for future medium-density areas”. Therefore, the future location of state-subsidised housing can be strategically identified to promote densification and maximized use of municipal service infrastructure. Turok, Scheba and Visagie (2019) indicate that designing and creating capacity for densification in advance may be more cost-effective than upgrading existing infrastructure after an increased population. Both the SALGA Official and the City of Tshwane Human Settlements Official 2 supported the notion of planning and creating backyard housing zones rather than troubleshooting in retrospect. The City of Cape Metropolitan Municipality developed a Town Densification Policy (2012) that promotes density development in targeted locations to maximise the use of the existing infrastructure network while reducing infrastructure costs (Turok, Scheba, Visagie, 2019).

The National Housing Finance Corporation is a state-owned company that provides housing finance solutions for the low-to-middle-income market. It enables property owners and developers to construct new and refurbish existing structures for rental to tenants. Micro-developers in housing can be provided with debt funding for housing development (NHFC, 2024). The Centre for Affordable Housing Finance in Africa (CAHF) also provides investment in affordable housing, offers housing development support, coordinates private and public sectors for increased housing opportunities and can map the economic value of housing assets. A Ward Councilor (22 February 2024) indicated that poor and low-income households use rent from backyard housing as a source of income. He warned, ”Micro-lenders may impose long-term funding plans with high lending rates that may push the already impoverished households into unaffordable debt”. The Ward Councillor supported the suggestion of erecting pre-approved prototype plans to encourage rental units’ compliance in backyard housing. However, he cautioned poor and low-income households that cannot secure funding to erect compliant structures may be forced out of business and lose their source of income.

4.3.4 Land use: compliance and regulation

The general disregard for land use rights, adherence to building controls and failure to obtain municipal approval for structures in backyard housing can lead to compromised quality and structural failure, compromised safety and increased risk from shoddily constructed housing structures (Turok et.al, 2019). Housing Support Centres promote the right to build own houses, educate on and create safe and compliant construction, advise on the security of tenure, and offer guidance for funding to micro-developers and municipal funding (Isandla Institute, 2019; DAG, 2012). A study for DAG on supporting small-scale rental housing supported self-building of small-scale rental units and recommended that regulation be simplified, development charges be waived, pre-approved building designs and plans and lower material specifications amongst other recommendations (Turok, Scheba and Trevou, 2022). The Ward Councilor (22 February 2024) cautioned that, “insisting on standard and pre-approved prototype plans for backyard structures may not be affordable to low-income households and may take them out of business and once developed the landlords will increase rental prices that will make it difficult for tenants to afford unit”. City of Tshwane Human Settlements department Official 1 (26 October 2023) reiterated the need to develop a new by-law for backyard housing or amend the existing housing by-law to incorporate backyard housing. The existing housing by-law broadly refers to a land use management scheme requiring municipal consent and approval to erect an additional second

dwelling and strict adherence to zoning regulations. The by-law should expand on the types of structures to be erected to promote safety, protection from harm and to uphold the quality of rented structures. The by-law on backyard housing should stipulate coverage ratio on stands and outline enforcement to regulate the by-law. The City's Human Settlement Official 1 (26 October 2023) added, "the by-law would address new backyard developments however, a concerted effort will be required to bring land use and building compliance of existing structures". Further, Official 1 indicated with great concern that their department and other departments in the City of Tshwane are undercapacitated to monitor and police by-law enforcement. The City of Tshwane would have to appoint more building compliance inspectors, land use and by-law compliance officers to execute compliance and enforcement effectively.

4.3.5 A means to increase housing stock

All participants in this research indicated that backyard housing presents additional housing to poor and low-income people, that would not have been available for provision by the state. Tshangana (2014:2) backyard housing provide rental housing without state support or input to "non-qualifiers, migrant and temporary workers …". The City of Tshwane Official 1 (26 October 2023) agreed that backyard housing adds to rental stock but lacks proper administration and monitoring. Brueckner, Rabe and Selod (2018: 19) urge planners to "recognise that, even though backyarding may be technically illegal and often unsightly, it generates efficiencies by raising the density of land-use in response to higher housing demand, without the need for wholesale redevelopment of the housing stock". Turok and Borel-Saladin (2016) explain backyard housing as a substitute or model accommodation that absorbs the demand for housing and a means to access urban livelihoods. Therefore, backyard housing augments the residential housing supply and offers an expedient affordable rental stock provided by private property owners to low-income and poor people.

4.3.6 Shifting focus to economic gain

The second official from the City of Tshwane Human Settlement Department (named Official 2) alluded to the need to, "Reposition backyard housing to Economic Development and Spatial Planning department from Human Settlements" (Official 2 from City of Tshwane Human Settlements, 8 November 2023). A well located housing programme can contribute to healthy

participation in the economy and promote local economic growth. The Official 2's view is that backyard housing should be handled by the Economic Development and Spatial Planning Department within the City of Tshwane. The official indicated that the exchange of space for rented accommodation creates a market opportunity for subsistence housing for the poor and low-income earners. Turok and Borel-Saladin (2016) mention that strengthening rental markets and increasing backyard housing increase stock for decent rental properties. Such efforts can be economic enablers that ease access to work and other economic activity. The City Official 4 in the Economic Development and Spatial Planning department (10 November 2023) responded, "a round table with internal stakeholders will be required and a restructuring of the city structure will be required for that to happen. The Tshwane Housing Company is an entity wholly owned by the City of Tshwane municipality. However, there are no discussions on backyard housing in the City currently" (ED&SP Official, 10 November 2023). The Tshwane Housing Company coordinates, develops and manages formal social housing in the City of Tshwane. The company is involved in fully subsidized housing, finance-linked individual subsidy (FLISP) housing, community residential units (CRUs), affordable rental housing, social housing rentals and rentals for the elderly.



Figure 4: Backyard units besides the main house (Source: Author)



Figure 5: Multi-storey rental units (Source: Author)



Figure 6: Rows of backyard rental units (Source: Author)



Figure 7: Rows of backyard units (Source: Author)

4.4 Governance in the City of Tshwane

4.4.1 Situation - policy, compliance, infrastructure and aesthetics

I made a statement and asked the research participants, “Given that the City of Tshwane Metropolitan Municipality is the capital of South Africa, one would expect it to take the lead in driving policy formulation and pushing for change. How do you see the City doing regarding backyard housing?”. The SALGA Official (23 October 2023 responded, “Our proximity and their centrality to national offices would make it easier to convene meetings, workshops and indabas to formulate policy with us and other municipalities”. The official added that SALGA’s policy position document on backyards (Tshangana, 2014) is a good place to begin talks about backyard housing since the concerns of municipalities have been considered and there are strong recommendations. The City Official 1 in the Housing Provision section in the City of Tshwane’s Housing and Human Settlements department interviewed on 26 October 2023 defensively responded, “Precisely because we are the capital, we cannot be rash and act on non-policy matters. At best, backyard housing should be referred to our Tshwane Housing Company as backyards deal with rental stock”. The City official 2 in the Housing Administration section of the Housing and Human Settlements department (8 November 2023) responded, “The Gauteng Department of Human Settlements with the City of Joburg has done work on backyard housing. I was part of the Alexandra and Joe Slovo projects. There were unintended outcomes that we did not have control over since private owners have their rights. The City Official 2 expressed, “The City of Tshwane can draw good lessons from Alexandra and Joe Slovo experiences, but I do not think it will be enough to form policy on our own”. The City Official 2 added that though backyard housing was not their key performance priority area they have noticed it as a growing trend in many municipalities. Official 2 proceeded and said, “We (referring to the City of Tshwane Housing

and Human Settlement depart) have reached out to the Isandla Institute to arrange a backyard and informal settlement housing roundtable, hoping for a meeting to be convened in the following financial year (the 2024/2025 Financial Year)". She alluded to the lack of national policy that may pose challenges because "the City would never support actions that are not legislated." (City Official 2, 8 November 2023), reiterating statements made by other City Officials.

The City Official 1 (26 October 2023) highlighted the challenge backyard housing presents to the municipality, "It (referring to backyard housing) undermines our efforts to formalise human settlements and is aesthetically unpleasing". The developers of backyard structures ignore building regulations creating squatter settlements with little space between structures. The space between backyard structures gets reduced by maximising the number of structures per square meter and hampering free access to emergency and disaster incidents. Howe (2020) indicates that the space between structures presents the intertwining of people's relations as much as it is about the physical interaction of objects. Garnder (2015) points out that in Bram Fischerville, Johannesburg, it was important to employ complex urban designs and unit arrangements to handle visual and practical building impacts to achieve the desired resilient densification.

Turok, Scheba and Visagie (2019) state that informality is pervasive, non-conforming to land use regulations and lacks formal building approvals and rental contracts. The City of Tshwane Human Settlement Official 1 (26 October 2023) mentioned that the stand owners pay little to no regard for building control regulations, zoning and other bylaws when constructing backyard structures. The City Official 1 added (without data) that the rental tribunal office is presented with rental disputes and eviction cases between owners and tenants in backyard housing and in some instances, there are no lease agreements in place. The City Official 1 stressed that backyard housing has put pressure on existing municipal infrastructure causing frequent breakdowns, overloading, and inadequacies in the provision - referring to electricity overload, water provision shortages, increased sewer blockages and solid waste collection. The City Official 2 (8 November 2023) added, "Service departments incur premature upgrading cost and the rise in unintended cost to secure provision of services". The sprawling and haphazard housing patterns negatively affect housing markets and have caused strained relations among neighbours (City Official 1, 26 October 2023). Turok et.al. (2019) wrote about the unplanned densification risks leading to public infrastructure overburden and added cost to repair and upgrade public resources while battling to

secure revenue from municipal accounts of defaulting and non-paying property owners. The City Official 2 (8 November 2023) recommended that the City's Economic Development and Spatial Planning department should take over because backyard housing speaks to private wealth generation and, the Tshwane Housing Company has mechanisms to secure revenue collection from rental stock.

4.4.2 Accountability

The City of Tshwane Metropolitan Municipality is a legal entity of the state located in the local sphere of the South African government (RSA, 1996). The City of Tshwane has legislative and executive authority over a juristic area as determined by the MDB (RSA, 2000; 1998a).

The political structure of the City of Tshwane consists of democratically elected Ward Councilors, elected to serve for a fixed 5-year period after the conclusion of the local government elections and form a Council. The Councilors in Council represent different political parties as well as the needs of communities in the Wards they serve. The City of Tshwane had to enter a coalition government since there was no outright majority vote of 50% plus 1 in the 2021 Local Government Elections for any political party. The multi-party Council in the City of Tshwane voted to elect a Speaker of the Democratic Alliance political party to apply rules of order in the Council. The City of Tshwane is a Category A metropolitan municipality with exclusive and legislative powers over its area therefore, the Councilors in Council elected an Executive Mayor from the Democratic Alliance political party and a Deputy Executive Mayor from the Action SA political party. The Executive Mayor subsequently appointed Council members to form a Mayoral Committee, selected from the coalescing political parties that formed a coalition government led by the Democratic Alliance. Despite a coalition government, each Councilor carries a mandate of their political party and participates in the Council of multiparty representatives.

Decision-making in Council is a democratic process made by the majority vote of Councilors. A Ward Councilor (22 February 2024) indicated that, "decision-making is tough in coalition Council because one must consider party wishes while considering views of other coalition members. It takes extended time to decide on matters and sometimes one goes against coalition partners. We must reach a consensus to avoid conflict with coalescing political parties. Otherwise, the

government will fall apart". The public has a right to participate in the decisions in the municipality. The Ward Councilor added that, "I represent the community that voted for me and my party. They trust me to carry their needs to the Council to ensure decisions are taken that will benefit my community. But coalition government is riddled with compromises and that weakens our support from the community", (Ward Councillor, 22 February 2024).

The Ward Councilor responded to a question that, "My community has many needs but a constant and pressing matter is always housing. There are more backrooms than informal settlements in my Ward. People use these to earn income and tenants prefer backrooms because they come with electricity, water and flushing toilets. These services are not available in informal settlements". When asked if the backrooms are properly constructed and follow building regulations, the Ward Councilor responded, "I suppose they are not because the municipality does not approve their structures, and the residential stands remain as type 1 zoning. I do not know of stands that have applied for revised land use rights in my Ward". The Ward Councillor chuckles and adds, "let alone build approved backyards" (22 February 2024).

The Ward Councilor (22 February 2024) was asked to explain the Integrated Development Planning (IDP). "We outline the 5-year goals and strategies of the City in Council. Internal City departments indicate key projects to advance the agreed goals. A draft IDP encompasses goals, strategies, key projects and programmes to activate and achieve set targets within indicated timeframes and budget". Housing is a Province programme, and so is education, health and social development, and they too are included in the IDP", answered the Ward Councillor. The Council agrees on a draft IDP shared with the Tshwane community during the public participation process. Once approved, the IDP becomes a guide for the development of the City for the political term of the Executive in office" (Ward Councilor, 22 February 2024). The City Official 1 (26 October 2023) working in the Housing and Human Settlement department indicated that backyard housing is not a key project of the City. There are no projects towards backyard housing development in the IDP (City Official 1, 26 October 2023, Ward Councillor, 22 February). The 2023/2024 review of the 2022-20226 IDP for the City of Tshwane outlines approved projects with budget for the development of social housing units, acquisition of land for greenfield housing settlements development, infrastructure construction in various existing settlements and hostel development. The Ward Councilor (22 February 2024) indicated that, "The infrastructure projects benefit the

backroom business. Improved and new infrastructure tends to result in more backrooms being built in formal settlements. Landlords charge more for rooms with electricity, water and flushing toilets and backroom tenants also prefer rooms with such services in formal stands". When asked if he sees those in backyards as neglected constituents, the Ward Councillor responded,

> "Not really. Most backyard dwellers do not vote in the City of Tshwane. Some came for work and study and enjoy benefits of Tshwane's development. They return home sooner or later. The real and intended beneficiaries of development and improvements of neighbourhoods are bonafide residents. Unintentionally, the developments get obscured by unsightly and uncontrolled backyard housing practices".

The Councillor adds that, "Tenants of backyards can still benefit from social housing in areas they come from. In fact, who is to say they have not?" (22 February 2024).

4.4.3 Culture

Sedibe and Madue (2018:502) state that there, "is a correlation between organisational culture and service delivery in the City of Tshwane Municipality" and recommend a need for management in a service-oriented organisation to communicate beliefs and values that guide practices, procedures and activities while imparting knowledge and skills to ensure good service delivery. Also cautions about guarding against negative subcultures that may stifle service delivery (Sediebe and Madue, 2018).

Organisational culture can be reflected in the organisation's employees' ways of executing daily actions, handling challenges, adapting to change, and amending and rectification when erred. The Organisational Culture Survey Report (OCSR) of the City of Tshwane for the 2021/2022 fiscal year released in 2023 indicates the City of Tshwane as an organisation that must display an ability to monitor and evaluate its values and practices to remain relevant and aligned with its strategies. The report indicates a need for the City of Tshwane to reorient itself by determining strategic actions and priorities, applying strategic manoeuvres, changes and identifying new areas of development to remain relevant and appropriately responsive (OCSR, 2023). The OCSR (2023) indicates that the primary culture of the City of Tshwane is based on a hierarchical framework. The hierarchical framework is a structure arranged according to the level of authority. The chain

of command is from the sole and most senior official and cascades down to the broader lower-level officials with little to no authority.

A City of Tshwane Official 3 (4 September 2023) stated, “Other Metros are involved with backyard housing. For instance, Ekurhuleni did an impressive presentation at the previous Housing Indaba on the work they have done, highlighting challenges posed by and their plans for backyard housing, while we remain inactive in interacting with the backyard phenomenon. The City Official 3 added, “We have pitched to our divisional senior manager at a business plan preparation meeting in April of 2022, to start administration of backyard housing and to include backyard housing in our plans but our boss shot down the idea. He mentioned that backyard housing is a territory with many unknowns and the City has no control over that space”.

The same manager was interviewed and was asked about shutting down the notion of engaging backyard housing. He appeared irritable and shared that backyard housing Is not a focus area for the department; hence it remains excluded from the current business plan” (City Official 1, 26 October 2023). The City Official 1 (who is also the senior manager interviewed on 26 October 2023) mentioned that backyard housing reverses their formalisation gains, creates disorderly settlements, abuses and overburdens existing infrastructure, undermines building control measures and disregards sound property leasing practices. He added, “We do not have the internal capacity to monitor, control and enforce building control let alone begin to plan for such an unruly environment. Perhaps the housing administration and rentals’ handling sections in the City will be better suited to engage backyard housing” (City Official 1, 26 October 2023).

The prevalence of backyard housing in the City of Tshwane presents informal densification challenges, such as overcrowding, overload of municipal services, unapproved and unsafe buildings, and unregulated rental relations between tenants and property owners or landlords. Turok et.al. (2019) question how government can support and regulate backyard housing while lessening the negative aspects of unplanned and unofficially informal densification. The senior manager (also the City Official, 26 October 2023) passed the backyard housing buck to the administration and rental section and was unwilling to engage further on the matter. Gardner (2015) proposed that a balance between control and adaptation should be struck as was the case

with the City of Johannesburg in Bram Fischerville when controlled densification and backyard housing formalization outcomes were specified. The employment and presence of inspectors to control backyard developments and monitor the construction of solid structures worked but were not sustainable. The use of local people to carry out control and monitoring duties could not be trusted and guaranteed since they were marred by biases (Gardner, 2015). The City Official 1 (26 October 2023) added that, “We would have to employ external providers to quantify the backyard dwellers and substandard structures and devise a strategy to correct the informality and prevent it from recurring”.

It emerged in interviews with the City of Tshwane participants (officials) that the Housing and Human Settlement department utilises grant funding for urban settlement development and the formalisation of informal settlements. The City Official 1 (interviews on 26 October 2023) indicated, “The limited budget we have cannot be used on a phenomenon with so many unknowns. Our focus is on programmes guided by policy and supported by the National and Provincial Governments”. The OCSR of 2021/2022 (released in 2023) reveals a City of Tshwane’s culture of striving for stability and control is achieved by upholding high values of reliability, clearly defining structures and roles of officials, and being kept in line with policy, systems and standards. The primary culture to do things right in the City of Tshwane is supported by the secondary framework of clan culture that stresses doing things together and collaborating. Flexibility and agility are embraced in internal processes aligned to identified goals and strategies but not extended to change posed by external processes (OCSR, 2023).

On 18 September 2024, it was communicated to all employees in the City of Tshwane that a high-performance culture is expected, and upholding values of urgency, collaboration and self-discipline should be exercised (City of Tshwane, 2024). The memorandum referred to showing good governance by upholding the rule of law, maintaining independence in decision-making, upholding high ethical standards, ensuring open communication with people residing within the municipality and projecting a good organisational identity. I found the communicated message to be in contrast with the results of the Organisational Culture Survey Report (OCSR). The OCSR of 2023 revealed a culture slow to change and unresponsive to community needs.

4.4.4 Public participation

The Ward Councilor (22 February 2024) indicated that, “the City’s projects do not always address the needs identified by the communities we serve”. The IDP approval process allows for public participation. Public participation provides an opportunity for people in the city to input, support and even dispute identified areas of development in the IDP.

> “The people in the City think that the IDP public participation is a tick box exercise to comply with the law but is not an honest engagement with the City’s development progress. The prepopulated list of projects and budget projections in the IDP are presented in the public participation meetings. The sentiment of people in my Ward is that the sole objective of the participation session is to approve prepopulated list and not for people to submit their wish list” (Ward Councilor, 22 February 2024).

The OCSR (2023) reveals a view of the City of Tshwane as lacking urgency, its IDP inefficient and wasting taxpayers’ money. Municipalities are responsible for ensuring all people within their boundaries are provided with services to satisfy their basic needs (RSA, 1996). The SALGA Official (23 October 2023) frustratedly indicated that the backyard dwellers are neglected community members without projects directly intended for them. “The municipality (referring to the City of Tshwane) does not account for them (backyard dwellers). Backyard housing in the City is wholly privately run and has zero laws governing it”, uttered The SALGA Official (23 October 2023). This view coincides with the Development Action Group that the backyard housing sector remains without due recognition despite providing housing solutions to many people in South Africa and without support from the government (DAG, 2023). The MSA indicates public participation and consultation in the decision-making process at local government in ward committees and meetings (RSA, 2000), budget consultations and the IDP process essential to ensure people's interests are represented, to educate them of acceptable levels of service, to foster understanding of availability resources and the functioning of the municipalities they reside in. The OCSR (2023) states that the City of Tshwane must rise to an organisational culture that ensures a developmental and implementation plan with clear objectives, measurable and reviewable, working towards bettering the livelihood of people residing in the City.

The public has a right to participate in the decisions of a municipality (RSA, 1996; 2000). The Ward Councillor (22 February 2024) added that, “I represent the community that voted for me and my party. They trust me to carry their needs to the Council to ensure decisions taken benefit my

community". The interviewed Ward Councillor (22 February 20234) confirmed that the executive leading the City of Tshwane is a DA-led coalition municipal government. When asked about the advances on backyard housing by the City of Cape Town, also DA led municipal government, the Ward Councillor responded that,

> "I have done a little research on backyard housing since receiving your proposal and the request to interview me. I engaged fellow Councillors in our Council and most confirmed that backyard housing affects people in their Wards. Squabbles among tenants and landlords are many and remain unresolved. Frequent broken sewers due to overload and misuse as well as insufficient refuse collection are plagues in communities in different Wards. Personally, I am hoping to see efforts implemented in the Cape Town Metropolitan municipality for backyard housing replicated and rubbed off in Tshwane. However, I need to say that a coalition government tends to be riddled with compromises. These compromises in turn affect support from our constituents as we weakly represent their needs".

The City Official 2 (8 November 2023) responded to the same question that, "We acknowledge our position (referring to the City of Tshwane) in deliberately ignoring the backyards over the years. We have also noted interest and work done by others (referring to other metropolitan municipalities) in the backyard housing phenomenon, We can no longer ignore the physical effects of the phenomenon. This prompted us to invite the Isandla Institute to a roundtable discussion on backyard housing. The engagement with Isandla Institute and other stakeholders will likely take place in the second or third quarter of the next financial year (2024/2025 financial year) if we are to plan and develop backyard housing in future".

The SALGA Official (23 November 2023) remarked that the City of Tshwane would prefer a guiding policy from the national government as this coincides with the organisation's culture. "the City of Tshwane is guarded and tends to be slow to take up matters without clear policy" (SALGA Official, 2023). The SALGA Official swiftly turned and mentioned that policy formulation can also follow a bottom-up approach. "SALGA can coordinate the coming together of metropolitan municipalities and facilitate a policy formulation process", (SALGA Official, 23 November 2023). The culture within the City of Tshwane is such that it supports activities with existing national guidelines. The belief is that policy will guide and support the City's actions, thus improving accountability. Other municipalities such as Cape Town and Johannesburg have proven that a

city, at the local government, can derive its own policies and by-laws to improve service delivery in addressing of the needs of communities. Moreover, the community can input legislation regarding local government and by-laws presented by the local authority (RSA, 1996; 2000).

Municipalities have established systems to ensure maximum public participation in municipal processes and decision-making. The effectiveness of that public participation is determined by measuring the extent to which the community influences the decisions on matters of concern, as we see in the next section about Bana Ba Refilwe.

4.5 Bana Ba Refilwe: backyard dwellers

Refilwe housing

The Refilwe-aged resident, interviewed on 25 September 2023, recollected a memory of a Refilwe township with so-called matchbox four-roomed houses provided by the mine located in Refilwe Extension 1. The Refilwe-aged resident illustrated that the pre-democracy government of South Africa through its Housing department built more four-roomed 50m^2 houses in Extensions 2 and 3 for rental for the growing community of Refilwe. Pockets of serviced stands were later made available for purchase in Refilwe, and owners of the stands began to build their homes. “Those homes started as shacks and were later built into brick-and-mortar houses” (Refilwe-aged resident, 25 September 2023). In the Refilwe-aged resident’s account, the dawn of democracy brought the construction of government-subsidised houses (RDPs) houses for qualifying households in Refilwe Extensions 2,3 and 4, most of whom had not yet constructed solid structures. Refilwe Extension 5 was established as greenfield project also consisting of RDP houses.

A Refilwe hostel dweller (25 September 2023) indicated that she originally stayed in Refilwe Extension 1 with her parents and later moved into the Refilwe hostel in 1994. She recalled that the hostel was built in 1976 to house strictly male migrant labourers of the diamond mine in Cullinan and comprised fifty units. She further added she moved into the hostel when women were allowed to occupy hostel units and there was mention of converting hostels into family units, post-apartheid. Disappointedly she adds that the family units and refurbishment of the hostel have

not occurred (Refilwe hostel dweller, 25 September 2023). The Refilwe hostel dweller reported that she chose to reside in the hotel against remaining in her parents' backyard housing structure.

The Refilwe-aged resident confirmed, "I received my RDP house in 1998 under the Nokeng Tsa Taemane local municipality. I have four grown children. The eldest son received an RDP in Refilwe Extension 5 somewhere in the 2000s", he could not recall the exact date. The Refilwe-aged man added that his second and third children reside in the informal settlements in Extension 4, and his last child resides in a backroom in his yard, "Ke mojalefa! He cannot move out (meaning that the child will inherit the estate of his parents when they pass)", stated the Refilwe-aged resident, 25 September 2023.

The former Metsweding District municipality and the Nokeng Tsa Taemane local municipalities were incorporated into the City of Tshwane Metropolitan Municipality in 2001. The Refilwe hostel dweller indicated her hostel unit has two bedrooms. She resides with her children and another family that rents her second unit bedroom. "We squashed in the hostel. I applied for an RDP house in 2006 and have not received it to date. I had one child when I started staying here. Today my eldest daughter has a child of her own. I am a *gogo* (grandmother) without her own house. This hostel is old and is falling apart but it is home to me and my children and grandchild. The second family renting accommodation from me also has nowhere to go. We all wait for government housing", reported the Refilwe hostel dweller, 25 September 2023.

Bana Ba Refilwe

Active citizenship is an act of participation to promote good governance. Mchunu and Theron (2014) state that active citizenship can be a communal concept emphasising group identity and common cause. Bana Ba Refilwe is a name given to grown-up children and grandchildren of Refilwe Extension 1, 2, 3 and 4 homeowners. The group opted to reside in the backyard of their parents' yards all the while waiting to be allocated RDP houses or serviced stands that they had applied for from as early as 1996. Scheba and Turok (2020) explain this as backyard housing as a transitionary housing option that would disappear with the allocation of low-cost housing.

Using the Urban Settlement Development Grant (USDG), the City of Tshwane Housing and Human Settlement department implemented the Refilwe Extension 7 relocation project. Refilwe Extensions 7, 9 and 10 were greenfield human settlement projects implemented to accommodate households relocated from the informal settlements of Refilwe in Extensions 2, 3, 4 and 5. The process to relocate the households included marking existing shacks in informal settlements, demolishing the shacks, transporting the shack material, furniture and other goods of households and assisting the relocated household in re-erecting the shack in the new stand in a proclaimed township. The shack marking process helps the City know the number of households in informal settlements and plan accordingly. Further, the City then employed security companies to prevent further invasions. 880 shacks were marked in informal settlements in Refilwe Extensions 2, 3,4 and 5 and earmarked to be relocated to a new township, Refilwe Extension 7.

Stands were pegged in Refilwe Extension 7, service providers were appointed, and the City was ready for relocation in February of 2016. A group of people from Refilwe called Bana Ba Refilwe (children of Refilwe township) opposed the relocation and stopped the project activities. Bana Ba Refilwe reside in the backyards of their parents' homes. Bana Ba Refilwe stood adamantly opposed to the relocations of informal settlement households over them. The group demanded to be relocated first before the informal settlement dwellers. They argued that they were in Refilwe first and as bona fide residents, deserve housing beneficiation first. They indicated they had applied for housing before informal settlements were formed, some having applied as early as 2006. Bana Ba Refilwe chose to remain in backyard housing to avoid creating informal settlements and waited patiently for housing allocation, thus preserving the planned physical form of Refilwe township. They argued that had remained lawful and if any housing and formalisation processes were to take place, they would begin with them. They demanded that housing and formalisation should accommodate them before others. Holston (2009) refers to insurgent citizenship where citizens form movements to confront exclusion and claim their right to urban space. Bana Ba Refilwe occupy the backyard dwellings of Refilwe township and managed to bring the relocation project to a halt until they were considered beneficiaries of the project. See figure 3 indicating the extent of backyard housing in Refilwe. Almost all residential stands in Refilwe Extension 1 have backyard structures. The stoppage of the housing project forced the City of Tshwane to engage with the aggrieved group, Bana Ba Refilwe, and to find a resolution for affected parties.

The protesting Bana Ba Refilwe requested a meeting with the Member of the Mayoral Council for Human Settlements in the 2016/2017 fiscal year to force the City to include them as priority beneficiaries of the relocation project. The then MMC for Housing and Human Settlements recommended that a task team be formed comprising City officials, Ward Councilors, Bana Ba Refilwe and the Refilwe informal settlement dwellers (originally earmarked for the project). Representatives of the groups were selected and terms of reference of the task team were agreed. The task team agreed to have a housing needs verification process to quantify the number of backyard dwellers in Refilwe. The verification process was expanded to include applicants for housing with the City and those with the National Housing Department appearing on the National Housing Needs Register (NHNR).



Figure 8: The extent of backyard housing in Refilwe Extension 1, Pretoria, City of Tshwane Metropolitan Municipality - Every residential stand in these streets has backyard structures. (Source: City of Tshwane Geo Map Services, powered by ESRI)

9329 people turned up to record their names during the verification process and only 4326 were residents of Refilwe according to presented proofs of residence. Further scrutiny of the 4326 revealed that 1605 resided in backyard housing, seventy-one in the dilapidated Refilwe hostel and the 2650 households were from informal settlements of the Refilwe township. The Refilwe hostel dweller (25 September 2023) stressed that hostel dwellers needed to be prioritised for

relocation during an engagement in the task team meeting. She stressed that the last hostel renovation was done by the erstwhile Nokeng Tsa Taemane municipality replacing the storm damaged roof in the late nineteen nineties and that the building was falling apart from lack of maintenance over the years. In the task team meeting, she added that the dilapidated hostel structure was a hazard and put all residing in the hostel in imminent danger. The City officials attending the task team meeting were shocked to discover the 2650 informal settlement household dwellers from the verification process of 2016 since they were aware of 880 shack marked households. This revealed a failure in security to prevent further invasions in informal settlements. The informal settlement households increased from 880 in 2014 to 2650 in 2016. The Refilwe Extension 7 has a total of 788 single dwellings type residential stands however, only 117 stands were prepared and ready for relocation to Refilwe Extension 7 in 2016. The remainder of the stands would be ready for occupation later in the year 2016. Refilwe Extension 10 would be available in the 2017/2018 fiscal year to accommodate the difference, which the City thought would be ninety-two stands. The verification process revealed a higher need for housing than initially anticipated by the City.

The task team had to devise a method to filter the list of 788 prospective beneficiaries to be relocated to Refilwe Extension 7. The date of entry into the NHNR, the age of the applicant, meeting the qualifying conditions set out by the Department of Human Settlements for a government house and special cases of child-headed households and the differentially abled persons were criteria used to filter the list. The final list of 788 to be relocated to Refilwe Extension 7 comprised 455 backyard dwellers, seventy-one hostel dwellers and 262 informal settlement dwellers. The initial 117 households were relocated in May of 2016. The final list for relocation to Refilwe Extension 7 was satisfactory for all task team members. A recommendation to include backyard dwellers with all future relocations received overwhelming support from task team stakeholders, especially from the Bana Ba Refilwe group. The task team resolved that the list of 4326 would be revisited with future formalisation projects and other future housing projects.

Political support and displeasure

The former MMC reiterated his commitment in the delivery of housing and ensuring delivery to rightful beneficiaries. He further stressed that the allocation of government-subsidised housing be in line with the National Human Settlement criteria. The MMC further stressed the importance of

officials in his department (particularly the Executive Directors and other support officials) ensuring compliance and drawing terms of reference for this task team in line with the law. The MMC's establishment of the task team was reflective of the rational comprehensive model for decision-making (Rittel and Webber, 1973). The resolution to the rebellion stalemate was sought from the officials' expertise together with the intrinsic knowledge of the affected community members. The task team became an invited space where participants were invited to participate, however, the act of Bana Ba Refilwe would be seen as an invented space too (Miraftab (2004b).

Total housing needs during verification process in April 2026	Total housing needs strictly in Refilwe township in April 2026	Total Type 1 residential stands available in Refilwe Extension 7
9329	4326	788

Table 2: Refilwe verification results

Bana Ba Refilwe in Extensions 1, 2, 3 and 4	1605	Type 1 residential stands prepared and available for relocation to Refilwe Ext 7 in February 2016, ultimately relocated in May 2016
Refilwe hostel dwellers	71	
Refilwe Ext 2, 3, 4 and 5 informal households	2650	
Total housing needs strictly in Refilwe according to the verification process results in April 2016	4326	117

Table 3: Refilwe filtered results and selection for relocation

The Ward Councillors of Wards 99 and 100 indicated displeasure that the residents did not raise their concerns of exclusion with them and rather went on to stop the projects and approached the MMC of Housing and Human Settlement directly. The Councillor of Ward 99 indicated his displeasure during one of the task team meetings and said that the residents undermined his political leadership. He said that the residents do not trust him to carry their needs forward to the municipality. The Ward Councillor of Ward 100 expressed similar sentiments and added that he would have supported his constituents' cause to obtain housing but that it should be done calmly to avoid things getting out of hand. He further stressed that project stoppages worsen matters when funding is returned to the Province due to lack of implementation.

Lesser claim than children of Refilwe

Informal settlement dwellers walked out of the initial meeting on several occasions during task team meetings. The representative of informal settlement dwellers in Refilwe Extension 5 expressed that "*basi treat'a ngathi asikho mqoka futhi siyoba bokugcina ukuzuza ngoba thina asibuyi la*!". The dweller expressed sentiments of being treated as less important and that they were told explicitly by Bana Ba Refile and hostel dwellers that they should benefit last because they are not from Refilwe. Needless to say, the statements were not entirely true since the Refilwe-aged resident confirmed that two of his children resided in informal settlements (Refilwe-aged resident, 25 September 2023).

Active citizenship and participation

The invited space can also be an invented one. In reference to Miraftab (2004b), the disgruntled group started the movement and insisted on being heard. Mchunu and Theron (2014) state that active citizenship can be a strategy in the fight against exclusion and inequality. Bana Ba Refilwe resorted to disruption to force the City to include them in decision-making. They laid claim to what they believed they deserved, to first beneficiation for Refilwe Extension 7 stands, though they later considered and reached an agreement to regard those in informal settlements (Purcell, 2013). Mchunu and Theron (2014) indicate active citizenship as a civil moral duty and participation. They influenced their future and practised active involvement in matters affecting their lives. Though pushing for their benefit, they exercised justice by allowing the inclusion of

other stakeholders, particularly hostel dwellers and informal settlement dwellers, to benefit from the Refilwe Extension 7 housing project too.

City officials

Good Governance Learning Network (2012) indicates that public officials' attitudes can impede development in local government. Unwillingness to be accountable and to manage the involvement of institutions, politics and lack of community-focused solutions can hamper good governance (Mchunu and Theron, 2014). The City Official 1 (26 October 2023) angrily uttered when asked about community involvement in projects that, "These people don't know what it takes to get a project like this approved, then they ruin it with one little protest!". In the case of Bana Ba Refilwe, the City housing officials were instructed by the MMC to form a task team. The task team had deep engagements and officials were forced to amend the project plan and consider the views of other stakeholders. The European Union (2012) states that good governance and active citizenship are underpinned by respect for the rule of law, democracy, tolerance and regard for rights. These values follow the principles of developmental local government to provide democratic and accountable communities, promote sustainable service delivery and encourage community involvement in local government (Mchunu and Theron, 2014; RSA 1998d; Van Donk et al. 2008). A collective decision by officials such as experts and technocrats, politicians and different community groups of Refilwe were necessary to satisfy all stakeholders. Watson (2003) indicates that collaborative community participation effectively reaches consensus and marries policy with implementation. The officials' knowledge of the legislation was the basis for the terms of reference for the task team.

4.6 Conclusion

The chapter revealed the field findings of the research and made reflection on the case of Baba Ba Refilwe housing project. The national policy vacuum on backyard housing has led to various municipalities engaging and supporting backyard housing differently, with the City of Tshwane deciding not to engage until there is a guiding policy. The chapter revealed opportunities that research participants indicated would be possible gains should the City of Tshwane engage in backyard housing. Amongst the opportunities are controlled densification, collaboration with knowledge groups such as Isandla Institute, and backyard structure funding opportunities,

including infrastructure funding and land use compliance. Good Governance in the City of Tshwane positively affects its decision-making, accountability and public participation. However, the decision to refrain from engaging in the backyarding phenomenon, based on a lack of national policy guidance, could perpetuate the uncontrolled, unmonitored, poor enforcement and poor participation and service delivery related to backyard housing development. The field research also revealed an organisational culture in the City of Tshwane that affects decision-making, is guarded and displays complacency. The next chapter will provide in-depth analysis of the findings.

Chapter 5: Analysis and Recommendation

5.1 Introduction

This chapter builds on the previous chapter's research findings and analysis, adding further analysis and recommendations on the City of Tshwane's engagement with backyard housing. The themes under the sections termed the consequence and subsequence follow those identified in the research findings chapter as they aim to provide more understanding and offer proposed action by the City of Tshwane in the engagement with backyard housing.

5.2 Consequence analysis

This section analyses the outcome of the field research and provides more understanding of the findings under themes already identified in the findings chapter.

The backyard housing policy vacuum

Policy is legally derived to provide guidelines that ensure the protection of rights and regulation provides a system for accountability and enforcement to ensure rights are upheld and respected. Further, Section 26 of the Constitution of South Africa outlines the right to adequate housing and assigns government duty to take reasonable measures to realise the right (RSA, 1996). The notion of adequate housing is elaborated by Office of High Commissioner for Human Rights (OHCHR) and Un-Habitat (2014) as noted earlier in the document, and also discussed within SA (see for example Tissington 2010). These obligations on the state require it to engage with housing phenomena within its jurisdiction.

Formal settlements with developed infrastructure for water, sanitation, electricity and transport systems and offering solid structures are preferred by backyard dwellers (Turok and Borel-Saladin, 2016). Small and micro developers invest in erecting rows of single and multi-story accommodation structures and expect a return on their investment in rental income from tenants. Landowners and landlords invest their funds to erect backyard structures and tap into existing municipal infrastructure. The type of material used and availability of amenities affect the rental price set by micro developers and landlords. The coverage percentage on residential stands is

stipulated at 40% and backyard housing stands far exceeding this standard. Failure by the municipality to monitor and enforce compliance standards has enabled lawlessness in the name of erecting the most backyard units and collecting the most rent from a stand.

The UN-Habitat and Office of High Commissioner for Human Rights (2014) bring the element of affordability into the adequacy of housing. Turok and Borel-Seladin (2016) indicate that poor and low-income households desperate for housing look to backyard housing as a stopgap to live. The cost of backyard units directs dwellers to settle in either formal or informal settlements. Chapter 3, I covered the ease of accessing services and amenities in backyards located in formal areas. Landlords vary rental fees based on available services. Therefore, affordability becomes one of many determinants affecting the choice of tenants to reside in backyard housing in either a formal or informal settlement. The right to adequate housing is affected and considerably increased or reduced based on affordability.

The reasons for residing in backyard housing differ from one dweller to another due to individual needs and capabilities. This research revealed types of dwellers in backyards, some are grown children of homeowners, some are children of locals seeking their freedom and space away from parents, while some are migrant labourers with families. Backyard dwellers, either in formal or informal settlements, can be subjected to forced evictions, possible homelessness and rent price exploitation at some point in their lived experience. When formalising the backyard housing arrangement and rental space, the right to secure tenure can be protected by legislation, which will also aid in hastening Housing Tribunal adjudication on backyard housing dispute cases. Therefore, the government's obligation to adopt backyard housing legislation and apply required administrative, budget, and legal promotion to fully realise the right to adequate housing to be enjoyed by those in backyard housing is requisite.

Seizing the backyard housing opportunity

The views of officials and the culture within the organisation are reflected in the City of Tshwane's approach, that awaiting guiding policy on backyard housing protects it from acting outside the law. Therefore, the City's lack of action regarding the backyard housing phenomenon may not be frowned upon, as it indicates a bureaucratic culture that prioritizes remaining within legal boundaries in pursuit of a good governance goal. Though governance also dictates being responsive to people's needs through effective planning and service delivery for housing, infrastructure and other socio-economic needs. A city developing its own policy and implementing

its by-laws without a national guiding legislation is legal, as the City of Cape Town has done regarding backyard housing (City of Cape Town, 2021; Isandla Institute, 2022). The prevalence of backyard housing and its effects on municipal services and planning can no longer be ignored. A national and provincial guideline in the form of policy was argued by some respondents in this research to be essential for local government to take a cue from and to protect the rights of people in backyard housing, similar to those in social housing or any other form of housing in South Africa. Others, however, argued the policy could be developed from the local level up. Nevertheless, it seems the presence of a national and provincial backyard housing policy will be the nudge the City of Tshwane awaits and needs to engage the backyard housing phenomenon. Engaging the phenomenon presents strategic opportunities for municipalities such as attaining controlled densification in human settlements, policy and by-law formulation to guide backyard housing developers and establishing land use regulation and enforcement on backyard housing top structures, though these benefits are not universally understood and agreed amongst Tshwane officials as the research showed. The City of Tshwane can refer to and build upon the Gauteng Provincial Backyard Rental Housing Policy initiative that resulted in a pilot project implemented in Zola and Orlando townships in Soweto in 2005 (Gauteng Provincial Government, 2014). Tshangana (2014) also tabled objectives and guidelines for municipalities to engage in backyard housing. The role of municipalities would be to agree with backyard developers on standards for well-managed, quality backyard rental stock. The role of municipalities would include the formalisation of the backyard housing market by ensuring the construction and replacement of informal structures with quality and approved structures, and security of tenure through leasing contracts. Municipalities would have to boost service infrastructure to support backyard housing, facilitate financial linkages that would enable landlords to formalise rental structures, strengthen intergovernmental coordination, and collaboration of private and public stakeholders for fast-tracked housing delivery (Tshangana, 2014).

Capitalising on densification strategy

Densification not only increases the number of dwellings per square kilometre but also maximises the use of what might be scarce resources. Tshangana (2014) stresses that backyard housing maximises land use for residential housing and optimises access to municipal services. However, the introduction of additional structures to utilise available space in settlements should be met with caution to avoid overcrowding and chaotic results (Arrigone, 1995). Upward medium-density development may assist in maintaining formalization and adhering to 40% coverage standards of

residential stands (Turok, Scheba and Visagie, 2019). Backyard housing presents infill development for residential-zone areas and releases other land for other urban uses such as industrial, retailing and other amenities. Densification and proximity of different land uses to residential areas can promote mixed land use development and minimise travel time. Therefore, it improves access to economic activity, investment in infrastructure development, and encourages inclusion, sustainability and resilience of urban areas (Todes, 2006). Despite retrofitting, planners can ring-fence land parcels for density and mixed-use development with economic and social advantages in the spatial development framework (Gardner, 2015).

Densification is the optimum use of residential space, which landlords and private property owners have achieved with backyard housing without input from the state. The state may have unintentionally enabled the backyarding practice by failing to enforce planning regulations and related building controls over its municipal areas of jurisdiction in land use management. The backyard housing practice is not going away. It supplies housing to a multitude of backyard dwellers. The Gauteng City Region Observatory indicates that there has been tremendous growth in backyard structures that surpassed an increase in informal settlements, indicating that the City of Tshwane experienced an expansion of 393% in backyard housing from 2001 to 2016 (Peberdy, Harrison and Dinath, 2017). The expansion is attributed to backyard housing presenting better access to basic services and proximity to areas of economic opportunity and established transportation.

Seeking advice from Backyard Housing Matters

A City Official 2 indicated, during interviews, that the City intends to engage the Isandla Institute to advise on backyard housing building on the Backyard Matters project (Isandla Institute, 2020a; HSRC, 2019). Their interaction with various municipalities and workshops they have conducted on Backyard Matters can benefit policy formulation, planning, proper implementation and management of backyard housing (Isandla Institute, 2022).

Enable financing for backyard housing development

Construction of any building, irrespective of size, costs money. Securing property rights, building approval processes, procuring building materials and future maintenance of the completed

structure will require capital. Backyard housing developers often need to raise money to construct the backyard structures. Once constructed, the backyard structures are a source of income. For example, Zuma (2019) indicates a sizeable income of R18000 per month from renting thirteen (13) backyard structures on a 240m^2 stand, an average of R1385 per structure per month. But often, securing finance from reputable finance institutions for the backyard owner to purchase material to erect a compliant and municipal-approved structure is needed first (Isandla Institute, 2020a). The City Official 1 criticised the shoddy construction of backyard structures and their failure to comply with building regulations. The City can encourage access to and facilitate microlender funding. The coordination can lead to the construction of compliant structures.

The economic gains from a compliant backyard housing stock

The City Official 2 suggested that the backyard housing programme should be placed under the Economic Development Department in the City. This creates a shift from a mere shelter provision to an instrument of economic gain. Property ownership provides the owner with a valuable asset to transact and to bargain in negotiations. Backyard housing provides economic empowerment for landlords and small/micro developers and can support emerging rental agents. It unlocks self-financing incremental neighbourhood upgrading and increases the market value of properties when erecting compliant and approved new structures and improvements. Backyard housing offers rental accommodation and creates income for the property owners and landlords directly contributing to the local economy. Brueckner et al. (2018:18) state that “backyarding is higher for land parcels with good job access”, providing an agglomeration of workers to the market. The maximised use of space to bring residential settlements close to economic centres can reduce travel costs and time. Therefore, encouraging social interaction, economic growth and reducing poverty (Turok, 2014, NPC, 2013). Backyarding in formal settlements can present an opportunity to reside in relatively well-located areas for socio-economic stability.

The City of Tshwane’s situation with backyard housing

The Council is, through its mayoral executive system, responsible for decision-making in the municipality, strategic direction, and oversight monitory over the allocation of resources and service delivery. The municipal administration is responsible for managing, operating and maintaining an equitable and sustainable provision of services (SALGA, 2011:13), manages the

resources of the municipality, and creates operating policies and procedures. The administration also advises the Council, and implements and supports lawfully approved policies, by-laws and resolutions by the Council. The administration can set policies as long as they remain in line with national legislation, a view the City of Tshwane holds with resolute conviction.

Despite countless challenges that backyard housing presents to the City of Tshwane's spatial planning, building control and infrastructure disruptions, as admitted by the City Officials interviewed during the research fieldwork, the same officials indicate that the City of Tshwane does not manage nor engage backyard housing because there is no direct policy or legislation on backyard housing. The ideal backyard housing policy should cover matters regarding permissible construction of secondary dwellings, their safety, approval and access to services and restrictions to avoid informality and loss of surrounding property value. The City's Human Settlements view of the backyard housing phenomenon is that it is uncharted territory with too many unfavourable variables to attempt to engage. As indicated in Chapter 2, the bureaucracy and hierarchical structure and role culture stifle innovation and create complacency. Literature on governance refers to accountability, transparency, participation, and speaks to a framework of procedures, policies and structures for decision-making to deliver services. However, municipalities experience inefficiencies in delivering service, lack accountability and display poor leadership, commitment and skills in implementing those policies that can lead to improved service delivery and citizen satisfaction (Thusi and Selepe, 2023). Thus, there exists a disconnect between governance literature and the practice of governance in municipalities.

The accountability question

The City of Tshwane has executive and legislative authority and decides how to use municipal resources in the best interests of the people residing within its municipal boundaries. As indicated in previous chapters, the composition of the City is such that the administration is answerable to the executive in Council and accounts to the Gauteng Province and the National Department of Human Settlements for collaborative delivery of adequate, sustainable and affordable housing to realise the human right of housing as enacted in the Constitution. Backyard housing regardless of its private provision, avails housing to a particular group of people residing within the City of Tshwane boundaries. It is only correct for the City of Tshwane to regulate, monitor, evaluate and support backyard housing to ensure it meets the constitutional housing mandate for the well-being

of the group of people benefiting from backyard housing, as the City does for other forms of housing provision.

The culture within …

The City of Tshwane's Organisational Culture Survey Report of 2023 revealed a culture within the organization that is slow to change and unresponsive to community needs. The report showed a tendency for rigidity and relying on established knowledge rather than venturing outside of expertise and being innovative. The belief is that keeping to expertise on tried-and-tested activities and remaining in familiar paths positively guarantees performance outcomes and allows for better risk management. However, the quest to guarantee positive results from known actions and remaining neutral stifles growth and innovation. An organization like the City of Tshwane, which is expected to deliver services and solve societal challenges that are forever evolving, may suffer stagnation and ineffectiveness in responding to the needs of people in the municipality.

The City of Tshwane follows a hierarchical culture and adheres to operating processes and procedures. The Council is the centre of leadership and makes strategic decisions on policy and programmes. The administration leadership advises the Council and aligns resources to drive and deliver on Council decisions. Decisions follow a top-down approach cascading down through the administration's organizational structure. Departmental heads have the authority to decide on performance plans, goals and monitoring. It is then expected that the implementation teams, down the line of command, will strictly adhere to and follow the performance plans. Thus creating an environment of rigidity and ineffective reactions to solving evolving societal challenges. This fits with role culture that follows rules, procedures and policies and can be slow to accept change explained in Chapter 2 (He, 2023). The workforce also suffers a loss of innovation and fresh ideas in responding to the needs of the people in the municipality. A participant in this research, City Official 3, indicated that during a planning meeting the idea of including backyard housing management got shot down, despite having attended a housing workshop whereby neighbouring municipalities indicated engagement with the phenomenon. There is a strong tendency by personnel to do what is known and to reject the unknown. This explains the stance to stay away from backyard housing until there is a policy.

Participation to influence

The City of Tshwane engages in community participation to approve policy, and by-laws, and to approve fiscals and the IDP as mandated by law (RSA, 1996; 1998b; 2000; 2003). Public participation signifies the approval of decisions taken by Council.

The research showedhow Bana Ba Refilwe rose up when they realized they were overlooked for those in informal settlements. Before this, Bana Ba Refilwe and hostel dwellers remained discreet due to enjoying service convenience when compared to those in informal settlements (Turok and Borel-Saladin, 2016). The elected Ward Councillors were preoccupied with informal settlement issues that did not include backyard dwellers. The backyard dwellers themselves only got bothered to see informal settlement dwellers being relocated to serviced stands. They objected to the relocation and insisted on being the first beneficiaries, yet they had never complained before. If they voice their unfavourable situation, perhaps their needs could become a priority of the municipality. The Ward Councillors get preoccupied with informal settlement issues, unlike the backyard housing matters that are hardly brought forward. In Chapter 2, Tissington (2011) mentions a state concerned with providing housing for ownership and Shapurjee et al. (2013) encourage the state to consider rental solutions too when providing housing.

5.2 Subsequence

The analysis of findings is indicated in the section above but begs to answer the question of subsequently what. The recommendations tabled below are derived from the findings analysed through my perspective as a planner and a city official, and offer proposals on required action to ensure positive engagement with backyard housing in the City of Tshwane.

Contribution to policy formulation

The Breaking New Ground: A Comprehensive Plan for Development of Sustainable Human Settlements of 2004 is a policy that briefly refers to backyard housing under differential security of tenure by the private sector. To enact the right to adequate housing for multitudes of people residing in backyard housing, the City of Tshwane may create a task team composed of representatives from all internal departments to conduct a situational analysis. The situational analysis should include documenting the number of backyard households, assessing infrastructure, quantifying the cost of delivering and maintaining the infrastructure necessary to

sustain settlements with backyard housing, and identifying related legislation. A draft strategy for backyard housing will be essential to assign duties to specific stakeholders within the organization, the City of Tshwane, to keep a record of backyard households, to design, install and maintain service delivery infrastructure, eradicate noncompliant structures, apply building control and ensure enforcement, and planning and design future settlements inclusive of backyard housing. Input and comments from other intergovernmental partners and interested organisations should be sought. A draft policy for backyard housing in the City of Tshwane and a related by-law to regulate the implementation of backyard housing should be prepared and circulated for public participation and later Council approval. The key elements of the draft backyard housing policy should include permissible construction of structures, zoning classification, access to municipal services, security of tenure and guidelines to access various financial support. The City of Tshwane will have to be capacitated to ensure the successful implementation of the backyard housing policy and by-law, including strengthening rental stock management, enforcement compliance and control.

Carpe diem – seize the moment

The National Human Settlement department can build on SALGA's position statement document (2014), the work that organisations such as the Isandla Institute and DAG have gathered and the experience of metropolitan municipalities such as Cape Town, Ekurhuleni and Johannesburg to draft a policy on backyard housing. The intergovernmental relations tools for coordination will be employed to solicit comments and inputs from provincial offices (Intergovernmental Relations Framework Act, 2005). SALGA's coordination and lobbying platform can also be utilised to obtain comments and input from municipalities on the draft policy document. Expanding from existing legislation on informal housing and learning from the experience of others that embarked on backyard housing could prove beneficial for the City of Tshwane's engagement with backyard housing. The City of Tshwane may avoid mistakes and pitfalls of others and receive valuable advice to navigate smoothly and be better efficient in its engagement with backyard housing. Moreover, the City would establish a support network.

The policy on backyard housing will assist the City of Tshwane to strengthen the protection of the right to housing for people in the municipality, improve adequacy, security of tenure, affordability, commitment to provide infrastructure and inclusion in development planning.

A national policy on backyard housing can prompt municipalities, especially metropolitan municipalities, to report to SALGA, the Human Settlement department and Treasury through MFMA Circular No. 88 to report consistently on backyard housing. The MFMA Circular No. 88 in particular focuses on providing a standardized set of performance indicators for metropolitan municipalities in the country to report on their planning, budgeting, and performance. The use of grants, such as the Urban Settlement Development and the Informal Settlement Upgrade Programme, and other private investments should include backyard housing to holistically upgrade the living conditions of all people residing in municipalities.

A true report on the national housing needs and allocation should include backyard housing. The report should feed the situational assessment of backyard housing complete with the type of services the households receive and types of housing structures. It will be critical that the reporting on backyard housing include progressive achievements such as eradicating informal structures to formal solid structures, upgrading infrastructure for the benefit of backyards, putting leases in place, and resolving dispute cases. Such backyard housing reports will indicate the protection of housing rights and indicate a meaningful improvement in the living conditions of people in backyards. Backyard dwellers would cease being neglected people in municipalities (Scheba and Turok, 2020).

Several government and financing organisations present possible funding for micro-developers to provide affordable housing (NHFC, 2024). The government's intervention and advocacy for relaxed and lower lending interest rates for financing backyard housing can see an improved uptake to develop solid compliant backyard structures.

A guideline for pricing rental units can help eliminate unfair backyard unit pricing that discriminates against poor and low-income households. Landlords and property owners use the availability of formal basic services such as reticulated water and piped sewer collection, scheduled and regularly collected refuse, roads and easy transportation to essential amenities to increase the rental rates. The Treasury and the Department of Human Settlements funding, namely the USDG for metropolitan municipalities and the ISUPG, for upgrading infrastructure provision can be used to develop infill residential settlements to achieve densification in backyards. Amending local government-based legislation will protect the private provision of backyard housing against discriminatory use of basic services to disadvantage the poor and low-income groups based on

affordability, and promotion of access to services and unfair exposure to evictions. Scheba and Turok (2020) recommend that the government adopt a developmental approach to backyard housing that promotes investment in and improving compliance with backyard structures, formalising rental relations between stakeholders, and promoting good rental practices unlike retaining the dim view of backyard housing as informality.

Enhancing the densification strategy

Backyard housing is a densification practice, as it increases the number of housing structures on residential stands, thereby increasing the number of people in a settlement and increasing access to municipal services for more people than originally intended (Shapurjee, 2014; Lategan and Cilliers, 2016). However, if uncontrolled, the increases may present unintended disruptions from the planning perspective to the adequacy of provided services. Overcrowding and the sharp rise in the cost of backyard housing should be avoided not to reverse formalisation efforts and to make backyard housing unaffordable, respectively. I propose that the City of Tshwane amendment its housing policy and by-law to include backyard housing. The amendment should specify the maximum number of backyard structures permissible in a specific square metre stand, loosen the coverage ratio on residential stands considering the construction of backyard structures, and relax building boundary lines on a stand to 1m instead of the current 3m and demolish structures within the 1m building line. The City of Tshwane will have to enlarge the capacity of building control to enforce these restrictions to avoid overcrowding and erecting structures to the stand perimeters and most importantly avoid chaos by retaining the form of residential stands.

The construction of backyard structures is synonymous with informality as often the structures are constructed shoddily and in zero compliance with building regulations. I propose an amendment to the City's current housing policy, to include the right to safe housing in backyard housing. The proposed amendment of the housing by-laws or new backyard policy and by-law formulation should be supported by strengthening enforcement and regulation control capacity to improve monitoring and deter the construction of substandard structures in line with the National Building Regulations and Building Standards Act (1977) and the South African National Standards (SANS) 10400. The regulations and standards are concerned with ensuring safety, health, and environmental sustainability of structures while promoting accessibility in the construction, maintenance, and safe demolition of buildings.

Town Planners also use spatial planning to address the needs of people and infrastructure elements. The City of Tshwane 2022-2026 IDP indicates a densification strategy in housing complemented by backyard housing through infilling development and optimum units per residential stand. However, the densification strategy must guard against overcrowding and overburdening the infrastructure providing basic services when implementing backyard housing. The relaxation of stand coverage and building line regulations will release more space in a stand and may increase compliance by those erecting backyard structures. However, a maximum number of structures and/or square metres of additional structures on a stand may be set to avoid exceeding permissible standards. An incentive system to reduce rates for backyard housing approval processes to improve building compliance and safety, over imposing heavy fines and sanctions for noncompliance to deter defaulters, may go a long way. The City of Tshwane's spatial planning should optimise land use with density zones coupled with mixed-use, improved access to transportation, infill and greenfield density development including controlled backyard housing. I propose that the City's housing development plans include controlled backyard housing. This may overcome challenges such as overcrowding, rising rental costs pushed by the demand for housing near urban economic centres, shoddy and noncompliant construction and to manage leasing arrangements.

Joining forces with Backyard Matters

The absence of a specific policy on backyard housing presents a direct shortcoming of Section 26 of the Constitution to the multitudes of South Africans specifically residing in backyard housing. The state should make it its business to protect the right to adequate housing for people in backyard housing and ensure those that provide backyard housing satisfy the criteria to live in dignity, and safety and ensure livelihoods as set out in human rights law. The absence of state policy and programmes directly aimed at backyard housing leaves the interpretation of adequate housing open to those delivering and developing backyard units. The Backyard Matters (partnership of Isandla Institute and the Development Action Group) can offer extensive and valuable input on the City of Tshwane's backyard housing project and assist in drafting a policy and by-law, to effectively plan, manage and monitor adequate housing standards for those residing in backyard housing. The City Official 2 indicated that the City of Tshwane showed interest in engaging with the Isandla Institute organization.

Financing opportunity

Backyard housing developers need funding assistance for quality and compliant approved structures. The rights of people in backyard housing should be protected to ensure they receive shelter that is safe, structurally sound and compliant with building legislation. A current view of backyard housing in the City of Tshwane is that of informality worthy of demolition, as indicated by interviewed City officials. The Constitution states that a developmental approach to housing should be adopted (RSA, 1996). Backyard housing is incremental and adaptive in existing settlements and supplies needed housing, valuably. Therefore, property owners need to erect compliant backyard structures. Government, in line with Section 26(b) of the Constitution, should take practicable measures to improve access to financing new, additional, and repairing existing structures of backyard rental stock (RSA, 1996). The financing programme may allow applying for a loan from banking institutions for renovations and the construction of new backyard structures. Further, the programme may offer funding and training to develop compliant backyard structures through micro and medium-term loans from organisations such as uMastandi, of the Trust for Urban Housing Finance, and the National Housing Finance Corporation (Scheba and Turok, 2020; Affordable Housing Finance Africa, 2020).

The City of Tshwane can utilise the National Treasury's Cities Support Programme (NTCSP) which supports small-scale affordable rentals. The City's Support Programme is an enabling framework for the rental housing market and sustainable investment in small-scale affordable rentals. The National Housing Finance Corporation (NHFC) is involved with finding and mobilising affordable housing finance for the low and middle-income markets. The NHFC is a financier and facilitator and ensures viable housing finance solutions. NHFC is concerned with the growth of sustainable human settlements, encourages knowledge sharing in the affordable housing finance market sector and mobilises relevant partnerships. Another financiers that the City of Tshwane can align with is Indlu Living. Indlu Living provides loans to property owners for the construction of new structures, additions, and the completion of existing structures. Indlu Living also assists with building approvals to improve building compliance (Schultz, 2023).

Mutual benefit: economic gains from the compliant backyard housing stock

Backyard housing increases housing stock and adds to the housing rental market. The City of Tshwane Housing Company could create a programme for backyard developers to list their rooms for hire. The programme could include the inspection of units to ensure building compliance, creating a database for backyard rental stock. The City could offer support for leasing agreements to assist in managing relations between landlords and tenants, treading carefully not to interfere with the private market. The Economic Development department of the City of Tshwane can begin to report on the backyard rental economy market. The backyard rental economy report will place further analysis into the number of people affording rent and the effects of inflation on the poor and low-income households, expand on demographics of those in backyard housing and offer in-depth records on backyard housing bridging the gap between supply and demand of affordable housing (Turok and Borel-Saladin, 2016). Deeper examination of the backyard rental economy reports will provide depth of developments and trends to help decision-making regarding strategies, policy making and investment opportunities.

The City of Tshwane situation

Backyard dwellers form part of the community of the City of Tshwane. A community is an integral part that completes the composition of the municipality, together with the administration and the political executive (RSA, 2000). Backyard housing potentially fulfils the right to housing for the poor and low-income population in cities, including the City of Tshwane. It deserves the developmental attention of the administration and the executive in local government as indicated in the Constitution (RSA, 1996). The developmental approach towards project backyard housing should yield a structured framework for planning and implementing backyards in the City of Tshwane as well as addressing uncertainty and stakeholder needs. It is clear the implications of backyard housing on infrastructure, the physical composition of settlements, the local economy, transport, and other social amenities need to be managed, monitored, and guided by the local authority. The City of Tshwane must be involved and be intentional in addressing backyard housing by having strategies and programmes geared at developing and managing backyard housing as it does for other housing forms in the city.

The available housing legislation may not be explicit regarding backyard housing however, there is enough reference from existing legislation to engage backyard housing. SPLUMA (2013) empowers the City of Tshwane, as a local authority, to regulate land use and spatial patterns and

ensure adherence to zoning and building laws. Moreover, SPLUMA enables the municipality to be involved in regulatory and developmental roles in informal housing, including backyard housing and all that it presents. The National Development Plan (NPC, 2013) refers to housing solutions that are people centred. This requires the City of Tshwane to understand and acknowledge the needs of those in backyard housing and involve them in deciding on matters that affect them. The City of Tshwane's involvement in backyard housing can also strengthen the capability to provide privately sponsored housing and self-reliance and improve good relations between tenants, landlords, property owners and the municipality. The Gauteng Provincial Backyard Rental Policy acknowledges that backyard housing has been steadily increasing in urban housing, and it is important to formalise the backyard structures to improve the quality of backyard rental units, increase rental alternatives and improve the landlord-tenant relationship (Gauteng Department of Human Settlements, 2014). The City of Tshwane can refer to available national and provincial legislation to support its engagement in backyard housing and get over hiding behind the explicit backyard policy vacuum.

The City Official 2 working in Human Settlements suggested that backyard housing be overseen by the Economic Development and Spatial Planning department in the City. Managing rental stock, tracing its contribution to the local economy and exploring investment in rental markets are functions managed in the Economic Development section, and the location, scale, zonal planning and regulation control are situated in Spatial Planning. Therefore, the suggestion to redirect the handling and management of backyard housing to the Economic Development and Spatial Planning department makes sense. However, the guidance on the physical provision, structural makeup, and administration of beneficiaries of backyard housing should remain the reporting responsibility of the Human Settlement department since it accounts for all housing matters in the City of Tshwane.

Answerability

As an entity, the political executive of the City of Tshwane is accountable to the Council as established according to the MSA and political representatives in the Council account to the people in the municipality who elected them (RSA, 2000). When the Council neglects backyard housing and no decisions are made to promote and manage backyard housing strategically, in essence, the Council fails to be answerable to the group of people in backyards. Council decisions

to strategically promote backyard housing will instruct the City administration to prioritise and strengthen the backyard rental market, ensuring the management of, a supply of quality rental stock that provides affordable, dignified and safe housing solutions to people in backyards (Isandla Institute, 2022). Currently, in the City of Tshwane's Housing and Human Settlement department, there is no programme aimed at backyard housing. This is a disservice to the people involved in backyard housing in the City and is evidence of a City unperturbed by backyard housing and its effects. An indication of the City's choice to bury its head in the sand!

Culture of operation

Backyard housing is a phenomenon that requires a shift in thinking. It is part of the solution to the housing shortage problem (Turok and Borel-Saladin, 2016). It is a private development phenomenon requiring a municipal base to exist and sustain. The use of the land, infrastructure provision and built development compliance falls under the purview of the municipality, at local government. Therefore, it must take a concerted effort to manage backyard housing by both public and private roleplayers. A collaboration of developers (owners), landlords, the tenants and the municipality is needed, similar to Cape Town's implementation of its densification policy and partnering with private sector developers to construct integrated housing and improving compliance of backyard structures (City of Cape Town, 2021; Isandla Institute, 2022). The City of Tshwane could incorporate backyard housing in its housing scope to support proper planning, design, compliance, enforcement, and administration to avoid the parasitic and invasive characteristics with which backyard housing is synonymous.

Aspects of design in planning remain similar and designing for backyard housing does not deviate from those aspects. It will take an innovative viewpoint and approach to design for backyard housing. The administration of backyard housing should involve working closely with those partaking in the phenomenon and creating cooperation between involved stakeholders. Monitoring and evaluation play an important role in providing feedback on the effectiveness of regulation. Standards in regulation and compliance should be reviewable to address emerging trends and adjusted to remain relevant. Backyard housing data and analysis are essential to establish gaps and inform on legislative adjustments. The City of Tshwane is accountable to people residing within its boundary. Proper monitoring and evaluation will clarify performance targets and advise on areas to strengthen enforcement mechanisms. However, remaining

uninvolved in backyard housing as the City of Tshwane has decided, means the City's housing programmes remain incomplete as they do not address and account for all housing issues.

The Rental Housing Act (RSA, 1999) outlines the government's responsibility in so far as rental accommodation is concerned; to promote access to housing, introduce programmes that assist low-income earners to find affordable housing, formulate policy framework with standards for rental housing and set up dispute tribunals. The rental housing regulations outline unfair rental practices to curb unfavourable rental experiences for landlords and tenants. The provincial and local governments are charged with considering rental housing when performing housing duties including working with the private sector. The administration, maintenance dispute resolution and other rental regulations should be uniformly applied and monitored by authorities to ensure the well-being of people in rental accommodation, including backyard housing. Lemanski (2009) positively indicates that people in backyard housing experience better service delivery and Mahlakanya and Willemse (2022) add that access to improved service positively influences living conditions. However, according to Isandla Institute (2020), people in backyard housing experience housing vulnerabilities such as evictions, unsafe and shoddily constructed shelter with the risk of exposure to natural disasters, inadequate access to basic services, overcrowding and security challenges. The application of rental legislation helps address vulnerabilities, improve safety and fair experiences for people living in backyard rentals (Lawyers of Human Rights, 2022). Yet, failure to secure dignity, safety and livelihoods denies backyard dwellers the right to adequate housing.

The City of Tshwane's human settlements leadership may flexibly adapt its prescriptive structural systems to enable leadership that connects with bottom-up innovation and creativity. This will offer alternative and effective urban development solutions to housing challenges, inclusive of backyard housing.

Furthering participation

The SPLUMA (2013) outlines principles of transformative spatial planning guided by the state, achievable through robust and democratic decision-making enabled by deep participation (Cities Support Programme, 2018). The National Treasury's Built Environment Performance Plan identifies intergovernmental pipeline projects as tools to achieve compact cities and transform

urban spaces with an impact on poverty and inequality alleviation (MFMA Circular 88, 2017). Metropolitan municipalities like the City of Tshwane can deliver spatially catalytic projects considering new housing options, such as small-scale affordable backyard rental housing and mixed-use density land use linking to efficient transport systems to encourage economic growth. Such targeted and catalytic housing and transport projects can spark city transformation that attracts mechanisms for professional and financial public and private partnering (CSP, 2018).

Effective intergovernmental relations promote collaboration and integration and can improve the government's capacity for creating policy, support, and transformation across all three spheres of government. The Cities Support Programme is concerned with policy reform and spatial transformation and aligning mandates of the National Treasury with Human Settlements and other government departments (CSP, 2018). The City of Tshwane should capitalize on the CSP by the National Treasury since backyard housing falls directly in the category of small-scale affordable rentals. Participation of international and intergovernmental bodies can accelerate financing for developers of small-scale affordable rentals, which is essential in realising and supporting the densification strategy in existing housing settlements. The information exchange programme between South Africa and Indonesia, arranged by the World Bank, indicated an intention by Indonesia to accelerate the microfinancing of low-income housing in cities and existing townships (CSP, 2023). The City of Tshwane can benefit from investment opportunity.

Discontented people should be the first to voice issues and insist on being heard. Their concerns should follow the correct channels to receive faster attention and resolution. Ward Councilors, as representatives, should communicate matters of dissatisfaction and needing attention from the municipality's people to the executive to be addressed by the administration. The public participation phase of the IDP is crucial for the people in the municipality; first to approve the projects and the proposed budget and, secondly to review progress on approved projects and expenditure. The invited participation space for the community to participate in decision-making can ensure that backyard housing projects get reflected in the IDP and that backyard housing developments become a priority in the municipality (Miraftab, 2004). However, in my twelve years with the City of Tshwane, I have not experienced public participation where a backyard housing development was discussed. Unlike those in informal settlements and awaiting social housing, those in backyards do not come forward and discuss their needs and challenges that the municipality should aim to resolve. Until people in backyards come forward to present their needs

and challenges, they will remain in discussions with those who view them as a nuisance, as the City officials do. The task team created by the former MMC of Housing and Human Settlements to resolve the Bana Ba Refilwe stand-off, the stand-off being an invented space, was an invited space that led to a consensus decision to allocate stands in Refilwe Extension 7 to Bana Ba Refilwe, hostel dwellers as well as informal settlement dwellers (Miraftab, 2004). The invited space was further strengthened following regulation on government housing allocation and improved beneficiary administration.

Chapter 6: Conclusion

6.1 Introduction

This research investigated the engagement of the City of Tshwane with backyard housing within its municipal boundary. Backyard housing occurs in formal and informal settlements, but this research was limited to formal settlements. Those in backyard housing prefer it over residing in informal settlements since they have access to formal municipal services, which are reticulated water, sanitation, electricity, waste collection services and established transportation, schools and other amenities. While all sounding good, the additional backyard structures overload the municipal services. The development of backyard housing and the construction of backyard units continue unlegislated by local authorities creating flaws in regulation to meet the constitutional right to adequate housing as stated in Section 26 of the South African Constitution.

6.2 The research process

The research aimed to answer the question, “What is the City of Tshwane’s engagement with backyard housing?”. The research looked at available policies to support backyard housing and explored the meaning behind the right to adequate housing as enshrined in the South African Constitution (RSA, 1996). Further, the research indicated the benefits of engaging backyard housing to promote densification objectives, access to funding, compliance and leveraging on intergovernmental relations to form policy. The research also investigated the City of Tshwane as an organization and its composition, indicated reasons that could encourage or impede its engagement with backyard housing with reflections on governance aspects such as accountability, decision-making, structure and culture, responsiveness and participation. This chapter outlines the conclusions of the research.

6.3 Summarised findings

Backyard policy formulation

There is not a specific policy on backyard housing. The City of Tshwane prides itself as a legally constituted organization of the state, in local government, that functions within a legal framework

set out in legislation. This lack of policy makes the City of Tshwane shun any involvement and participation in activities related to backyard housing. Despite the policy vacuum, the effects of backyard housing on development, infrastructure and maintenance are borne by the City of Tshwane. The need to control the negative development effects of backyard housing and the cost of upgrading and maintaining services in formal settlements to meet the extra demand imposed by backyard housing necessitates the City of Tshwane to formulate policy to guide the development of and by-laws to regulate the backyard practice. There is enough work and research by provincial, municipal, government associations and non-government society groups that the City of Tshwane may refer to to start engaging backyard housing meaningfully.

Access to adequate housing: a basic human right

Accessing adequate housing is a human right and the South African government has a mandatory responsibility to deliver such to all and that including the poor, low-income earners and those seeking temporary accommodation. Therefore, the City of Tshwane Metropolitan municipality must ensure all residents within the municipal boundary can obtain a place to live. The adequacy of housing is beyond shelter and the municipality, as a local authority, should outline the definition, guide and regulate the development of all forms of housing including backyard housing. Choosing to neglect backyard housing is tantamount to neglecting a section of the municipality's inhabitants and negating the mandatory responsibility to provide housing to the poor, low-income earners, displaced and temporary accommodation seekers. Formulation of policy and amending the housing by-laws to explicitly include backyard housing will be a rule book for developers and bring backyard units to land use regulation compliance.

Compliance

It is essential to construct backyard units to comply with appropriate regulations and by-laws. Despite the need for backyard housing legislation and regulations, building compliance and rental regulations may be implemented in the meantime to ensure structures of safe accommodations and security of tenure through leasing. The future approval of the backyard policy and amendment of the housing by-law may revise aspects such as the coverage percentage and permit maximum permissible outbuildings on residential stands.

Densification

Backyard housing development can be an objective that adds to achieving a densification strategy. Backyard housing increases the number of dwelling units per stand thereby people and dwellings per square kilometre and ensures maximum use of resources. Spatial planning that considers backyard housing can promote social progress and economic growth.

Funding mechanisms

Urban Settlements Development Grant (USDG), a conditional grant made available to metropolitan municipalities like the City of Tshwane, to improve the living conditions of people in urban areas. The USDG can also be used beyond informal settlements for infrastructure projects in formal areas to upgrade existing infrastructure and to expand bulk infrastructure to boost densification programmes, improve the quality of services, and promote inclusive housing with single-story and medium-density developments for low to medium income households.

Financing groups such as the National Housing Finance Corporation and other financers of small-scale and micro-developments such as Indlu Living provide financing and insist on building compliant structures. Such funding mechanisms will assist the City of Tshwane in improving compliance with backyard housing structures. Building complaint units will improve the City's overall rental stock and promote quality, safe and dignified housing for all, regardless of people's social and financial standing.

Collaboration

Collaborative participation can improve intergovernmental relations and produce improved project outcomes. SALGA's policy position on backyard housing and its role in lobbying, representing and supporting municipalities can also facilitate the coming together of municipalities to fastrack the policy formulation on the phenomenon.

Decision-making and culture

The City of Tshwane has a centralized decision-making model whereby the Council is an executive body that provides strategic direction and applies oversight over the administration. The administration structure also follows a top-down approach at the risk of being rigid, inflexible to adapt to change and reduced responsiveness to address the needs of the people within the municipality. The hierarchical culture within the City also means strict adherence to processes. The lack of legislation and regulation provides a good reason not to engage in backyard housing. innovation by those closer to implementation levels on the structure tends to be ignored. However, this is in tension with the responsibility of the City to respond to the needs of those in backyard housing. A bottom-up approach should be encouraged for tailored and accurate solutions from the level at which backyard housing occurs, tapping into local insights for effective and adaptive solutions. The bottom-up approach could go a long way to encourage participation of backyard dwellers and influence decision-making. Ward Councillors in Council should advance the backyard housing needs to ensure strategic representation in decision-making and planning, particularly in the IDP.

Accountability and meaningful participation

The Council is made up of elected Ward Councillors. The Councillors are responsible for communicating the needs of the people who elected them. The strategic direction and the people's needs inform projects in the 5-year Integrated Development Plan. The Councillors remain answerable to the people. However, the IDP of the City of Tshwane does not detail any projects for backyard housing development. The public participation process has not discussed backyard housing development. There is enough negative reference to backyard housing but hardly ever talks of development or regulation.

The researcher referenced the case of Bana Ba Refilwe, known as the backyard dwellers and children of initial dwellers of Refilwe township near Cullinan within the City of Tshwane municipality. Bana Ba Refilwe participated in representative participation to reject the relocations of informal settlement dwellers ahead of themselves. This research concludes that Bana Ba Refilwe, in a formal settlement backyard housing set-up remained discreet due to enjoying service convenience when compared to those in informal settlements. Representative participation for those in backyard housing should be continuously heard loudly until the City of Tshwane starts to engage meaningfully with backyard housing.

6.4 The researcher's perspective

The political leadership that serves to improve the lives of people who elected them to the Council and the leadership of the City of Tshwane should strategically drive service to include all types of housing initiatives and programmes, including backyard housing. Employees of the City of Tshwane must adopt a culture that engages backyard housing in purposeful action, aim to promote authority and improve control over backyard housing in the city. Acknowledging the role backyard housing plays in providing access to housing, the IDP and departmental scorecards in the City of Tshwane should reflect projects aimed at improving backyard housing. Purposefully gathering backyard housing data and analysis, retrofitting available housing legislation, and introducing innovation, monitoring, evaluating and considering problem specific solutions will result in a draft City of Tshwane policy for backyard housing. The public participation process on the proposed policy may yield progressive input from relevant stakeholders. Overall good governance practice in the City of Tshwane through targeted decision-making, being fully accountable to people living in backyard housing within the municipality, and meaningful fit-for-purpose participation for backyard housing can result in a formulation of a quintessential backyard housing policy; to be copied from the nation's capital municipality and replicated by other municipalities in the country.

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8. Annexures

8.1 Table of participants

Organisation	No. of participants
City of Tshwane	Housing and Human Settlements – 3 officials Economic Development and Spatial Planning – 1 official Council Member – 1 Ward Councillor
SALGA	Policy Planning – 1 official
GDHuS	Tshwane Region – 1 official
Refilwe residents	3 residents

CERTIFICATE OF COMPETENCE IN RESEARCH ETHICS

Name: Ntombizodwa Mhlathi

Student/Staff No: 2359274

Date of Certification: 05 July 2023 - 04 July 2026 (This certificate is valid for a period of three years)

TRAINED BY:

PROFESSOR JASPER KNIGHT
(RESEARCH ETHICS)

SIGNATURE

UNIVERSITY OF THE
WITWATERSRAND,
JOHANNESBURG

ISSUED BY:

DR ROBIN DRENNAN
(DIRECTOR: RESEARCH
OFFICE)

SIGNATURE

This certificate is confirmation of successful completion of a training course in Research Ethics for Non-Medical human research, based upon achieving a minimum level of competence in different assessment tasks.

8.3 Permission letter

CITY OF TSHWANE
IGNITING EXCELLENCE

City Strategy and Organizational Performance

Room RD 17 | Ground Floor, West Wing, Block D | Tshwane House | 320 Madiba Street | Pretoria | 0002
PO Box 440 | Pretoria | 0001
Tel: 012 358 4209
Email: IsaiahE@tshwane.gov.za | www.tshwane.gov.za | www.facebook.com/CityOf Tshwane

My ref: **Research Permission/ Mhlathi**
Contact person: **Pearl Maponya**
Section/Unit: **Knowledge Management**

Tel: 012 358 4559
Email: PearlMap3@tshwane.gov.za
Date 11 July 2023

Ms Ntombizodwa Mhlathi
1473 Stand
Soshanguve-G
0152

Dear Ms Mhlathi,

RE: A CITY'S ENGAGEMENT WITH BACKYARD HOUSING: THE CASE OF THE CITY OF TSHWANE

Permission is hereby granted to Ms Ntombizodwa Mhlathi, Master of Science in Development Planning degree candidate at the University of Witwatersrand (WITS) , to conduct research in the City of Tshwane Metropolitan Municipality.

It is noted that the study seeks to establish the engagement of the City with backyard housing, revealing opportunities and challenges that backyard housing poses on the City's spatial planning, maintenance services and infrastructure. The City of Tshwane approves the use of its name in the title of the study and further notes that all ethical aspects of the research will be covered within the provisions of WITS Research Ethics Policy. You will be required to sign a confidentiality agreement with the City of Tshwane prior to conducting research.

Relevant information required for the purpose of the research project will be made available as per applicable laws and regulations. The City of Tshwane is not liable to cover the costs of the research. Upon completion of the research study, it would be appreciated that the findings in the form of a report and or presentation be shared with the City of Tshwane.

Yours faithfully,

PEARL MAPONYA (Ms.)
DIRECTOR: KNOWLEDGE MANAGEMENT

8.4 Interview guide for participant

8.4.1 SALGA participant

SEMI-STRUCTURED INTERVIEW GUIDE

Research topic: A City's engagement with backyard housing: a case of the City of Tshwane

An interview with an official in the South African Local Government Association (SALGA).

PART 1

1. A welcome greeting
2. Request and obtain consent to conduct the interview in line with research ethics
3. Convey gratitude to the interviewee for agreeing to be interviewed and affording us time to answer questions
4. Introduce myself, what I do and the purpose for conducting the interview

PART 2

1. *Icebreaker question* - briefly tell me about yourself, your educational qualifications and your current occupation.
2. SALGA developed a guideline to develop backyard housing in 2013. Care to take me through the key factors of the guideline and what it aimed to achieve. *Follow-up question*: Have municipalities taken up the guidelines in their backyard housing implementations and/or engagements?
3. Has there been any other document to improve the engagement of municipalities with backyard housing?
4. How is SALGA assisting with policy formulation to integrate backyard housing with other types of housing means?
5. Is SALGA, on behalf of municipalities, engaging the Province and National government for clear policy formulation with regard to backyard housing?
6. SALGA is big on coordinating meetings for information sharing, and learning amongst municipalities. Has there been a gathering to discuss backyard housing and what was found to be the experience of municipalities?
7. In SALGA's interaction with the City of Tshwane, how has been progress of the City of Tshwane with backyard housing? Do you think enough has been done or more still needs to be done?
8. Can SALGA offer more support to the City of Tshwane to improve its engagement with backyard housing? *Follow-up question*: What kind of support and what can Tshwane be advised to do next?

PART 3

1. Thank the interviewee for their time and honest answers to questions.
2. Reconfirm ethical handling of information shared in the discussion and my contact details post this interview.

8.4.2 City of Tshwane participant

SEMI-STRUCTURED INTERVIEW GUIDE

Research topic: A City's engagement with backyard housing: a case of the City of Tshwane

An interview with an official in the City of Tshwane Metropolitan Municipality in the department of Human Settlements

PART 1

1. A welcome greeting
2. Request and obtain consent to conduct the interview in line with research ethics
3. Convey gratitude to the interviewee for agreeing to be interviewed and affording us time to answer questions
4. Introduce myself, what I do and the purpose for conducting the interview

PART 2

1. Icebreaker question - briefly tell me about yourself, your educational qualifications and your current occupation.
2. What is the City of Tshwane's strategy and commitment to housing provision? Follow-up question - How is your role's contribution to achieving these objectives?
3. What is the City's view on the backyard housing phenomenon? Follow-up question - What is your department's view?
4. What has been the City's engagement with backyard housing? Does your department keep data on backyard housing?
5. Is the involvement enough, is there room to improve the engagement and how can this be achieved?
6. What is your view regarding public participation? Follow-up question - who are the possible role players in the engagement and what would be their interests?
7. In your professional opinion, what could be the development benefits of backyard housing and how can the identified gains be realised to improve involvement with backyard housing in the City?
8. Can the discussion above influence housing provision policy regarding backyard housing? Explain parts of the policy that may require amendment in the current policy and outline required support from other spheres of government.
9. Are you aware of other municipalities' engagements with backyard housing? What is your department or the City likely to adopt from lessons learnt?

PART 3

1. Thank the interviewee for their time and honest answers to questions.
2. Reconfirm ethical handling of information shared in the discussion and my contact details post this interview.

8.4.3 Gauteng Department of Human Settlements participant

SEMI-STRUCTURED INTERVIEW GUIDE

Research topic: A City's engagement with backyard housing: a case of the City of Tshwane

An interview with an official in the Gauteng Department of Human Settlements.

PART 1

1. A welcome greeting
2. Request and obtain consent to conduct the interview in line with research ethics
3. Convey gratitude to the interviewee for agreeing to be interviewed and affording us time to answer questions
4. Introduce myself, what I do and the purpose for conducting the interview

PART 2

1. Icebreaker question - briefly tell me about yourself, your educational qualifications and your current occupation.
2. Backyard housing is a growing phenomenon. Do you think it does anything to alleviate the housing demand?
3. How has the Provincial department been supporting municipalities experiencing backyard housing in handling it?
4. Is there work to incorporate backyard housing into the current housing policy? Follow-up question: What work has been done to date?
5. It seems different municipalities have established their own ways to engage backyard housing – make mention of Joburg and Cape Town municipalities. In the meantime (with or without policy) how can municipalities engage with backyard housing, are there guidelines for Gauteng municipalities?
6. What are the talks being had regarding backyard housing on a national level?
7. There are funding methods led by the private sector to support the backyard housing rental market. Does the government talk of engaging banks, developers and lending institutions to support backyard housing owners?

PART 3

1. Thank the interviewee for their time and honest answers to questions.
2. Reconfirm ethical handling of information shared in the discussion and my contact details post this interview.

Faculty of Engineering and the Built Environment

Private Bag 3, Wits 2050, South Africa * Telephone (011) 717 – 7007 * Fax: (011) 717 7009

WITS UNIVERSITY

SUBMISSION OF THESIS/DISSERATIO/RESEARCH REPORT FOR EXAMINATION

1. Name: NTOMBIZODWA MURIEL
2. Surname: MHLATI
3. Student No: 2359274
4. Current Residential Address: 1473 BLOCK G
   SOSHANGUVE

   Home Telephone Number: ——
   Work Telephone Number: 012 358 6989
   Mobile Number: 082 364 7160
   E-mail Address: 2359274@students.wits.ac.za

5. I hereby submit my ~~Thesis / Dissertation~~ / Research Report (delete whichever is not applicable).
6. I have checked all copies of my Thesis / Dissertation / Research Report and declare that no pages are missing or poorly reproduced.
7. Number of copies: 0 (bound) 1 (pdf)
8. I confirm that my signed declaration in terms of Rule G27 is included in each copy of the ~~Dissertation~~ / Research Report / ~~Thesis~~.
9. Title of submitted Dissertation / Research Report / Thesis
   A CITY'S ENGAGEMENT WITH BACKYARD HOUSING: THE CASE OF THE CITY OF TSHWANE
10. Did your research involve animal experimentation or human participants as defined in A.4 of the Senate Standing Orders on Higher degrees? YES / (NO)
    If YES, please certify that clearance was obtained from the relevant Ethics committee
    Clearance Number: ——
11. I understand that I may not graduate unless my University fees have been paid in full and I have no Library holds.
12. Name of Supervisor(s)
    SARAH CHARLTON School: ARCHITECTURE AND PLANNING
    —— School: ——
13. Has the work been published in any peer reviewed journals. If yes how many papers? YES / (NO)

Signature of Candidate:
Date: 30/03/2025

FACULTY STAMP

Faculty of Engineering and the Built Environment

Private Bag 3, Wits 2050, South Africa * Telephone (011) 717 - 7007 * Fax: (011) 717 7059

WITS UNIVERSITY

ACQUIESCENCE FORM

Name: NTOMBIZODWA MURIEL MHLATI Student Number: 2359274

Candidate for the degree of: MASTER OF SCIENCE IN DEVELOPMENT PLANNING

has today submitted his/her thesis/dissertation/research report for examination.

Please answer ALL questions below by ticking the appropriate box:

Is this research submitted with your acquiescence? (if no attach/submit a separate report to the Faculty Office)

YES	NO
✓	

To the best of your knowledge are you able to verify that the candidate has acknowledged wherever any information used in the thesis or other work have been obtained by him or her while employed by, or working under the aegis of any person or organization other than the University or its associated institutions?

YES	NO
✓	

Did the students research involve any animal experimentation of human participans as defined in A.4 of the Senate Standing Order on Higher Degrees:

YES	NO
✓	

If yes, has clearance been obtained rom the relevant Ethics Committee? Provide ethics clearance form.

YES	NO
✓	

Name of Supervisor: S Charlton

Signature: Sarah Charlton

Date: _____

Name of Co-Supervisor: _____

Signature: _____

Date: _____

Name of Head of School: _____

Signature: _____

Date: _____