



NELSON MANDELA BAY DRAFT POLICY

Draft Student Accommodation Policy

Working Draft 1.1 for Public Participation

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Written submissions can be submitted to:

Mr S Zulu at szulu@mandelametro.gov.za or
Mr S Potgieter at spotgiet@mandelametro.gov.za

EXECUTIVE SUMMARY

DRAFT NMBM STUDENT ACCOMMODATION POLICY

PURPOSE

The NMBM-Student Accommodation Policy is being developed in order to regulate the provision and establishment of Student Accommodation within the Metro. 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. The demand for accommodation in the metro is rising, whilst the majority of these properties do not have appropriate use rights. In order to ensure that the provision of Student Accommodation Establishments supports and embody the Municipality's vision, mission values and strategic objectives in a way that complies with the legislation. 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, and promoting a quality learning environment.

POLICY PRINCIPLES

The Student Accommodation Policy will be guided by the following principles, dignity, accessible and affordable accommodation, environment conducive to learning and living, good governance and compliance with other statutory frameworks.

OBJECTIVES

The Student Accommodation Policy applies to the Municipality's area of jurisdiction area and it intendeds to set out the following objectives:

- Guidelines that will enable the assessment of land use management applications relating to Student Accommodation establishments;
- Parameters to improve conditions related to health, safety and transportation (parking, access, public transport etc);
- Maintain a balance between accommodating students in residential areas without negatively affecting surrounding property **owners** and students alike;
- Provide guidelines to all role-players (residents, property **owners**, universities) regarding the **Municipalities'** requirements regarding Student Accommodation;
- Identify the role-players and their responsibility to ensure compliance in terms of this Policy.

APPLICATION PROCEDURE

It will not be necessary to submit an application for the Special Consent of the Council to permit the accommodation of not more than four students where the Zoning Scheme makes provision for letting out the bedrooms to a maximum of four tenants, provided that the owner adheres to the standards contained in the Policy.

Three types of land use applications would be submitted to permit for Student Accommodation Establishments, depending on the applicable Zoning Scheme regulating the area in question as illustrated in the following table.

TABLE 1: TYPES OF APPLICATIONS

Zoning Scheme		Application Type(s)
1	Port Elizabeth Zoning Scheme	Special Consent: Special Uses (Student Accommodation) A Temporary Departure. Rezoning to Special Zone (Student Accommodation).
2	Uitenhage Zoning Scheme	Special Consent: Special Buildings (Student Accommodation). A Temporary Departure.
3	Section 8 Scheme Regulations	Rezoning to Special Zone (Student Accommodation).
4	IbhayiKwaMagxakiKwaDwesi Motherwell (IKKM) Zoning Scheme	Rezoning to Special Zone (Student Accommodation).
5	Scheme Area "A" Regulations	A Temporary Departure. Rezoning to Special Zone (Student Accommodation).
6	Lovemore Park Zoning Scheme	A Temporary Departure. Rezoning to Special Zone (Student Accommodation).
7	KwaNobuhle	Rezoning to Special Zone (Student Accommodation)
8	Despatch and Khayamnandi Zoning Scheme	Rezoning to Special Usage (Student Accommodation)

Applications for Student Accommodation will be dealt with as indicated on the above table.

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The number of students should not exceed the number that is that set out in the following Table.

TABLE 2: MAXIMUM PERMITTED NUMBER OF STUDENTS

Single Residential	Townhouses (Home Owners Association/Body Corporate)	Residential Buildings Sectional Title (Home Owners Association/Body Corporate)
No. of Students - 12	Bachelor/1 bed <u>Unit</u> = 2 Students	Bachelor/1 bed Flat = 2 Students
	2 Bedroom Unit= 4 Students	2 Bedroom Flat = 4 Students
	3 Bedroom Unit = 6 Students	3 Bedroom Flat = 6 Students
Other Requirements- Properties that are large enough to accommodated more than 12 students must apply for rezoning to a zone that permits multiple dwelling units, in terms of the relevant Town Planning Scheme. Such <i>applications</i> will be assessed based on the applicable Land Use Management Instruments available.	Written Consent from the Home Owners Association/Body Corporate	Written Consent from the Home Owners Association/Body Corporate. If the entire residential building will comprise the proposed Student Accommodation to be established by the owner , the Council use rights must be sought.
Either the owner or student accommodation manager will permanently reside on the property for the purpose of the management of Student Accommodation.		

PARKING

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.

TERTIARY INSTITUTIONS

It is required that Student Accommodation facilities are registered on the tertiary institution Off-campus Accommodation data base where they are enrolled. Establishments that intend to be accredited by tertiary institutions as Student Accommodation Service Providers should provide proof of compliance with the provisions of the Policy. Tertiary Institutions will facilitate the signing of the House Rules for Off-campus Accommodation Off-Campus Student Accommodation to comply with the Tertiary Institution Code of Conduct and the Council By-Laws. Every Student Accommodation establishment must have a Student Accommodation Manager who will reside on the property 24hours a day and is expected to ensure that the code of conduct is enforced.

MONITORING AND EVALUATION

A Student Accommodation Policy Project Steering Committee will be established to monitor and evaluate the Policy formulation process. The Project Steering Committee will hold meetings every six (6) months from the date of adoption of the Policy by Council. The Project Steering Committee will make recommendations to be tabled in the Human Settlement Portfolio Committee as part of the monitoring and evaluation process.

POLICY REVIEW

The Policy will be reviewed by the Council or appointed Committee/Tribunal a year after adoption by the Council. Thereafter at least once every five (5) years, in such a manner as may be determined by the Council.

USHWANKATHELO LWESIGQEBA

LOMGAQO WENDAWO YOKUHLALA ABAFUNDI

INJONGO

Umgqaqo waseNMBM wendawo yokuhlala abafundi uyaphuhliswa ngeenjongo zokuhlengahlengiswa unikezelo nokwakha iindawo zokuhlala abafundi kwiMetro. Oko kuthe kwaqapheleka ukuba kukho ukunyuka kwamanani abanini bezakhiwo abenza izicelo zokuguqula izakhiwo zabo zokuhlala ukuzenza iindawo zokuhlala abafundi, njengoko iindawo zokuhlala abafundi kumaziko emfundo ephakamileyo zikholisa ukunganeli. Imfuneko yendawo yokuhlala apha kwiMetro iya inyuka, ngeli xesha inkoliso

yezi zakhiwo ingenazo iimfuno ezichanekileyo ezifanele ukusetyenziswa. Ukuze kube nokuqinisekiswa ukuba ukunikezelwa kwendawo yokuhlala yabafundi kuxhasa kudibanise neembono zikaMasipala, iinqobo zephulo neendlela ezibhekiselele kwiinjongo zikaMasipala zokulandela umthetho. Kuyabonakala ukuba umgaqo wendawo yokuhlala abafundi uya kunceda ekuphuculeni iimeko ezingqubayo kwiindawo zokuhlala, uhoyana neenkxalabo zabahlali nabafundi ngokufanayo, unyusa nomgangatho wesimo sokufunda.

IMITHETHO YOMGAQO

Umgaqo wendawo yokuhlala yabafundi uya kukhokhelwa yile mithetho ilandelayo, isidima, ukufikeleleka (kongama), ukufikeleleka (ngokwexabiso), isimo sentlalo esikhuthaza imeko yemfundo nentlalontle, ulawulo olululo nokuthobela imithetho eyamkelekileyo kule ntlalo.

IINJONGO

Umgaqo wendawo yokuhlala yabafundi ijolise kwimimandla yolawulo lukaMasipala, yaye ijonge ukumisa ezi njongo zilandelayo:

- Izikhokhelo eziya kwenza kube lula ukwanza uvavanyo lolawulo losebenziso lomhlaba, nezicelo ezibhekiselele kumhlaba wokwakha indawo yokuhlala abafundi;
- Izikhokhelo eziya kuphucula iimeko zempilo, ukhuseleko, nezothutho, (indawo yokumisa, ukufikeleleka, iinqwelo zikawonke-wonke);
- Ukugcina isikali phakathi kwendawo yokuhlala abafundi kwiindawo zabahlali zingazichaphazeli kakubi izakhiwo zabahlali abakufuphi nabafundi ngokubanzi;
- Ukunika izikhokhelo kubo bonke abachaphazelekayo (abahlali, abaninizakhiwo, amaziko emfundo) ngokubhekiselele kwiimfuno zikaMasipala ngokweendawo zokuhlala abafundi;
- Ukuqaphela abachaphazelekayo nenxaxheba yabo ukuqinisekisa ukuthobela kwabo lo Mgaqo.

INKQUBO YOKWENZA ISICELO

Akuyi kuba yimfuneko ukufaka isicelo solwamkelo olukhethekileyo lweQumrhu ukuvumela indawo yabantu abangekho ngaphezulu kwabafundi abane (4) apho usiko lwemida lwenza unikezelo lwamagumbi okulala kumalungu abaqeshi bendawo abaya kuba bane (4) ubuninzi, kuxhomekeke ukuba umninindawo ubamba ngqo imigangatho ebekiweyo kulo Mgaqo.

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Zintathu iindidi zezicelo zokusebenzisa umhlaba eziya kufakwa ukuvumela ukwakhiwa kweendawo zokuhlala abafundi, kuxhomekeke kucando lwemida oluhlengahlengisa lo mhlaba sithetha ngawo, njengokuba kubonakaliswe ngaphantsi apha:

ULUHLU 1: IINDIDI ZEZICELO

Ucando lwemida		Iindidi zezicelo
1	Ucando lwemida eBhayi	Imvume ekhethekileyo: imisebenzi ekhethekileyo (Indawo yokuhlala abafundi) <i>Ukuxaxha okwethutyana.</i> Ukucanda imida ekhethekileyo ngokutsha (Indawo yokuhlala abafundi)
2	Ucando lwemida eTinarha	Isivumelwano esikhethekileyo; Izakhiwo ezikhethekileyo (Indawo yokuhlala abantwana) Ukuxaxha okwethutyana
3	Imimiselo yocando lweCandelo 8	Ukucanda imida ekhethekileyo ngokutsha (Indawo yokuhlala abafundi)
4	Ucando lwemida iBhayi KwaMagxaki KwaDwesi Motherwell (IKKM)	Ukucanda imida ekhethekileyo ngokutsha (Indawo yokuhlala abafundi)
5	Imimiselo yocando lomhlaba "A"	Ukuxaxha okwethutyana. Ukucanda imida ekhethekileyo ngokutsha (Indawo yokuhlala abafundi)
6	Ucando lwemida eLovemore Park	Ukuxaxha okwethutyana. Ukucanda imida ekhethekileyo ngokutsha (Indawo yokuhlala abafundi)
7	KwaNobuhle	Ukucanda imida ekhethekileyo ngokutsha (Indawo yokuhlala abafundi)
8	Ucando lwemida eDespatch naseKhayamnandi	Ukucanda imida ekhethekileyo ngokutsha (Indawo yokuhlala abafundi)

Izicelo zendawo yokuhlala abafundi ziya kuhoywa ngolu hlobo ludweliswe ngentla apha.

Inani labafundi kufuenka lingadluli kweli nani libonakaliswe ngaphantsi apha:

ULUHLU 2: ELONA NANI LIPHEZULU LABAFUNDI ABAVUMELEKILEYO

Indawo yomntu omnye	Izindlu ezidibeneyo (Iqumrhu labanini-makhaya)	Izindlu zokuhlala llungelo lendawo nganye (Iqumrhu labanini-makhaya)
Inani labafundi - 12	Indawo ehlala umntu omnye/Indawo enebhedi enye = abafundi ababini (2)	Indawo ehlala umntu omnye/Indawo enebhedi enye = abafundi ababini
	Indawo enamagumbi okulala amabini = abafundi abane (4)	Indawo enamagumbi okulala amabini = abafundi abane (4)
	Indawo enamagumbi okulala amathathu = abafundi abathandathu (6)	Indawo enamagumbi okulala amathathu = abafundi abathandathu (6)
Ezinye iimfuno- Izakhiwo ezikhulu ezanele abafundi abangaphezu kwe-12 yabafundi mabenze izicelo zocando ngokutsha ukuya kumhlaba owanela iindawo eziphindeneyo zokuhlala ngokubhekiselele kucwangciso lwendlela yasedolophini. Ezo zicelo ziya kuvavanywa ngokusekelwe kwizixhobo ezisetyenziswayo nezifumanekayo kulawulo lwaloo mhlaba.	Isivumelwano esibhaliweyo esivela kwiqumrhu labanini-makhaya	Isivumelwano esibhaliweyo esivela kwiqumrhu labanini-makhaya. Ukuba sonke isakhiwo siya kuba nalo ndawo ilungele abafundi sakhiwe ngumnini wekhaya, amalungelo okusebenzisa umhlaba mawacelwe kwiQumrhu lolawulo. .
Nokuba ngumnini –khaya okanye umlawuli wendawo ehlala abafundi uya kuhlala mpela ngenjongo yokuba engumlawuli wendawo ehlala abafundi.		

INDAWO YOKUMISA IMOTO

Indawo yokumisa imoto imele ukuba yakhiwe ngokweminqweno yemiqathango yeSebe lezeHambo (DOT) ngokubhekiselele kwizindlu ezihlala abantu ngangomlinganiselo we-0,6 yendawo yokumisa imoto ngokwegumbi elihlala umntu. Indawo yokuhlala abafundi ifanele ukuba yakhiwe kwisakhiwo esamkelekileyo ngokubhekiselele kwimiMiselo yeSizwe yokwakhiwa kwezakhiwo, nemiQathango yeZakhiwo, Umthetho 103 ka-1977.

AMAZIKO EMFUNDO EPHAKAMILEYO

Kuyanqweneleka ukuba iimfuneko zendawo yokuhlala abafundi zibhaliswe kuludwe lwezakhiwo ezihlala abafundi yeziko lemfundo ephakamileyo babhaliswe kulo abafundi. Izakhiwo ezakhiwe ngeenjongo zokufumana iimpepha kwelo ziko lemfundo ngokwabanikezeli bendawo yokuhlala abafundi, zifanele ukunikezela ngesiqinisekiso

sokuthobela okunikezelwa ngumgaqo. Amaziko emfundo ephakamileyo aya kujongana nenkqubo yokutyikitya imithetho yaloo maziko okuhlala abafundi angaphandle kwemida yamaziko emfundo ukuze athobele indlela yokuziphatha esekwe liziko elo lemfundo neMithetho yeQumrhu loLawulo. Isakhiwo ngasinye sokuhlala abafundi masibe nomlawuli wendawo yokuhlala abafundi, oya kuhlala apho esakhiweni imini nobusuku yaye ulindeleke ukuba aqinisekise ukuba indlela yokuziphatha iyanyanzeliswa.

UKUQUQUZELELA NOKUVAVANYA

Ikomiti ephethe umsebenzi wokuqulunqa umgaqo weendawo zokuhlala abafundi iya kunyulwa ukujongana nokuqhubeka kokuqulunqwa nokuvavanya lo mgaqo usekwayo. Le komiti iya kubamba iintlanganisano qho ngeenyanga ezi-6 ukususela ngomhla wokwamkelwa komgaqo liQumrhu loLawulo. Le komiti iya kwenza iziphakamiso eziya kuthiwa thaca kwiKomiti yokuHlaliswa koLuntu njengexalenye yokuququzelela nokuvavanya.

UKUQWALASELA UMGAQO NGOKUTSHA

Lo mgaqo uya kuqwalaselwa ngokutsha liQumrhu okanye yikomiti enyuliweyo emva konyaka wamkelwe liQumrhu. Emva koko uya kuqwalaselwa qho emva kweminyaka emihlanu (5) ngendlela eya kubonwa liQumrhu elo.

UITVOERENDE OPSOMMING

BELEID INSAKE STUDENTE-AKKOMMODASIE

DOEL

Die NMBM se Beleid insake Studente-akkommodasie is opgestel om die verskaffing en daarstelling van studente-akkommodasie in die Metro te reguleer. Daar is waargeneem dat daar 'n toename in eienaars van residensiële eiendomme is wat aansoek doen om hul eiendomme in studente-akkommodasie om te skakel, aangesien die akkommodasie wat deur tersiêre instansies voorsien word, gewoonlik ontoereikend is. Die vraag na akkommodasie is besig om te styg, maar die meerderheid van dié eiendomme het nie die toepaslike gebruiksregte nie. Om te verseker dat die voorsiening van studente-akkommodasie-ondernemings die Munisipaliteit te visie, missiewaardes en strategiese doelwitte ondersteun en beliggaam om 'n wyse wat aan wetgewing voldoen, word dit in die vooruitsig gestel dat die Beleid insake Studente-akkommodasie daartoe sal bydra om die huidige situasie in woongebiede te verbeter, die besorgdhede van sowel inwoners as studente uit die weg te ruim en 'n gehalteleeromgewing te bevorder.

BELEIDSBEGINSELS

Die Beleid insake Studente-akkommodasie sal deur die volgende beginsels gelei word, naamlik waardigheid, toeganklike en bekostigbare akkommodasie, 'n omgewing wat

bevorderlik is om in te leer en te leef en goeie regering en voldoening aan ander statutêre raamwerke.

DOELWITTE

Die Beleid insake Studente-akkommodasie is in die Munisipaliteit se jurisdiksiegebied van toepassing en beoog om die volgende doelwitte te bereik:

- Riglyne wat die evaluering van grondgebruikbestuursaansoeke in verband met studente-akkommodasie moontlik sal maak;
- Parameters om die toestande rakende gesondheid, veiligheid en vervoer (parkering, toegang, openbare vervoer, ens.) te verbeter;
- Handhawing van 'n balans tussen die akkommodasie-studente in woongebiede sonder om sowel die omringende **eienaars** van eiendom as studente negatief te beïnvloed;
- Verskaffing van riglyne aan alle rolspelers (inwoners, **eienaars** van eiendom en universiteite) te verskaf aangaande die **Munisipaliteit** se vereistes vir studente-akkommodasie;
- Identifisering van die rolspelers en hul verantwoordelikheid om voldoening ingevolge dié Beleid te verseker.

AANSOEKPROSEDURE

Dit sal nie nodig wees om 'n aansoek om Spesiale Toestemming van die Raad in te die nom die akkommodasie van hoogstens vier studente toe te laat nie waar die Soneringskema voorsiening maak vir die uithoor van die slaapkamers aan hoogstens vier huurders, mits die eienaar aan die standaard wat in die Beleid vervat word, voldoen.

Drie tipes grondgebruikaansoeke kan ingedien word om studente-akkommodasie-ondernemings toe te laat, afhangende van die toepaslike Soneringskema wat die betrokke gebied reguleer, soos in die volgende tabel geïllustreer word:

TABEL 1: TIPE AANSOEKE

Soneringskema		Aansoek tipe(s)
1	Port Elizabeth Soneringskema	Spesiale Toestemming: Spesiale Gebruike (studente-akkommodasie). 'n Tydlike Afwyking . Hersonering tot Spesiale Sone (studente-akkommodasie).
2	Uitenhage Soneringskema	Spesiale Toestemming: Spesiale Geboue (studente-akkommodasie). 'n Tydlike Afwyking .
3	Gedeelte skemaregulasies	8-Hersonering tot Spesiale Sone (studente-akkommodasie).

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Soneringskema		Aansoek tipe(s)
4	Ibhayi KwaMagxaki KwaDwesi Motherwell (IKKM) Soneringskema	Hersonering tot Spesiale Sone (studente-akkommodasie).
5	Gebied skemaregulasies	A- 'n Tydlike Afwyking. Hersonering tot Spesiale Sone (studente-akkommodasie).
6	Lovemorepark Soneringskema	'n Tydlike Afwyking. Hersonering tot Spesiale Sone (studente-akkommodasie).
7	KwaNobuhle	Hersonering tot Spesiale Sone (studente-akkommodasie).
8	Despatch Khayamnandi Soneringskema	en Hersonering tot Spesiale Gebruik (studente-akkommodasie).

Aansoeke om studente-akkommodasie sal hanteer word soos in bostaande tabel aangedui word.

Die aantal studente mag nie die getal oorskry wat in die volgende table uiteengesit word nie:

TABEL 2: MAKSIMUM TOEGELATE AANTAL STUDENTE

Enkelwoondoel-eindes	Meenthuse (Huseienaarsvereniging/ Beheerliggaam)	Residensiële geboue Deeltitel (Huseienaarsvereniging/ Beheerliggaam)
Getal studente – 12	Eenmanswoonstel/1-bed-eenheid = 2 studente 2 bed-eenheid = 4 studente 3 bed-eenheid = 6 studente	Eenmanswoonstel/1-bed-woonstel = 2 studente 2 bed-eenheid = 4 studente 3 bed-eenheid = 6 studente
Ander vereistes – Eiendomme wat groot genoeg is om meer as 12 studente te akkommodeer, moet aansoek doen om 'n hersonering na 'n sone wat veelvuldige wooneenhede toelaat ingevolge die tersaaklike Stads-beplanningskema. Sodanige aansoeke sal geëvalueer word, gegrond op die toepaslike Grond-gebruikbestuurs- instrumente wat beskikbaar is.	Skriftelike toestemming van die (Huseienaarsvereniging/ Beheerliggaam)	- Skriftelike toestemming van die (Huseienaarsvereniging/ Beheerliggaam. Indien die hele woongebou die beoogde studente-akkommodasie sal uitmaak, wat die eienaar beoog om te ontwikkel, moet die Raad se gebruiksregte aangevra word.
Of die eienaar of studente-akkommodasiebestuurder moet permanent op die eiendom woon met die doel om die studente-akkommodasie te bestuur.		

PARKERING

Parkering moet verskaf word in ooreenstemming met Departement van Vervoer se standarde ten opsigte van “*Losieshuise*”, teen 0.6 vakke/bewoonbare kamer. Studente-akkommodasie mag net verskaf word vanuit ‘n gebou wat ingevolge die Wet op Nasionale Bouregulasies, Nr. 103 of 1977, goedgekeur is.

TERSIËRE INSTELLINGS

Daar word vereis dat studente-akkommodasie-geriewe geregistreer word by die buitekampusakkommodasiedatabasis van die tersiëre instansie waar die studente ingeskryf is. Ondernemings wat beoog om deur tersiëre instansies as studente-akkommodasie-diensverskaffers geakkrediteer te word, moet bewys verskaf van voldoening aan die bepalings van dié Beleid. Tersiëre instansies moet die ondertekening van die huisreëls vir buitekampusakkommodasie fasiliteer. Buitekampusstudente-akkommodasie moet aan die tersiëre instansie se gedragskode en die Raad se verordeninge voldoen. Elke studente-akkommodasie-onderneming moet ‘n studente-akkommodasiebestuurder hê wat 24 uur per dag op die eiendom sal woon en sal verseker dat die gedragskode afdwing word.

MONITERING EN EVALUARING

Die Projekbestuurskomitee vir die Beleid insake Studente-akkommodasie sal gestig word om die **Beleids**formuleringsproses te moniteer en te evalueer. Die Projekbestuurskomitee vir die Beleid insake Studente-akkommodasie moet vergaderings elke ses (6) maande vanaf die datum van aanvaarding van die Beleid deur die Raad hou. Die Projekbestuurskomitee vir die Beleid insake Studente-akkommodasie sal aanbevelings doen om ter tafel gelê te word by die Portefeuljekomitee vir Menslike Nedersettings as deel van die moniterings- en evalueringsproses.

HERSIENING VAN BELEID

Die Beleid moet deur die Raad of aangestelde komitee/tribunaal ‘n jaar na aanvaarding deur die Raad hersien word. Daarna moet dit minstens een maal elke vyf (5) jaar hersien word op ‘n wyse wat deur die Raad bepaal mag word.



STUDENT ACCOMMODATION POLICY

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STUDENT ACCOMMODATION POLICY

1 DEFINITION OF TERMS

In the *Policy* unless the context indicates otherwise,

- “Approval”** means any written approval granted by the Nelson Mandela Bay Municipality, with or without conditions.
- “Council”** means the Council of the Nelson Mandela Bay Metropolitan Municipality as established in terms of Chapter 3 of the Local Government: Municipal Structures Act 117 of 1998 and Regulations, or any other Committee of Council, Council Official or Councillor acting by virtue of powers delegated to it by Council
- “Habitable Room”** means any room greater than 6 m² in area used and/or intended to be used for living, sleeping or dining purposes and includes:-
any hallway or passage having a width greater than 2,0 m;
any balcony with an area greater than 6 m², whether enclosed or not.
- “House Rules”** mean the rules in relation to the control, management, administration, use and enjoyment of the rental housing property.
- “Landlord”** means the owner of a dwelling that is leased and includes his or her duly authorised agent or a person who is in lawful possession of a dwelling and has the right to *lease* or sub-lease it.
- “Lease”** means an agreement of *lease* concluded between a *tenant* and a *landlord* in respect of a dwelling for housing purposes.
- “Municipality”** Means the Nelson Mandela Bay Metropolitan Municipality, a Category A municipality established in terms of Part 2 of Schedule 1 of Notice 85 in the Eastern Cape Provincial Gazette No. 654 on 27 September 2000 promulgated in terms of Section 12(1) of the Local Government: Municipal Structures Act 117 of 1998, for the municipal area described in such Notice;
- “Occupier” or “Occupant”** in relation to any 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 or whose whereabouts are unknown.
- “Off-Campus Accommodation”** includes rentals for students outside tertiary institution campuses, accredited or not accredited by tertiary institutions (communes, apartments, houses and rooms).
- “Ordinance”** means the Land Use Planning Ordinance 1985 (Ordinance 15 of 1985) together with any amendment thereof.
- “Owner”** means the person in whose name the land is registered in a deed

registry, and may include the holder of the registered servitude right or **lease**, and any successor in the title of such a person as defined in the **Ordinance**.

- “Policy”** means the Student Accommodation Policy of the Nelson Mandela Bay Metropolitan Municipality;
- “Resident”** means any person who, on a permanent basis, lives, resides, inhabits, sleeps, or has an abode in any dwelling unit or residential building of any nature whatsoever which he uses as his fixed residential address;
- “Rezoning”** means the alteration of this **Zoning Scheme** under Section 14(4), 16 or 18 of the **Ordinance** in order to effect a change of zoning to particular land;
- “Roommate or Housemate”** is an additional person that lives in the room, house or apartment and pays part of the rent.
- “Special Consent”** means the consent of the **Council**, or of any Committee or official of the Council to whom the power to grant such consent is delegated.
- “Special Use/ Special Purposes/Special Building”** means any use other than one of the uses defined in the applicable zoning scheme regulations.
- “Student”** Means a person who is registered to study in an academic institution.
- “Student Accommodation”** Means a secure and professionally managed dwelling place for the accommodation of student(s) registered in an academic institution, with communal areas that include:
 Lounge/ Dining room;
 Kitchen;
 Bathroom(s);
 serviced and maintained daily/weekly, and conducive to studying and personal wellbeing.
- “Student Accommodation Manager”** means the property owner, *landlord* or any person, other than a student, who resides permanently on the property and will be responsible for the control, management, administration of the students and student accommodation;
- “Temporary Departure”** means an altered land use restriction or a use right granted on a temporary basis in terms of Section 15 of the **Ordinance**;
- Tenant”** means a legal **occupant** of a rented property; may have signed a **lease** agreeing to pay rent for the property.
- “Use Right”** in relation to land, means the right to utilise that land in accordance with the zoning thereof, including any departure.
- “Zone”** when used as a noun, means land set apart by a **zoning scheme** for a particular zoning, irrespective of whether it comprises one or more land units or part of a land unit;
 when used a verb in relation to land, means to set apart the land for a

particular zoning.

“Zoning” when used as a noun, means a category of directions setting out the purpose for which land may be used and the land use restrictions applicable in respect of the set category of directions, as determined by the relevant scheme regulations.

“Zoning Scheme” means a scheme consisting of scheme regulations and a register, with or without a zoning map, as referred to by the applicable land use planning legislation; i.e. the **zoning scheme** (s) applicable in the Nelson Mandela Bay Metropolitan Municipality.

2 PURPOSE

2.1 BACKGROUND

Within the Nelson Mandela Bay Metropolitan Municipality area there are many tertiary institutions, notably university campuses located in the vicinity of well-established residential areas. These institutions enrol students from all over the country and abroad. However, the accommodation provided by these institutions normally does not satisfy the demand or sometimes does not meet the particular requirements of students. The high demand for accommodation can *inter alia* be attributed to the increase in the number of students experienced over recent years, due to factors such as the introduction of new learning programmes.

The growing demand for student accommodation is partly satisfied by the accommodation offered by the **owners** of private residential properties within a comfortable walking distance from tertiary institutions, who rent rooms from the main house or second dwelling/back-yard. Sometimes, entire properties are converted into student accommodation. Responding to the need for Student Accommodation, private developers have converted a number of residential buildings within the Central Business District (CBD) and in other areas even farther away from tertiary campuses into **Student Accommodation**.

The **Student Accommodation** offered by private property **owners** within residential properties generally poses a number of challenges, usually associated with social gatherings at such premises, and may include the following:

- a. limited parking provision;
- b. overcrowded housing;

- c. illegal house alterations;
- d. pressure on service infrastructure;
- e. high levels of noise;
- f. littering.

The **Municipality** has been receiving numerous complaints and enquiries with regard to the above-mentioned challenges.

2.2 STATUS QUO AND NEED FOR POLICY

The challenge that the **Municipality** faces is that, while the essential service rendered by residential property **owners** who offer accommodation to students is acknowledged, the majority of these properties do not have the relevant land **use rights** that would permit them to offer such services. In cases where property **owners** intend to formalise student accommodation on their properties, the **Municipality** has limited guidelines for the establishment and regulation of such uses in place. The statutory instruments applicable to these areas, such as the Land Use Planning Ordinance 15 of 1985 and the NMBMM Zoning Scheme Regulations, do not provide sufficient detail to enable the development and regulation of student accommodation in residential properties at higher intensities.

Based on the above, the **Municipality** has formulated a policy applicable within its area of jurisdiction that will guide the establishment and the regulation of properties that offer off campus Student Accommodation, i.e. outside the formal campus areas of tertiary institutions. The **Policy** contains developmental parameters, which will ensure that the establishment and management of Student Accommodation are desirable and compatible with the existing built environment.

“The importance of well managed and administered Student Accommodation cannot be overemphasised, as data provides conclusive proof that the throughput of students in residences is far better than those that reside off-campus and commute to universities.”ⁱ

It is envisaged that the Student Accommodation Policy will assist in improving the current

ⁱ Report on the Ministerial Committee for the Review of the Provision of Student Housing at South African Universities

situation in residential areas, addressing the concerns of the *residents* and students alike, and promoting a quality learning environment.

3 REGULATORY FRAMEWORK

3.1 CONSTITUTION OF REPUBLIC OF SOUTH AFRICA, ACT 108 OF 1996

Section 26 of the Constitution stipulates that everyone has the right to have access to adequate housing. The state is mandated to take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of this right. No one may be evicted from their home, or have their home demolished, without an order of court made after considering all the relevant circumstances. No legislation may permit arbitrary evictions.

3.2 HOUSING ACT 107, 1997

The Housing Act, Act 107 of 1997, as amended, mandates national, provincial and local spheres of government to ensure that housing development provides a wide choice of housing and tenure options as reasonably as possible, amongst other priorities.

Factors such as population growth, an increase in the number of households, urbanisation, and the increasing number of students acquiring admission to tertiary institutions contribute to the rapidly increasing demand for various types of Government Housing Programmes, which includes Rental Houses.

3.3 RENTAL HOUSING ACT 50 OF 1999 (RENTAL HOUSING ACT)

The Rental Housing Act, Act 50 of 1999, as amended, stipulates that Government should create mechanisms to promote the provision of Rental Housing Property in order to promote access to adequate housing, through creating mechanisms to ensure the proper functioning of the Rental Housing market.

3.4 LAND PLANNING LEGISLATION

3.4.1 Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA)

SPLUMA was assented to by the President of the Republic of South Africa on 5 August 2013 and will come into operation on a date fixed by the President by proclamation in the Government Gazette. When the **Policy** was being prepared, SPLUMA was replacing LUPO. SPLUMA is an Act that applies to the entire area of the Republic, promulgated to replace LUPO with the following intent:-

- i. To provide a framework for spatial planning and land use management in the Republic;
- ii. To specify the relationship between the spatial planning and land use management system and other kinds of planning;
- iii. To provide for inclusive, developmental, equitable and efficient spatial planning at the different spheres of government;
- iv. To provide a framework for the monitoring, coordination and review of the spatial planning and land use management system;
- v. To provide a framework for policies, principles, norms and standards for spatial development planning and land use management;
- vi. To address past spatial and regulatory imbalances;
- vii. To promote greater consistency and uniformity in the application procedures and decision-making by authorities responsible for land use decisions and development applications;
- viii. To provide for the establishment, functions and operations of Municipal Planning Tribunals;
- ix. To provide for the facilitation and enforcement of land use and development measures; and
- x. To provide for matters connected therewith.

3.4.2 Land Use Planning Ordinance Act 15 of 1985 (LUPO)

Currently, development applications within the Municipality are regulated by in terms of the Land Use Planning Ordinance No. 15 of 1985 and the relevant *zoning schemes* promulgated in terms thereof.

None of the existing **Zoning Schemes** currently regulate or make provision for student accommodation establishments as land use or land use right.. , The **Municipality** therefore currently applies existing laws that relate to single residential **use rights** when assessing student accommodation applications.

3.5 BY-LAWS

The **Policy** recognises the twelve **Zoning Schemes** applicable in various allotment areas in the **Municipality**. The **Zoning Schemes** have different definitions and regulations/parameters. The **Policy** is contextualised to accommodate these variations in Section 7.

The following Municipal By-laws enacted in terms of the Local Government: Municipal Systems Act, Act 32 of 2000, find application in this **Policy**:

- a) Nelson Mandela Bay Municipality's Outdoor Signs (Advertising and other) By-Law;
- b) Nelson Mandela Bay Municipality's Health By-Law;
- c) Nelson Mandela Bay Municipality's Noise Pollution By-Law/Noise Control By-law;
- d) Nelson Mandela Bay Municipality's Fire and Safety By-law;
- e) Nelson Mandela Bay Municipality's Roads, Traffic and Safety By-law.

3.6 NEW STATUTORY INSTRUMENTS

The **policy** takes cognisance of the possibility of the enactment of new legislative instruments. In the event that the **Municipality** is mandated to follow the dictates of a new statutory instrument, e.g. Integrated Zoning Scheme, the directives of the new legislation will supersede the repealed ones without having to change the guidelines of this **policy**.

3.7 Nelson Mandela Bay Metropolitan Municipality Spatial Development Framework (NMBMM SDF) 2009

The **Municipality's** SDF emphasises that the provision of houses can be achieved by using a number of densification mechanisms, such as supporting additional dwelling units, higher density, residential buildings (flats) and increased intensification of land uses, such as mixed use developments at close proximity to public transport corridors, services and places of employment.

4 POLICY PRINCIPLES

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

- a) Dignity: Physical and physiological considerations where individuals must not be marginalised, stigmatized, ignored, devalued and the right to privacy be recognised;
- b) Accessible and affordable accommodation;
- c) Environment conducive to learning and living;
- d) Good governance and compliance with other statutory frameworks.

5 OBJECTIVES

The Student Accommodation Policy is intended to:

- a) set out guidelines that will enable the assessment of land use management applications relating to Student Accommodation;
- b) set out parameters to improve conditions related to health, safety and transportation (parking, access, public transport etc.);
- c) maintain a balance between accommodating students in residential areas without negatively affecting surrounding property **owners** and students alike;
- d) provide guidelines to all role-players (residents, property **owners**, universities) regarding the **Municipality's** requirements regarding Student Accommodation;
- e) identify the role-players and their responsibility to ensure compliance in terms of this Policy.

6 POLICY APPLICATION AREA

The Student Accommodation Policy applies to the **Municipality's** geographic area.

6.1 TYPE OF APPLICATION

- a) New establishments.
- b) Existing establishments.
 - i. Regularisation/Formalisation.
 - ii. Amendment to existing conditions.
 - iii. Legal compliance in terms of applicable bylaws, **Zoning Schemes** and Building Regulations.

7 APPLICATION PROCEDURE AND DEVELOPMENT PARAMETERS

7.1 APPLICATION PROCEDURE

7.1.1 Application Submission

In terms of the applicable **Zoning Scheme**, an applicant may submit an application for **Rezoning; Special Consent** or **Temporary Departure** to the Executive Director: Human Settlements for **approval**. The applicant will submit a written statement of intent that contains sufficient information about the requirements of clause 7.1.1.4 of the **Policy** to enable the **Municipality** to consider the further procedures to be followed regarding the application for the provision of student accommodation.

Three types of land use applications will be submitted to allow for Student Accommodation Establishments, depending on the applicable **Zoning Scheme** regulating the area in question.

- a) **Consent Use** – Consent of the Council or of any Committee or official of the Council to whom the power to grant such consent is delegated, to permit the establishment of Student Accommodation.
- b) **Temporary Departure** – Depending on the applicable Scheme Regulations.
- c) **Rezoning** - Alteration of the **Zoning Scheme** in order to effect a change of zoning to a zone permitting the establishment of Student Accommodation.

Table 1 indicates the guidelines for the types of applications in terms of the various Zoning Scheme Regulations.

TABLE 1: TYPES OF APPLICATIONS

Zoning Scheme			Application Type(s)
1	Port Elizabeth Zoning Scheme		a) Special Consent: Special Uses (Student Accommodation) b) A Temporary Departure . c) Rezoning to Special Zone (Student Accommodation).
2	Uitenhage Zoning Scheme		a) Special Consent: Special Buildings (Student Accommodation). b) A Temporary Departure .

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Zoning Scheme		Application Type(s)
3	Section 8 Scheme Regulations	a) Rezoning to Special Zone (Student Accommodation).
4	IbhayiKwaMagxakiKwaDwesi Motherwell (IKKM) Zoning Scheme	a) Rezoning to Special Zone (Student Accommodation).
5	Scheme Area "A" Regulations	a) A Temporary Departure . b) Rezoning to Special Zone (Student Accommodation).
6	Lovemore Park Zoning Scheme	a) A Temporary Departure . b) Rezoning to Special Zone (Student Accommodation).
7	KwaNobuhle	a) Rezoning to Special Zone (Student Accommodation)
8	Despatch and Khayamnandi Zoning Scheme	b) Rezoning to Special Usage (Student Accommodation)

7.1.2 Application for New Establishments

The **Policy** applies to all properties where the primary or secondary **use rights** are considered to be "Residential" in the entire **Municipality**;

7.1.3 Existing Student Accommodation Establishments

- a) Illegal establishments will be required to formalise/regularise the **use rights** by submitting an application to the **Municipality**.
- b) Previous **approvals** by the **Council** will be required to comply with the new **Policy**, without taking away the existing **use rights**.

7.1.4 Exemption from Town Planning Application

It is not necessary to submit an application for the **Special Consent** of the **Council** to permit the accommodation of not more than four students where the **Zoning Scheme** makes provision for letting out the bedrooms to a maximum of four **tenants**, provided that the **owner** adheres to the standards contained in the **Policy**.

7.1.5 Application Information

- a) The following documents are required when submitting an application for the establishment of **Student Accommodation**:
 - i. A copy of the Title Deed pertaining to the relevant property (applicants are

- encouraged to study the Title Deed conditions and ensure that they do not prohibit the establishment of Student Accommodation).
- ii. Power of Attorney – If an application is submitted on behalf of the property **owner**.
 - iii. Company/Trust Resolution – if the application is submitted on behalf of the property owned by a Company/Trust.
 - iv. A locality plan.
 - v. An Affidavit that the owner permanently resides on the property and/ or a full-time manager has been hired to look after the students.
 - vi. A letter from the tertiary institution that confirms that the property has been registered on the Off-campus Student Accommodation data base to provide accommodation for students.
 - vii. Application motivation report (covering desirability, parking, number of students, room sizes, number of bedroom, parking, etc).
- b) Applications must be accompanied by the relevant application fees, and applicants must also note that the residential character of the dwelling house may not be altered in a manner that, in the opinion of the **Council**, will detract from the character of a dwelling house.

7.1.6 Advertising

- a) The Executive Director: Human Settlements will cause an application submitted in terms of the applicable Zoning Scheme to be advertised if in his/her opinion any person may be adversely affected by the proposed development.
- b) The Executive Director: Human Settlements must take into account the Outdoor Signs (Advertising and other) By-Law, as approved by the Council from time to time.

7.1.7 Evaluation Criteria

Student Accommodation Applications will be assessed on individual merit. The **Council** will take the following into account when considering applications for **approval**:

- a) The applicable **Zoning Scheme**.
- b) Principles and policies established for such applications by the National, Provincial and Municipal spheres of government.

- c) Any objections received on or before the closing date in response to an advertisement of the application, as well as comments received from other organs of state.
- d) Any response received from the applicant to objections or comments;
- e) The impact of the proposed use on the amenity of the surrounding area and the anticipated impact on the character of the area, including but not limited to impact on traffic flow, noise and pollution generation.
- f) Applications will be assessed on individual merit, based on the following:
 - i. desirability of the contemplated utilisation of the land concerned;
 - ii. spatial guidelines, such as the **Municipality's** Spatial Development Framework (SDF) and the **Municipality's** Local Spatial Development Framework (LSDF).
 - iii. Effects on the existing rights (except any alleged right to protect against trade competition).
 - iv. The safety and welfare of the community.
 - v. The preservation of the natural and developed environment.

7.1.8 Conditions of Approval

- a) The **Council** may approve or refuse an application and may attach conditions to the **approval** any Student Accommodation establishment that is consistent with planning law requirements and may include provisions not contained in any applicable **Zoning Scheme** or that may be more or less restrictive than the standard provisions applying to the **zone** concerned;
- b) An application approved by the **Council** will lapse if the land concerned has not been utilised within the time specified by the Land Use Management System (LUMS) after the date on which the **approval** was granted, provided that the Council may grant an extension of such time if requested to do so in writing before the application has lapsed.
- c) Conditions of **approval** imposed by the **Council** will have the same force and effect as if they were part of the applicable **Zoning Scheme**.
- d) The **Council** may terminate any land use right granted or change conditions relating to a Consent Use granted if any breach of **approval** or conditions of **approval** has, in the opinion of the **Council**, taken place. The **Council** may request the breach to be remedied within a specified period of time.

- e) The rights granted to operate **Student Accommodation** will be attached to the property and not the applicant.
- f) In the event that there are objections to the decision made by the **Council** with regard to the application, an appeal to review the decision must be submitted within the time specified by the LUMS.
- g) The **owner** or **student accommodation manager** must be on the establishment 24 hours a day to ensure that students do not cause a nuisance to the adjoining property **owners**.
- h) An affidavit to confirm the 24 hours a day presence of the property owner or appointed manager must accompany the Site Development Plan.

7.1.9 Preferred Location for Student Accommodation Establishments

The preferred location of **Student Accommodation** must be guided by the following:

- a) Recommendations of the Local Spatial Development Framework (LSDF).
- b) Principle of accessibility contained in the Sustainable Community Planning Guide, which encourages the following:
 - i. Pedestrian focus in planning; this is important as most students do not own transport and cannot affordably access other forms of transport options.
 - ii. Accessibility of services within a comfortable walking distance of approximately 1200m from the tertiary institution.
- c) Areas recommended for increased residential densities/infill development areas.
- d) Along public transport routes.

7.2 DEVELOPMENTAL PARAMETERS

7.2.1 Land Planning and Management

- a) **Uses:** Applications for Student Accommodation will be dealt with as indicated on Table 1.
- b) **Permitted Number of Students:** The number of students will not exceed that set out in Table 3.

TABLE 2: MAXIMUM PERMITTED NUMBER OF STUDENTS

	Single Residential	Townhouses (Home Owners Association/Body Corporate)	Residential Buildings Sectional Title (Home Owners Association/Body Corporate)
No. of Students	12	Bachelor/1 bed <u>Unit</u> = 2 Students 2 Bedroom Unit= 4 Students 3 Bedroom Unit = 6 Students	Bachelor/1 bed Flat = 2 Students 2 Bedroom Flat = 4 Students 3 Bedroom Flat = 6 Students
Other Requirements	Properties that are large enough to accommodate more than 12 students must apply for rezoning to a zone that permits multiple dwelling units, in terms of the relevant Town Planning Scheme. Such <i>applications</i> will be assessed based on the applicable Land Use Management Instruments available. Either the owner or student accommodation manager will permanently reside on the property for the purpose of the management of Student Accommodation.	Written Consent from the Home Owners Association/Body Corporate	- Written Consent from the Home Owners Association/Body Corporate. - If the entire residential building will comprise the proposed Student Accommodation to be established by the owner , the Council use rights must be sought.

- c) **Parking Requirements:** Parking to be provided in terms of the Department of Transportation Standards (DOT), with respect to “*Boarding Houses*”, at 0.6 Bays/*Habitable room*.
- d) **Other Parameters:** No building maybe erected so as to exceed the Coverage, Height and Building Line specifications and other parameters in terms of the zoning and, or approved conditions applicable to the property.

7.2.2 Building Inspectorate

- a) **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.
- b) No alterations to a dwelling house which, in the opinion of the **Council**, are such that it will not be possible to revert it to use as a dwelling house will be permitted.
- c) The minimum floor area for a single bedroom is 6m².

- d) Not more than two students (**roommate** or **housemate**) may be accommodated in any double bedroom, and such bedroom must have a minimum floor area of 14m².
- e) Communal bathrooms must be provided at a ratio of one bathroom per four **students**, and such bathrooms must consist of the following:
 - i. A water closet (toilet).
 - ii. A shower/bathtub.
 - iii. A hand washbasin.

7.2.3 Environmental Health

- a) No **Student Accommodation** may be operated without a valid permit from the **Municipality's** Public Health Directorate.
- b) No cooking of meals will be permitted in the sleeping area i.e. bedrooms, any common area except in an area designated on an approved building plan as a kitchen. The kitchen area will be provided at a ratio of 0.8m² per student.
- c) Every dwelling unit used for **Student Accommodation** will provide a recreational/common area at a ratio of 0.8m² per **student**.

7.2.4 Electricity and Energy

Student Accommodation applications will be circulated to the Electricity and Energy Directorate of the **Municipality** for consideration, comment and **approval** where applicable.

7.2.5 Infrastructure & Engineering

Student Accommodation applications will be circulated to the Infrastructure and Engineering Directorate of the **Municipality** for consideration, comment and **approval** where applicable.

7.3 TERTIARY INSTITUTIONS

- a) It is required that **Student Accommodation** facilities are registered on the tertiary institution **Off-campus Accommodation** data base where they are enrolled, in order to facilitate management of the following, among others:
 - i. report **student** behaviour to the tertiary institution;

- ii. compliance with Ministry of Higher Education Student Accommodation requirements;
 - iii. updated data base of **Student Accommodation** service providers.
- b) establishments that intend to be accredited by tertiary institutions as Student Accommodation Service Providers should provide proof of compliance with the provisions of the **Policy**.
- c) Tertiary Institutions will facilitate the signing of the **House Rules** for **Off-campus Accommodation**
- d) Tertiary Institutions to facilitate education campaigns on the following:
- i. Noise awareness;
 - ii. Crime prevention;
 - iii. Responsibilities of **tenants**.
- e) **Off-Campus Student Accommodation** to comply with the Tertiary Institution Code of Conduct and the Council By-Laws.

7.4 STUDENT ACCOMMODATION MANAGER

- a) The **Student Accommodation Manager** will reside on the property 24hours a day and is expected to ensure that the code of conduct is enforced.
- b) The tertiary education institutions together with the property **owner** will be responsible for the discipline of the **students**.
- c) Providers of **Student Accommodation** must consult and collaborate with their “feeder” tertiary institutions in establishing suitable disciplinary codes and mechanisms.

8 MONITORING AND EVALUATION

The Student Accommodation Policy Project Steering Committee that will be established to monitor and evaluate the **Policy** and will comprise of all the following stakeholders:

- a) Director Strategic Planning: Human Settlements;
- b) Director Land Use Planning and Management: Human Settlements;
- c) Two (2) Portfolio Cllrs: Human Settlements;
- d) Additional Councillors as determined by the Council;
- e) Director: Policy, Strategy and Research or proxy (Office of the COO)

- f) Tertiary Institution Representatives i.e. Nelson Mandela Metropolitan University;
- g) Office of the Strategic Manager;(which Directorate?)
- h) Executive Support - Deputy Mayor's Office;
- i) Repositioning and Strategic Collaborations - Executive Mayor's Office;
- j) A representative from relevant Directorates.

The Student Accommodation Policy Project Steering Committee will hold meetings every six (6) months from the date of adoption of the Policy by Council. The Student Accommodation Policy Project Steering will make recommendations to be tabled in the Human Settlement Portfolio Committee as part of the monitoring and evaluation process.

9 POLICY REVIEW

The **Policy** will be reviewed by the **Council** or Appointed Committee/Tribunal a year after adoption by the **Council**. Thereafter at least once every five (5) years, in such a manner as may be determined by the **Council** and subject to inhabitants of the area of jurisdiction of the **Municipality** and other interested parties being afforded an opportunity of making comments.