

LEARNING BRIEF LAUNCH EVENT

AN ADVOCACY CALL:
ADDRESSING LOCAL GOVERNMENT
BARRIERS FOR ECD CENTRES

14 May 2026



LAUNCH OF THE LEARNING BRIEF

AN ADVOCACY CALL:

ADDRESSING LOCAL GOVERNMENT BARRIERS FOR ECD CENTRES

- 10:00 Welcome - Eric Atmore
- 10:05 Programme and housekeeping - Jessica Blom
- 10:10 Learning brief presentation - Yusrah Ehrenreich
- 11:20 Remarks by Deputy Mayor Andrews on the ECD task team
- 11:30 Q&A - Facilitated by Jessica Blom
- 12:20 Thanks and closing - Jessica Blom

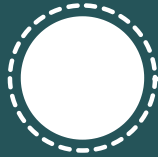


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BACKGROUND & INTRODUCTION

- Many ECD centres face significant barriers to full registration and compliance due to complex, unclear, and unaffordable local government regulations
- CECD's Advocacy and Social Justice Unit is working with the City of Cape Town (as a pilot) to identify and remove these obstacles
- Compliance unlocks access to the ECD subsidy and ensures health and safety standards — critical for centres serving vulnerable communities





EXPLAINER - WHAT IS REGISTRATION?

- According to the Children's Act No. 38 of 2005, all ECD centres that care for seven or more children are required to register with the provincial department of education
- To do so, ECD centres must meet the prescribed national norms and standards
- ECD centres must comply with various requirements of the municipality in which the ECD centre is located



STEP ONE

Land use approval (mainly zoning, consent use or rezoning)



STEP TWO

Building plan approval



STEP THREE

Fire clearance

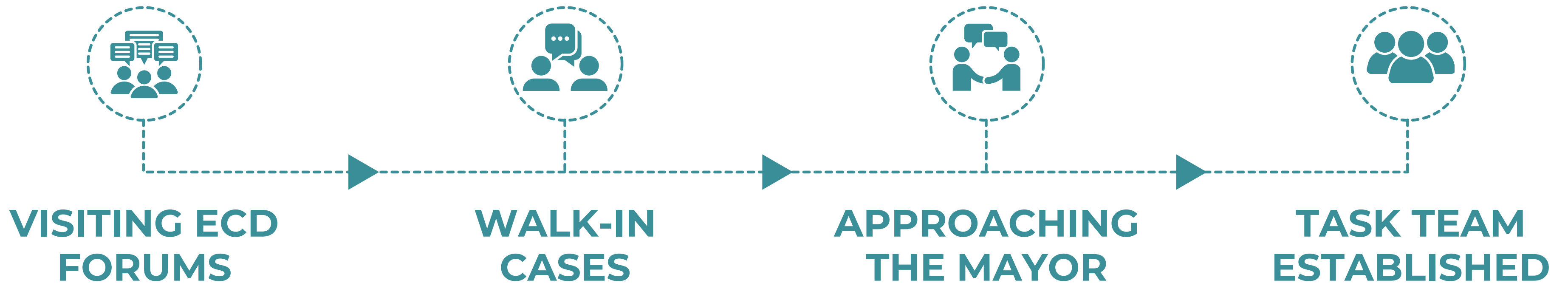


STEP FOUR

Health clearance

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LAYING GROUNDWORK FOR THE ECD TASK TEAM



VISITING ECD FORUMS



CECD has reached an estimated **1,200** principals through visiting ECD forums.

WALK-IN CASES AT CECD

- By assisting these ECD centres through **complex processes** and appeals and applying for exemptions from charges we identified as unreasonable or excessive, we were able to address their challenges directly.
- This hands-on approach proved invaluable, allowing us to **engage deeply with the intricacies** of local by-laws and municipal policies .



Since initiating this work in 2022, our efforts have so far led to the successful removal of charges and penalties amounting to over:

R1,8 million

APPROACHING THE EXECUTIVE MAYOR OF CAPE TOWN



In 2022, a **strategic decision** was made to approach the Executive Mayor of Cape Town



KEY LEARNINGS

Securing a meeting

- Formal request and/or engage at public engagements
- Leverage existing networks and relationships
- Link the meeting to community priorities or ongoing municipal strategies
- Partner with aligned organisations

Building a compelling case

- Present key data (number of ECD centres, registration status, etc.)
- Outline specific municipal hurdles and detailed process flow
- Provide clear evidence of deep knowledge
- Illustrate how removing barriers is critical for health and safety, and accessing the subsidy
- Make the economic and social case

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ABOUT THE CITY OF CAPE TOWN ECD TASK TEAM



ESTABLISHING THE TASK TEAM

- Direct engagement with the Mayor led to the establishment of an ECD task team in December 2022
- Works with officials across relevant City departments to develop practical solutions
- Dedicated workstreams address the specific regulatory and financial obstacles ECD centres face at each stage of the compliance process
- Since inception, the task team has reported to the Mayor and/or Deputy Mayor 15 times, ensuring sustained high-level accountability for progress

CECD'S ROLE ON THE TASK TEAM

- CECD ensures that outcomes are grounded in the real needs and experiences of ECD centres
- Key role in accountability
- Reminding departments of the task team's ultimate purpose
- Ikamva Labantu - social partner too

Aim:

Create a more enabling regulatory environment for ECD centres

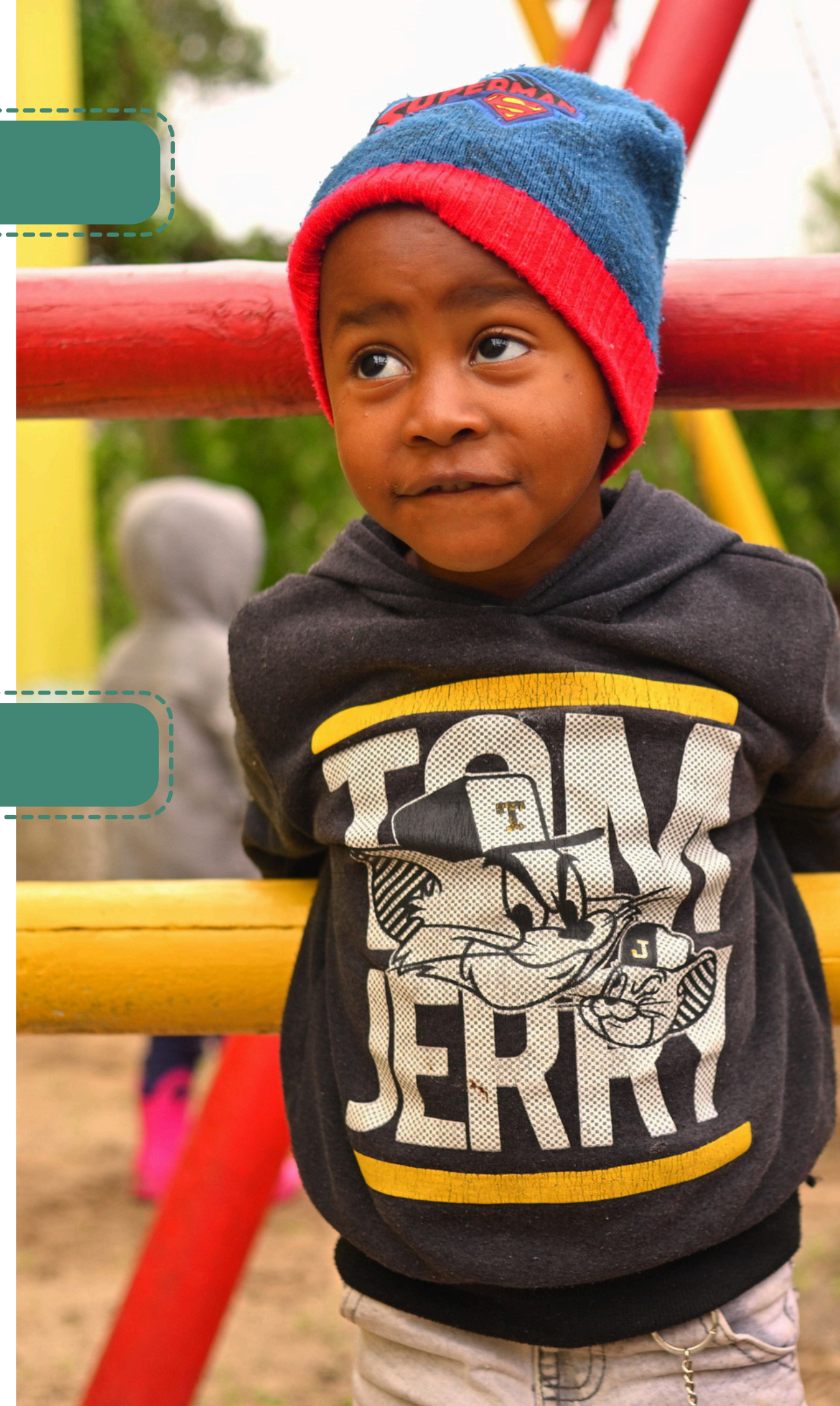


TRIAL ECD CENTRES

- Testing proposed solutions with selected ECD centres to assess feasibility and effectiveness
- Trial process ensures that any changes adopted are practical, achievable and deliver best possible outcomes
- **14 trial ECD centres** in both formal and informal areas

STRATEGY

- To address compliance challenges at the local level, it was decided to follow a **step-by-step process**, working through the stages of municipal compliance in the same order that ECD centres navigate with local government
- Ensuring that any reforms at a particular stage will still allow for ECD centres to comply with the next stage of compliance





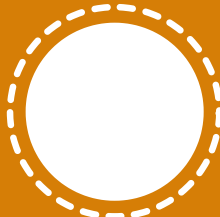
KEY LEARNINGS - WORKING WITH MUNICIPALITIES

- Show the reality on the ground
- **The role of a dedicated social partner is essential**
- Change in the law and/or policy must lead to change in practice
- **A legal mindset is pivotal**
- **Political buy-in drives systemic change**
- Sustained momentum is critical
- Never stop making the case
- Understand how municipalities operate

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LAND USE: ECD TASK TEAM ACHIEVEMENTS & LEARNINGS





EXPLAINER - WHAT IS LAND USE IN THE CITY OF CAPE TOWN?

- Land use means the purpose for which land/property is or may be lawfully used and is regulated by the City through the zoning of the property (such as residential, community, local business, etc.) and any land use approvals obtained from the City
- For ECD centres, land use is the **first critical step** in municipal compliance
- An ECD centre must be located on property zoned to allow for a place of education at a pre-school level (this is called a ‘place of instruction’) or any educational purpose, and meet all prescribed conditions, if any, otherwise approval must be obtained from the City to use the property in this way (by submitting a consent use application or, where a consent use application is not permissible, a rezoning application)
- Without the requisite land use, an ECD centre cannot legally operate, regardless of compliance with other regulations

KEY ACHIEVEMENTS



**Halting
notices to
cease
operating**



**Expanding
the City's
map of
exempted
areas**



**Approved
exemption
from the
admin
penalty**



**Approved
land use in
specific
zoning
categories**



**Regulatory
systems for
centres in
informal
settlements**



**Addressing
development
charges**



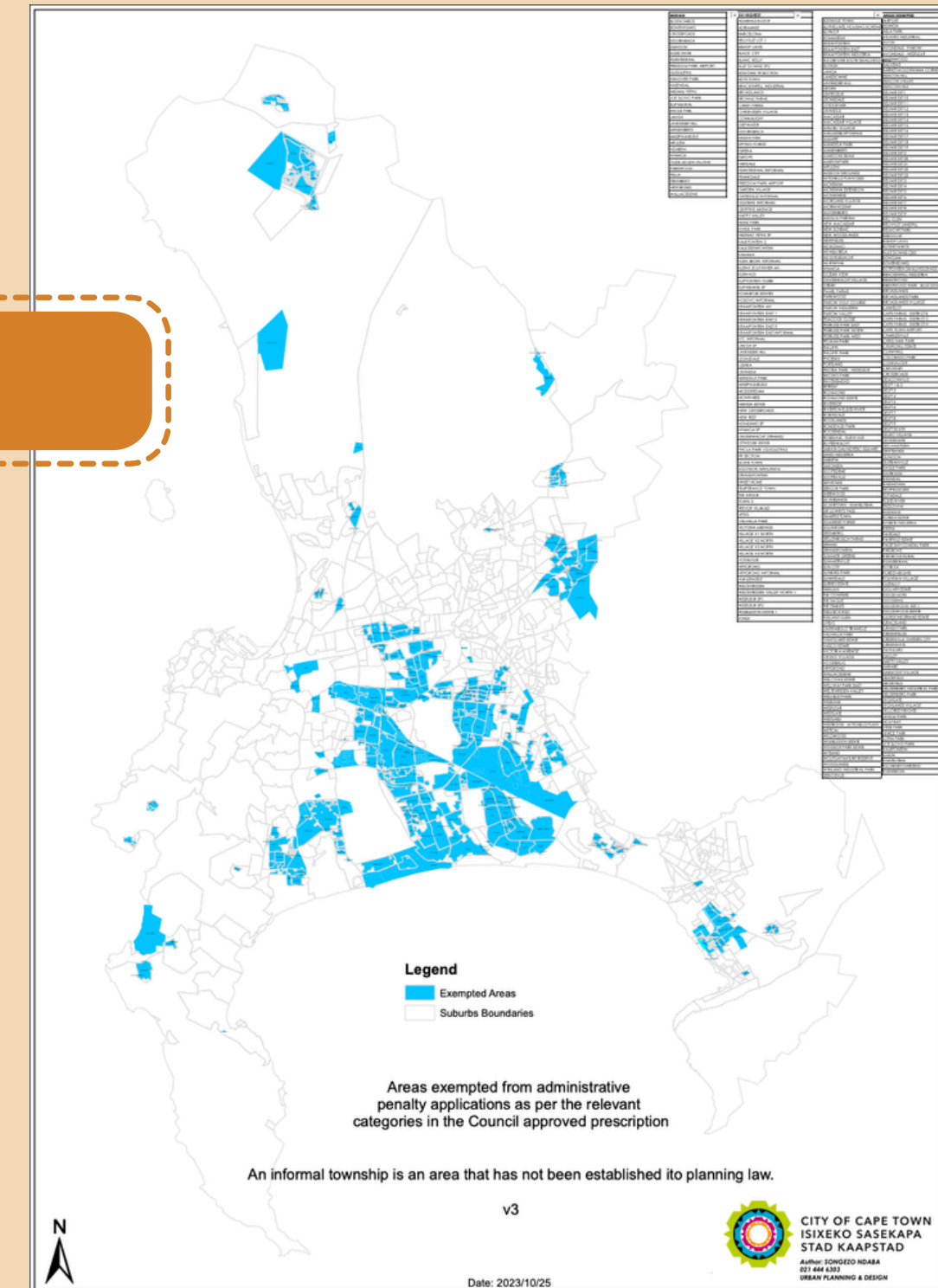
**Addressing
electricity
tariff
conversion
condition**

HALTING NOTICES TO CEASE OPERATING

- Following engagement, the City indicated that they would not issue these closure notices, unless there is a health and safety concern for the children at the ECD centre, recognising that non-compliance often results from challenges within the City's own processes and by-laws.

EXPANDING THE CITY'S MAP OF EXEMPTED AREAS

- Co-developed an expanded map of exempted areas to better identify vulnerable communities
- Supports efforts to reduce barriers to ECD centre compliance
- Expanded map adopted by Council to target support where it is needed
- Approved map of exempted areas supports at least:
 - 1,562 ECD centres
 - 58,043 children
 - 7,282 staff members



APPROVED EXEMPTION FROM THE ADMIN PENALTY

- Penalty fee that must be paid by an ECD centre operating without the necessary land use approval in place or if building work has been done without having an approved building plan in place
- Can range from R500 to R40,000
- Discourages compliance and often penalises those trying to operate legally
- Many ECD centres are unable to pay this penalty
- Based on engagement, City approved an exemption from this penalty (based on the map)
- Online map available for principals to check if their centre is exempt
- Co-developed template motivation letter to assist principals who are not exempt



KEY LEARNING

It is important to understand how municipal charges are applied, as in this case the administrative penalty was purely a punitive fee and not linked to payment for any municipal service.

APPROVED LAND USE IN SPECIFIC ZONING CATEGORIES

- The City recently approved amendments to the Municipal Planning By-law - allows ECD centres in specific zonings to operate without having to obtain land use approval from the City, provided certain conditions are met.
- **Residential Zoning 1: Conventional Housing (R1) (previously SR1)**
 - Provides for mainly single-family houses in low-to medium-density residential neighbourhoods
 - Small-scale ECD centres with 34 or fewer children are permitted to operate in R1 zoned properties without needing to apply for land use approval provided certain conditions are met
 - Certain conditions could prevent some small-scale ECD centres from benefiting from this amendment in practice - continue to engage
- **General Residential Subzoning 1: Group Housing (GR1)**
 - Encourages group housing which is a medium-density form of residential development
 - ECD centres meeting the same conditions specified in R1 can also operate in GR1 zoned properties without needing to apply for land use approval if the property is not part of a group housing scheme

APPROVED LAND USE IN SPECIFIC ZONING CATEGORIES

- **Residential Zoning 2: Incremental Housing (R2) (previously SR2)**
 - Facilitates upgrading and incremental housing from an informal settlement to a formal settlement
 - Permitted to operate in R2 zoned properties without needing to apply for land use approval provided certain conditions are met.
 - Significantly, this land use is permitted regardless of the number of children at the ECD centre and this is permissible in both a formal township and where no formal township exists



REGULATORY SYSTEM FOR CENTRES IN INFORMAL SETTLEMENTS

- Existing system provides no clear pathway for ECD centres in informal settlements to obtain land use approval
- To date, the ECD task team successfully trialled one way for an ECD centre in an informal settlement to obtain land use approval in the form of a temporary land use departure to permit a place of instruction on a portion of the erf
- The task team will continue to trial other pathways to obtaining land use approval until a just and fair system is established that can be effectively implemented



ADDRESSING DEVELOPMENT CHARGES

- Development charges are once-off charges imposed on landowners to cover the cost of municipal engineering services required as a result of added demand on the City's bulk infrastructure for roads, sewerage, stormwater, and solid waste, etc.
- Must be paid as a condition to land use approval

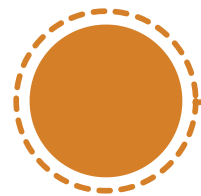


Ubukhobake Educare Centre

- Development charge: **R799 710**
- Khayelitsha
- 253 children
- 16 staff members

ADDRESSING DEVELOPMENT CHARGES

- The City had a development charge exemption for ECD centres since 2020 — automatic for centres with 34 or fewer children; larger centres must apply
- Exemption criteria for larger centres were highly restrictive, limiting access
- CECD has advocated to broaden these criteria
- For larger centres, the City maintains a dedicated fund to cover infrastructure costs rather than waiving charges outright



KEY LEARNINGS

- Challenging the system and “flooding” it (as a strategic approach) with exemption applications and appeals highlighted the urgent need for more inclusive criteria.
- Understanding when municipal revenue is essential.

ADDRESSING ELECTRICITY TARIFF CONVERSION CONDITION

- Some ECD centres were being required to convert to a commercial electricity tariff and could be required to pay shared-network charge as a condition of land use approval
- CECD supported seven centres in appealing this condition — all successfully, confirming it cannot be legally imposed as part of land use approval or building plan submission
- This ruling removes a key blocker, allowing ECD centres to proceed directly to fire and health clearances
- The City's Energy Directorate is now studying actual electricity consumption at 16 ECD centres to ensure tariffs are evidence-based



KEY LEARNING

Challenging incorrect use of by-laws can remove major procedural barriers and create system-wide change.

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OPPORTUNITIES & RECOMMENDATIONS

- Expansion to other municipalities
- Context-specific regulatory reforms
- Identifying common challenges
- Providing technical expertise
- Strengthening sector engagement & communication



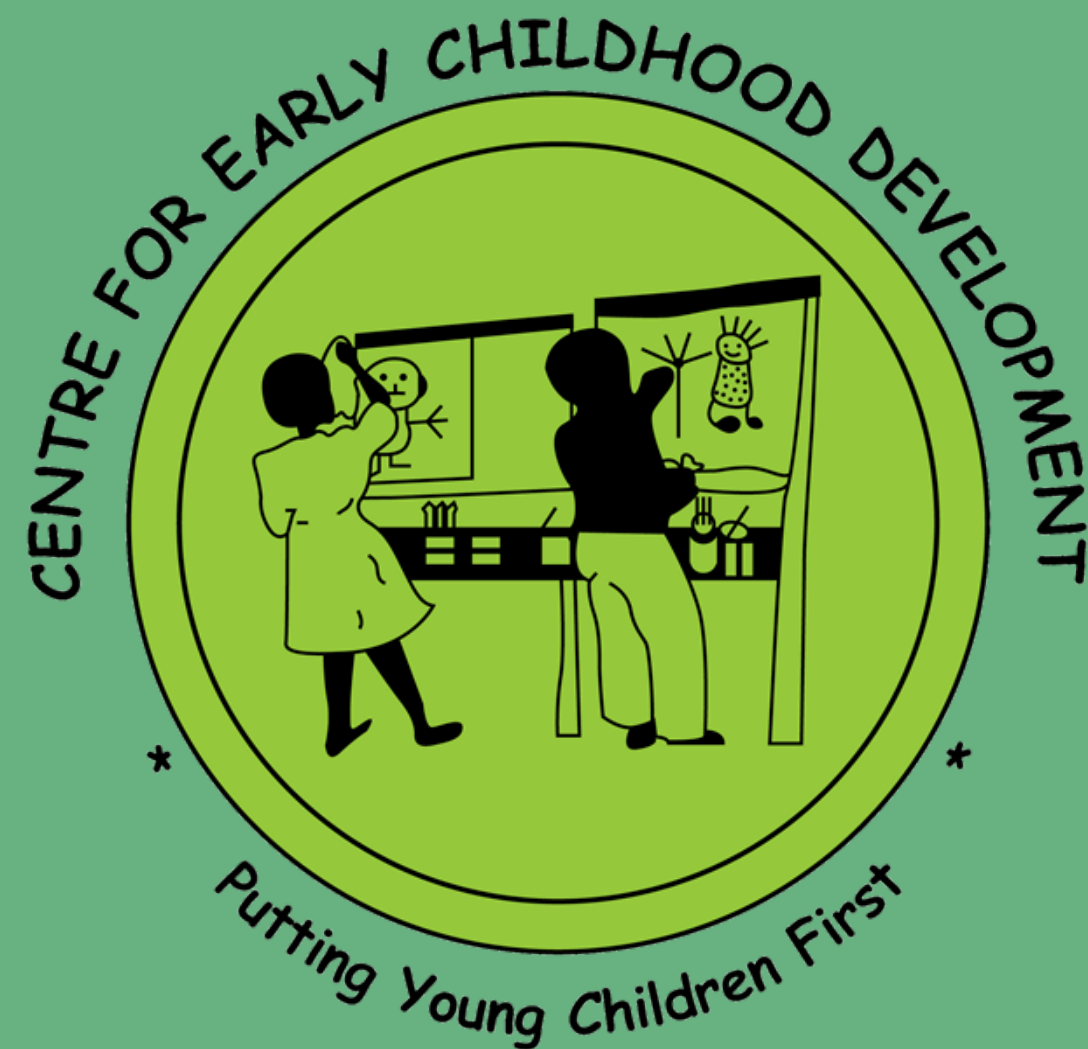
Key recommendation:

A combined approach of context-specific local reform, identification of cross-municipality trends, and expert support can create an enabling environment for equitable ECD centre compliance and gold-level registration nationwide.



REMARKS BY THE DEPUTY MAYOR

Q&A SESSION



THANKS

ABAX

ikamva labantu



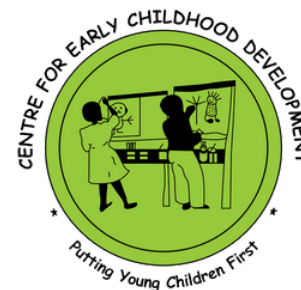
CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD



WVA | van wyk & associates
ATTORNEYS • NOTARIES • CONVEYANCERS

OMT
OPPENHEIMER
MEMORIAL TRUST

**Trial centres
& walk-in cases**



THE INCREDIBLE CECD TEAM!