



Kensington Residents and Ratepayers
Association
64 Highlands Road
Kensington
Johannesburg
www.krra.org.za
[Mailto:enquiries@krra.org.za](mailto:enquiries@krra.org.za)

04-Aug-2017

REVITALISING KENSINGTON: PROMOTING COMPLIANCE WITH COJ'S BUILDING REGULATIONS

Here is a handy checklist to save you money and time; avoid stress and protect our village in the city

In terms of the National Building Act and the Johannesburg Town Planning Scheme, NO demolition, alterations and/or additions or change of use may be undertaken on any property without submission of Building Plans and without adhering to the following check list. This includes internal alterations, garden walls, replacing and/or enlarging windows, doors, outdoor roofed areas, walls higher than 1.8 metres, sub-division of rooms. If this is not adhered to, the OWNER is guilty of an offence and the alterations and/or additions may have to be demolished or remedied to comply with the law. Any demolition without permission may mean that the building has to be rebuilt to its previous specifications and any change of use may have to be stopped immediately.

KRRRA (Kensington Residents and Ratepayers Association), together with the Kensington Heritage Trust, request your assistance in helping to preserve the Heritage in our suburb.

All properties over 60 years old are protected under Section 34 of the National Heritage Resources Act 25 of 1999. Any improvements, breaking down of walls, or demolitions done without approved plans and demolition permits from the Provincial Heritage Resources Authority of Gauteng (PHRA-G), plus Council approval, are illegal.

Our aim is to protect as much of the areas heritage as is possible, and urge home owners whose property falls under the National Heritage Resources Act of 1999 to take care of their properties. We thank you for your support in helping us to preserve our heritage.



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You have an important role to play in protecting our neighbourhood & heritage

If you are aware of inappropriate or illegal activity relating to the use of land or buildings, please report this to:

Chief Building Inspector: Planning Control and Enforcement for Region F (which includes Kensington).

Mr Mfundo Mkwazazi

T. 011-3768659

Email: MFundoM@joburg.org.za

Mr Ben Pretorius, Executive Director of Development Planning (rezoning matters)

T.

Email: BenP@joburg.org.za

Heather Trumble, Chief Executive Planning

T. 011 4076109

Email: heathertru@joburg.org.za

Roweena Chetty, Development Planning Control Law Enforcement

Regions A,E,F

Office: 011 407-6899

Fax:011 339-1546

Email:roweenac@joburg.org.za

Remember to get a reference number and post it on the online form at <https://krra.org.za/krra-initiatives/report-building-infringements-in-kensington>

SEE CHECKLIST BELOW

Building Alterations/and or Additions, Demolitions or Change of use Checklist



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CHECKLIST Building Alterations/and or Additions, Demolitions or Change of use Checklist (below)

1. Get the title deed to the property. It may contain restrictions which do not permit you to make the alteration and/or additions. If this is the case, you will have to apply for Removal of Restrictive (ROR) conditions from the title deed. Note that the Title Deed (also called Deed of Transfer) is a legal contract which the owner signed when he/she took transfer of the property and you are obligated to adhere to these conditions. *A copy of the Title Deed may be obtained from The Deeds Office, or the Bond Holder, or you can ask an Estate Agent or a Lawyer to get it for you.*
2. Get the approved building plans for the existing buildings. (If the City Council does not have a copy, the onus is on the owner to provide these.) *If you cannot get the approved plans, you will have to employ a registered person (see point 5) to prepare a set of "as built" plans.*
3. Obtain the Zoning requirements for the stand from the City Council. If your intended use of the property differs from the existing zoning, you will have to apply for either a Consent Use for some uses or for rezoning, depending on your requirements. *Application for removal of restrictive conditions of title, consent or rezoning does not guarantee that it will be approved. Your registered architectural professional (Point 5) should be able to advise you. If not, it is advisable to employ the services of a Town Planner to undertake removal of restrictive conditions of title and/or rezoning.*
4. If the stand contains any structure which is over 60 years old, application must be made to Provincial Heritage. Permission to do the alterations and/or additions - or for ANY demolition - needs to be obtained before the plans can be submitted. *Application to Provincial Heritage (PHRA-G) will require a history of the existing structures on the site, plans and photographs and plans of your proposed demolition, alterations and/or additions.*



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5. Ground water storm water control and other geo-technical considerations: The site may be adversely affected or development on the site may impinge on surrounding properties.
6. Source professional assistance: You are advised to employ a **Registered professional** (registered with the South African Council for the Architectural Professions [SACAP]) to draw up the plans for the proposed alterations and/or additions. You will then be correctly advised of the By-Laws that you need to comply with. (Note that the Council will only accept plans which are submitted by a registered person).
7. Occupation of the dwelling is only permitted after an Occupancy Certificate has been issued: This can only be done after the work is completed. A Building Inspector has to conduct a site visit to ensure that the changes comply with the approved building plans. Once this is done, you will be able to legally occupy the dwelling/building.
8. The following are some of the changes of use for which Consent of the Council must be obtained for Residential properties (in particular Residential 1 and Residential 2 properties):

Place of Worship

Place of Instruction, including crèches

Home Offices where more than 20% of the floor area of the property is used

Second dwellings (cottages)

Social halls

Boarding houses, guest houses and accommodation establishments

Medical suites

Others

Note: 1. It may be necessary to undertake a Social Impact Study (Public Participation) for certain changes of use

2. A consent use may be withdrawn if the Council finds that the use of the property is inappropriate and does not conform to its conditions

9. The following are some of the changes of use for which Rezoning will be required:
Home offices where more than 45% of the floor area is to be used. Applications for increased density. Any other uses
10. What is not permitted on Residential Stands:
Industrial workshops such as motorcar repairs, panel beating and spray painting
Manufacturing of chemical goods such as cleaning materials.
Activities requiring gas cylinders such as cooking, welding, etc.



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Any retail and/or shops and spazas shops
Any activity which could constitute a health risk such as vets, supply of cooked or perishable foods.

Noisy or dusty activities

Others

11. Insurance companies may refuse to compensate for damage to property or to persons if there are no approved plans.
12. The Health and Safety Act requires that any of the above infringements be reported to the authorities. Any person who knows of an activity which is detrimental to the health and safety of people MUST report this activity or they could be considered an accomplice

ISSUED BY: KENSINGTON RESIDENTS AND RATEPAYERS ASSOCIATION (KRRA)