

# **ECD DISCUSSION DOCUMENT #1:** **SOLVING LAND USE & RELATED ISSUES** **(PART 1 OF 2)**



NELSON MANDELA  
FOUNDATION  
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Project Preparation Trust of KZN

**ECD DISCUSSION DOCUMENT #1:**  
**SOLVING LAND USE & RELATED ISSUES (PART 1 OF 2)**

This is a series of five papers aimed at stimulating discussion and awareness about local government matters that affect the delivery of Early Childhood Development (ECD) services. These papers are a product of a series of work that the Nelson Mandela Foundation commissioned the Project Preparation Trust to do.

**The discussion papers cover the following topics:**

- 1) Land-use and related challenges
- 2) Simplifying land use processes
- 3) Barriers to effective ECD delivery
- 4) Developmental role of the LM/Metros in ECD
- 5) Programmatic approach

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### SUMMARY

**FOCUS OF THIS DISCUSSION DOCUMENT:** The Department of Basic Education (DBE), previously the National Department of Social Development (DSD), adopted the ECD Registration Framework that provides for conditional registration (bronze and silver) and full (gold) registration. This framework provides much needed flexibilities yet ensuring acceptable environmental health and childcare norms and standards for each level of registration. The ECD Registration Framework enables ECD centres in low income and underserved areas to overcome many of the barriers to registration and to obtain conditional registration. This in turn enables ECD centres to be included in government's system of support and oversight. While the Framework is in place and is being rolled out, ECD centres in some municipalities continue to face challenges with respect to planning, land use and related matters – especially in urban areas. Moreover, there is still a need to harmonise the local government regulatory space to the Framework so that the Framework is embedded at a municipal level.

In terms of municipal planning and land use bylaws as well as related matters, the challenge for ECD centres lies on two fronts:

- ECD centres located in low-income areas within land use schemes struggle with land use applications and processes that are complex and technical and require professional assistance, which together with the cumulative compliance costs, are prohibitively expensive and unaffordable, leaving ECD operators unable to apply/follow these processes.
- ECD centres outside of land use schemes e.g. in informal settlements/on land not designated for development/on traditional land are unable to obtain municipal support as the land they occupy may typically not belong to the municipality, as there is no town planning scheme/zoning or secure tenure arrangements etc. in place.

#### OVERVIEW OF KEY ISSUES AND POSSIBLE SOLUTIONS REGARDING LAND USE:

- 1) **Flexibility in ECD conditional Registration Framework is not matched by planning flexibility:** ECD centres in low-income areas are often unable to obtain full registration within the current land use environment because they are unable to meet onerous land use regulations, even though they might be able to meet the bronze or silver level ECD conditional registration requirements (as per the new ECD Registration Framework which provides for additional flexibility). Land use frameworks and schemes are complex, technical and applied in a rigid manner. They make no socio-economic distinction in terms of tariffs, processes, and procedures to assist residents with limited money and resources. Regulations are generally not aligned with daily realities, and do not deal sufficiently with informality. It is imperative that land use schemes become more developmental, simplified, inclusionary, flexible and affordable. Unattainable and unrealistic conditions specified (e.g. health certificate for an ECD centre that only meets bronze level standards) should be reviewed and replaced by essential conditions aligned with realities in low income communities to enable incremental compliance.
- 2) **Costs of formal planning approvals:** Applications for rezoning (e.g. R15,000) or consent use (e.g. R6,000) are prohibitively expensive and unaffordable. These costs include those of town planning professionals, expensive advertising, printing of plans, the request of title deeds and various other costs to meet conditions, and in some cases even development charges (up to R30,000). The unintended negative

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regulatory impacts on low-income communities, grassroots NPOs and ECD microbusinesses need to be considered (financial, social and economic). Municipalities should consider: a) differentiating fees and tariffs in terms of the socio-economic conditions in low-income areas; b) simplifying application processes to a point where expensive town planning professionals are not required, c) replacing expensive advertising with a neighbours' consent, c) providing administrative support at cost (e.g. printing required documents such as locational maps, General Plans, Surveyor General diagrams, title deeds, etc.); and d) using more effective use of user friendly technology (e.g. Govchat on WhatsApp for enquiries, tracking applications) for improved communication.

- 3) **Centres on un-proclaimed land:** A large number of ECD centres operating in non-scheme areas (e.g. in informal settlements or on land not designated for development or on traditional land) are unable to obtain municipal support for ECD registration, because there is no town planning scheme, zoning or secure tenure arrangement in place. The situation is even more challenging when the municipality does not own the land. All these issues fall outside the control of ECD Centres. ECD centres in non-scheme areas should be acknowledged and enabled by the Municipality to register as partial care e.g. by supplying them with a letter of acknowledgement. Ultimately incremental planning arrangements need to be established as required by SPLUMA. For example, SPLUMA requires: a) the inclusion of persons and areas previously excluded and characterised by widespread poverty and deprivation, b) planning provisions that are flexible and appropriate and ensure incremental upgrading approaches to development and regulation; c) permit the incremental introduction of land use management and regulation. (*Refer to Discussion Document #2*).
- 4) **Absence of building plans:** Although hand drawn plans are now accepted for conditional registration purposes for both conventional and informal buildings, these do not meet municipal building plan requirements. Many ECD centres in low-income areas (e.g. rural communities or informal settlements) do not have building plans for existing buildings. Either no plans were ever lodged or they may have been lost. ECD operators in these communities cannot afford the drafting of as-built plans by registered architectural professionals and municipal fees (building application fee and rate per floor area). An affordable and workable solution needs to urgently be found in collaboration with DBE, COGTA, SALGA and the Department of Trade and Industry.
- 5) **Fire certificates:** Fire certificates are triggered in most cases by the ECD registration process but are difficult to obtain in some municipalities where formal land use rights and approved building plans are a prerequisite for fire departments to visit ECD centres. Municipalities should adopt a proactive approach with regard to fire safety and protection by ensuring that all ECD centres are mapped and trained on the need and use of fire equipment in low-income areas and more specifically in informal settlement areas.
- 6) **Bylaws:** Municipal bylaws typically make it difficult for under-resourced ECD facilities to meet the prescribed municipal standards and regulations relating to health and safety, and land use matters. Bylaws are typically standard ('one-size-fits-all') across all areas and do not sufficiently accommodate many low-income settlements. The new ECD Registration Framework was developed specifically because many ECD centres are unable to meet infrastructural norms and standards and bylaw stipulations and so that they can incrementally meet norms and standards over time. It is imperative that municipalities align both their ECD and land use bylaws with the ECD Registration Framework to ensure the inclusion of ECD centres in the state's system of oversight and support.

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- 7) **Provision of ECD stands in formal developments:** More sites for ECD should be provided based on population-based planning and these sites should be fast tracked. ECD facilities need to be easily accessible and close to children's homes (preferably in easy walking distance) due to the costs of public transport, time constraints of working parents, safety and other prevailing constraints in low-income communities. This necessitates several smaller ECD centres spread across neighbourhoods, with population-based planning guiding the number of ECD stands required. The fact that some ECD sites may be vacant is not an indication that there is no need for ECD facilities. The cost of land and cumbersome site allocation processes are often prohibitive. The site allocation processes must be fast tracked and availed to ECD operators at prices that are affordable within the community it aims to serve.

### 1. BACKGROUND

The National Department of Social Development (DSD), and now the Department of Basic Education (DBE) who is the new ECD sector lead, adopted the ECD Registration Framework that provides for conditional registration (bronze and silver) and full (gold) registration. This framework provides much needed flexibilities yet ensuring acceptable environmental health and childcare norms and standards for each level of registration. The ECD Registration Framework enables ECD centres in low income and underserved areas to overcome many of the barriers to registration and to obtain conditional registration. This in turn enables ECD centres to be included in government's system of support and oversight. While the Framework is in place and is being rolled out, ECD centres in some municipalities continue to face challenges with respect to planning, land use and related matters – especially in urban areas. As such, the assistance of municipalities is required so that regardless of where a centre operates, municipal planning and land use issues does not hinder ECD registration. The challenge for ECD centres lies on two fronts:

- ECD centres located in low-income areas within land use schemes struggle with land use applications and processes that are complex and technical and require professional assistance, which together with the cumulative compliance costs, are prohibitively expensive and unaffordable, leaving ECD operators unable to apply/follow these processes.
- ECD centres outside of land use schemes e.g. in informal settlements/on land not designated for development/on traditional land are unable to obtain municipal support as the land they occupy may typically not belong to the municipality, as there is no town planning scheme/zoning or secure tenure arrangements etc. in place.

These issues cannot be resolved by the Department of Basic Education without the assistance of municipalities, relevant government officials, NGOs.

### 2. CHALLENGES AND DESIRED OUTCOMES

The following table outlines problems experienced in relation to planning and land use as well as municipal and building plans. It also highlights desired outcomes and proposals to address them.

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Problem Statement	Required outcome	Proposal
<b>1. Planning and Land Use</b>		
1.1. <b>Land use management schemes<sup>1</sup> are not developmental enough</b> to resolve challenges and enable the scale up of improvements of ECD centres and registration as partial care facilities.	<ul style="list-style-type: none"> <li>Land use schemes that are inclusionary, flexible, affordable and allow for incremental introduction of land use management and regulation, are in place in all areas within the jurisdiction area of the municipality for ECD centres in low-income areas.</li> </ul>	<ul style="list-style-type: none"> <li>Simplified, developmental, flexible and affordable land use options should be considered for low-income areas.</li> <li>Alternatively, there could be provision for temporary use – thus allowing it to formalise at a later stage or the relocation of the facility to a suitably zoned site. In this case temporary use requirements may have to be revisited.</li> </ul>
1.2. <b>Advertisements in newspapers relating to proposed land use changes are expensive.</b> It is generally not effective as not everyone within low-income areas can afford to buy daily newspapers and even fewer people will read the advertisements. It is highly unlikely that neighbours will be informed about the proposed establishment of an ECD centre via advertisements.	<ul style="list-style-type: none"> <li>All neighbour notifications are issued by the applicant through neighbour notifications and site notices.</li> </ul>	<ul style="list-style-type: none"> <li>The municipality should do away with expensive advertisements for land use changes in low-income areas</li> <li>All applicants should issue notifications to neighbours and erect site notices.</li> <li>This process should carry no costs – especially where there are no objections.</li> </ul>
1.3. <b>Cumulative compliance costs to be incurred due to planning regulations are prohibitive</b> e.g. Rezoning <sup>2</sup> (est. R15,000), consent use (est. R6,000) and related costs e.g. building plan costs and submission fees (est. R15,000) and development charges (up to R30,000).	<ul style="list-style-type: none"> <li>The cumulative costs of an application to the municipality are affordable, as fees and tariffs are aligned with the realities of socio-economic conditions especially in low-income areas.</li> <li>Appointment of town planners by ECD centres need not be required.</li> </ul>	<ul style="list-style-type: none"> <li>The Municipality should consider fees and tariffs differentiated in terms of the socio-economic conditions in low-income areas</li> </ul> <p><b>NOTE:</b> Some municipalities prefer to waive fees and tariffs for NPOs/NGOs only. This is a huge problem as many ECD centres are run as informal microbusinesses with very limited income (some and often</p>

<sup>1</sup> In a municipal land use management scheme, also referred to as the zoning or town planning scheme, the municipality assigns each land unit with a specific category of use (and potentially also a density zone) which has parameters stipulating the kind of land uses that can occur on the property and limiting how buildings can be built on the property (e.g. maximum building height, setbacks from property boundaries etc.). These parameters can only be changed through an application to the municipality, which must then result in an official endorsement. The management of land use rights aims to achieve coordinated development in a way that promotes public safety, health, order, convenience and to protect the general welfare of the inhabitants of the municipality.

<sup>2</sup> Most municipal zoning schemes contain a detailed list of the range of business activities that are permitted on the property (as a right of use or 'primary use') and the activities which require a land use application. The scheme may also specify restrictions on trading days and hours. In residential zones, the right to conduct commercial activities is usually subject to a land use application. Such applications are required for activities categorised as 'additional use' (permitted in the zoning scheme provided specific conditions are complied with). The zoning scheme may include a list of land use activities, categorised as 'consent use', that are permitted with municipal approval. [Andrew Charman, Caitlin Tonkin, Stuart Denoon-Stevens, Rodolphe Demeestère: "Post-Apartheid Spatial Inequality: Obstacles of land use management on township micro-enterprise formalisation." A report by the Sustainable Livelihoods Foundation, 14 August 2017]

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		<p>less than NPOs as they cannot raise donor funding). Both NPOs and these informal survivalist businesses are rendering essential services to the community. Municipalities are encouraged to treat both types of entities in the same way in low-income areas.</p> <ul style="list-style-type: none"> <li>▪ A regulatory impact assessment could be done to identify and quantify the potential financial economic and social impact as well as unforeseen and unintended impacts, especially as they apply to poor communities.</li> </ul>
<p>1.4. <b>Conditions set by Land Use Management are often</b></p> <p><b>a) too many, too restrictive and set higher than required</b> by national legislation and regulations and are not achievable or affordable.</p> <p><b>b) out of touch with local socio-economic circumstances and daily realities e.g</b></p> <p><u>i. Parking requirements:</u> Most people are walking and few making use of public transport. Those with cars often take their children to other ECD centres in town. High density informal settlement areas are often not accessible by vehicles. Parking requirements are also a problem for ECD centres in inner city high rise buildings as most of these centres service low income earners who either walk or make use of public transport.</p> <p><u>ii. Hours of operation:</u> ECD centres in impoverished communities generally try and accommodate parents/caregivers leaving as early as 5h30 in the morning and arriving as late as</p>	<ul style="list-style-type: none"> <li>▪ Conditions are aligned with relevant national legislation, regulations and with the ECD Registration Framework that allows for incremental attainment of conditional partial care registration (bronze and silver)</li> <li>▪ Requirements are aligned with the spatial and socio-economic conditions of different communities e.g. <ul style="list-style-type: none"> <li>○ Only a drop off zone where people are walking and making use of public transport at the centre or developed close by in high density areas by the municipality.</li> <li>○ Operating hours meet the needs of the community - e.g. parents/caregivers making use of public transport having to leave early e.g. 05h30 – 6h00am to start their shifts at 07h00</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>▪ The Municipality should set less onerous conditions for ECD centres where conditions are shown to be irrelevant/inappropriate, taking into account socio-economic conditions and benefits to the community of the type of facility.</li> <li>▪ The municipality should agree on the most essential conditions for ECD centres in low-income areas in close collaboration with stakeholders e.g. DBE, EHPs and ECD support NGOs.</li> <li>▪ The municipality should meet ECD centres and familiarise themselves with local conditions to determine if and how conditions may impact the ECD centres</li> </ul>



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<p>19h00 from work as they may work shifts and are making use of public transport. These centres play a very important and supportive role in their communities as parents/ caregivers may otherwise have no one to take care of their children during those hours.</p>		
<p>1.5. <b>ECD centres are unable to secure land use rights in areas not subject to land use schemes e.g informal settlements, land not designated for development, areas under traditional authorities (where applicable).</b></p> <ul style="list-style-type: none"> <li>• Land informally settled may or may not belong to the Municipality;</li> <li>• Acquisition, town planning and establishment processes takes a very long time;</li> <li>• Informal settlement areas may not yet be categorised as set out by Dept. of Human Settlements: <ul style="list-style-type: none"> <li>o Category A - full conventional upgrading;</li> <li>o Category B1 - earmarked for incremental in-situ upgrading;</li> <li>o Category B2 - deferred relocation and such process can take up to 10 years;</li> <li>o Category C - imminent relocation and incremental interim tenure rights may not yet be issued.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>▪ ECD centres in non-scheme areas are acknowledged and enabled by the municipality to register as partial care facilities</li> </ul>	<ul style="list-style-type: none"> <li>▪ The Municipality should in terms of land use and planning ensure that stipulations of the SPLUMA be implemented that: <ul style="list-style-type: none"> <li>o requires the inclusion of persons and areas previously excluded and characterised by widespread poverty and deprivation</li> <li>o include provisions that are flexible and appropriate, and ensure incremental upgrading approaches to development and regulation</li> <li>o permit the incremental introduction of land use management and regulation</li> </ul> </li> <li>▪ Municipalities can also consider: <ul style="list-style-type: none"> <li>o issuing a standard document stating that informal settlements and areas falling under traditional authorities that may not yet have wall to wall zoning are exempted from submitting land use applications.</li> <li>o developing an informal settlement bylaw providing for incremental upgrading 'zones' that may eventually be gazetted.</li> </ul> </li> </ul>
<p>1.6. <b>The “Guidelines for Human Settlement planning and design for public facilities” are followed too rigidly and does not always provide for enough ECD facilities – (1 small ECD centre for 40 children for 5 000 people). STATS SA works on an average</b></p>	<ul style="list-style-type: none"> <li>▪ Town planners adopt more realistic planning norms for ECD facilities</li> <li>▪ Municipalities streamline the allocation of ECD facilities at affordable prices</li> </ul>	<p>Municipalities should:</p> <ul style="list-style-type: none"> <li>▪ Ensure more realistic planning based on data collected from existing ECD centres and population-based planning processes.</li> </ul>

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<p>of 0,5 children (aged 0-5 years) per household. The statistics of the 2016 Community Survey indicates that the average no. of people per household is 3,3 - i.e 1,515 households for every 5 000 people. At 0,5 children under 5 years per household it means that there could be 757 children that could potentially require ECD services and not 40 children as provided for in the planning guides.</p> <p>The fact that ECD sites may be vacant is not an indication that there is no need for ECD facilities. The cost of land and cumbersome site allocation processes may be prohibitive.</p>		<ul style="list-style-type: none"> <li>▪ Plan more ECD sites for smaller ECD centres within each neighbourhood within a 1.5 – 2km radius.</li> <li>▪ Prioritise the development of vacant ECD sites.</li> <li>▪ Fast track the process of ECD site allocation.</li> <li>▪ Sell ECD sites to ECD operators at prices that are affordable in the community it aims to serve.</li> </ul>
<p>1.7. <b>Other challenges experienced</b></p> <ul style="list-style-type: none"> <li>• <b>Land use/town planning bylaws are not easily accessible</b> for ECD centre management and not easy to read and understand.</li> <li>• <b>ECD centres have no knowledge of land use, town planning matters and procedures</b> and generally find the municipal processes very intimidating and demotivating.</li> <li>• <b>Applications generally take a long time to process</b>, which requires ECD centre operators to make numerous trips to the Municipality which becomes <b>very expensive</b> as they not only have to pay for public transport but may have to pay someone to take care of the children for those days.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Proactive municipal support through simple affordable processes, accessible information and user-friendly technology.</li> </ul>	<p>The Municipality should:</p> <ul style="list-style-type: none"> <li>▪ either develop an ECD land use policy and town planning requirements for ECD (as in the case of the City of Cape Town) or develop user friendly Municipal ECD guidelines using simple and basic language (English is a second language for many) which include a step-by-step process that clearly specifies what needs to be done, what documentation is required, what fees need to be paid etc. e.g. Tshwane and City of Cape Town</li> <li>▪ Consider quarterly workshops for ECD centres wishing to obtain partial care registration (EHPs/Land use section, building control etc.) where important issues may be explained. Alternatively, officials may attend the Jamborees for partial care registration organised on a regular basis by the oversight department and EHPs for ECD centres.</li> <li>▪ Consider establishing an ECD Help Desk (one stop shop) or nominating / appointing an ECD officer to assist ECD operators.</li> <li>▪ Communication should be done electronically via cell phone (SMS,</li> </ul>

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		or Govchat on WhatsApp) as far as possible.
<b>2. Municipal Requirements</b>		
<p>2.1. <b>Bylaws are often formulated for</b></p> <ul style="list-style-type: none"> <li>○ <b>administrative ease of implementation</b></li> <li>○ <b>uniformity</b> – i.e. it must apply to all parts of the city/ town</li> <li>○ <b>spatial and economic neutrality</b> - even though it is recognised that the financial rules may well have economic and spatial impacts</li> </ul> <p><b>Bylaws are often applied universally and indiscriminately</b> and are not making socio economic <sup>3</sup> distinction <b>in terms of tariffs, processes and conditions.</b></p> <p>ECD Centres in low-income areas are expected to fulfil land management systems and other business regulatory requirements designed with formal businesses in mind that have both the financial means as well as access to the legal and other professional services necessary to navigate the web of legislation.</p> <p>It cannot be a case of one size fits all</p>	<ul style="list-style-type: none"> <li>▪ Equity is accepted as one of the principles guiding bylaws.</li> </ul>	<p>The Municipality should make a clear distinction between different socio-economic areas in terms of the application of bylaws, processes, conditions specified, fees and tariffs payable.</p>
<p>2.2. <b>The current infrastructural norms and standards have proven to be a barrier to partial care registration.</b> It is hoped that this problem will largely be overcome by the implementation of the ECD Registration Framework which provides the necessary flexibility and allows centres to meet norms and standards gradually/incrementally by issuing conditional (bronze/silver) registration.</p> <p>Conditional registration requires municipalities to revisit the conditions set by Land Use for zoning or consent use e.g. specifying the submission of Health</p>	<ul style="list-style-type: none"> <li>▪ The Municipality adopts the ECD Registration Framework and amends land use conditions to ensure alignment.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The Municipality acknowledges the ECD Registration Framework which requires: <ul style="list-style-type: none"> <li>○ An inspection report issued by the EHP confirming compliance with Bronze or Silver level requirements as per the ECD Registration Framework provided and advising which improvements to attend to;</li> <li>○ An improvement plan from the Bronze level ECD centre that aligns with the compliance notice issued by</li> </ul> </li> </ul>

<sup>3</sup> It is noted that ECD Centres are dependent on per child contributions from very poor households. Fees charged per child ranges from R50 –to R150 per month in rural & informal settlement areas or up to R250 in formal low income (RDP) townships. ECD centres have no other income and struggle to feed the children, pay salaries of staff, buy educational equipment and battle with infrastructural issues that prevent many to meet norms and standards/obtain partial care registration. Only a small % of ECD centres are financially supported with a R17 per child per day subsidy paid by the oversight department but may only expend the subsidies as prescribed and there is no provision for town planning and land use related costs.

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<p>Certificates. Health certificates can only be issued for full registration (Gold). Inspection reports are accepted for conditional registration (Bronze and Silver).</p> <p>Municipalities insisting on full registration and health certificates only, actively prevent ECD centres from being legitimately registered as partial care facilities with the oversight department. ECD centres not able to register are thus excluded from government oversight, training, support and funding.</p>		<p>the EHP to graduate to Silver level within the fixed term specified (3 years)<sup>4</sup>;</p> <ul style="list-style-type: none"> <li>o A Health Certificate for full (Gold) registration.</li> </ul>
<p><b>2.3. ECD centres are often unable to provide the required support documentation</b> e.g. title deed or lease agreement, copies of locational maps, GPs/SG diagrams, etc.</p> <p><b>Title deeds:</b> It is very expensive for ECD centres to replace a lost title deed and it takes a long time to obtain a copy. There are also many cases where land/property changes hands in an informal way i.e. without formal transfer to the new owner. This may be because of a variety of reasons but lack money for the conveyancing may be a reason for the ECD centres not following the formal conveyancing route.</p> <p><b>Written lease agreements:</b> May not be in place and the parties may lack the know how to draft such agreements.</p> <p><b>Locational maps, General Plan/ Surveyor General diagrams etc.</b> All these are available at the municipality at the press of a button while ECD centres have to pay huge amounts of money to external town planners to get the same documents printed.</p>	<ul style="list-style-type: none"> <li>▪ Municipalities provide administrative support at cost.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The municipality should provide administrative support to ECD centres by: <ul style="list-style-type: none"> <li>o printing an online copy of the title deed (e.g. via Windeed); or</li> <li>o arranging transfers of ECD centres on the same basis and same cost (to be paid by the ECD centre) as organised for RDP housing; and</li> <li>o Printing locational maps, GPs SG diagrams, etc.</li> </ul> </li> </ul>
<p><b>2.4. The ECD Registration Framework requires for</b></p> <ul style="list-style-type: none"> <li>o <b>Bronze registration</b>, a fire extinguisher as a minimum requirement for ECD centres in</li> </ul>	<ul style="list-style-type: none"> <li>▪ Pro-active fire safety and protection measures are taken in low income and more specifically in informal settlement areas.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The municipality should take a proactive approach with regard to fire safety and protection by ensuring that all ECD centres are mapped, and trained on the need and use of fire equipment, etc.</li> </ul>

<sup>4</sup> Bronze registration cannot be renewed. Silver and Gold status can be renewed every 5 years indefinitely

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<p>informal settlements and sand buckets for rural centres</p> <ul style="list-style-type: none"> <li>o <b>Silver and Gold registration</b>, fire equipment and provisions in line with municipal regulations.</li> </ul> <p><b>Fire certificates are difficult to obtain within some municipalities where</b></p> <ul style="list-style-type: none"> <li>o <b>the necessary land use rights are not in place</b> - in many municipalities the application first has to go to land use and that stops all other assessments. The problem is that ECD centres then operate without guidance on which realistic precautions they can take to ensure fire safety and protection at their centres.</li> <li>o <b>there are no approved building plans and/or where the building is of an informal nature.</b> (e.g. metal sheets, container, wattle and daub structures). Fires are rife in informal settlements than anywhere else. Fire departments should have an awareness and outreach programme in these communities to educate and assist.</li> </ul>		<ul style="list-style-type: none"> <li>▪ All ECD centres should be visited and written recommendations for compliance should be issued. Regular inspection should be undertaken and should not only be triggered by an ECD registration application. Reasonable, affordable yet effective measures should be considered; and</li> <li>▪ The Fire Department is called on to accept hand drawn floor plans with photos of elevations from low-income applicants including informal settlement areas to trigger an inspection by the fire protection officials.</li> <li>▪ A fire compliance report indicating steps taken by the Fire Department to assist and recommending approval issued by the fire inspector should suffice.</li> </ul>
<p><b>2.5 Some municipalities require a capital contribution/development charge for bulk services</b> (est. up to R30,000) for new builds or extensions. In some cases, smaller centres<sup>5</sup> with less than 35 children are exempted from the payment of these charges (e.g. Cape Town)</p>	<ul style="list-style-type: none"> <li>▪ Development costs are waived in low-income areas.</li> </ul>	<p>Development costs should be waived for all low-income areas as municipalities receive conditional grants from Treasury for the provision of bulk infrastructure, link/connector services and internal reticulation (Consult Treasury's Development Charges Pamphlet).</p>
<p><b>3. Building plans</b></p>		
<p><b>3.1 Absence of approved building plans</b></p> <p><i>3.1.1 Conventional buildings (brick block and timber) &amp; alternative methodologies with Agrément Certificates</i></p> <p><b>Many ECD centres are unable to present building plans</b> let alone approved building plans. <b>As-built plans are required</b> but are <b>unaffordable</b> as it has to be done by a registered</p>	<ul style="list-style-type: none"> <li>▪ An affordable and workable solution is found to deal with the absence of building plans for thousands of existing ECD facilities with the assistance of DBE, COGTA, SALGA, SA Cities Network and the Department of Trade and Industry.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The Municipality is encouraged to either assist existing ECD centres with As-Built plans (e.g. appoint interns working under a registered architect) to assist or accept hand drawn floor plans with photos of elevations to trigger an inspection and report by the building inspector;</li> <li>▪ Where uncertain about the structural integrity the</li> </ul>

<sup>5</sup> This distinction between big and small centres is apparently based on the assumption that ECD centres in township should be smaller. This is not always the case. A recent survey of 540 ECD centres in eThekweni's low income areas (mostly informal settlements) showed that 23% of the centres catered for 41-100 children and 7% between 101 and 240 children.

## ENHANCING THE DELIVERY OF EARLY CHILDHOOD DEVELOPMENT (ECD) IN LOCAL GOVERNMENT

Problem Statement	Required outcome	Proposal
<p>architectural professional (est. min R6,000 - R10,000);</p> <p><b>Building applications fees and the rate per floor area (m<sup>2</sup>) are expensive</b> for ECD centres in poor communities (est. R5,000). Fees and rates should not be the same for affluent suburbs and poor communities</p> <p><b>It should be noted</b> that hand drawing/sketches are now accepted for registration purposes in terms of the ECD Registration Framework.</p>		<p>Municipality may appoint a structural engineer (on municipal roster) to advise on feasibility to repair.</p> <ul style="list-style-type: none"> <li>▪ Building plans for new extensions, major improvements to buildings and new builds should be drawn by selected architectural professionals at affordable rates negotiated by Municipalities.</li> <li>▪ The Municipality should consider reducing building plan application fees and floor plan rates within poor/low-income communities.</li> </ul>
<p><u>3.1.2 Informal Buildings (corrugated iron, containers, wattle and daub)</u></p> <p>No building plans accepted as these building methods are not recognised by the South African Bureau of Standards (SABS)</p> <p><b>It should be noted</b> that hand drawing/sketches are now accepted for registration purposes in terms of the ECD Registration Framework.</p>	<ul style="list-style-type: none"> <li>▪ Floor plans with measurements, photos and a building inspector report meet municipal requirements for informal buildings.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The Municipality should consider accepting hand drawn floor plans with measurements and photos of elevations to trigger an inspection by the building inspector.</li> <li>▪ The municipality should recognise the use of informal building structures and provide for the authorised officer to approve an informal structure on any premises on which a childcare facility is operated or is to be operated, provided that the structure–             <ul style="list-style-type: none"> <li>○ is stable;</li> <li>○ is waterproof;</li> <li>○ is sufficiently ventilated;</li> <li>○ is constructed of materials which are safe;</li> <li>○ is supplied with a portable fire extinguisher or other appropriate firefighting equipment;</li> <li>○ does not contain any physical features which present or might present a risk to children; and complies with any other additional requirements determined by the Municipality from time to time</li> </ul> </li> </ul>

## ENHANCING THE DELIVERY OF EARLY CHILDHOOD DEVELOPMENT (ECD) IN LOCAL GOVERNMENT

Problem Statement	Required outcome	Proposal
		<ul style="list-style-type: none"><li>▪ A building report recommending approval issued by the inspector should suffice.</li></ul>

Table 1: Problem statement, required outcome and proposal

### 3. CONCLUSION

Current land use frameworks, schemes and related practices do not create an enabling environment for thousands of ECD centres. Against this backdrop, Municipalities are encouraged to adopt a developmental approach by creating an enabling environment that allows ECD centres to gradually meet the norms and standards and render acceptable ECD services to the children living in disadvantaged communities.

