

FAQ's - BUILDING DEVELOPMENT MANAGEMENT:PED



STELLENBOSCH
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Question 1:

Why should I submit building plans for consent to the Local Authority?

Answer 1:

Reference to Section 4(1), NBR, Act 103, 1977...

4 Approval by Local Authorities of Applications in Respect of Erection of Buildings

- (1) No person shall without the prior approval in writing of the local authority in question, erect any building in respect of which plans and specifications are to be drawn and submitted in terms of this Act.

In addition, a Council approved building plan also protects the owner from any liability and insures that a suitable, accountable registered professional takes full liability for all aspects of the proposed building work and so ensure long term, safe & sustainable building structures. Thereafter an Occupation Certificate must be issued before the owner can occupy the building.

Question 2:

What is the definition of the word "building"?

Answer 2:

Reference to Section 4(1), NBR, Act 103, 1977...

'building'

includes-

- (a) any other structure, whether of a temporary or permanent nature and irrespective of the materials used in the erection thereof, erected or used for or in connection with-
- (i) the accommodation or convenience of human beings or animals;
 - (ii) the manufacture, processing, storage, display or sale of any goods;
[Sub-para (ii) substituted by s. 1 (b) of Act 62 of 1989.]
 - (iii) the rendering of any service;
 - (iv) the destruction or treatment of refuse or other waste materials;
 - (v) the cultivation or growing of any plant or crop;
- (b) any wall, swimming bath, swimming pool, reservoir or bridge or any other structure connected therewith;
- (c) any fuel pump or any tank used in connection therewith;
- (d) any part of a building, including a building as defined in paragraph (a), (b) or (c);
- (e) any facilities or system, or part or portion thereof, within or outside but incidental to a building, for the provision of a water supply, drainage, sewerage, stormwater disposal, electricity supply or other similar service in respect of the building;

Question 3:

As a registered owner, why must I appoint a SACAP registered person and other ECSA suitably competent persons in my application?

Answer 3:

It is a mandatory requirement for a registered owner, of an erf, to appoint a suitably competent person to submit a building plan application to the Local Authority under the following Legislation:

* NBR, Act 103, 1977 and SANS 10400 - Part A1(3)(a), Part A2(2 & 3) & reference to definitions (Part 3).

'registered person'

means a person defined in section 1 of the Engineering Profession of South Africa Act, 1990 (Act 114 of 1990), as a certificated engineer, engineering technician, professional engineer or professional technologist (engineering);

'architect'

means an architect as defined in section 1 of the Architects' Act, 1970 (Act 35 of 1970);

Liaise with your Architect to assist you with your building plan applications.

Question 4:**Do I need to submit a building plan application for "minor building work" as defined in Part A (page 17-18), SANS 10400?****Answer 4:**

Yes, a registered owner must submit a minor work building plan application for written consent to the Local Authority in terms of s4(1), NBR, Act 103, 1977, unless any minor building work is exempted in terms of s(A2)(aa)(i-iii), NBR. **However...**

PLEASE NOTE: The BCO (in terms of (3)(a), NBR) highly recommends that any minor building work be submitted as a standard building plan application due to the sensitivity of the WC024 area, its heritage resources and any other applicable legislation it might trigger.

Question 5:**How long does it take to consider a building plan application?****Answer 5:**

In terms of s(7), NBR...

Provided that the local authority shall grant or refuse, as the case may be, its approval in respect of any application where the architectural area of the building to which the application relates is less than 500 square metres, within a period of 30 days after receipt of the application and, where the architectural area of such building is 500 square metres or larger, within a period of 60 days after receipt of the application.

PLEASE NOTE: This legislative process applies to **NEW and REVISED** building plan applications on verification of Payment by our Finance department.

Ensure that all other pre-approval application (LUM, HWC permits, etc.) have been finalized before submitting a building plan application to the Local Authority for approval. See new application form for more information and declaration. Liaise with your Architect in this regard.

Question 6:**How do I submit a building plan application to the Local Authority in terms of s4(1), NBR?****Answer 6:**

First appoint a registered SACAP person/s (<https://www.sacapsa.com>) to assist you with you building plan application, **fully complete the application forms (2 pages)** and request your Architect to submit it via the AFLA portal as following link:

<https://citymaps.stellenbosch.gov.za/aflaportal/home>

For more information regarding upload difficulties contact: Mduduzi.Nhleko@stellenbosch.gov.za OR call 083 278 9316/(021) 808 8658

Question 7:**Where can I find building application forms and any other application forms?****Answer 7:**

All application form can be downloaded from the Stellenbosch Municipality website, under the documentation tab.

<https://stellenbosch.gov.za/planning>

The following forms are available for download (PDF format):

- * Building Plan Application form (2 pages) - Sections: A-E
- * Complaint form (in terms of the NBR and SANS 10400)
- * Building Inspection form - Mandatory Scheduled inspection: A - C
- * Application to obtain existing approved building plans.
- * Building inspector areas in the WC024 jurisdiction area and contact details.
- * SOP_How does the building plan application process work? ...and much more.

Question 8:**Who is the building inspector in my area and how do I request a building inspection?****Answer 8:**

Refer to Question 7...See Building inspector areas in the WC024 jurisdiction area and contact details. Follow the instruction on the Building inspection form. Note that there are specific lead times (**minimum 2 working days**) to take into consideration before a site inspection can be scheduled. *Please ensure that an approved Local Authority building plan is available on site as required by A2(5), NBR. **Best time to call building inspectors office contact numbers is from 8-10am (Monday -Friday)***

A building inspection request (Building inspection form) must be emailed (in writing) to the building inspector as required by s A22, NBR.

Question 9:**If I have tried to phone a BDM staff member numerous time with no response. What do I do next?****Answer 9:**

All BDM contact details have been published on the ST website. It should be noted that our building inspectors are out on site most of the day and therefore an email would be appreciated to keep in touch with you and to schedule a formal site inspection. **Please allow 24 hrs for a building inspector to answer your email.** Best time to call building inspectors office contact numbers is **from 8-10am (Monday -Friday)**. Thereafter you may WhatsApp the BDM Manager: Marco Fouche @ 062 054 0727.

Question 10:**Is a Land use approval the same as Building Development approval?****Answer 10:**

A Land use (LUM) approval is a Town Planning approval i.t.o. land use rights to be relaxed or changed and comes with conditions listed in the final letter. Land use is the first process and a separate BDM approval needs to be granted i.t.o. s4(1), NBR, before building work can commence on site. These 2 approvals are 2 different processes - LUM approval first to be completed and then BDM process to follow.

Question 11:**Who can I contact regarding a progress update of my building plan application?****Answer 11:**

First do an enquiry with your appointed **nominated person** who represents you in the building plan application OR **contact your appointed Architect** in terms of FORM 1. Lastly you can contact the applicable Building Plan Administrator who's name appears on the Building Plan Fee invoice (BDM Staff contact details can be downloaded from the Stellenbosch Municipality website).

Question 12:**How do I obtain a copy of my existing approved building plans from the Municipal BDM Archives?****Answer 12:**

Download form: **Application to obtain a copy of existing Approved plans** from the Stellenbosch Municipal website, under documentation: <https://stellenbosch.gov.za/planning> Complete the form (with requested attachments) and email to Customer Interface: dillon.williams@stellenbosch.gov.za OR call (021) 808 8696/8692.

NOTE: Processing time can take 3-4 working days.

Question 13:**What is an "Alternative building plan fee" and when does it apply to a building plan application?****Answer 13:**

An Alternative Building plan fee is a Tariff fee that has been approved by the Council as explained below (see latest Municipal Tariff fees 2021/2022 on our website).

BUILDING DEVELOPMENT FEES			
ALL BUILDING PLAN FEES		<ul style="list-style-type: none"> ■ Plan valid for 12 months ■ Where covered areas such as carports, patios, entertainment areas etc. are enclosed to create additional floor area the fees are charged as for new floor area. ■ All exemptions on applicable building plan fees as per Building Development Management Traiff Rules 	
ALTERNATIVE BUILDING PLAN FEE APPLICABLE TO ALL CATEGORIES OF STANDARD BUILDING PLAN FEES			
Applied to all building plan applications where building works has commenced without prior building plan approval or written provisional authorisations to commence with building works prior to building plan approval.	Per Building Plan Application	Per Building Plan Application: This tariff will be exempted if the current registered owner can demonstrate with documentary proof that he/ she aquired the property with the illegal building works and was consequently not personally responsible for such illegal building works.	4x the applicable standard building plan fee for application