



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

DEVELOPMENT MANAGEMENT INFORMATION GUIDELINE SERIES

BUILDING DEVELOPMENT MANAGEMENT

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This booklet explains the requirements for preparing and submitting your building plan application - from the background information you'll need, to specific requirements for preparing your plans, to submitting your papers at your local district office.

Making progress possible. Together.

This booklet forms part of a series published by the City of Cape Town to help you understand and make better use of the planning system

LANGUAGE POLICY:

In line with the City of Cape Town's language policy, any booklet in this series is also available in Afrikaans and isiXhosa on request by e-mailing lums@capetown.gov.za.

LEGAL DISCLAIMER:

Although based on law, the information provided in this booklet is presented in an informal and plain language format for the purposes of providing advice on development matters and procedures to customers and members of the public. Should there be any discrepancy with provisions in the underlying legislation, the actual legislation takes precedence and should be consulted directly. Alternatively, please obtain independent professional advice on the matter. The City of Cape Town does not accept any liability for any action taken on the basis of the information contained herein.

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What is building development management, and how has it become a local government responsibility?

Building development management is the control or regulation of building activities. In South Africa, our Constitution assigns this function to local authorities. The specific duties in carrying out this function can be found in the National Building Regulations and Building Standards Act, Act 103 of 1977, which is the primary law that local authorities need to comply with in managing building development in their respective areas.

Building development management is very likely to affect you if you are planning to do construction at your home or workplace. This booklet describes how the City of Cape Town, through its Building Development Management Branch, performs this function, and what you should do to be compliant.



What building activities does the City of Cape Town control or regulate?

The City of Cape Town's Building Development Management Branch controls or regulates:

- the construction of new buildings;
- the alteration, extension or conversion of existing buildings;
- change of use of existing buildings; and
- the demolition of existing buildings or structures.





What roles and responsibilities does the Building Development Management Branch have?

Roles and responsibilities include:

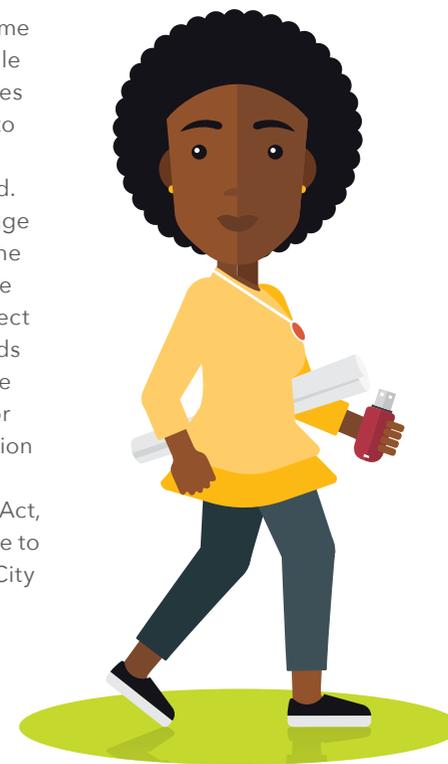
- approving standard building plans;
- approving permits for smaller works, such as swimming pools and small wendy houses;
- extending the validity of approved building plans;
- issuing permits for temporary structures;
- issuing hoarding permits;
- issuing demolition permits;
- providing copies of approved building plans.
- carrying out building inspections during construction;
- issuing occupancy certificates;
- generally enforcing building regulations;
- investigating and resolving building complaints, contraventions and illegal building work; and
- maintaining statistics on construction activity in the City of Cape Town area.



When do you need to submit building plans for approval?

Generally, any building activity requires building plan approval. This includes the construction of all new buildings, alterations or extensions to existing buildings, or even simply changing the use of existing buildings without physically altering them.

If you are planning any building work at your home or place of work, the table on the next page provides a quick and simple way to check whether building plan approval is required. The table on the next page also indicates whether the person who draws up the plans, such as the architect or draughtsperson, needs to be registered with the South African Council for the Architectural Profession (SACAP) in terms of the Architectural Profession Act, Act 44 of 2000 to be able to submit the plans to the City of Cape Town.



Type/description of work	Approval required?	Comments	SACAP registration required?
Swimming pool	Yes		No
Wendy house	Yes		No
Garden/tool shed	Yes	If larger than 3 m ²	No
Building or altering boundary/garden walls	Yes		No
Braai without a chimney	No		No
Braai room	Yes		Yes
Change of use of an existing building	Yes	Even where you will not be doing any physical work/construction	Yes
Enclosing porches/balconies/stoeps or conservatories	Yes		Yes
Extending your house	Yes		Yes
Garage/servant's quarters	Yes		Yes
Converting your loft	Yes		Yes
Internally altering your house or shop/office	Yes		No
Installing/automating vehicular gate	No	Unless the gate will be located partly on the pavement/Council land	No
Installing replacement windows to your house or shop/office	No	As long as: - the existing frames are not load-bearing; - window openings are not enlarged; and - openings required for a fire escape are not removed.	No
New shop front	Yes		No
Minor repairs to your house/shop	No	Including replacing roofing sheets/tiles with substitutes of a similar type, repointing brickwork, or replacing floorboards	No

Type/description of work	Approval required?	Comments	SACAP registration required?
Major repairs to your house/shop	Yes	Including removing or rebuilding a substantial part of a wall, underpinning a building, or reroofing with a different type of material, such as thatching, heavier tiles, etc.	Yes
Converting your house into flats	Yes	Even where you do not foresee any construction work	No
Converting part of your shop/office into a flat/residential accommodation	Yes		No
Installing fittings/appliances in your house or shop/office	No	Installing/altering the position of a bath/toilet, unless work involves new or extended drainage or plumbing	No
	Yes	Installing/altering the position of an appliance used to heat gas, solid fuel or oil	
Carport	Yes		No
Entirely (or partially) demolishing a building	Yes		No
Putting up any temporary structure	Yes		No
Putting up hoardings at large construction sites	Yes		No
Putting up advertisement sign structures, such as billboards	Yes		No

If your specific building activity is not listed in this table, or you are still uncertain as to whether or not you need building plan approval, please contact your local Building Development Management district office. Turn to the final section of this booklet for a list of district offices and their contact numbers.

THE TEN STEPS OF THE BUILDING PLAN APPLICATION PROCESS

The building plan application process can be divided into the following ten steps:

Step 1:

Ensure that your property is properly registered and that you have obtained all the prerequisite approvals, such as permission to deviate from the zoning scheme regulations, environmental impact assessment authorisation, etc.

Prerequisite approvals

The Building Development Management Branch cannot accept and process a building plan application unless the applicant has obtained all prerequisite approvals. These approvals may include the following:

- Departures (deviations) from the Development Management Scheme
- Environmental impact assessment (EIA) authorisations
- Heritage impact assessment (HIA) approvals
- Authorisation for the removal, amendment or suspension of title deed restrictions
- Consent of the provincial roads engineer

Most applications require deviations from the zoning scheme regulations for the proposed development to be accommodated on the premises. Deviations may include relaxation of building lines, increased coverage (footprint of the built structure) or bulk (developable floor area), exceeding the maximum height permitted on the site, etc.

For a more detailed explanation of deviations from the zoning scheme regulations and other prerequisite approvals, contact your local Building Development Management district office.

Step 2:

Prepare for the submission of your building plan application.

Where to get the necessary background information to prepare your application

In preparing for the submission of your application, be sure to obtain copies of the following with regard to your property:

- A registered survey diagram from the Surveyor-General's office (Revenue Building, 90 Plein Street, Cape Town, tel 021 467 4800). A survey diagram clearly indicates the boundaries of your property or any other relevant land area.
- A copy of your title deed from the bondholder or directly from the Surveyor-General's office.
- The correct information on the zoning and development parameters or restrictions relating to your property from your local Building Development Management district office or the city's website: www.capetown.gov.za.
- Any previously approved building plans held by the City of Cape Town from your local Building Development Management district office. Note that no copies of building plans will be provided without the authorisation of the document owner (who usually is the registered property owner or architect/draughtsperson). Once you have obtained this authorisation, you will need to complete a special application for copies of the building plans, which form is available from your local district office, and include the authorisation plus the relevant fee. Also remember, although comprehensive, the City's database of approved building plans is not necessarily complete. Where a building plan is not available and cannot be sourced anywhere else, it is the registered property owner's responsibility to have the built structures on the property measured and plans drawn up, if required.

Step 3:

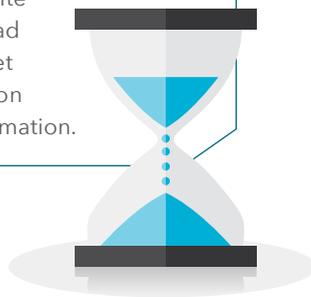
Submit your building plan application to your local Building Development Management district office and pay the prescribed fee for your application to be considered.

Steps 4 to 7:

These steps constitute the consideration and approval process. The application is circulated internally among Building Development Management and other relevant departments for their comments. Any required corrections or changes are then referred back to the applicant, who needs to apply the changes and resubmit to Building Development Management for final consideration. If all is in order, approval is granted and the applicant is notified by SMS.

How long does the consideration and approval process take?

According to the National Building Regulations, local authorities may take up to 30 days to assess applications for buildings smaller than 500 m², and up to 60 days for buildings of 500 m² and more. However, if your application is properly prepared, complies with all requirements in the National Building Regulations and is accompanied by the correct supporting documents and prerequisite approvals, it is likely to be approved sooner. Also read the section "The decision" on page 16 of this booklet for more information on the criteria used, the person responsible for the decision, and other relevant information.



Step 8:

The Building Development Management Branch will notify their building inspectors that approval has been granted and that work will commence.

When can building work commence, and do you need to contact your neighbours beforehand?

You may only start building once your local Building Development Management district office has passed the plans and you have passed a commencement inspection by the building inspector. If you start earlier than that, you may be served with a stop order requiring you to undertake expensive corrective work or even demolition, and may also face prosecution or a fine. Also make sure that any requirements regarding environmental impact and protection are complied with before starting any work on the site.

If your application includes a deviation from the zoning scheme regulations, you will have to consult with your neighbours as part of the application process. Apart from that, you have no legal duty to inform your neighbours of the commencement of any building work, although it is considered neighbourly to do so.



Step 9:

The City of Cape Town's building inspectors will visit the site at various stages of the construction process.

Building inspections

Also read the section "Building and site inspections during construction" on page 20 of this booklet for more specific information in this regard.



! The owner must notify the building inspector to conduct an inspection.



Step 10:

The Building Development Management Branch may issue an occupancy certificate once all building work has been completed.

Occupancy certificates

Once all building work has been properly carried out and an owner submits a written request to the City of Cape Town, the Building Development Management Branch may issue an occupancy certificate.



This will occur within 14 days of receiving such a request if all the work was completed according to the approved plans and all conditions of approval have been met. The new building may only be put into use and be formally occupied once the certificate has been issued.

If an owner's request for an occupancy certificate is refused, the Building Development Management Branch must give reasons for this decision. The City of Cape Town may also revoke an occupancy certificate for safety reasons, such as when the buildings fall into disrepair. If so, the building will have to be vacated until any problems have been rectified to the City's satisfaction.

Throughout this ten-step process, you are welcome to contact your local Building Development Management district office regarding progress with - or any other aspect relating to - your application. Simply supply your application reference number when making your enquiry.



What criteria does the City of Cape Town use to decide on a building plan application?

The City considers all applications against the requirements and standards prescribed by the National Building Regulations and other applicable laws. As a quick guide, an application may be refused where the proposed building:

- fails to comply with the National Building Regulations and other legal standards and requirements;
- will spoil the appearance of the area or be unsightly or objectionable;
- will cause neighbouring or adjoining property values to drop;
- will directly or indirectly endanger life or property;
- will not promote health and hygiene, or will cause a nuisance to neighbours; and/or
- will be prone to flooding.



Who makes the decision?

The National Building Regulations require local authorities to appoint a building control officer, who assesses building plan applications. Once this officer is satisfied that an application complies with the National Building Regulations and all other applicable laws, (s)he recommends the approval of the application to the delegated official, who takes the final decision. The delegated official is another senior official, usually the Building Development Management head for the particular district.

The building control officer is also responsible to oversee the inspection of the construction process, ensure that applicants comply with all regulations, and see to it that contraventions are prosecuted.



Your application has been approved, but for how long does the approval remain valid?

An approved building plan remains valid for one year from the date of approval. An approval will therefore expire after one year, unless construction work on the relevant property starts in the course of the year or the City of Cape Town extends the validity period at the owner's written request well in advance of the expiry date.

In addition, once building work has started, it may not be suspended for longer than three consecutive months. If so, the City of Cape Town may issue a written notice requiring the owner to resume and complete the work within a specified period. If the owner fails to comply with the notice and the City believes the unfinished structures to be unsightly, dangerous or detracting from the neighbouring properties' value, the owner may be ordered to demolish the unfinished structures and remove all remaining building materials and rubble from the site within a specified period. Alternatively, the City may perform the demolition and removal on the owner's behalf and at the owner's expense.



Your application has been approved, but you now want to make amendments to, or deviate from, the approved plan. Is this possible?

Yes, it can be done. Should you at any stage wish to deviate from an approved building plan, you may apply for an amendment. For smaller amendments, this usually goes quickly. Whatever the size of the amendment, be sure to obtain official approval. If not, you may run into problems when you want to sell your house later on and a prospective buyer discovers a discrepancy between the built structure and the approved building plan.



Your application has been refused. Do you have any further options?

Yes, you do have a couple of options.

- One option is to have the plans amended or corrected to address the City's reasons for refusing it in the first place and to submit these amended plans from scratch. If this is done within one year following the original decision, you will not be charged any additional application fees.
- Section 62 of the Local Government: Municipal Systems Act, Act 32 of 2000 also allows you to appeal to the City Manager within 21 days of being notified of the refusal. The City of Cape Town's own appeals committee will review the decision process within a reasonable time.
- If you still disagree with the way in which the City has applied the National Building Regulations to your application, section 9(1) of the National Building Regulations and Building Standards Act allows you to submit a written appeal to the National Building Regulations Review Board.

NB: If you want to appeal to the City Manager, this must be done before any appeal to the National Building Regulations Review Board.



Your neighbour's building plan has been approved, but you disagree with it. Is there anything you can do?

If you disagree with the City's approval of your neighbour's building plan and your attempts to resolve this in other ways have been unsuccessful, you may apply to the High Court to have the approval reversed.





Why are building inspections necessary, and when are they carried out?

Generally, the building inspector conducts three inspections:

- the first as soon as the foundation trenches have been dug, to check that the building will be positioned as indicated on the approved plan;
- the second as soon as drainage has been installed, to perform a drainage test; and
- the third once all building work has been completed, including all finishes.



Remember to notify the district office that you are starting your building work.



What are the building inspector's responsibilities?

In addition to carrying out the inspections above, the building inspector is responsible to investigate and respond to complaints of unauthorised building work, to report on building contraventions, and to serve notices or orders on those responsible for unauthorised work to rectify or stop it. The building inspector's responsibilities and powers are restricted to the construction site itself.

If you have for example started building without first having your building plans approved by the City, the building inspector may by law enter your property and order construction work to stop immediately. You could be fined, and the inspector could even obtain a court order for the structures to be demolished. Both the demolition and the legal costs will be for your account.

Contrary to popular belief, the building inspector is not responsible for site safety or quality control. By law (including the Occupational Health and Safety Act, Act 85 of 1993), these remain the responsibility of the owner and contractor carrying out the work.





Your building project will involve the on-site storage of large quantities of building materials, or the generation of a lot of builder's rubble. What does the City of Cape Town require in this regard?

Although it is done illegally in most instances, many developers store building materials (and often rubble) on public footways and pavements close to the construction site. This is not only inconvenient and dangerous to members of the public, but rain and wind may cause sand and debris to end up in stormwater drains and on neighbouring properties. In addition, the public areas themselves are often damaged. Dumping and littering on public footways and pavements, which includes using these areas to store building materials without authorisation, is an offence in terms of the City of Cape Town By-law Relating to Streets, Public Places and the Prevention of Noise Nuisances. If not rectified as requested by the City, the developer may face a heavy fine.

While the building plan approval generally allows builders to put up a temporary office or builder's shed on the site to store building materials and equipment, builders may also apply to the local Roads and Stormwater district office for a permit to use nearby public footways for storage. Such a permit is usually issued subject to strict conditions and remains valid for only a specific period of time. It may also be revoked if any of the conditions are not met. Builder's rubble generated on a construction site should always be disposed of in a legal and environmentally sound way. Please contact your closest drop-off facility to find out if you can dump small loads of separated building rubble for free.



You can dump small loads of clean and separated building rubble for free at most drop-off facilities.



Your building project will involve activities that may pose a threat to pedestrians. What are your responsibilities?

If the scale and nature of your project is such that it may affect or threaten pedestrian movement on any public footways or pavements, you may need to apply to your local Building Development Management district office for a hoarding permit. A hoarding permit allows you to screen off the construction activities from any nearby public areas to ensure the public's safety. For this application, you will need a basic layout plan illustrating the position, type and nature of the proposed hoarding structures. This is a fairly quick and simple procedure.





Your building project will involve high levels of dust and/or noise. What should be done?

A landowner undertaking any building work, including demolition and excavation, must implement dust control measures to prevent unreasonable levels of dust arising from the work on the building site or the surrounding roads and footways. In addition, no work that causes any unreasonable disturbance, which includes noise pollution, may be undertaken on weekdays between 18:00 and 06:00 the following morning, on Saturdays after 17:00, and on Sundays and public holidays.



Your building project will involve demolition. What are the rules?

In nearly all instances, you will need a permit from your local Building Development Management district office to carry out demolition work. This approval will include a waste management plan. Those responsible for the work must ensure that sites are secured during and after any demolition activities.

Where the building or structure to be demolished is located in a conservation or heritage area, is older than 60 years or is regarded as a heritage resource, you may need to comply with a special set of rules, which may include a heritage impact assessment. The City of Cape Town's Heritage Resource Management Branch will consider this when assessing your application for a demolition permit.

Should the City on its own initiative consider a building or structure to be unsafe, it may instruct a landowner to secure or demolish it within a specified period or may undertake the work on the owner's behalf, at the owner's cost.



For any further questions about land use management issues, contact your nearest development management office on the numbers provided below:

Table Bay District

Media City Building, 2nd Floor, cnr. Adderley Street and Hertzog Boulevard, Cape Town

Postal address: PO Box 4529, Cape Town, 8000

Contact number: 021 400 6444

Blaauwberg District

Municipal Building, 87 Pienaar Road, Milnerton

Postal address: PO Box 35, Milnerton, 7435

Contact number: 021 444 0561

Northern District

Kraaifontein Administrative Building, Brighton Road

Postal address: PO Box 25, Kraaifontein, 7569

Contact number: 021 444 1062

Tygerberg District

Parow Administrative Building, cnr. Voortrekker Road and Tallent Street

Postal address: Private Bag X4, Parow, 7499

Contact number: 021 444 7843

Helderberg District

Somerset West Administrative Building, cnr. Andries Pretorius and Victoria streets

Postal address: PO Box 19, Somerset West, 7129

Contact number: 021 444 4619

Mitchells Plain/Khayelitsha District

Stocks and Stocks Complex, Ntlazane Road, Ilitha Park, Khayelitsha

Postal address: Private Bag X93, Bellville, 7535

Contact number: 021 360 1101

Cape Flats District

Ledger House, cnr. Aden Avenue and George Street, Athlone

Postal address: PO Box 283, Athlone, 7760

Contact number: 021 684 4369

Southern District

Plumstead Administrative Building, cnr. Main and Victoria roads

Postal address: Private Bag X5, Plumstead, 7801

Contact number: 021 444 7721



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