

Minutes Draft Land Use meeting Wednesday 20-Sep-2017, Kensington Bowling Club, Ivanhoe St., 18:30

Attendance: approximately 150 visitors

1. Introduction and welcome by KRRRA chair Brendon Burmester:
The meeting was organized to discuss the proposed “Land Use Scheme Draft version 7-June-2017” ([CoJ Land Use policy Draft 1](#)) as published by the city of Johannesburg. There have already been several public hearings hosted by the city ([62](#)), and this one by the KRRRA is to create awareness to the issues specifically relevant to Kensington, gather concerns and forward these to the relevant authorities (council) within the timeframe for objections that ends on 13-Oct-2017. KRRRA will also engage with other stakeholders outside of this meeting and include the conclusions in their final submission.
2. Professor Leila Patel (UJ) heads the bylaw subcommittee of the KRRRA and has in consultations with other experts analyzed the Land Use Scheme (LUS) and will lead the discussion this evening ([61](#)).

The purpose of the LUS is to create uniformity for the entire city of Johannesburg in legislation that is accordance with the National Law of 2013 and the Municipal Bylaws of 2016 aimed at:

- Overcoming fragmentation of regulations that stem from the apartheid era,
- Overcoming spatial inequality and
- Attack poverty, improve economic growth etc...

The LUS is divided into several sections that deal with:

- Sect 1: Land use rights, definitions of terms (such as dwelling unit, spaza shops, subdivision...) and regulations.
- Sect 2: Management issues such as height restrictions, building lines, parking etc...
- Sect 3: Land development; space for innovation, low income housing, heritage, environment and energy efficiency.

Though the majority of the plan is perceived to be good, it can also have some negative impacts and the focus tonight will be on land-use and heritage, specifically on:

- Spaza Shops (clause 19)
- Home enterprises (clause 20) and
- Subsidiary dwellings (clause 21)

To assist with technical issues the input of a town-planner would be most welcome and anybody in the audience who is a town-planner or knows one is requested to come forward.

Spaza Shops:

Summary of possible concerns:

- 1) Only in residential 1,2,3 and 4
- 2) You need to apply and notify direct neighbours. They can object within 28 days
- 3) Shops only for residents
- 4) Max 36m² and less than 2 employees
- 5) Operation from an approved fixed structure and other bylaws must be followed.
- 6) No alcohol consumption
- 7) Consent can be withdrawn is impact is negative or causing nuisance.

Remarks and questions from the floor and some limited clarifications:

- Why not residential 5?
- Can neighbors be extended to opposite side of the road or perhaps an entire block?
In fact anybody can complain, however the owner is only obliged to inform the direct neighbours, but has to put a visible notice.
- In Yeoville lots of shops emerged after 2004 and JMPD closed quite a few after complaints. On the other hand several members of the community also appreciated the convenience of these suburban shops and this resulted in some form of consent use, however there hasn't been any enforcement and this resulted in the same kind of problem you encounter nowadays with liquor outlets.
The rules for consent use are different in this scheme but enforcement remains a point of concern.

- Notifications are published in government gazette and classified in the Star, but not everybody reads these.
KRRRA will take care of this and publish information on Facebook and website
- Objection mechanism should be included in the draft
Cllr Neuren indicates that possibly petitions could be used.
- Will spaza shops be allowed all over the place or can it be limited to certain areas or a maximum density?
- Will there be limitations on signage? In the draft there are no details or provisions.
Frederico will be asked for comments.
- Can a license be renewed if a house is sold?
Licenses do not transfer to a new owner.
- Will regulations apply retrospectively?
- Can a tenant start a spaza shop without approval of the owner?
- What is the economic value of spaza shops and are there impact studies from elsewhere in the world?
- Spaza shops could have a negative impact on the value of a property. Could this also have a negative impact on the rates income of the city?
- Use of structures such as containers?
- In this meeting, probably only (mostly white) owners are represented. The opinion of poor black residents should also be heard.
The consultation process is open to everybody.
- The draft states that the council reserves the right to change regulations at its own discretion; this is a concern as it opens the possibility of corruption.

Since the publication of draft Land Use Scheme, a second version “Draft 2” (54) has been produced from which the term “spaza shop” was removed and replaced by the term “house shop” and the regulations are no longer centralized in a single section of the document but spread throughout.

Leila objects to this procedure and terms this as obfuscation and a lack of transparency.

Home Enterprises:

This section is most likely to be of concern to the high-income bracket of Kensington. You find quite a number of people working from home in professions such as consultancy.

The regulations stipulate limitations such as:

- 1) Only the permanent resident of the home can run this business. The number of employees is limited to two and business activities that include paint, fumes and noise are excluded.
- 2) The business must be run from a semi-permanent structure or container(s)
- 3) Operation from sectional title properties.

Remarks and questions from the floor and some limited clarifications:

- Chop shops and noise?
There already is existing regulation
- Exclusion such as brothels and churches?
An extra meeting will be convened to deal with churches, brothels and B&Bs and the use of council property for parking.
- Limitation of business hours?
- The city does not have the resources and capacity to enforce the laws. Should the policy be limited to what can actually be controlled?
- Can building inspectors be re-instated?
- Objections should be dealt with speedily.
- Currently, the city benefits from the penalty rates they charge for alternative use; hence there is no incentive to enforce bylaws.
- The infrastructure (sewage, water supply and electricity) is old and at risk.
- Can empty/abandoned building be converted to low cost housing?
- Objection process?
Neuren: KRRRA can be instrumental in this process and residents are encouraged to support KRRRA. They have created a database and can push the council to execute its mandate. The objection process should be included in the draft.

Subsidiary Dwellings:

Remarks and questions from the floor and some limited clarifications:

- Density?
- Building and use of land for housing development and renting out of cottages is already common practice. In the proposal this is limited to two units per erf, but clarification is required for multi-erf stands. The maximum size must not exceed 160m² or 90% of the main house and a minimum floor space of 9m² per occupant must be observed. Approved building plans remain required.
- Not only Johannesburg but also many cities around the world are confronted with a big influx. Are there lessons to be learned from elsewhere?
- What is the impact on the infrastructure (water, sewage, refuse and electricity)?
- What limitations are proposed for distance to boundary wall and double story constructions?
- Will there be changes to the eviction rules?
- Can a basement be used as dwelling?
- Are future rates and taxes raised over the additional dwelling?
- Is neighbour consent/permission required?
- Can a tenant build shacks and lean-tos without the owner's permission?
- What is the objection process?
- What enforcement plan is envisioned?
 - Neuren: Council must adhere to the laws but is not enforcing them and that needs to be stopped. The council does not have the money to execute demolitions and here KRRRA can be helpful in preventing illegal constructions to take place by keeping a register of building activities observed in the suburb.
- Heritage considerations apply to every building older than 60 years. It stipulates that no exterior alterations are allowed without approval of the heritage commission. This supersedes whatever is in the draft.
- Can a rule be included that a notification must be visible that indicates what building activity is taking place on a property? With the high walls surrounding many houses it is practically impossible to see what is happening.

Final Remarks:

KRRRA wishes to thank the visitors for the massive turn out and their participation.

The minutes of the meeting will be available on facebook and the website (www.krra.org.za) and open for further comment.

Regular feedback will be provided.

We encourage people to support the work of the KRRRA and become members. Membership forms can be found and dropped at several shops in Queen Street.

Meeting closed 20:15