



Land Use management Information Required for UJ POSA Accreditation Process

Workshop by Land Use management

# DEVELOPMENT PLANNING DEPARTMENT

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a world class African city

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Key Terms	Explained
<b>Commune</b>	Means a dwelling house where the habitable rooms are rented out for an extended period to unrelated persons and who share the communal facilities such as the kitchen, lounge, dining room and bathrooms and may not exceed eight (8) occupants.
<b>Boarding House</b>	Means a dwelling house where the habitable rooms are rented out for an extended period by the resident owner / occupant to unrelated persons and communal facilities such as the kitchen, lounge, dining room and bathrooms are shared by the boarders.
<b>Consent</b>	Means permission granted by the Council, after due consideration of all relevant facts and after following the <b>provisions of the City of Johannesburg Municipal Planning By-law, 2016</b> , in terms of which a specific aspect of land management is permitted, in addition to the <b>primary use rights</b> applicable to the property concerned, i.e. Clause 40.
<b>Consent Use</b>	Means the additional land use right that may be permitted in terms of the provision in a particular zone, only with the consent of the Council as contemplated in Clause 40.

## Key Terms

## Explained

### Primary Right

In relation to land and/or buildings means any use specified in this Land Use Scheme as a primary use, being a use that is permitted without the need first to obtain the Council’s consent (written or otherwise). For example on a “Residential 1” zoned property the primary right is dwelling house.

“**land**” means any erf, agricultural holding, sectional title scheme-land or farm portion and includes any improvement or building on land and any real right in land;

### Dwelling House

Means a detached self-contained inter-connected suite of rooms containing a kitchen and the applicable ablutions, used for the living accommodation and housing of one household, together with such outbuildings and subsidiary dwelling units as is ordinarily permitted therewith, as long as the subsidiary dwelling units complies with the requirements stipulated in this Land Use Scheme in Use Zone “Residential 1” (refer to Clause 21.). A second kitchen may be provided with the written consent of the Council.

An entertainment, reception and/or living area within a dwelling house or part of a reasonably required and ancillary outbuilding (See “outbuilding” definition), may include a wash-up area used exclusively for that purpose.

Key Terms	Explained
<b>Zoning</b>	When used as a noun, means the set of requirements regulating the development of land and setting out the purposes for which the land may be used; and the land use or development requirements applicable in respect of the said land use, as determined by this Land Use Scheme.
<b>Approvals</b>	Means any approval granted by the Municipality in writing with or without conditions.
<b>Site Development Plan</b>	means a plan showing the layout, extent, position and elevations of buildings in the proposed development of a site, including such other information, as prescribed in this Scheme.
<b>Approved Building Plan and Occupation Certificate</b>	<p>Approved Building Plan is the final construction plans/documents that have been approved by the Local Authority that will be or been used for the construction of a structure. Therefore, existing buildings, renovation, alteration, addition or extension on the property must always be in accordance with the approved building plans.</p> <p>Certificate of Occupancy. The City has to issue a certificate of occupancy for every building that is built before it is occupied, as required by the National Building Regulations (NBR) and the Building Standards Act. This is to show that all requirements have been met and safeguards the owner or tenant</p>

**Aim:** The aim of the Commune Policy is to strike the right balance between promoting communes and protecting the residential character of pressure areas for commune establishments. Communes serve a housing purpose for a targeted group of the population and it is the City's responsibility to plan for better integration of these uses within the urban fabric, while minimizing their impact on neighboring residential areas.

## **Main Interventions:**

The main objective of the Commune Policy is to improve the decision making processes through which commune applications are evaluated, through:

- Enabling and simultaneously ensuring adherence to the principles and intent of both the Housing Act and the Rental Housing Act;
- Providing safe, affordable and varied housing options in line with National Building Regulations, the City's Public Health and Safety Bylaws;
- Providing for management strategies for all premises used for communes; and
- Outlining the application process for the communes.

**The policy indicates strategic locations where communes can be supported and proposes the following:**

- The application of the policy for new and existing communes as well as illegal communes.
- The health, safety and building standards and requirements for communes. It states the maximum permissible number of tenants in a commune and outlines the requirements for parking, aesthetics and commune management.
- The land use management procedures.
- The recourse for contravention of the policy.
- The responsibilities of key role players in monitoring and compliance.

The Commune Policy compliments the existing approved precinct plans in its focus area (which is mainly along the institutional corridor). As such, the Commune Policy should be read in conjunction with the relevant precinct plans (SAF: Corridors of Freedom Empire Peth, Nodal Review) in order to determine the development controls applicable for specific erven.

**The recommended ratio of communes shall be 20% of the Residential 1 properties per township.** The table below, show the number of approved communes per township

# COMMUNE POLICY, 2009

					APPROVED			WITHDRAWN		
AUCKLAND PARK	57	0	22	2	24	3	2	19	631	3.80%
PARK										
BRIXTON	209	5	122	6	128	1	11	52	629	20.35%
HURST HILL	72	2	42	3	45	0	1	22	224	20.09%
JAN HOFMEYR	34	1	25	0	25	0	10	7	196	12.76%
MELVILLE	16	0	6	0	6	0	0	5	1042	0.58%
PAGEVIEW	0	0	0	0	0	0	0	0	37	0.00%
RICHMOND	4	0	0	2	2	0	1	1	123	1.63%
ROSSMORE	21	0	13	0	13	0	0	8	87	14.94%
SOFIA TOWN 25 (TRIOMF)		0	13	2	15	0	4	6	1156	12.98%
VREDEDORP 31		0	18	0	18	0	4	5	429	4.20%
VREDEPARK 3		1	2	0	2	0	0	0	10	20.00%



# Types of Land Use Rights Approvals

## 1. Land Use Consent: Residential Building for a Commune (Residential Building).

- ❑ This is generally granted on a “Residential 1” zoned property.
- ❑ Maximum of 8-10 Occupants may be supported based on motivation and site-specific merit of the application.
- ❑ Application is Circulated to MOEs (JRA, City Power, Joburg Water, EISD, Pikitup, Department of Health etc) for comments.
- ❑ When this of an approval is granted, the zoning of the property it does not change but the approval letter becomes an annexure to the zoning certificate of the property.
- ❑ The approval goes together with site plan which consist of a City’s stamp.
- ❑ What follows then are approved building plans and lastly Occupation of Certificate.

## 2. Inner-City Buildings

- ❑ Most properties within the inner-city are zoned “Business 1” and “Residential 4”.
- ❑ Thus, these properties already enjoys primary rights for dwelling units and residential building rights and do not require any a consent use approval for them to accommodate student accommodation.
- ❑ Development Controls are used to determined the extent of the development (number of rooms etc) on the site.
- ❑ But, before occupation can take place approved site development plan, approved building plans and occupation certificate is required.
- ❑ Some other properties in the inner-city are zoned “Industrial 1”, if such property can produce approved building plan showing residential development such can allowed to accommodate students as in the past the zoning use to allow residential development

# Types of Land Use Rights Approvals

## 3. Properties in the Townships

- ❑ Properties in the townships are generally zoned “Residential 3”.
- ❑ Again, with such a zoning no land use consent is required in order to use the property for student accommodation.
- ❑ The property can be either be developed with one dwelling house and 6 outside rooms in terms of Clause 21 of the Land Use Scheme or can be developed with a residential building with communal facilities or with self-catering dwelling units.
- ❑ Development Controls are used to determined the extent of the development (number of rooms etc) on the site.
- ❑ But, before occupation can take place approved site development plan, approved building plans and occupation certificate is required.

## 4. Rezoning/Amendment Scheme Properties

- ❑ These are the properties that have been rezoned to allow student accommodation.
- ❑ They are generally rezoned from “Residential 1” or “Business 4” to “Residential 3” or “Residential 4”.
- ❑ They contain an amendment scheme which shows development controls (for example it will stipulate the number dwelling units, rooms, beds that can be accommodated on the site).

# Land Use management Information Required for Accreditation

## STEP 1: Zoning Information

- If the property is zoned “Residential 1”
- Land Use Consent Approval Letter
- Approved Site Plan
- Approved Building Plans
- Occupation Certificate

## Step 2: Zoning Information

- On all Use Zones other than erven zoned “Residential 1” the following will be required
- Approved Site Development Plan
- Approved Building Plans
- Occupation Certificate

# Service Delivery Implementation Protocols

Department	Contact Details
<p>Building Development Management (Building Plans, Building Inspections, Outdoor Advertising)</p>	<p>Director: Mr. Gcina Makhubu –            gcinama@joburg.org.za – 083 702 4985            Secretary: Agnes Lehomo            AgnesLeh@joburg.org.za – 060 583 7578</p>
<p>Single Law Enforcement (Planning Law Enforcement, Planning Contraventions, Legal Matters, Demolitions)</p>	<p>Director: Mr Mpho Molongoana –            mphomolon@joburg.org.za – 083 702 7002</p>
<p>Land Use Development Management (Town Planning Applications, Planning Tribunals, Legal Administration)</p>	<p>Director: Ms. Nokuthula Thusi –            nokuthulat@joburg.org.za – 083 702 3955  <b>LUM Town Planning Queries: Busi Mabaso -            Busisiwemab@joburg.org.za – 074 349 9329</b>            LUM Registration: Ms. Kerileng Daniels            KerilengD@joburg.org.za – 083 613 0350            Legal Admin: Mr. Edward Munyai            Edwardmun@joburg.org.za – 060 568 8070</p>
<p>Corporate GIS (Geographical Data, Zoning, Street Adresses, Spatial Information)</p>	<p>Acting Director: Ms. Maretha van Wyk            Rethav@joburg.org.za – 082 304 2839            Office Manager: Ms. Yolanda Janse van Vurren -            YolandaJ@joburg.org.za - 082 463 5593</p>

# THANK YOU

## QUESTIONS/COMMENTS

