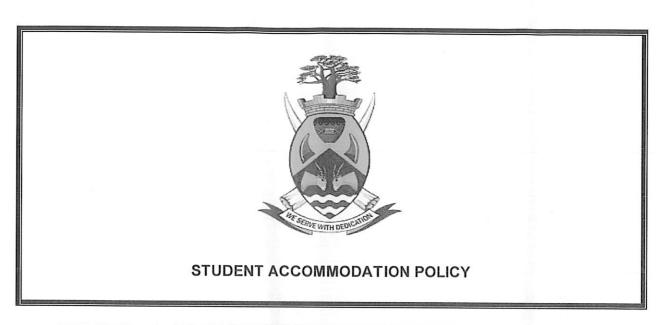
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# Signatories

The signatories hereof, confirm acceptance of the contents, recommendation, and adoption hereof.

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## 1. DEFINITIONS AND ACRONYMS

# 1.1 Statutory and Regulatory

This Procedure applies to the following meanings and interpretations:

| #    | TERM                   | DESCRIPTION   |  |
|------|------------------------|---|--|
| 1.1  | Application            | Means any application contemplated in the Thulamela 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.   |  |
| 1.2  | Habitable<br>Room      | means any room greater than 8 m <sup>2</sup> in area used and/or intended to be used for living, sleeping or dining purposes.   |  |
| 1.3  | Approval               | means any written approval granted by Thulamela Local Municipality, with or without conditions.   |  |
| 1.4  | Authorized<br>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  |  |
| 1.5  | Building               | Means a building as defined in the national building regulations and building standards Act 1977  |  |
| 1.6  | Consent                | means special permission granted by council, after due consideration of all relevant facts and lawful, reasonable, and procedurally fair administrative action, in terms of which a specific type of land use or activity is permitted, in addition to the primary use right applicable to the land unit concerned. |  |
| 1.7  | Corridor               | refers to links between nodes, along which an increased intensity of development may be encouraged. C01Tidors 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.                       |  |
| 1.8  | Council                | means the Council of Thulamela Local Municipality as established in terms of Chapter 3 of the Local Government: Municipal Structures Act 1 17 of 1998 and Regulations, or any other Committee of Council, Council Official or Councillor acting by virtue of powers delegated to it by Council.                     |  |
| 1.9  | Density                | a measurement of the intensity of a residential development, expressed as number of dwelling units per hectare, or dwelling units per erf size.   |  |
| 1.10 | 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.   |  |
| 1.11 | 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  |  |
| 1.12 | 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 sublease it   |  |

| #    | TERM                                     | DESCRIPTION  |  |  |
|------|--|--|--|--|
| 1.13 | Lease                                    | means an agreement of lease concluded between a tenant and landlord in respect of a student accommodation establishment for studying purpose   |  |  |
| 1.14 | 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.  |  |  |
| 1.15 | On-campus accommodation                  | means units for accommodation on the premises of the university or college/FET which can vary from large blocks of rooms similar to residence halls, to multiple bedrooms houses that house students.  |  |  |
| 1.16 | Off-campus<br>privately owned<br>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 homeowner. This includes a housing facility leased by the university directly with a landlord or indirectly through an accredited leasing agent.  |  |  |
| 1.17 | Owner                                    | <ul> <li>Means in relation to land or a registered right in land, the person in whose name such [and or right is registered, in a Deeds Registry in terms Of the Deeds Registry Act, 1937(Act47 of 1937) and includes-1). If the owner is deceased, the executor of the deceased estate.</li> <li>2) If the estate of the owner has been sequestrated, the trustee of the insolvent estate.</li> <li>3) If the owner is a company or other juristic person the authorized representative (director, member or other).</li> <li>4) If the owner is a company or other juristic person that is being wound up, the liquidator thereof.</li> <li>5) If the owner is under legal disability, the owner's legal representative.</li> <li>6) the authorized representative of the owner; or</li> <li>7) in the case of a road or publics pace under the control of the Municipality, that Municipality.</li> </ul> |  |  |
| 1.18 | Parking                                  | Means land used or a building designed or used exclusively for the parking of motor vehicles not destined for trade or sale  |  |  |
| 1.19 | 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   |  |  |
| 1.20 | Responsible<br>Authority                 | Thulamela Local Municipality or its successor in title is the authority responsible for enforcing and executing the provisions of this policy in its capacity  |  |  |
| 1.21 | Rezoning                                 | the change of zoning in relation to a particular land unit in terms of Spatial Planning and Land-use Management Act 16 of 2013   |  |  |
| 1.22 | Spatial<br>Development<br>Framework      | means Thulamela Local Municipality Spatial Development Framework prepared and adopted in terms of section 20 and 21 of the Spatial Planning and Land Use Management Act.   |  |  |
| 1.23 | Student                                  | means a person who is registered to study with tertiary institution within the area of jurisdiction of the Municipality  |  |  |
| 1.24 | Student accommodation                    | means an accommodation establishment which is a dwelling place for the student(s) who registered to study with tertiary institution within   |  |  |

| #    | TERM                                | DESCRIPTION   |
|------|-------------------------------------|---|
|      |                                     | the area of jurisdiction of the Municipality and the accommodation establishment has been approved by the Municipality and accredited by the relevant tertiary institution  |
| 1.25 | Student<br>accommodation<br>manager | means the property owner, landlord  |
| 1.26 | 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   |
| 1.27 | Traditional<br>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  |
| 1.28 | Urban<br>Development<br>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 with developed urban transport infrastructure. (As outlined in the Thulamela Urban Renewal Strategy 2011). |
| 1.29 | Zoning                              | Refers to the development rights and controls accorded to the property and its associated buildings either as a free entry right, rights that have been accorded in terms of Municipal approval.  |
| 1.30 | Accessible                          | Refers to public places must be accessible to all individuals with disabilities through architectural design (such as ramps, wheelchair wide doorways) and or/the use of assistive technologies   |
| 1.31 | Public<br>University                | Refers to any public higher education institution that is established, deemed to be established or declared as a public higher education under the higher education act (Act 101 of 1997) or any amendment thereof  |

## 1.2 ACRONYMS

| #   | TERM   | DESCRIPTION                              |  |  |
|-----|--------|--|--|--|
| 2.1 | AFS    | Annual Financial Statements              |  |  |
| 2.2 | SAP    | Student Accommodation Providers          |  |  |
| 2.3 | LSDF   | Local Spatial Development Framework      |  |  |
| 2.4 | SDF    | Spatial Development Framework            |  |  |
| 2.5 | CBD    | Central Business District                |  |  |
| 2.6 | SPLUMA | Spatial Planning and Land-Use Management |  |  |

#### 2. BACKGROUND AND PROBLEM STATEMENT

- 2.1 Thulamela Student Accommodation Policy is being developed in order to regulate the provision and establishment of student accommodation within the municipality. Since it observed that there is as rise in the number of residential property owners who are applying to convert properties to offer student accommodation, as accommodation provided by tertiary institutions are normally inadequate.
- 2.2 The demand for accommodation is rising, however majority of these properties do not have appropriate user rights. In order to ensure that the provision of Student Accommodation supports and comply with the Municipality's vision, mission, values and strategic objectives in a way that complies with the legislation, the municipality has decided to develop this policy to ensure proper management.
- 2.3 It is envisaged that the Student Accommodation Policy will assist in improving the current situation in residential areas, addressing the concerns of the residents and students alike thus promoting a quality learning environment.
- 2.4 The provision of accessible, decent, safe, and academically conducive 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.
- 2.5 A significant number of students attending the tertiary institutions around Thulamela are from other areas outside of Thulamela, which necessitates the need for accommodation in areas that are conveniently located close to their working locations or institutions of higher learning like Universities and Colleges.
- 2.6 The current trends have indicated 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. Residents have frequently cited the following concerns in recent years:
  - 2.5.1 High interruptive incidents of anti-social behaviour including noise, particularly late at night.

- 2.5.2 Crime and drug abuse hotspot
- 2.5.3 littering.
- 2.5.4 Traffic congestion and illegal parking, especially in front of driveways and on pedestrian walkways.
- 2.5.5 Overcrowded houses.
- 2.5.6 Alteration of the residential character of certain properties
- 2.3 The growing number of applications received Thulamela Local Municipality created the need for the establishment of an accommodation policy.
- 2.4 Most properties that offer 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 accommodation on their properties, the Municipality has limited guidelines for the establishment and regulation of such uses in place.

#### PURPOSE

3.1 The purpose of this Policy is to create a framework/guideline for Thulamela Local Municipality to regulate the approval of Student Accommodation Providers (PSAP) by establishing the minimum norms and standards, criteria and the procedure for evaluating applications to become approved private student accommodation. Thereby ensuring compliance with guidelines, regulations and legislation. Further to that, the Accommodation Policy intends to improve decision making process on which applications are evaluated, assessed, and finalized.

#### 4. OBJECTIVES

The main objectives of the Student Accommodation Policy are as follows:

- 4.1 Setting the standard for premises to be used for accommodation,
- 4.2 Outlining the application processes for the student accommodation.
- 4.3 Determine the adequacy of infrastructure in the area.

- 4.4 Providing safe and affordable accommodation options in line with National Building Regulation
- 4.5 To Identify the main opportunities and constraints
- 4.6 To Identify local environmental, social, and economic needs
- 4.7 To Confirm the character & extent of the housing/accommodation area
- 4.8 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.
- 4.9 Setting standards for premises to be used for accommodation.
- 4.10 Providing safe, affordable and varied housing option in line with National Building Regulations and the Municipal Public Health by-law.
- 4.11 Providing management strategies for all premises used for accommodation.
- 4.12 To determine the adequacy of infrastructure in the study area.
- 4.13 Provide guidelines that will enable the assessment of land use management applications relating to Student Accommodation establishments;
- 4.14 Maintain a balance between accommodating students in residential areas without negatively affecting surrounding property owners and students alike;
- 4.15 Identify the role-players and their responsibility to ensure compliance in terms of this Policy.
- 4.16 Provide guidelines to all role-players (residents, property owners, institutions of higher learning) regarding the Municipalities' requirements regarding Student Accommodation;

#### 5. SCOPE

5.1 This Student Accommodation Policy will apply to all newly established and existing accommodation throughout the jurisdiction of the Thulamela Municipality. The policy

will equally be applicable to all owners, operators and students who stays in approved and accredited student accommodation establishments

#### 6. POLICY PRINCIPLES

The Student Accommodation Policy will be guided by the following principles:

- 6.1 Dignity: Physical and physiological considerations where individuals must not be marginalized, stigmatized, ignored, devalued and the right to privacy be recognized;
- 6.2 Accessible, safe and affordable accommodation;
- 6.3 Environment to be conducive for learning and living;
- 6.4 Good governance and compliance with other statutory frameworks.

#### 7. APPLICATION PROCEDURES

### TYPES OF APPLICATIONS

- 7.1 New establishments.
- 7.2 Formalization of existing establishments.
- 7.3 Amendment to existing conditions.

## LODGING OF AN APPLICATION

- 7.4 All applications for student accommodation must be submitted in terms of all applicable legislations. The application must be submitted under Business 1 & 2, Educational and Residential 2 & 3 zoning for student accommodation in terms of the Thulamela Land use scheme 2020.
- 7.5 All existing non-registered facilities must submit applications to the municipality in compliance to the provisions of this policy
- 7.6 All previously approved student facilities must comply to the requirements of this policy without necessarily taking away their approved land use rights.
- 7.7 The accommodation should not be more than 20km radius from Higher Leaning Educational Institution (University, Tvet College, FET College etc)

### 8. REQUIRED DOCUMENTS

- 8.1 Municipal Application form
- 8.2 Locality Map
- 8.3 Proof of ownership: Title deed
- 8.4 Proof of ownership: Stamped and signed Allocation letter (Size of property, proposed use, Name of the owner and ID number, Property description)
- 8.5 Zoning Certificate
- 8.6 Zoning Map
- 8.7 Land-use Map

#### 9. PUBLICATION OF APPLICATION

9.1 The application for student accommodation shall be advertised in accordance with prescriptions of the Thulamela Municipality spatial planning and land use Management by-laws

### 10. EVALUATION CRITETIA

- 10.1 The application will be evaluated on individual merits subject to compliance with the Thulamela Spatial Planning and Land Use Management By-law. Applications will be assessed based on the following factors:
  - 10.1.1 Desirability of the contemplated utilization of the land concerned.
  - 10.1.2 Spatial guidelines such as the Municipality's SPLUMA by-laws, SDF, LUS, and densification policy.
  - 10.1.3 Effects on the existing rights (expect any alleged right to protect against trade competition).
  - 10.1.4 The safety and welfare of the community.
  - 10.1.5 The preservation of the natural and developed environment.

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

| TABLE 1: ZON  | TABLE 1: ZONING PROPOSAL |                                |          |  |  |
|---------------|--------------------------|--------------------------------|----------|--|--|
| Use Zone      | Permitted Use            | Parking Requirements           | Coverage |  |  |
| Residential 2 | Accommodation            | 1 dust free parking per 5 room | 60%      |  |  |
| Residential 3 | Accommodation            | 1 dust free parking per 5 room | 60%      |  |  |
| Business 1    | Accommodation            | 1 dust free parking per 5 room | 80%      |  |  |
| Business 2    | Accommodation            | 1 dust free parking per 5 room | 60%      |  |  |
| Educational   | Accommodation            | 1 dust free parking per 5 room | 40%      |  |  |

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

| TABLE 2: MAXIMUM PERMITTED NUMBER OF STUDENTS |  |  |   |  |
|---|--|--|---|--|
|   | Single<br>residential  | Townhouses<br>(Homeowners<br>Association/Body<br>Corporate)            | Residential Buildings Sectional Title (Homeowners Association/Body Corporate)   |  |
| No.   | 12   | Bachelor/I bed Unit<br>= 2<br>2 Bedroom Unit = 4<br>3 Bedroom Unit = 6 | Bachelor/ I bed Flat<br>=2<br>2 Bedroom Flat = 4<br>3 Bedroom Flat = 6  |  |
| Other requirements                            | Properties that are enough to accommodate more than 12 must apply for rezoning to a zone that permits multiple dwelling units, in terms of the relevant Town Planning Scheme. Such applications will be assessed based on the applicable Land Use Management | Written Consent from the Homeowners Association/Body Corporate         | Written Consent from the Homeowners Association/Body Corporate. The entire residential building will comprise the proposed Student Accommodation to be established by the owner, the Council use rights must be sought. |  |

|                                 | Instruments available. |  |  |
|---------------------------------|------------------------|--|--|
| Room's specifications:          |                        |  |  |
| Single room: not less than 8m 2 |                        |  |  |
| Double room: not less than 14m2 |                        |  |  |

#### 11. GENERAL TERMS AND CONDITIONS

### CONSTRUCTION, REPAIRS AND MAINTENANCE

- 11.1 Construction of the building to be in line with National Building Regulations and Standards Act
- 11.2 Construction, repairs, and maintenance of the accommodation must always comply with all relevant legislation and be carried out by appropriately qualified staff contractors. In case of new buildings and/or refurbishment of existing buildings whether funded by Department of Higher Education and Training, any other funding or not, Thulamela Local Municipality must inspect such buildings during and after repairs or construction to satisfy itself that the buildings are fit-for-purpose, provide value for money and comply with relevant requirements and legislation.

#### DESIGN OF RESIDENCES

- 11.3 The following minimum design standards are applicable in line with norms and standards:
  - 11.3.1. Student accommodation can be in any form (units, rooms etc) as long as it meets a set criteria.
  - 11.3.2. New residence designs must accommodate a maximum of two per room.
  - 11.3.3. Single rooms must be no smaller than 8m², and double rooms must be no smaller than 14m². 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.
  - 11.3.4. Dormitory/hall type residence buildings must comply with the following minimum standard and norms for ablution facilities:
    - 11.3.4.1. Wash basins 1 basin per 4 residents

- 11.3.4.2. Shower cubicles 1 shower cubicle per 7 student residents
- 11.3.4.3. Lavatories 1 lavatory per 5 residents
- 11.3.4.4. Shower and lavatory cubicles must be designed in such a way that individual privacy is provided (i.e. no communal showers or toilets).
- 11.3.4.5. 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.

### SOCIAL SPACE

The following minimum social spaces should be provided:

- 11.4 Large common/meeting rooms a minimum of 1,5m² of communal space per student resident for the first 100 students and 1 m² per resident for numbers more than 100.
- 11.5 Such communal space shall comprise a combination of some or all the following: communal lounges, games rooms, gymnasia, television rooms, meeting/seminar rooms, dedicated group study spaces, computer centres, or other appropriate spaces e.g.: Smaller TV/meeting rooms at least 9m

#### PARKING

11.6 Parking should be provided in terms of the Department of Transportation Standards (DOT), with respect to "Boarding Houses", at 0.6 Bays/Habitable room. Student Accommodation may be established only from an approved building, in terms of the National Building Regulations and Building Standards Act No. 103 of 1977.

#### **HEALTH AND SAFETY**

11.7 All providers of accommodation/housing shall comply with all the legislative requirements (National, regional, and Municipal) always regulating health and safety. Additional requirements pertinent to the provision of housing/accommodation are listed below, and certificate of compliance should be obtained from the relevant authority on an annual basis regarding the following services:

- 11.7.1. Fire safety, prevention and detection mechanisms and procedures
- 11.7.2. Electricity and gas installations
- 11.7.3. Security staff, mechanisms. and procedures
- 11.7.4. In any building used to accommodate, each room as well as the building itself must be secure
- 11.7.5. Monthly hygiene audits of all university/college/TVET food preparation facilities as well as all communal self-catering facilities and areas should be carried out in addition to annual municipal hygiene inspections
- 11.7.6. All ablution areas should be cleaned at least once daily using cleaning industry standard chemicals and products. Shower doors or curtains must be fitted to shower cubicles to ensure privacy.

## PROVISION OF MEALS

- 11.8 Residences are designed to be either self-catering or non-self-catering. In the case of nonself-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):
  - 11.8.1. Suitable food storage, preparation and kitchen space shall be provided
  - 11.8.2. Stove 1 four plate stove (with oven) per 8 students
  - 11.8.3. cold storage a minimum of a 320-liü•e capacity fridge / freezer combination is the minimum requirement per 8 students
  - 11.8.4. Sink I per 15 students
  - 11.8.5. Lockable cupboards I per student
  - 11.8.6. microwave oven I per 15 students
  - 11.8.7. Countertop space sufficient for 25% of the capacity of the residents for simultaneous usage.

- 11.9 Where self-catering facilities are provided for with disabilities, universal design must include consideration of space to allow for independent movement of the student in the food preparation area and bathrooms.
- 11.10 The positioning of all announcement features such as intercoms, telephones, counter loops and induction loop systems for those with hearing impairments. door handles, gates and warning signals must be considered to ensure universal design and barrier-free access to all pathways, entrances, and doorways.

### **ABLUTION FACILITIES**

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

### 12. APPROVALS AND PERMITS

## APPROVAL OF THE SITE DEVELOPMENT PLAN (SDP)

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

### APPROVAL OF THE BUILDING PLAN

12.2 The applicant shall submit building plans in accordance with the approved SDP

#### ENVIRONMENTAL HEALTH PERMIT

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

  All providers of housing/accommodation must comply with all the legislative requirements (National, Regional and Municipal) regulating health and safety.

#### 13. CONTRAVENTION OF POLICY

## CONSENT WITHDRAWAL

13.1 A consent or approval granted by Council in terms of the Land use 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 reach be remedied within a specified period.

### **FINE**

13.2 A fine (or a figure to be determined in line with applicable tariff) of the value of the property per annum, shall be introduced pending the court processes on actions taken against noncompliance. The fine shall be prorated and will depend on the length of the process.

### 14. LEGISLATIVE AND REGULATORY FRAMEWORK

- 14.1 CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA (ACT NO: 108 of 1996)
  - 14.1.1 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.
- 14.2 HIGHER EDUCATION ACT (NO.101 OF 1997)
  - 14.2.1 The aim of the policy on the minimum norms and standards for student housing and public universities(herein referred to as the policy)is to regulate the provision of on and off campus student housing at South African Public universities. The norms and standards must be applied at all public universities and university accredited student housing providers across the sector.
- 14.3 NATIONAL DEVELOPMENT PLAN (NDP), 2030
  - 14.3.1 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:
    - 14.3.1.1 Strong and efficient spatial planning system

- 14.3.1.2 Upgrade all informal settlements on suitable, well-located land by 2030
- 14.3.1.3 More people living closer to their places of work
- 14.3.1.4 Better quality public transport
- 14.3.1.5 More jobs in or close to dense, urban townships
- 14.4 NATIONAL HOUSING ACT, 1997
  - 14.4.1 The Housing Act mandates every sphere of government to ensure that housing development provides a wide choice of housing and tenure options as reasonably as possible, amongst other priorities.
- 14.5 RENTAL HOUSING ACT, 1999

The Act obliges the government to:

- 14.5.1 Promote a stable and growing market that progressively meets the latent demand for affordable housing by improving conditions of rental housing.
- 14.5.2 Optimize the use of existing urban transport infrastructure
- 14.6 SPATIAL PLANNING AND LAND USE MANAGEMENT ACT (SPLUMA), 2013
  - 14.6.1 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.
- 14.7 NATIONAL BUILDING REGULATIONS AND BUILDING STANDARD ACT, NO, 103 OF 1977

- 14.7.1 Provide for the promotion of uniformity in the law relating to the erection of buildings in the areas of jurisdiction of local Authorities, for the prescribing of building standards and for matters connected therewith.
- 14.8 Thulamela Local Municipality Spatial Development Framework (SDF), 2019
  - 14.8.1 A strategic planning document which reflets the municipality long term spatial development vision for the next 10 to 20 years. It is a core component of the municipality spatial, economic, sectorial, institutional, and environmental vision.
- 14.9 Policy on the Minimum Norms and Standards for Student Housing
  - 14.9.1 The application of these norms and standards will ensure that students are provided with adequate, fit-for-purpose accommodation of reasonable quality, learning, and living environments that promote academic success
- 14.10 Thulamela Local Municipality Spatial Planning and Land Use Management By-law 2016
  - 14.10.1 This By-law applies to all land within the geographical area of the Municipality, including land owned by the state. The By-law binds every owner and their successor-in-title and every user of land, including the state.
- 14.11 Thulamela Land Use Scheme, 2020
  - 14.11.1 The Thulamela Land Use Scheme 2020 will be fully applied in controlling development within its jurisdiction.

#### 15 MONITORING AND COMPLIANCE

15.1 On a continuous basis this policy will be accessed to determine its relevance and effectiveness and to access whether it has achieved the intended objectives.

#### 16 IMPLEMENTATION: ROLES AND RESPONSIBILITIES

THULAMELA LOCAL MUNICIPALITY

16.1 Receive and process applications

- 16.2 Law Enforcement specifically relating to illegal uses and Illegal buildings
- 16.3 Termination of consents not complying with conditions of approval
- 16.4 Issuing of health permits and health Inspections
- 16.5 Keeping and updating the database for approved student accommodation.

### VHEMBE DISTRICT MUNICIPALITY

16.6 Issuing of health permits and health inspections

#### **OWNERS**

- 16.7 Every owner who has a student accommodation establishment must-
  - 16.7.1 Keep the premises and buildings in a clean, hygienic, and good condition all the times.
  - 16.7.2 Take adequate measures to eradicate pests on the premises.
  - 16.7.3 Maintain the garden in the property and in front of the property at least once a week
  - 16.7.4 Provide the tenants with a formal contract/lease agreement, which includes a code of conduct to be signed by the tenants and the operator.
  - 16.7.5 Register with the University/college/TVET for housing.
  - 16.7.6 Ensure that provisions of the Rental Act are adhered to.
  - 16.7.7 Ensure that the accommodation does not create a nuisance.

#### TERTIARY INSTITUTIONS

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

#### 17 TRANSITIONAL ARRANGEMENTS

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

## 18 STAKEHOLDER ENGAGEMENT (if applicable)

18.1 All the relevant stakeholders internal and external will be consulted through the development and implementation of this policy.

### 19 CONCLUSION

- 19.1 In conclusion the Student Accommodation Policy outlines and addresses critical matters raised in the purpose and the objectives. The provisions in the policy contents highlights the need for the municipality to adhere to the key issues narrated which will address challenges encountered and lead to effective and efficient implementation of the policy.
- 19.2 The Municipality commits to make resources available, monitor and evaluate the effectiveness of the policy, thus encouraging all relevant stakeholders to familiarise themselves with the policy.

### 20 REVISION DATE

20.1 This policy will be reviewed annually or as and when basis

### 21 ANNEXURES

- 21.1 Business Process Map
- 21.2 Standard operating procedures