



# POLOKWANE MUNICIPALITY STUDENT ACCOMMODATION POLICY, 2020

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<b>POLOKWANE MUNICIPALITY STUDENT ACCOMMODATION POLICY</b>		
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## 1. DEFINITIONS

**“Application”**: Means any application contemplated in the Polokwane by-law or in, which the Municipality, as authority of first instance in its capacity as Authorized Local Authority, contemplated, must receive, consider and determine

**“Authorised Official”**: means an employee of the municipality or any other person to whom the Council has delegated powers for the purpose of enforcement of this policy

**“Building”**: Means a building as defined in the national building regulations and building standards Act 1977

**“Corridor”**: refers to links between nodes, along which an increased intensity of development may be encouraged. Corridors provide efficient access to a higher level of economic opportunities than would generally be the case in less structured space. They typically include public transport routes.

**“Existing use”**: Means, the continuous lawful use of a building or land for the purpose for which it was erected or was lawfully being used.

**“Land”**: Means any portion of land, farm, Erf, plot, agricultural holding or lot which is registered in the Deeds Registry and is denoted on survey diagram approved by the Survey or General and "property" shall have the same meaning

**“Landlord”**: means the owner or operator of a student accommodation establishment that is leased and includes his/her duly authorized agent or a person who is in lawful possession of the accommodation and has the right to lease or sub-lease it

**“Lease”**: means an agreement of lease concluded between a tenant and landlord in respect of a student accommodation establishment for studying purpose

**“Occupant”**: in relation to building, structure or land means and includes any person in actual occupation of or legally entitled to occupy such building, structure or land, or any person having the charge or management thereof and includes the agent of any occupier absent from the area.

**“On-campus accommodation”** means units for accommodation on the premises of the university, which can vary from large blocks of rooms similar to residence halls, to multiple bedroom houses that house students;

**“Off-campus privately owned housing”** means privately owned housing units. This can vary from large blocks of rooms similar to residence halls, to multiple bedroom houses that house only students, through to individual rooms in houses occupied by the home owner. This includes a housing facility leased by the university directly with a landlord or indirectly through an accredited leasing agent;

**“Owner”**: Means in relation to land or a registered right in land, the person in whose name such land or right is registered, in a Deeds Registry in terms of the

DeedsRegistryAct,1937(Act47 of1937) and includes-

- (1) If the owner is deceased, the executor of the deceased estate;
- (2) If the estate of the owner has been sequestrated, the trustee of the insolvent estate;
- (3) If the owner is a company or other juristic person the authorized representative (director, member or other);
- (4) If the owner is a company or other juristic person that is being wound up, the liquidator thereof;
- (5) If the owner is under legal disability, the owner's legal representative;
- (6) the authorized representative of the owner; or
- (7) in the case of a road or public space under the control of the Municipality, that Municipality.

**“Parking”**: Means land used or a building designed or used exclusively for the parking of motor vehicles not destined for trade or sale

**“Resident”**: means any person in who, on a permanent basis, lives, resides, inhabits, sleeps in any dwelling unit or residential building of any nature whatsoever which he/she uses as his fixed residential address

**“Responsible Authority”**: The Polokwane Municipality or its successor in title is the authority responsible for enforcing and executing the provisions of this Scheme in its capacity

**“Student”**: means a person who is registered to study with tertiary institution within the area of jurisdiction of the Municipality

**“Student accommodation”**: means an accommodation establishment which is a dwelling place for the student(s) who registered to study with tertiary institution within the area of jurisdiction of the Municipality and the accommodation establishment has been approved by the Municipality and accredited by the relevant tertiary institution

**“Student accommodation manager”**: means the property owner, landlord

**“Tenant”**: Means a legal occupant of a rented property, may have signed a lease agreeing to pay rent for the property. For the purpose in this By-law a tenant is referred to as a student

**“Traditional council”** means a traditional council that has been established and recognized for a traditional community in accordance with the provisions of section 3 of the Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003) or any

**“Urban Development zone”** Specific area within the CBD identified with the objective is to promote urban renewal and development by the private sector and encourages investment in areas with high population carrying capacity, central business districts or inner city environments with developed urban transport infrastructure. (As outlined in the Polokwane Urban Renewal Strategy and CBD Plan 2016)

## 2. BACKGROUND AND PROBLEM STATEMENT

The provision of accessible, decent, safe and academically conducive student accommodation in South African Universities is of great importance to the quality of the higher education system and the success of our students, especially those from a rural and poor background. A significant number of students attending the tertiary institutions in Polokwane are from other areas outside of the City, which necessitates the need for accommodation in areas that are conveniently located close to the Universities and Colleges.

The same accommodation need is experienced by the young students seeking tertiary education in city of Polokwane. The trends also indicate that students prefer to live and work closer to an area where they studied even after completing their studies. The proliferation of dwelling houses that are used to house students and entry-level working class (part-time students) has often resulted in conflict between local communities and the commune operators. Local residents have frequently cited the following concerns in recent years:

- High incidence of anti-social behavior including noise, particularly late at night.
- Crime and drug abuse hotspot
- Regular partying with associated excessive noise levels
- Littering.
- Traffic congestion and illegal parking, especially in front of driveways and on pedestrian walkways.
- Overcrowded houses.
- Alteration of the residential character of certain properties

The growing number of applications received by City of Polokwane Municipality created the need for the establishment of student accommodation policy. The majority of properties that offers off-campus accommodation do not have the relevant land use rights that would permit them to offer such services. In cases where property owners intend to formalize student accommodation on their properties, the Municipality has limited guidelines for the establishment and regulation of such uses in place.

### 3. PURPOSE OF THE POLICY

The main purpose of the Student Accommodation Policy is to improve decision making process on which applications are evaluated, assessed and finalized.

The objectives are to;

- Identify the main opportunities and constraints
- Identify local environmental, social, and economic needs
- Confirm the character & extent of the student housing area
- Enabling and simultaneously ensuring adherence to the principles and intent of both the Housing Act and the Rental Housing Act, particularly pertaining to the provision of a variety of (affordable) accommodation opportunities in the rental market;
- Setting standards for premises to be used for Student accommodation.
- Providing safe, affordable and varied housing option in line with National Building Regulations and the Municipal 's Public Health by-law.
- Providing for management strategies for all premises used for student accommodation
- Outlining the application process for the student accommodation
- Determine the adequacy of infrastructure in the study area

### 4. POLICY IMPLEMENTATION

- 4.1. The Polokwane Student Accommodation Policy will apply to all newly established and existing student accommodation throughout the jurisdiction of the Polokwane Municipality.
- 4.2. The policy is applicable to all owners, operators and students who stays in approved and accredited student accommodation establishments.

## **5. AREA OF THE POLICY**

The Policy will cover all the boundaries of the Polokwane Municipality.

## **6. LEGISLATIVE FRAMEWORK**

### **6.1. Constitution of the Republic of South Africa (Act No: 108 of 1996)**

The human right to adequate housing is more than just four walls and a roof. It is the right of every woman, man, youth and child to gain and sustain a safe and secure home and community in which to live in peace and dignity.

### **6.2. National Development Plan (NDP), 2030**

The NDP aims to eliminate poverty and reduce inequality by 2030 as there is still broad consensus in the market that South Africa remains a highly unequal society, with poverty, inequality and unemployment as the three main challenges. To eliminate poverty and reduce inequality, the economy must grow faster and in a more inclusive way that will benefit all South Africans. The plan proposes a national focus on transformation of human settlements to achieve the following objectives:

- Strong and efficient spatial planning system
- Upgrade all informal settlements on suitable, well located land by 2030
- More people living closer to their places of work
- Better quality public transport
- More jobs in or close to dense, urban townships

### **6.3 National Housing Act, 1997**

The Housing Act mandates every spheres of government to ensure that housing development provides a wide choice of housing and tenure options as reasonably as possible, amongst other priorities.

### **6.4 Rental Housing Act, 1999**

The Act obliges government to:

- Promote a stable and growing market that progressively meets the latent demand for affordable housing by improving conditions of rental housing.
- Optimize the use of existing urban transport infrastructure

## **6.5 Spatial Planning and Land Use Management Act (SPLUMA), 2013**

The Spatial Planning and Land Use Management Act (SPLUMA) (No. 16 of 2013) provides for a single land development process for the country. SPLUMA therefore specifies the relationship between spatial planning and other kinds of planning, and provides for inclusive, developmental, equitable and efficient spatial planning. Its main objective is to promote greater consistency and uniformity in the application procedures and decision-making by authorities responsible for land-use decisions and development applications

## **6.6 Polokwane Municipality Spatial Development Framework (SDF), 2010**

The City's densification strategy contributes towards optimizing the use of land and provides accommodation in close proximity to urban opportunities to ensure a mix of typologies and income groups.

## **6.7 Polokwane/ Perskebult Town Planning Scheme, 2016 and Polokwane Land Use Scheme, 2019**

The Polokwane/Perskebult Town Planning Scheme, and Polokwane Land Use, will be fully applied in controlling development within its jurisdiction.

# **7 APPLICATION PROCEDURES**

## **7.1 Lodging of an application**

All application for student accommodation must be submitted in terms of the Polokwane Municipal Planning By-law. The application must be submitted under "Special" zoning for Student Accommodation in terms of the prevailing Polokwane/Perskebult Town Planning Scheme, 2016 and Polokwane Land Use Scheme, 2017 until such time Polokwane municipality adopts an Integrated Land Use Scheme, which may suggest a zoning of student accommodation.

- All existing non-registered facilities must submit applications to the municipality in compliance to the provisions of this policy
- All previously approved Student facilities must comply to the requirements of this policy without necessary taking away their approved land use rights

## 9. EVALUATION CRITERIA

The application will be evaluated on individual merits subject to compliance of the Polokwane Municipal by-law. Applications will be assessed on the basis of the following factors:

- The student accommodation should be within a 5km radius from an Higher Learning Educational Institution (University, Tvet College, FET College, etc.)
- desirability of the contemplated utilization of the land concerned;
- spatial guidelines, such as the Municipality's SDF and LSDF.
- effects on the existing rights (except any alleged right to protect against trade competition).
- the safety and welfare of the community.
- the preservation of the natural and developed environment.

The general criteria for evaluation of student accommodation will be location based under the following synopsis:

**Table 1: Zoning Proposal**

<b>Areas under Polokwane Land Use Scheme for Mankweng/Sebayeng/Aganang, 2017</b>			
<b>Use Zone</b>	<b>Permitted Use</b>	<b>Parking Requirements</b>	<b>Coverage</b>
Residential 3	Student housing	1 dust free parking per 6 student room and 3 per 100m <sup>2</sup> public room	60%
<b>Areas under Polokwane/Perskebult Town Planning ,2016</b>			
Special	Student Accommodation	1 dust free parking per 6 student room and 3 per 100m <sup>2</sup> public room	60%

**The evaluation criteria will involve the assessment of the application on special merits taking in to consideration the location and the need and desirability of the envisioned development.**

**Table 2: Density analyses for student housing**

The maximum permitted number of Student rooms in terms of habitable rooms

<b>i. Density for single Student Accommodation Rooms (SAR)</b>	<b>ii. Density for double rooms or twin bedrooms Student Accommodation Rooms (SAR)</b>
<ul style="list-style-type: none"> <li>a. 500 student Accommodation Rooms/ha in urban and 0-5km from Tertiary institution i.e. 500SAR/ha;</li> <li>b. 300 student Accommodation Rooms/ha in urban and 6-10km from Tertiary institution i.e. 300SAR/ha;</li> <li>c. 400 student Accommodation Rooms/ha in semi - urban (District Nodes/Regional Nodes) and 0-5km from Tertiary institution i.e. 400SAR/ha;</li> <li>d. 300 student Accommodation Rooms/ha in semi - urban (District Nodes/Regional Nodes) and 6-10km from Tertiary institution i.e. 300SAR/ha;</li> <li>e. 150 student Accommodation Rooms/ha in rural area and 10-20km from Tertiary institution i.e. 150SAR/ha;</li> </ul>	<ul style="list-style-type: none"> <li>a. 750 student Accommodation Rooms/ha in urban and 0-5km from Tertiary institution i.e. 750SAR/ha;</li> <li>b. 450 student Accommodation Rooms/ha in urban and 6-10km from Tertiary institution i.e. 450SAR/ha;</li> <li>c. 600 student Accommodation Rooms/ha in semi - urban (District Nodes/Regional Nodes) and 0-5km from Tertiary institution i.e. 600SAR/ha</li> <li>d. 300 student Accommodation Rooms/ha in semi - urban (District Nodes/Regional Nodes) and 6-10km from Tertiary institution i.e. 300SAR/ha;</li> <li>e. 150 student Accommodation Rooms/ha in rural area and 10-20km from Tertiary institution i.e. 150SAR/ha;</li> </ul>

<b><u>Student Room's specifications</u></b>	
Single room	: not less than 8 m <sup>2</sup>
Double room	: not less than 14 m <sup>2</sup>

## 10. GENERAL TERMS AND CONDITIONS

### 10.1. Design of residences

The following minimum design standards are applicable in line with norms and standards:

- a. New residence designs must accommodate a maximum of two students per room;
- b. Single rooms must be no smaller than 8m<sup>2</sup>, and double rooms must be no smaller than 14m<sup>2</sup>. These room dimensions are applicable to the design of all new buildings from the date of publication of this Gazette, but are not applicable to existing stock;
- c. Dormitory/hall type residence buildings must comply with the following minimum standard and norms for ablution facilities:
  - wash basins – 1 basin per 4 student residents
  - shower cubicles – 1 shower cubicle per 7 student residents
  - lavatories – 1 lavatory per 5 student residents
  - shower and lavatory cubicles must be designed in such a way that individual privacy is provided (i.e., no communal showers or toilets)
  - telephones and/or alarm bells (depending on affordability to the university) must be placed in accessible and strategic locations, so that students with disabilities are not disadvantaged;

### 10.2. Social Space

The following minimum social spaces should be provided:

- large common/meeting rooms – a minimum of 1,5m<sup>2</sup> of communal space per student resident for the first 100 students and 1m<sup>2</sup> per student resident for numbers in excess of 100. Such communal space shall comprise a combination of some or all of the following: communal lounges, games

rooms, gymnasias, television rooms, meeting/seminar rooms, dedicated group study spaces, computer centers, or other appropriate spaces

- smaller TV/meeting rooms – at least 9m

### **10.3. Provision of meals**

In the case of non-self-catering residences, the university must provide meals. In the case of self-catering residences, the following minimum food preparation standards must be provided in a separate kitchen(s):

- suitable food storage, preparation and kitchen space shall be provided
- stove – 1 four plate stove (with oven) per 8 students • cold storage – a minimum of a 320 litre capacity fridge / freezer combination is the minimum requirement per 8 students
- sink – 1 per 15 students
- lockable cupboards – 1 per student • microwave oven – 1 per 15 students
- countertop space – sufficient for 25% of the capacity of the student residents for simultaneous usage;

### **10.4. Ablution facilities:**

No more than five (5) students must share a bath or shower and toilet

### **10.5. Approval of the Site Development Plan (SDP)**

- The applicant shall submit a site development plan for approval indicating adherence to the development standards.

### **10.6. Approval of the Building Plan**

- The applicant shall submit building plans in accordance the approved SDP

### **10.7. Environmental Health Permit**

- No student accommodation shall be operated from a house without a valid permit issued by the Municipality's Dept. of Health (A permit must be applied for and obtained after the Town Planning approval, prior to operation of the establishment).

- The health requirements as stipulated in the Polokwane's Public Health By-Laws shall be adhered to at all times.

## **11. CONTRAVENTION OF POLICY**

### **11.1. Consent Withdrawal**

A consent or approval granted by Council in terms of the applicable Town Planning Scheme shall be subject to termination by the Council if any breach of a condition upon which such consent or approval was granted is not remedied in compliance with a notice served by the Council upon the owner or occupier of the site concerned. The notice referred to above shall require that the breach be remedied within a specified period.

### **11.2. Fine**

A fine of 7.5 % (or a figure to be determined in line billing policy) of the value of the property per annum, shall be introduced pending the court processes on actions taken against non-compliance. The fine shall be prorated and will depend on the length of the process.

## **12. MONITORING AND COMPLIANCE**

### **Roles and Responsibilities of Key Role Players**

#### **12.1. Polokwane Municipality**

- Receive and process applications
- Law Enforcement specifically relating to illegal uses, Illegal Buildings, health
- Termination of Consents not complying with conditions of approval
- Issuing of Health Permits and Health Inspections
- Keeping and Updating of the database for approved student accommodation

#### **12.2. Owners**

Every owner who has a student accommodation establishment must –

- Keep the premises and buildings in a clean, hygienic and good condition at all times;

- Take adequate measures to eradicate pests on the premises;
- Maintain the garden in the property and in front of the property at least once a week
- Provide the tenants with a formal contract/lease agreement, which includes a code of conduct to be signed by the tenants and the operator.
- Register with the Universities /collage if housing students
- Ensure that provisions of the Rental Act are adhered to
- Ensure that the student accommodation does not create a nuisance

### **12.3. Tertiary Institutions**

- Accreditation of suitable student accommodation
- Keep and update a database of students living in the nearby neighborhoods.

## **13. TRANSITIONAL ARRANGEMENTS**

- The Municipality should consult and encourage all the existing, unapproved student accommodation establishment within its jurisdiction
- All unapproved student accommodation facilities must be given 12 months from the date of adoption to comply with the provisions of this policy.
- Any new application must be in accordance to the by-law