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REQUEST TO INITIATE A PUBLIC PARTICIPATION PROCESS FOR THE CITY OF JOHANNESBURG LAND USE SCHEME 2018 REVIEW

1. STRATEGIC THRUST

- **Good Governance**: Implement measures to improve transparency, accountability, and citizen participation in government decision-making.
- **Active and Engaged Citizenry**: Develop programs and initiatives to encourage citizen participation in government decision-making, co-producing service delivery, including community-based planning meetings, participatory budgeting, and improved feedback meetings.
- **Sustained Economic Growth**: Work to attract new businesses and investment to the city.

2. PURPOSE

The purpose of this report is for Council to declare its intention to **review** the *City of Johannesburg Land Use Scheme 2018 ("the Scheme")* and to undertake the Public Participation Process for the *City of Johannesburg Land Use Scheme, 2018 Review,* which is a legislated requirement for such a review process.

3. BACKGROUND

The City of Johannesburg Land Use Scheme, 2018, was approved by Council on 31 October 2018, it was promulgated on 2 January 2019, and came into operation on 1 February 2019.

This Land Use Scheme was prepared in terms of and as mandated by Section 24(1) of the Spatial Planning and Land Use Management Act (SPLUMA), read with Section 6(1) of the City of Johannesburg Municipal Planning By-Law, 2016 (as Amended, 2023).

In 2023 the Land Use Management Division within the Development Planning Department together with Group Legal and Contracts, embarked on the process of reviewing the City of Johannesburg Land Use Scheme, in-line with SPLUMA requirements (Section 27(1)), that Municipalities are to review their scheme every five years.

A further requirement in terms of the provisions of the Spatial Planning and Land Use Management Act, 2013, and the COJ Municipal Planning By-law, 2016, the "…City shall adopt and approve, **after public consultation**, a single land use scheme for its entire area of jurisdiction" (Section 6(1)). A public consultation process forms a necessary legislative requirement of the Scheme review process.

The review of the Scheme follows the review of the By-Laws. The Scheme review enables the

City to rectify shortcomings that have been experienced over the past five years, incorporate new development policy, and enables the City to facilitate efficient application processes and enhance development and investment in the City.

Considering the changes in the economic climate and environment in the Country it is important that the Scheme is reviewed to respond appropriately and continue to build resilience towards socio-economic, environmental, and spatial development factors. Further, planning is not static and is subject to rapid changes, thus it is important to continuously refine and enhance development land use rights and planning procedures.

Property owners invest in their biggest asset, their property. They should be enabled to use their property to its maximum potential according to their zoning and land use rights, without interfering with / affecting the amenities of the adjoining properties. The review of the Scheme aims to meet these objectives.

4. OVERVIEW OF THE REVIEW PROCESS OF COJ LAND USE SCHEME, 2018

4.1 Three Phase Process and Current Status

The roadmap of the review of the Scheme consists of 3 phases:

Phase 1: Internal Review, inclusive of comments received as part of pre-consultation process, resulting in the *Draft* Scheme 2018, Review document.
Phase 2: Public Participation process.
Phase 3: Amend Draft Scheme 2018, Review as per inputs and outcomes from the public participation process, resulting in a Final Scheme 2018, Review document.

This report confirms that Phase 1 has now been completed. This submission is to obtain Council's approval to commence with Phase 2, the Public Participation process.

4.2 Phase 1: Internal Review resulting in the *Draft* Scheme 2018, Review document.

The first phase encompasses a holistic assessment and corresponding update of the City of Johannesburg Land Use Scheme, 2018 as an internal process within Council. This included:

- Internal information gathering sessions.
- Internal departmental and MOE's input request.
- Internal working groups consideration of input.
- Discussion meetings and further call for inputs with internal departments and MOE's.
- Internal working group discussions and further deliberations on review.
- Obtain input form Legal and Compliance.
- Pre-Consultation session with Developers,consultants, and the General Public.
- Completed request report for Public Participation to Committees and Council consideration.

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The following internal departments were consulted in the development of the Draft Municipal Planning Scheme, 2018 Review:

- Transportation Department
- Johannesburg Roads Agency
- Johannesburg Water
- City Power
- Pikitup
- Legal and Contracts
- Environment and Infrastructure Services Department
- City Parks.
- Single Law-Enforcement
- City Transformation and Spatial Planning
- Building Development Management
- Human Settlements Department.

Comments and Inputs received from External Stakeholders and Applicants as part of land use application processes from 2018-2022 also included:

Since the coming into operation of the City of Johannesburg Land Use Scheme, 2018, the Land Use Management Department received regular input from external stakeholders and applicants who submits applications with regards to proposed changes and corrections that should be considered for incorporation in the first review of the Scheme. These were also evaluated and where relevant and appropriate had also been included in the draft document.

The outcome of this collaboration was the Daft Land Use Scheme, 2018 Review document, as attached **Annexure A**.

4.3 Program Of Phases, Tasks and Activities: Financial Year 2023 - 2024

The table below outlines the various phases and their associated tasks and activities. It provides the review process timelines, showing what has been completed and the programmed for the coming quarters.

PHASE 1: INTERNAL REVIEW PROCESS OUTCOME DRAFT SCHEME 2018, REVIEW		
ACTIVITIES	**PERIOD**	**OUTCOME**
Internal information gathering sessions. Internal departmental and MOE's input request.	Quarter 1 to 3 Year 2023 – 2024	Internal input received. Input submissions. Summary of responses to the

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Internal working groups consideration of input. Discussion meetings and further call for inputs with internal departments and MOE's. Pre-Consultation (Developers, consultants, and General Public). Internal working group discussions and further deliberations on review.		input received from MOE's and internal departments. Joint considerations of inputs and incorporation to Scheme review Document. Received written submissions to consider and guide review process. Draft Scheme Review Document.
Obtain input form Legal and Compliance. Completed Council report to initiate Public participation to Committees and Council consideration.	Quarter 4 Year 2023 - 2024	Draft Scheme Review Document with comments from Legal and Compliance. Committees and Council Report.
PHASE 2: PUBLIC PARTICIPATION PROCESS: INPUTS INTO AND EVALUATION		
ACTIVITIES	**PERIOD**	**OUTCOME**
Committees and Council consideration of request for public participation report.	Quarter 1 and 2 Year 2024 - 2025	Consideration and decision on proposed intention of public participation.
Initiate and undertake Public Participation. Sort and consider / evaluate public comments received.	Quarter 2 and 3 Year 2024 - 2025	Issue public notice. Conduct public meetings and receive comments from the public. Summary report on comments and conduct internal working teams discussions.
PHASE 3: AMEND DRAFT SCHEME 2018, REVIEW **FINAL SCHEME 2023 DOCUMENT FOR APPROVAL BY COUNCIL**		
ACTIVITIES	**PERIOD**	**OUTCOME**
Amend Draft Review of Scheme document.	Quarter 4 Year 2024 - 2025	Final Scheme Review Document.

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Promulgation of Land Use Scheme	Quarter 1 Year 2025 - 2026	Promulgation of LUS and implementation.

5. OVERVIEW AND PROPOSED CHANGES TO THE DRAFT LAND USE SCHEME, 2018 REVIEW DOCUMENT

In 2023 the Land Use Management Division within the Development Planning Department together with Group Legal and Contracts, embarked on the first phase of the process to review the City of Johannesburg Land Use Scheme, 2018.

5.1 General Purpose of the Land Use Scheme

The Land Use Scheme, 2018 adopted and approved in terms of the City of Johannesburg Municipal Planning By-law, 2016, (as amended 2023), gives effect to the City's municipal Spatial Development Framework and determines the use and development of land within the City's area of jurisdiction in order to promote:

a. Economic growth.

b. Social inclusion.

c. Efficient land development.

d. Minimal impact on public health, the environment, and natural resources.

e. Guarantee the right to sustainable cities, understood as the right to urban land, housing, environmental management, urban infrastructure and service delivery, transportation, and public services, to work and leisure for current and future generations.

f. Democratic administration by means of participation of both the individual property owner and representative associations of the various segments of the community in the formulation, execution, and monitoring of urban development projects, plans and programmers.

g. Cooperation between governments, private initiative, and other sectors of society in the urbanization process, in service of the social and economic interest.

h. Planning and sustainable development of the Municipality, through the management and coordinated promotion of growth across the City along with desirable development, in order to correct the distortions of historical planning systems and their negative effects on the environment, without negating the complexities of the City.

i. Supply of urban and community equipment, transportation, and public services adequate for the interests and needs of the population and the local characteristics.

j. Management of land use, in order to enable and facilitate:
   (i) Efficient, effective, and compatible urban development that is desirable and also accommodates the identified socio-economic needs of the City.
   (ii) The coordination of urban growth, which includes land use change, new development, and subdivisions, with the availability of infrastructure and social amenities.
   (iii) An accessible, responsive environment that is integrated with the transportation network and promotes public transportation.
   (iv) The upgrading and rejuvenation of certain areas in the City through innovative developmental scenarios.
   (v) Effective environmental management in support of the strategic direction of the City.

k. Fair distribution of the benefits and burdens resulting from the urbanization process.

l. Adaptation of tools of economic, tax and financial policy and of public spending to the objectives of urban development, in order to give priority to investments that generate well-being and the fruition of the goods by different social segments.

m. Simplification of the legislation concerning subdivisions, land use, occupation and building regulations, in order to permit a reduction in costs and an increase in the supply of erven and housing units.

n. Equality of conditions for public and private agents in the promotion of developments and activities related to the urbanization process, serving the social and economic interest.

The Scheme is a key land use management and urban development tool that guides, controls, and directs the use of land in the city.

5.2 Summary of Changes Reflected in the Draft Land Use Scheme, 2018 Review Document

Below is a summary overview of the proposed changes to the Scheme, which shall be read with the attached Draft City of Johannesburg Land Use Scheme, 2018 annexed as **Annexure A.**

In addition, some spelling and grammatical errors were also corrected.

Proposed Changes	LUS Clause	Final Amendment
1	**Clause 5.** **Additional Clause.**	**Clause 5.(j.)** **(vi) Provisions for a resilient, livable, sustainable urban environment, compatible with a healthy**

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		natural environment and underpinned by infrastructure supportive of a low-carbon economy.
2	**Definitions "Agricultural Holding"** **New definition.**	**"Agricultural Holding"** Means an agricultural holding as defined in the Agricultural Holdings (Transvaal) Registration Act, 1919 (Act 22 of 1919).
3	**Definitions "Agricultural Purposes"** **Amendment.**	**"Agricultural Purposes"** Means purposes normally associated with the use of a building/s and/or land for farming / agricultural purposes and it includes only dwelling units necessary for and related to the bona fide agricultural use of the property. This also includes the use of the property for urban agricultural purposes; plant nursery; the sale of produce solely cultivated or bred from the site; animal care centre; stable, horse-riding facilities and related schooling uses, but shall not include sporting and recreation purposes or a racecourse**, training / schooling related and ancillary to the main agricultural land uses.** A second dwelling house / unit may be permitted (written consent) but shall not be sectionalized.
4	**Definitions "Ancillary Use"** **Amendment.**	**"Ancillary Use"** When used in the context of an associated use or purpose, means a use, purpose, building or activity, which is ancillary and subservient (less than 30%) to the lawful dominant use of the property. **Ancillary staff accommodation may be provided on a residential cluster / group housing (freehold) development. Such accommodation shall be indicated on the site development plan and shall not exceed 30m^2 per unit. It may or may not include a kitchen.**

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5	**Definition "area" now "area of the scheme"** **Amendment.**	**"area of the scheme"** Means the defined municipal boundaries of the City of Johannesburg and the area across which this Land Use Scheme is applicable.
6	**Definition "ATM"** **New definition.**	**"ATM"** Means the use of a building/s and/or land for an automatic teller machine of a bank or other financial institution.
7	**Definitions "basement" and Clause 28** **Amendment.**	**"basement"** Means the space in a building between the floor and ceiling which is partly or completely below the natural ground level; Provided that a basement shall be counted as a storey for the purpose of a height measurement where any portion extends more than 1,5 metres above the lowest level of the natural ground level immediately contiguous to the building. **This may be increase to 2 metres with the written consent of the Council.** Refer to Clause 28 and **29** for further details in this regard.
8	**Definition "beauty and health spa"** **New definition.**	**"beauty and health spa"** See salon **"salon"** Means the use of a building/s and/or land for providing facial and body treatments, massages, hot and cold water facilities for relaxation or invigoration, nail manicure and tip replacement or repair, pedicure, hair dressing or other body treatment for humans and may include the sale of only products which are ancillary and subservient to the main use but does not include a Shop. For the purposes of this Scheme beauty parlour and / or wellness spar and /or beauty and health spa

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		shall have the same meaning.
9	**Definitions "Bed and Breakfast"** **Amendment.**	**"bed and breakfast"** Means a converted dwelling house or dwelling unit or as it may be altered or specifically designed building to the general provision of the land use scheme in which the resident manager provides lodging and breakfast to transient guests who have permanent residence elsewhere provided that: (i) The number of rooms/suites may not exceed ten (10) and number of guests may not exceed twenty (20). (ii) The premises shall not be used for functions such as conferences, promotions and/or receptions. (iii) No buildings may be converted into dwelling units or be sectionalized.
10	**Definitions "Boarding House"** **Amendment.**	**"boarding house"** Means a **building** where the habitable rooms are rented out for an extended period by the resident owner / occupant to unrelated persons and communal facilities such as the kitchen, lounge, dining room and bathrooms are shared by the boarders.
11	**Definition "botanical garden"New definition.**	**"botanical garden"** Means land designed for and cultivated with exotic and indigenous plants with restricted access to the public and may include a place of refreshment / restaurant.
12	**Definition "building"** **Amendment.**	**"building"** Means a structure erected on land, irrespective of the materials used in the erection or construction thereof. This should be read in conjunction with a building as defined in the National Building Regulations, 1985 and Building Standards Act, 1977.

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13	**Definition "building line"** **Amendment.**	**"building line"** Means a line that is a fixed distance from the boundary of an erf or property abutting a public and/or private street **and / or sanitary lanes/s** or any other boundary of an erf or property and may include a floodwater mark where indicated on the Zoning Maps, Schedule or Annexure.
14	**Definition "Caretakers unit"** **Addition and Amendment.**	**"Caretakers' unit"** Means a dwelling unit for persons employed for purposes of care and protection of persons, property, plants, animals, equipment, or other circumstances on-site.
15		**Clause 14.(4.)** The following land uses shall be regarded ancillary uses: (b.) Caretakers unit: All Use Zones except "Residential 1 **, ~~2, 3, 4 & 5~~**".
16	**Definition "Car Wash"** **New definition.**	**"Car Wash"** Means the use of a building/s and/or land for the washing, polishing, and cleaning of motor vehicles**.**
17	**Definitions "Commune"** **Amendment.**	**"Commune"** Means a dwelling house (including outbuildings and subsidiary dwelling units) and/or any other building where the habitable rooms are rented out for an extended period by the resident owner / occupant to unrelated persons and communal facilities such as the kitchen, lounge, dining room and bathrooms are shared by the boarders. The number of occupants shall be determined as per the guidelines contained in the Commune Policy.

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18	**Definition "Coverage"** **Amendment.**	**"Coverage"** Means the total area of land that may be covered by buildings, as seen vertically from the air measured from outer face of exterior walls, expressed as a percentage of the land area, and shall include all roofed areas; provided that the following portions of buildings shall be disregarded in the calculation of coverage: ... (iii) Retractable awnings or pergolas, with or without louvres and areas covered by permeable material **(such as shade netting)**; ...
19	**Definition "Coverage"** **Amendment.**	**Clause 31.(3.) (d.)** The Council may grant its written consent: **To the area covered by green energy installations so as to exceed the coverage permissible in terms of Sub-clause (1.).** **Clause 36.(8.)** In all Use Zones, excluding "Residential 1", where dwelling units are developed, at least one (1) covered parking bay (**covered with non-permeable material**) shall be provided for each dwelling unit.
20	**Definition "Deprivation area" or "marginalised area"** **Amendment.**	**"deprivation area" or "marginalised area"** Means a spatial area, as ~~defined~~ **delineated** in the City of Johannesburg Spatial Development Framework.

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21	**Definitions "Domestic Service Industry"** **Amendment.**	**"Domestic Service Industry"** Means buildings used for the repair and maintenance of home or office goods and equipment or appliances on a small scale **inter alia**, catering, a confectionary, dress-making, and tailoring, engraving, instant printing and copying, jewelry manufacturing, photographic processing, picture framing, key cutting and screen printing; as well as the servicing and repair of air conditioners, audio equipment, basket ware and cane furniture, canvass goods and tents, bicycles, electronics equipment, domestic equipment, leather-works and shoes, office equipment, television and video equipment, upholstery, watches, weighing machines and window blinds, **or any other uses that may be permitted at the discretion of the Council,** but excludes a Motor Workshop, Fitment Centre and Light Industry.
22	**Definition "energy efficiency" / "green energy"New definition.**	**"energy efficiency" / "green energy"**Means the use of a building/s and/or land for the generation of green energy, any energy type that is generated from natural resources, such as sunlight, wind, or water. Green building policy refers to Renewable energy which means energy generated from renewable resources. Examples of energy sources includes sunlight, wind, tides, wave and geothermal heat, biomass, and biogas.
23	**Definition "flood water line"** **Amendment.**	**"flood water line" or "flood water mark"** Means the flood lines as contemplated in Section 144 of National Water Act, 1998 (Act 36 of 1998) as amended from time-to-time, including any other flood lines that the Municipality may require.
24	**Definition "Floor Area"** **Amendment.**	**"Floor Area"** **Means the sum of the gross area covered by the building at the floor level of each storey, which calculations shall be clearly indicated on the building plans. Floor area shall be measured from the outer face of the exterior walls or similar supports of such building, and where the**

		building consists of more than one storey, the total floor space shall be the sum of the floor area of all the storeys, including that of basements. ... (ii) 10% of the total floor area **may** be regarded as areas required for the cleaning, maintenance, care and proper mechanical and electrical functioning of the building **including: lift foyers, lifts, walkways and corridors, balconies, bone fide store for cleaning equipment, external fire escapes, concierge, buildings without roofs and atriums.** **(iii) In developments exceeding 10 000m^2 floor area, 15% for the floor area may be excluded as specified in (ii) above.** Refer to Clause 32 for further details.
25	**Definitions** **"formalisation"** **New definition.**	**"formalisation"** Completion of the prescribed land use management procedure by which a transitional informal settlement is granted legal (formal) status according to the City of Johannesburg Land Use Scheme, in compliance with Clause 47.
26	**Definitions** **"Funeral Parlour"** **Amendment.**	**"Funeral Parlour"** Means the use of a building/s and/or land for the administrations of funeral arrangements, according to compulsory environmental health requirements and may include ancillary showrooms, offices, storage space, refrigeration rooms, a preparation area, viewing area, waiting room, the sale of flowers, coffins, tombstones, and other related products, as well as a chapel, but excludes a mortuary and crematorium. Mortuary means a building or room in a building in which deceased are kept, for hygienic storage or for examination, until burial or cremation.

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27	**Definition** **"Green energy / energy efficiency"** **New definition.**	**"green energy" / "energy efficiency" /** See "energy efficiency" / "green energy"
28	**Definitions** **"Guest house"** **Amendment.**	**"Guest house"** Means a converted dwelling house or dwelling unit or as it may be altered or specifically designed building to the general provision of the land use scheme whereby the resident household / person lets out individual rooms for temporary residential accommodation, with or without breakfast, with the proviso that all amenities and the provision of breakfast shall be for the sole benefit of bona fide guests and the resident household/person. The premises shall not be used for functions such as conferences, promotions, and/or receptions. The number of rooms may not exceed ten (10) and the number of guests may not exceed twenty (20).
29	**Definitions** **"Habitable room"** **Amendment.**	**"Habitable room"** Means a room designed or used for human habitation in accordance with standards prescribed in Part C of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977), it excludes a storeroom, bathroom / toilet, kitchen or other spaces defined for a particular purpose on the building plan.
30	**Definition** **"height"** **Amendment.**	**"height"** Means the vertical dimensions of the building from the natural ground level to the highest point of the building measured in meters or in number of storeys; provided that: (i) The height restriction which refers to storeys does not apply to roofs, domes, chimneys, flues, masts and antennae; and (ii) Elevator motor rooms, satellite dishes,

		ventilation shafts, water tanks, **solar panels**, air conditioning plant and equipment on top of a building, shall be regarded as a storey, unless enclosed within the roof or hidden behind parapet walls, not exceeding 2,0 metres in height, in which case it shall be counted as part of the top storey.
31	**Definition "helipad"** **Amendment.**	Table 2 has been updated. Helipad added under Prohibited uses in Use Zone Residential 1, 2, 3, 4 and 5.
32	**Definitions "hotel" Amendment.**	**"hotel"** Means a building/s used as a temporary residence for transient guests, where lodging and meals are provided, and may include:(i) A restaurant or restaurants; **the restaurant may only operate in conjunction with the residential use, should the residential use not be in operation, the restaurant may not operate**.(ii) Associated meeting rooms, conference and entertainment facilities, recreational and service facilities that are subservient and ancillary to the dominant use of the property as a hotel; (iii) Premises which are licensed to sell alcoholic beverages for consumption on the property; but does not include an off-sales facility; and (iv) However, it excludes self-catering suites/units for permanent residents; no suites/units may be sectionalized.
33	**Definitions "inclusionary housing"** **New definition.**	**"inclusionary housing"** A housing program that requires private developers to dedicate a certain percentage of new housing developments to low income and low middle income households at affordable housing cost in line with the guidelines as set out in the Inclusionary House Policy.
34	**Definitions "incremental upgrading of informal areas"** **New definition.**	**"incremental upgrading of informal areas"** Means the process of upgrading informal areas or settlements as contemplated in the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013), and in clause 47 of this Scheme.

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35	**Definitions** **"informal dwelling"** **New definition.**	**"informal dwelling"** Means a Building of any material, not approved in terms of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977), erected and used for human habitation on Land within an Informal Settlement.
36	**Definitions** **"informal settlement"** **New definition.**	**"informal settlement"** Means a settlement established outside existing planning legislation consisting of Informal Dwellings and may include any settlement or area under traditional tenure.
37	**Definitions** **"Informal Trading"** **Amendment.**	**"informal trading"** Means the legal selling of products in areas demarcated by the Council specifically for these purposes, such as markets and/or other demarcated areas, with the written consent of the Council **in accordance with the approved informal trading policy of the City.**
38	**Definitions** **"informal structure"** **New definition.**	**"informal structure"** Means a metal or wooden structure or collapsible structure used for Informal Trade and Business Purposes and not erected in terms of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977), as amended.
39	**Definition** **"loft"**	**"loft"** Means an intermediate **level** (**a level situated within an existing storey)** not exceeding 25% of the floor within **which it is situated**, and it is included in the total floor area in the calculation of floor area. **(It also includes mezzanine/s.)**
40	**Definitions of** **"mezzanine"** **Amendment.**	**"mezzanine"** Means an intermediate **level (a level situated within an existing storey)** not exceeding 25% of the floor **within which it is situated**, and it is

		included in the total floor area in the calculation of floor area. **(It also includes loft/s.)**
41	**Definitions of "motor showrooms"** **Amendment.**	**"motor showrooms"** Means the use of a building/s for the display and sale of new and/or used motor vehicles and accessories, ancillary offices, workshops, **and fitment centre may be included,** all of which shall be within an enclosed building.
42	**Definition "municipal services"** **Amendment.**	**"municipal services"** Such purposes as the municipality may be authorised to carry out in terms of its powers and functions and shall include all municipal land uses as well as such uses as sewerage works, **waste facilities, waste disposal, waste disposal site (landfill), gas reticulation** and reservoirs and their related buildings.
43	**Definitions "open air land uses"** **New definition.**	**"open air land uses"** Means the use of land (outdoors) for a specified land use, which may include temporary structures and/or any other structures such as tents, pergolas, retractable louvres or covering of any form.
44	**Definition "Panhandle Erf"** **Amendment.**	**"panhandle erf"** As per definition in the City of Johannesburg Municipal Planning By-law, 2016, (as amended, 2023). "Shall mean an area of land which is either part of the subdivided portion or is notarial tied thereto, is at least 4 metres and at most 8 metres wide and is used as access to a public street. In the case of Residential 1 zoning with not more than 2 units, a panhandle width less than 4m metres can be considered at the satisfaction of JRA. For other land uses and specifications, it shall be in line with JRA's standards."

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45	**Definition"Panhandle Erf" Clause 26.(2.)(b.) Amendment.**	**Clause 26.(2.)** ...(b.) Whether there is adequate and unhindered access to and from the erven or sites; where a panhandle erf or site is created through subdivision the width of the panhandle shall be to the satisfaction of the Council which shall **be at least 4 metres and at most 8 metres wide.(c.) In a case of Residential 1 zoning with not more than 2 units, a panhandle width less than 4m metres can be considered at the satisfaction of JRA. For other land uses and specifications, it shall be in line with JRA's standards.**....
46	**Definitions "Place of Amusement"** **Amendment.**	**"Place of Amusement"** Means the use of a building/s and/or land as a theatre, cinema, music hall, concert hall, billiards saloon, sports arena, skating rink, dance hall, casino, bingo halls, race courses, buildings for the purposes of exhibitions of trade or industry or other recreational purposes, amusement park, and also includes such uses as are ancillary, directly related to and subservient to the main use. It also includes discos, night clubs, sports bar **(including related screens for sports betting),** and places of live music entertainment or establishments where adult entertainment is provided.
47	**Definition "Place of Refreshment"** **New definition, combined with old definition.**	**"Place of Refreshment"** Means the use of a building/s and/or land for the preparation, sale and consumption of food and liquid refreshments, whether or not consumed on the site, this may include a restaurant, coffee shop, bakery, cafe, tearoom, tea garden, but excludes a Canteen and Place of Amusement. For the purposes of this Scheme "restaurant" shall have the same meaning.
48	**Definitions "private open space"**	**"private open space"** Means the use of a building/s and/or land, with or without access control and which can be used as a private ground for sports, play, rest and recreation,

		or as an ornamental garden; pleasure ground; golf course; **or for ecological use; or protected area,** for buildings reasonably required in connection with such uses **and in accordance with the category / type of open space (defined in clause 50).**
49	**Definitions** **"public open space"** **Amendment.**	**"public open space"** Means the use of a building/s and/or land which is under the ownership of the Council or other public authority, with or without access control, and which is set aside for the public as an open space for recreation, place of assembly, games, sport or cultural activity; including a park, playground, public square, picnic area, public garden, ecological open space; nature reserve, outdoor or indoor sports stadium, and includes associated buildings and uses as permitted by the Council, including restaurants, cafés, golf course, and any apparatus, facility, structure **(inclusive of storm water attenuation, to the satisfaction of the Council)** or building which in the opinion of the Council is necessary or expedient for the purposes of such open space. And in accordance with the category / type of open space (as defined in Clause 50).
50	**Definition** **"Public Garage"** **& Clause 16** **Amendment.**	**"Public Garage"** Means the use of a building/s and/or land for **primarily fueling, selling and storage of motor fuel and lubricants (filling station with canopy and pumps) and may include the following purposes:** (i) All ancillary uses, including the parking and storing of motor vehicles; the sale of spare parts and accessories, car wash facilities; and automatic bank teller machines; (ii) A convenience shop, a take-away or sitting down facility or drive-through facility which does not exceed 30% of the total built floor area or 150m^2, whichever is the lesser; (iii) Maintenance and repair of vehicles excluding

		panel beating and spray painting activities. Refer to Clause 16 for more details.
51	**Definition "Restaurant"** **Amendment.**	**"Restaurant"** Means the use of a building/s and/or land for the preparation, sale and consumption of food and liquid refreshments, whether or not consumed on the site, this may include a restaurant, coffee shop, bakery, cafe, tearoom, tea garden, but excludes a Canteen and Place of Amusement. For the purposes of this Scheme “Place of Refreshment” shall have the same meaning.
52	**Definition "Salon"** **New definition,**	**"Salon"** Means the use of a building/s and/or land for providing facial and body treatments, massages, hot and cold water facilities for relaxation or invigoration, nail manicure and tip replacement or repair, pedicure, hair dressing or other body treatment for humans and may include the sale of only products which are ancillary and subservient to the main use but does not include a Shop. For the purposes of this Scheme beauty parlour and / or wellness spar and /or beauty and health spa shall have the same meaning.
53	**Definition "Salon"** **Amendment.**	Table 2 has been updated. Salon added under Consent uses in Use Zone Residential 1, 2, 3 and 4.
54	**Definitions "Shebeen" Amendment.**	**"Shebeen" or "small liquor outlet for off-site consumption"** Means a residential building or dwelling unit or part thereof constructed, designed or adapted for the sale of liquor, but shall not include the use for social gatherings and/or the consumption of liquor on the site and/or the preparation and consumption of food; provided that the dominant use shall remain residential for the occupant of the said

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		dwelling and subject to the compliance of health and safety by-laws. Refer to Clause 14.(**13.**) for further details.
55	**Definitions** **"Shop"** **Amendment.**	**"Shop"** Means the use of a building/s and/or land for the retail sale and accompanying storage of goods and services to the public, including a retail concern where goods which are sold in such a concern are manufactured or repaired; provided that the floor **area** space relating to such manufacture or repair shall not comprise more than 30% of the floor **area** space of the shop; “shop” does not include an industry, service trade, public garage or restaurant.
56	**Definitions** **"Storey"** **Amendment.**	**“storey”** ... (iii) The maximum height of the ground storey shall not exceed 6,0 meters and every additional 4**,5**, meters in height or portion thereof, shall be counted as an additional storey. (iv) The maximum height of any other storey shall not exceed 4,5 meters and every additional 4,5 meters in height or part thereof shall be counted as an additional storey. ... **Refer to Clause 28 and 29 for further details in this regard.**
57	**Definitions** **"Tavern"** **Amendment.**	**"Tavern"** Means a residential building or dwelling unit or part thereof constructed, designed or adapted for use for social gatherings and for the consumption of liquor on the site and may include the preparation and consumption of food, **and may include entertainment,** but shall not include the sale of any of the aforesaid items for consumption off the site, provided that the dominant use shall remain residential for the occupant of the said dwelling and subject to the compliance of health and safety by-

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		laws. Refer to Clause 14.**(13.)** for further details.
58		**Clause 14.(13.)(f.)** Any consent application for a Tavern shall be considered as a Place of Amusement and the type of amusement shall be specified, determined, and assessed to the satisfaction of the Council.
59	**Definitions** **"taxi holding area"** **New definition.**	**"Taxi/holding Area"** Means use of a building/s and/or land, usually off-street, where mini-buses taxis are held before proceeding to loading points and where generally there is no passenger activity. A holding area can either be included within or separate from a taxi rank and may include subservient service industries, subject to the authorization by the relevant authority e.g., Transport Department.
60	**Definitions** **"taxi holding facilities"** **Amendment.**	**"Transport Facilities"** Means a transport undertaking based on the provision of a transport service and includes a public private undertaking such as an airport or aerodrome, helistop and heliport; railway purposes, stations and related facilities; bus depot, termini and related facilities; **e-hailing services**, metered and minibus taxi rank and related facilities **such as taxi holding facilities**; intermodal transfer site; and associated ancillary purposes including convenience shops, ancillary offices, customs, restaurants, security and police functions, medical facilities**, subject to the authorization by the relevant authority e.g. Transport Department.**
61	**Definitions** **"urban agriculture"** **Amendment.**	**"urban agriculture"** Means the cultivation of crops and rearing of small numbers of livestock, on relatively small areas within the city, for own consumption or sale. ~~in neighbouring markets .~~

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62	**Definition "Veterinary Clinic"** **New definition.**	**"Veterinary Clinic"** Means the use of a building/s for the treatment and care of animals, excluding any overnight facilities.
63	**Definition "Veterinary Hospital"** **New definition.**	**"Veterinary Hospital"** Means the use of a building/s as a Veterinary Clinic, together with such overnight facilities
64	**Definitions "Warehouse"**	**"Warehouse"** Means a building/s used primarily for the storage of goods, except those that are offensive or dangerous.
65	**Definition "waste facility"** **New definition.**	**"waste facility"** Means the use of a building/s and/or land as a facility that is used to accumulate and temporarily store waste before it is transported to a recycling, treatment, or waste disposal facility;
66	**Definition "waste disposal facility"New definition.**	**"waste disposal facility"**Means the use of land for the burial, deposit, discharge, abandoning, dumping, placing or release of any waste into, or onto, any land.
67	**Definition "Watercourse"** **New definition.**	**"Watercourse"** Means – (i) a river or spring; (ii) a natural channel in which water flows regularly or intermittently; (iii) a wetland, lake or dam into which, or from which, water flows; and (iv) any collection of water may, by notice in the Government Gazette by the Department of Water and Sanitation, declare to be a watercourse, and a reference to a watercourse includes, where relevant, its bed and banks.

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68	**Definitions** **"Wholesale"**	**"Wholesale"** Means the use of a building/s and/or land primarily for the bulk distribution of goods to retailers **and consumers.**
69	**Clause 12.(3.)** **Amendment.**	**Clause 12.(3.)** With regard to areas previously covered by ANNEXURE F, with regard to spaza / house shops, this use may be exercised within twenty-four (24) months of the fixed date **of 1 February 2019**, by the submission and approval of a building plan. Thereafter the provisions for spaza / house shops as contained in this Land Use Scheme shall prevail. **(See Clause 19.)**
70	**Clause 14.(4)** **General Conditions** **Amendment.**	**Clause 14.(4.)** The following land uses shall be regarded ancillary uses: (b.) Caretakers unit: All Use Zones except “Residential 1**, ~~2, 3, 4 & 5~~**”.
71	**Clause 14.(4.)(d)** **New clause.**	**Clause 14.(4.)(d.)** Staff quarters may be included as a primary right on Residential 2, 3 and 4 zoned erven subject to it being a cluster/freehold development and shall not exceed 30m² in size. The staff quarter/s can be self-contained or share facilities with the main dwelling unit.(iii). No staff quarters may be converted into dwelling units or be a separate section in a sectional title scheme.
72	**Clause 14.(4.)(e.)** **New clause**	**Clause 14.(4.)(e.)** Urban agriculture maybe included in all use zones as an ancillary use.

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73	**Clause 14.(6.)** **Amendment.**	**Clause 14.(6.)** All erven shall be fenced and maintained if and when required, to the satisfaction of the Council. Boundary walls in excess of 1,8 metres in height require the **approval of building plans**. All fencing and/or walling shall be completed and finished off on both sides to the satisfaction of the Council.
74	**Clause 14.(12.)** **Amendment.**	**Clause 14.(12.)** Where buildings are to be erected on a **"Residential 1, 2, 3, 4, or 5"** zoned erf, **and any other use zone contiguous to a residential property,** or site at a height of more than one (1) storey, a distance of two (2) meters from any boundary other than a street boundary shall be maintained unless the consent for a relaxation of building line is obtained as per provisions of the City of Johannesburg Municipal Planning By-law, 2016.
75	**Clause 14.(13.)(e.)** **Amendment.**	**Amend Clause 14.(13.)** The following guidelines shall apply for consent of Taverns / Shebeens / **Small Liquor Outlet for off-site consumption** by the occupant of a dwelling house / unit: (b.) The Tavern / Shebeen / **Small Liquor Outlet for off-site consumption** shall not cause an interference with the amenities of the neighbourhood. (d.) The storing or keeping on the site of such dwelling unit of anything whatsoever which, in the opinion of the Council, is unsightly or undesirable shall be prohibited. ~~No amusement machines of any kind shall be permitted on the premises.~~ (e.) Application for the Councils consent for a Tavern / Shebeen / Liquor Outlet, shall be considered in terms of the Councils prevailing policies in respect of these land uses and parking shall be provided to the satisfaction of the Council.

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76	**Clause 14.(13.)(f.)** **New clause.**	**Clause 14.(13.)(f.)** Any consent application for a Tavern shall be considered a Place of Amusement and the type of amusement shall be specified, determined, and assessed to the satisfaction of the Council.
77	**Table 1** **Dolomite Areas** **Additional area added.**	Table 1 has been updated.
78	**Table 2: Use ZoneResidential 1, 2, 3, 4**	Table 2 has been updated.Hotel added under consent use rights in Use Zone Residential 3 and 4.Hotel excluded under primary use rights in Use Zone Residential 3 and 4.
79	**Definition "Veterinary Clinic"** **Amendment.**	Table 2 has been updated. Veterinary Clinic added under consent use rights in Use Zone Residential 1, 2, 3 and 4.
80	**Definitions "Warehouse"** **Amendment.**	Table 2 has been updated. Remove the warehouse use from Business 1 under primary use rights.
81	**Use Zones Residential 1, 2, 3, 4** **Amendment.**	**Consent Use Colum has been amended** Religious purposes, place of instruction, child care centre, social halls, institutions, residential buildings (excluding hotels), special buildings, sport and recreation clubs, public or private parking areas, medical consulting rooms, tavern **(excluding place of amusement component),** shebeen, guest house, salon, veterinary clinic.
82	**Table 2: Use Zone Municipal** **Amendment.**	**"municipal services"** Such purposes as the municipality may be authorised to carry out in terms of its powers and functions and shall include all municipal land uses as well as such uses as sewerage works, **waste facilities, waste disposal, waste disposal site**

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		(landfill), gas reticulation and reservoirs and their related buildings.
83	**Table 2: Use Zone Provisos** **Amendment, new area added.**	Table 2 has been updated. Proviso table has been updated.
84	**Clause 19.(1.)**	**Clause 19.(1.)** (a.) The written consent application shall include the notification of the **contiguous** neighbours ~~**along the street frontage**~~ of the subject erf and all other owners / occupants on the same subject erf, if applicable, informing the neighbours of the intent of the owner; indicating that any objections / representations shall be made to the Council and the owner in writing within 28 days from the date of notification.
85	**Clause 20.(1.)** **amendment.**	**Clause 20.(1.)** … spray painting, panel beating, shop (retail outlet), spaza / house shop, tavern / shebeen / **small liquor outlet**, restaurant, coffee shop, tea garden, place of amusement, ...
86	**Clause 20.(2.)** **Amendment.**	**Clause 20.(2.)** Not more than ~~25%~~ **30%** of the built floor area of the dwelling house / unit or **60m^2** ~~50m^2~~ may be used for non-residential purposes in total, whichever is the lesser. **Inclusive of ancillary storage related to the associated home enterprise.**
87	**Clause 20** **Amendment.**	**Clause 20.(4.)** A maximum of ~~two (2)~~ **four (4)** other persons additional to the members of the household who permanently reside on the site and who own and operate the business from the home may be taken into partnership on the site in relation to the home enterprise / profession/s or occupation/s exercised from the site.

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88		**Clause 20.(6.)** Parking, **for the additional four (4) persons refer to in sub-clause 4 above,** as well as loading and off-loading activities directly related to the home enterprise / profession/s or occupation/s shall be to the satisfaction of the Council.
89	**Clause 22.** **Amendment and addition.**	**Clause 22.** CONDITIONS FOR CHILD CARE CENTRES**,** AND EARLY CHIL**D**HOOD DEVELOPMENT CENTRES **AND AFTER CARE CENTRES** ON RESIDENTIAL ERVEN **Clause 22.(4.)** **No consent is required if ten (10) or less children are accommodated in an after-care centre.**
90	**Clause 26.(2.)(b.)Amendment and addition.**	**Clause 26.(2.)** ... (b.) Whether there is adequate and unhindered access to and from the erven or sites; where a panhandle erf or site is created through subdivision the width of the panhandle shall be to the satisfaction of the Council which shall **be at least 4 metres and at most 8 metres wide.(c.) In a case of Residential 1 zoning with not more than 2 units, a panhandle width less than 4m metres can be considered at the satisfaction of JRA. For other land uses and specifications, it shall be in line with JRA's standards.**(d.) Where the major vegetation and/or prominent natural features are positioned on the erf or site that the owner retains such as far as possible.
91	**Clause 24.(6.)(m)** **Amendment.**	**Clause 24.(6.)(m.)** Self-storage limited to 1 000m^2 or 20% **of the site area** whichever is lesser.

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92	**Clause 26.(3.)** **Amendment.**	**Clause 26.(3.)** No consolidation of two (2) or more erven with different Use Zones or ~~Schedules / Annexures~~ **development controls and/or specific conditions** shall be permitted unless appropriately rezoned.
93	**Clause 27.(2.)** **Amendment.**	**Clause 27.(2.)** In all Use Zones other than "Residential 1 ~~**and** 2, **3, 4 and 5**~~" (or where specified in an Annexure / Schedule) where residential use is permitted, dwelling houses, dwelling units, mobile dwelling units and residential buildings shall only be erected in accordance with the provisions relating to height, coverage and floor area ratio applicable to the erf or site concerned.
94	**Clause 27.(4.)** **New clause.**	**Clause 27.(4.)** In all other instances the density is to be aligned with the applicable policies of the City of Johannesburg.
95	**Clause 28.(4.)(e.)** **Additional clause.**	**Clause 28.(4)(e.)** **Resulting in net zero emissions developments.**
96	**Table 4** **Amendment.**	**Table 4 has been amended** Added heading to Colum (3) **Height Zones as per previous schemes** **Alberton** and **Krugersdorp** added, added wording to Halfway House **and Clayville** and Lenasia **South East**.
97	**Clause 31.(3.)(c.)** **Amendment.**	**Clause 31.(3.)(c.)** Council shall in addition to any other relevant factors have regard to the likely effect upon ~~plant life~~ **ecological features**, possible future road improvements and the location of essential services.

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98	**Clause 31.(3.)** **Amendment and additional clause.**	**Clause 31.(3.) (d.)** The Council may grant its written consent: **To the area covered by green energy installations so as to exceed the coverage permissible in terms of Sub-clause (1.).**
99	**Clause 31.(4.)(c.)** **Amendment.**	**Clause 31.(4.)(c.)** Council shall in addition to any other relevant factors have regard to the likely effect upon ~~plant life~~ **ecological features**, possible future road improvements and the location of essential services.
100	**Table 5** **Amendment.**	Table 5 has been updated Residential 1: 60% Residential 2: 70% Residential 3: 80% **Residential 4: 80%** **Residential 5: 80%**
101	**Table 6:** **Inner City** **Amendment.**	Annexure 17 (AS 4458) - added to the Scheme
102	**Clause 33.(1.)(a)** **Amendment.**	**Clause 33.(1.)(b.)** Council shall in addition to any other relevant factors have regard to the likely effect upon ~~plant life~~ **ecological features**, possible future road improvements and the location of essential services.

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103	**Clause 34.(3.)Amendment.**	**Clause 34.(3.)** Sub-clause (2.) is not applicable to boundary fences; garden walls; garden fences; garden ornaments; garages and carports with indirect access and associated single storey ~~domestic~~ outbuildings / **staff accommodation (**related to / **ancillary to** dwelling houses, dwelling units and residential buildings**)**; electrical high and low tension chambers; pergolas; guard houses / **access structure**; **roofed refuse areas**; antenna; **cell phone mast without base stations**; satellite dishes; or swimming pools: Provided that such exemption does not apply along any provincial or national road in so far as it would be contrary to the requirements of the controlling authority.
104	**Clause 36.(1.)** **Amendment.**	**Clause 36.(1.)** The provisions for parking in this Part of the Land Use Scheme shall not apply to land or land and buildings where such land or buildings, or both, are used exclusively for public or private parking areas: Provided that in a building to be used or erected and used, partly for a public parking area and partly for other uses, this Part shall apply to that part of said land or building used or erected and used for such other uses; parking shall not be used for the exclusive use of tenants. ~~If~~ **Where** parking is ~~demarcated /~~ reserved, it shall be over and above the standard **parking** requirement.
105	**Clause 36.(2.)** **New clause.**	**Clause 36.(2.)** Parking and associated access ramps and walkways, dedicated to accommodating people with disabilities, shall be provided at a ratio of one (1) bay for people with disabilities for every twenty-five (25) bays, or part thereof provided. Such parking and associated access ramps and walkways shall be laid out and construction at the required specifications and standards.

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106	**Clause 36.(3.)** **Amendment.**	**Clause 36.(3.)** For the purposes of calculating the number of parking bays that can be provided, it shall be deemed that one parking bay is equal to an area of 30m²; should taxi bays be provided on-site **(where taxi bays are provided such bays shall be on known and confirmed taxi routes to the satisfaction of the Council)**, one (1) taxi bay shall be the equivalent of eight (8) parking bays; two (2) motorbike bays shall be equivalent to one (1) parking bay; should non-motorised facilities be provided, five (5) non-motorised facilities shall be the equivalent of one (1) parking bay; drop-off zones for busses at any educational facility will be the equivalent of three (3) parking bays; provided that a maximum of 10% of the total number of parking bays required may be replaced by the afore-mentioned parking modes. (This percentage may be further increased on submission of a written consent application.)
107	**Clause 36.(4.)(c.)** **Amendment.**	**Clause 36.(5.)(c.)** Deprivation / **Marginalised areas**, as ~~defined~~ delineated in the Spatial Development Framework of the City of Johannesburg.
108	**Clause 36.(8.)** **Amendment.**	**Clause 36.(9.)** In all Use Zones, excluding “Residential 1”, where dwelling units are developed, at least one (1) covered parking bay (**covered with non-permeable material**) shall be provided for each dwelling unit.
109	**Table 8:** **Parking requirements** **Amendment.**	PARKING ZONE B TOD CORRIDORS & NODES / PRASA, GAUTRAIN & BRT STATIONS / DEPRIVATION / **MARGINALISED AREAS** / ECONOMIC NODES

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110	**Table 8:** **Parking requirements** **Amendment.**	Table 8 RELIGIOUS PURPOSES **40** bays per 100 m2 of net prayer/meditation area **20** bays per 100 m2 of net prayer/meditation area
111	**Clause 39.(2.)(a.)** **SDP** **New clause.**	**Clause 39.(2.)(a.)** Should a dwelling house be developed in any Use Zone, with the addition of subsidiary dwelling units in compliance with Clause 21 of the Land Use Scheme, a Site Development Plan will not be required, the additional units shall be considered as subsidiary dwelling units.
112	**Clause 39.(7.)(a.)** **New clause.**	**Clause 39.(7.)** Such Site Development Plan shall be drawn at a scale of 1:500 or such other scale as may be required by the Council, and shall be approved by the Council before any building plan in connection with the proposed development may be considered by the Council. **Clause 39.(7.)(a.)** Provided that subsequent amendment or additions to buildings which in the opinion of the Council are not of material deviation may be considered on the submission of a building plan.
113	**Clause 39.(7.)(b.)** **New clause.**	**Clause 39.(7.)(b.)** Where an overall Site Development Plan has been approved for a residential cluster / group housing (freehold) development, further minor amendments thereto may be considered on the submission of a building plan.

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114	**Clause 39.(7.)(c.)** **New clause.**	**Clause 39.(7.)(c.)** Where there are amendments to the internal layout of structures, an amended Site Development Plan may not be required, expect where there is a change of use and addition of floor area.
115	**Clause 39.(8.)(f.)New clause.**	**Clause 39.(8.)(f.)**Universal access measures, parking and associated access ramps and walkways, for disabled and partially disabled persons;
116	**Clause 39.(8.)(l.)** **Amendment.**	**Clause 39.(8.)(l.)** Steps to be taken to control storm water runoff in compliance with the storm water by-laws, **read with the stormwater design manual.**
117	**Clause 39.(8.)(m.)**	**Clause 39.(8.)(m.)** Landscaping including existing, ~~mature~~ vegetation on the site or erf;
118	**Clause 39: Site Development plans** **Amendment.**	**Clause 39.(8.)(p.)** Open spaces and landscaping of the site shall include but not be limited to: (i) All landscaping and existing ~~mature~~ vegetation **on the site or erf. Landscaping includes soft landscaping i.e. trees, grass, shrubs, flowers and including rooftop gardens, and hard landscaping i.e. non plant materials stones, steps, walkways, permeable paving.** (ii) A minimum of 10% of the site shall be landscaped **with soft materials and the use of indigenous vegetation.** (iii) A minimum of one (1) **indigenous** tree per three (3) parking bays [**open or covered**] shall be provided.
	Clause 39: Site Development plans **Amendment.**	
	Clause 39: Site Development plans **Amendment.**	

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	Clause 39: Site Development plans **Amendment.**	**(iv) A minimum of 1,5 x 1,5-metre openings shall be required to allow more space around the trees.** **(iv) Should parking bays be developed head-to-head, one (1) indigenous tree must be provided for every four (4) parking bays in conjunction with landscaped islands.** (v) All watercourses. ~~hydrological features including such as, but not limited to, pans, ponds, dams, drainage features and wetlands.~~
119	**Clause 39: Site Development plans** **Amendment.**	**Clause 39.(8.)(p.)** (vii) Natural environmental features such as, but not limited to, special geological formations and grassland **and environmentally sensitive areas identified in approved EIA's as non-developable areas.**
120	**Clause 39: Site Development plans** **Amendment.**	**Clause 39.(8.)(r.)** Grey water harvesting, including rainwater harvesting and onsite water storage.
121	**Clause 39: Site Development plans** **Amendment.**	**Clause 39.(8.)(s.)** **Refuse area / Waste Collection area. (Inclusive of waste generation calculations.).**
122	**Clause 39: Site Development plans** **Amendment.**	**Clause 39.(8.)(t.)** Recycling storage areas provided.
123	**Clause 39.(10.) Site Development plans** **Amendment.**	**Clause 39.(10.)** Site Development Plans shall demonstrate appropriate design responses to achieving universal accessibly, safe, resilient, low-carbon emission

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		developments.
124	**Clause 42: Temporary consent** **Amendment.**	**Clause 42.(2.)** The occasional use of buildings or land for uses such as concerts, fairs, circuses, exhibitions, bazaars, public gatherings, celebrations, religious purposes, institutions, place of instruction, social halls, place of amusement; with the written consent of the **Council not exceeding seven (7)** ~~three (3)~~ days. Should more than **seven (7)** ~~thee (3)~~ days but less than thirty (30) days be required or **if the use is required or more than 4 times a year (quarterly),** the full procedure as per City of Johannesburg Municipal Planning By-law, 2016, for consent of the Council shall be applied for. **At the discretion of the Council, this period and frequency may be extended.**
125	**Clause 44** **Clause 45** **Amendment.**	**Clause 44** **Amendment to heading** Clause 44 Schedule: **shall be used for rezoning**. **&** **Clause 45** **Amendment to heading** Clause 45 Annexure: **shall be used for new townships.**
126	**Clause 44Amendment.**	**Clause 44.(2.)**Column 13 : General provisions. Special conditions
127	**Clause 47.** **New clause.**	**Clause 47.** **refer to Annexure A for the full extent of the Clause.**

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COJ: ECONOMIC GROWTH MAYORAL SUB-COMMITTEE
COJ: SECTION 79 COMMITTEE DEVELOPMENT PLANNING
COJ: MAYORAL COMMITTEE
COJ: COUNCIL

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128	**Clause 49: Environmental considerations** **now 50** **Amendment.**	**Clause 50.(3.)** Catchment Management and Wetland Protection (a.) Flood line information : Any information in relation to flood lines, wetlands and riparian zones, **and relevant associated buffer zones** shall be taken into consideration during the development of a site. Such information shall be clearly indicated on the Site Development Plan. ... **Taking into consideration the Environmental Impact Assessment Regulations, 2014 (as amendment) and the National Water Act./ applicable legislation, policies, guidelines.**
129	**Annexure B** **Additional information included**	This Annexure refer to uses in Halfway House amendment schemes where the primary rights in the amendment schemes refer to uses permitted in terms of Annexure B.

6. MOTIVATION FOR APPROVAL OF PUBLIC PARTICIPATION

Various internal sessions in Land Use Management Department and engagement activities with MOE's and internal departments were undertaken, towards the formulation of the Draft City of Johannesburg Land Use Scheme, 2018 Review document. In addition, the internal working groups have undertaken a Pre-Consultation session with developers, consultants, and general public.

The following is the planned formal public participation / stakeholder engagement mechanism:

- **Internal stakeholders**

  Circulate an electronic version of the Draft City of Johannesburg Land Use Scheme, 2018 Review document to all internal stakeholders for comments. On request and where required, conduct discussion meetings.

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- **External Stakeholders**

The following are the mechanisms to be used for undertaking public participation / meetings with external stakeholders.

1) Publish Notice:

   A notice will be placed in the Provincial Gazette and newspapers, to notify all members of the public and stakeholders, of the City's Draft City of Johannesburg Land Use Scheme, 2018 Review document for public comments, for a period of 60 days. The notice will detail the manner and means available to obtain the copy. Notices will also be placed in the City's social media platforms.

2) Copies of the Draft City of Johannesburg Land Use Scheme, 2018 Review document will be made available in the following platforms:
   - Regional offices
   - City's e-platforms (e.g., website)
   - Distributed via email to Consultants on the Land Use Management electronic database, this includes town planning consultants, residents' associations, and other interested parties.

3) Regional public meetings

   Public meetings on the review of the City of Johannesburg Land Use Scheme, 2018, will take place in the regions of the City of Johannesburg in consultation with the Speaker's Office and Regional Directors.

4) Any other public meetings required with professionals and business sectors will be conducted upon request and via the Development Planning Forum.

7. LEGAL AND CONSTITUTIONAL IMPLICATIONS

The report is in line with sections 11(3), 16, 17 and 21 of the Municipal Systems Act 32 of 2000. Further, the review of the City of Johannesburg Land Use Scheme, 2018 is in-line with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and will give effects to its development principles set out in Section 7, and it is in line with Chapter 3 of the Rationalization of Local Government Affairs Act, 1998. In terms of Section 7(5) of the Rationalization of Local Government Affairs Act, 1998, when amending the Scheme, the process prescribed in Section 7(1) – (3) must be followed. The purpose of the proposed amendments to the Scheme will need to be published by notice in the Provincial Gazette, and in one or more newspapers circulating in the City, to inform the public of the proposed amendments. The public will be given not less than 60 days to comment on the proposed amendments.

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8. FINANCIAL IMPLICATIONS

The City of Johannesburg Land Use Scheme, 2018, Review notice to notify communities to provide public comments will be published in the Provincial Gazette and two newspapers. The cost will be borne by the office of the speaker as confirmed by the office.

Below is the approximate cost, are based on similar notices issued previously by the Development Planning Department.

PUBLICATION TYPE	**COSTS**
Provincial Gazette standard one page	R5 000 - R10 000
Newspaper (i.e., The Star, Citizens Sowetan)	R50 000 – R80 000

9. LIST OF ANNEXURES:

Annexure A : Draft City of Johannesburg Land Use Scheme, 2018 Review Document

COJ: ECONOMIC GROWTH TECHNICAL CLUSTER
COJ: ECONOMIC GROWTH MAYORAL SUB-COMMITTEE
COJ: SECTION 79 COMMITTEE DEVELOPMENT PLANNING
COJ: MAYORAL COMMITTEE
COJ: COUNCIL

EXECUTIVE DIRECTOR: DEVELOPMENT PLANNING

10. RECOMMENDATIONS

It is recommended to Council:

10.1 That, in terms of section 7 of the Rationalization of Local Government Affairs Act, 10 of1998 and the Spatial Planning Land Use Management Act, 2013 (Act No. 16 of 2013), City of Johannesburg declares its intention to review the City of Johannesburg Land Use Scheme, 2018 as reflected in Annexure A to this report.

10.2 That the Draft City of Johannesburg Land Use Scheme, 2018 review document, as attached in Annexure A to this report, be published for public comments for a minimum period of 60 days.

10.3 That the Office of the Speaker publishes a notice of intention to review the City of Johannesburg Land Use Scheme, 2018 in the Provincial Gazette and the Sowetan, Beeld, Star and Citizens newspapers and that such notice must comply with the provisions of section 7(2) of the Rationalisation of Local Government Affairs Act, 10 of 1998, and sections 21(4), 21A(1)(c) and (2) of the Local Government: Municipal Systems Act, 32 of 2000 and the Spatial Planning Land Use Management Act, 2013 (Act No. 16 of 2013).

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DEVELOPMENT PLANNING
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NOKUTHULA THUSI
DIRECTOR LAND USE
DEVELOPMENT MANAGEMENT
DATE: 11/07/2024

GIVEN MOKONDELELI
DEPUTY DIRECTOR: FINANCE
DATE: 15.7.2024

Cedric van der Merwe

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CEDRIC VAN DER MERWE
SENIOR LEGAL ADVISOR
GROUP LEGAL AND CONTRACTS
DATE: 15/07/2024

ERIC RABOSHAKGA
ACTING EXECUTIVE DIRECTOR
DEVELOPMENT PLANNING
DATE:

CLLR EUNICE MGCINA
MMC: DEVELOPMENT PLANNING
DATE: